

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate

May 19, 1993 to July 14, 1993

FIRST CONFIRMATION SESSION

October 14, 1993

Unfinished Business

**STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Monday
June 7, 1993

Senate called to Order by the President, Dennis L. Dutremble of York.

Prayer by the Honorable James R. Handy of Androscoggin.

SENATOR JAMES R. HANDY: Thank you Mr. President. Good afternoon friends. Yesterday marked the 25th anniversary of the death of Robert Francis Kennedy. In 1967, in his book To Seek A New Order, he wrote of his hopes for our nation and world and his belief in youth -- "not as a time, but as a state of mind" -- to lead the way. He also warned of four dangers: futility, expediency, timidity and comfort. In memory of Bobby Kennedy, I am pleased to share with you his words on the third of those.

"There is," said an Italian philosopher, "nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success than to take the lead in the introduction of a new order of things." Yet this is the measure of the task of this generation, and the road is strewn with many dangers.

A third danger is timidity. Few men are willing to brave the disapproval of their fellows, the censure of their colleagues, the wrath of their society. Moral courage is a rarer commodity than bravery in battle or great intelligence. Yet it is the one essential, vital quality for those who seek to change a world that yields most painfully to change. Aristotle tells us that 'at the Olympic games it is not the finest and the strongest men who are crowned, but they who enter the lists ... So too in the life of the honorable and the good it is they who act rightly who win the prize.' I believe that in this generation those with the courage to enter the moral conflict will find themselves with companions in every corner of the world."

Amen.

Reading of the Journal of Friday, June 4, 1993.

ORDERS OF THE DAY

The following matters in the consideration of which the Senate was engaged at the time of Adjournment, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate the Tabled and Specially Assigned (6/4/93) matter:

Bill "An Act to Remove the Repeal Date from the Laws Governing Equitable Insurance Coverage for Mental Illness" (Emergency)

H.P. 138 L.D. 183

Tabled - June 4, 1993, by Senator **ESTY** of Cumberland.

Pending - **ADOPTION** of House Amendment "A" (H-607) As Amended by Senate Amendment "A" (S-303) thereto, in **NON-CONCURRENCE**

(In Senate, June 4, 1993, **READ A SECOND TIME**. Senate Amendment "A" (S-302) **READ** and **ADOPTED**. **RECONSIDERED ADOPTION** of House Amendment "A" (H-607). Senate Amendment "A" (S-303) to House Amendment "A" (H-607) **READ** and **ADOPTED**.)

(In House, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-582) AND HOUSE AMENDMENT "A" (H-607)**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **ADOPTION** of House Amendment "A" (H-607) As Amended by Senate Amendment "A" (S-303) thereto, in **NON-CONCURRENCE**.

The Chair laid before the Senate the Tabled and Today Assigned matter:

Bill "An Act to Allow Political Parties to Determine the Method of Nominating Candidates"

H.P. 1064 L.D. 1432
(C "A" H-585)

Tabled - June 4, 1993, by Senator **ESTY** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In Senate, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-585)**, in concurrence. Subsequently, **RECONSIDERED**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

The Chair laid before the Senate the Tabled and Today Assigned matter:

SENATE REPORT - from the Committee on **LEGAL AFFAIRS** on Bill "An Act to Implement the Recommendations of the Special Commission on Electoral Practices"

S.P. 478 L.D. 1477

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-276)**

Tabled - June 4, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Report

(In Senate, June 3, 1993, Report **READ**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Report.

The Chair laid before the Senate the Tabled and Today Assigned matter:

Bill "An Act to Set Voluntary Limits for Campaign Spending"

H.P. 1149 L.D. 1549

Tabled - June 4, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **CAREY** of Kennebec to **ADOPT** Senate Amendment "A" (S-282)

(In Senate, June 4, 1993, **READ A SECOND TIME**. Senate Amendment "A" (S-282) **READ**.)

(In House, June 4, 1993, **PASSED TO BE ENGROSSED**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending motion by Senator **CAREY** of Kennebec to **ADOPT** Senate Amendment "A" (S-282).

The Chair laid before the Senate the Tabled and Today Assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Transfer the Responsibility for Recounts of Elections to the Judicial Branch

S.P. 475 L.D. 1474
(C "A" S-208)

Tabled - June 4, 1993, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, May 26, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-208)**.)

(In House, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-208) AND HOUSE AMENDMENT "A" (H-594)** in **NON-CONCURRENCE**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **FURTHER CONSIDERATION**.

The Chair laid before the Senate the Tabled and Today Assigned matter:

Bill "An Act to Minimize Electric Rates"

S.P. 307 L.D. 940
(C "A" S-159)

Tabled - June 4, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Same Senator to **INSIST** (Roll Call Requested)

(In Senate, May 25, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-159)**.)

(In House, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-159) AS AMENDED BY HOUSE AMENDMENT "C" (H-592)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **VOSE** of Washington, the Senate **RECEDED** from its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**.

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Committee Amendment "A" (S-159).

House Amendment "C" (H-592) to Committee Amendment "A" (S-159) **READ**.

On further motion by same Senator, House Amendment "C" (H-592) to Committee Amendment "A" (S-159) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "A" (S-306) to Committee Amendment "A" (S-159) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Vose.

Senator **VOSE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This amendment actually makes sure that anything that is done over at the PUC regarding this particular Bill would not adversely affect those that 750 kilowatts or under. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-306) to Committee Amendment "A" (S-159) **ADOPTED**.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This amendment has just been received here and I would like to ask if we could Table this until later in today's session. Thank you.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-159) As Amended by Senate Amendment "A" (S-306) thereto, in **NON-CONCURRENCE**.

The Chair laid before the Senate the Tabled and Today Assigned matter:

Bill "An Act to Modify Various Licensing Board Laws"
S.P. 490 L.D. 1501

Tabled - June 4, 1993, by Senator **BUSTIN** of Kennebec.

Pending - Motion by Senator **WEBSTER** of Franklin to **ADOPT** Senate Amendment "B" (S-292) to Committee Amendment "A" (S-252)

(In Senate, June 4, 1993, Committee Amendment "A" (S-252) **READ**. Senate Amendment "A" (S-268) to Committee Amendment "A" (S-252) **READ** and **ADOPTED**. Senate Amendment "C" (S-293) to Committee Amendment "A" (S-252) **READ** and **ADOPTED**. Senate Amendment "B" (S-292) to Committee Amendment "A" (S-252) **READ** and **ADOPTED**. Subsequently, **RECONSIDERED**.)

On motion by Senator **WEBSTER** of Franklin, Senate Amendment "B" (S-292) to Committee Amendment "A" (S-252) **INDEFINITELY POSTPONED**.

On further motion by same Senator, Senate Amendment "D" (S-305) to Committee Amendment "A" (S-252) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Would it be in order to ask for a Division on this?

THE PRESIDENT: The Chair would answer in the affirmative.

Senator **MCCORMICK:** I would ask for a Division and I would ask for an explanation of this. I have spoken to the good Senator some about this but it still seems to me that since both of these items, plumbing work and domestic heating and oil burner installation, deal with public health items and it should go through proper channels and go through the Committee. Could the good Senator from Franklin explain this amendment a little bit more? Thank you.

Senator **MCCORMICK** of Kennebec requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. As you noticed earlier we managed to torpedo, or indefinitely postpone, the previous amendment which I offered because of the concern of the Senator from Kennebec. My intention was, and is, that since most people, in my opinion, are currently buying their own faucets, replacing their own faucets without permits that it

doesn't make a lot of sense to me to have a law on the books requiring them to have a permit when no one is doing it. It makes criminals of our people at a time when I think we have enough laws on the books that are unnecessary. That is the logic, that is why I changed the amendment from before because there was some question, at least in the mind of the Senator from Kennebec, that we were somehow going to allow people to do septic systems, which was not my intention. It seems to me that we should not have a law on the books which says that you can't do minor repairs without getting a permit. We have too much regulation in my opinion and it seems to me that the law is meaningless that is on the books so I'm trying to repeal that law or at least make it legal to do what everyone in Maine is doing already. Thank you.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **WEBSTER** of Franklin to **ADOPT** Senate Amendment "D" (S-305) to Committee Amendment "A" (S-252).

Senate at Ease

Senate called to order by the President.

On motion by Senator **BUSTIN** of Kennebec, **RECESSED** until 4:35 this afternoon.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act to Minimize Electric Rates"
S.P. 307 L.D. 940
(C "A" S-159)

Tabled - June 7, 1993, by Senator **ESTY** of Cumberland.

Pending - **ADOPTION** of Committee Amendment "A" (S-159) As Amended by Senate Amendment "A" (S-306) thereto, in **NON-CONCURRENCE**

(In Senate, June 7, 1993, Senate Amendment "A" (S-306) to Committee Amendment "A" (S-159) **READ** and **ADOPTED**.)

(In House, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-159) AS AMENDED BY HOUSE AMENDMENT "C" (H-592)** thereto, in **NON-CONCURRENCE**.)

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND**: Thank you Mr. President, Ladies and Gentlemen of the Senate. Thank you for having a few moments to have an opportunity to review this amendment. I more clearly understand it now, I believe, and I would like to make a few comments on how I understand this amendment applies to the Bill. There are two parts to the amendment. It is similar to the amendment from the other body but it has broken that amendment up into two sections. The top section, which is underlined, is included under the first part of the Bill, Section A. Essentially what that section does is it says that when a particular industry or particular rate payers asks for some relief, either as a maintenance rate, Keyes Fiber for example, or others who ask for certain lower rates because they couldn't remain competitive, or a new industry which says we would like to use some additional electricity but we want a different incremental rate. This says those shall not be granted unless to ensure that the rates will be lower for all customer classes. So this protects those individuals and those specific very narrow kinds of situations where someone is looking for an incremental or additional, add on use of power, or is looking for a special rate, called a maintenance rate, to keep them on the system, and they are asking for rate relief that is special and different from other folks. That's the first part of the effect. Let me add at this point that I recognize an honest and sincere effort by all those involved to try to clarify the intent of this legislation in a way that is not deleterious to any rate payer, and I appreciate the efforts that are being made to try and do that, but it makes it all a little more difficult to understand it.

The second part remains essentially the same. I think it is important to recognize the second part goes in what is known as the unallocated section of the law, in other words it doesn't become the actual portions of the law as you would look it up in our usual red bound statutes, but it is in a separate booklet of laws which you must refer to later, which is sort of what this law supposedly means or doesn't mean, but one needs to look at that. In that section there is language similar to the language you have seen before which says, and recognizes, I think, the debate that has gone on here and elsewhere, that there has been a potential effect that there would be a negative or deleterious effect potentially on those who use 750 kilowatt hours or less. This language says the intent of the Bill is not to do that, at least not with any current issues that are before the PUC.

I recognize the sincere and honest effort. I would raise two concerns however. One is that it becomes clearer to me as we begin to try to define what the Bill does, by defining what it does not do, that it suggests that the Bill is not as clear in what it does on its face and therefore requires all of these attachments to make it clearer on what it does not do. That is usually a risky way in which to produce public policy because it is always better to say clearly what one wants as opposed to say here is what we say, but it doesn't mean A, B, C, D or E or F. So I present that as a continued concern as we set public policy and as we vote on it, that we ought to have as clear an understanding of what it is we are telling others to do, the Public Utilities Commission and others, because the degree to which it is unclear can assure you, as you all know, that those who make a living out of litigating the meaning of statutes will make full use of in clarity in any statutes, and my concern is that they will have ample

opportunity to make all sorts of efforts to see what this means. My second concern is when we use an unallocated section of law, rather than putting it directly into statute, the effect of that is that at some future point, should there be further changes or amendments to this section of the statute, the unallocated section becomes less meaningful and useful, because now you have a section of the law that has been changed for another time and therefore, the explanation that was attached to the original amendment becomes somewhat moot because now it doesn't apply to a secondly amended statute, or in other words, once someone comes around and changes what we have done, the explanation doesn't apply any more because it has been changed and therefore the limiting factors become less clear. That still leaves me somewhat uneasy with the process that we proceed with in recognizing the deficiencies of what we are doing and, though I recognize the sincere and honest good efforts, I think it still leaves the Bill somewhat deficient and risky and my preference is still not to support it in that sense. Therefore I would ask for a Division when the vote is taken and I would urge you to vote against the pending motion. Thank you.

Senator **CLEVELAND** of Androscoggin requested a Division.

THE PRESIDENT: The pending question before the Senate is **ADOPTION** of Committee Amendment "A" (S-159) As Amended by Senate Amendment "A" (S-306) thereto, in **NON-CONCURRENCE**.

A Division has been requested.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

28 Senators having voted in the affirmative and 6 Senators having voted in the negative, Committee Amendment "A" (S-159) As Amended by Senate Amendment "A" (S-306) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was **PASSED TO BE ENGROSSED**, As Amended in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act to Modify Various Licensing Board Laws"

S.P. 490 L.D. 1501

Tabled - June 7, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **WEBSTER** of Franklin to **ADOPT** Senate Amendment "D" (S-305) to Committee Amendment "A" (S-252) (Division Requested)

(In Senate, June 7, 1993, Senate Amendment "D" (S-305) to Committee Amendment "A" (S-252) **READ**.)

Senator **MCCORMICK** of Kennebec requested and received Leave of the Senate to withdraw her request for a Division.

On motion by Senator **WEBSTER** of Franklin, Senate Amendment "D" (S-305) to Committee Amendment "A" (S-252) **ADOPTED**.

Committee Amendment "A" (S-252) As Amended by Senate Amendments "A" (S-268), "C" (S-293) and "D" (S-305) thereto, **ADOPTED**.

Which was, under suspension of the Rules, **READ A SECOND TIME**.

On motion by Senator **CLEVELAND** of Androscoggin, Senate Amendment "A" (S-294) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This amendment deletes section 21 and 22 of the Bill. These two sections deal with the Board of Registration in Medicine. The Audit and Program Review Committee is currently reviewing that Board as a part of its review. We have looked at this amendment and we see that there is no urgent need to include it at this particular time and feel it is more appropriate to deal with all of the issues regarding this Board at one time, which we will be completing by the end of the month and bring to you a comprehensive proposal at that point so I ask for you support on this amendment. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-294) **ADOPTED**.

Which was **PASSED TO BE ENGROSSED, As Amended**.

Sent down for concurrence.

Off Record Remarks

On motion by Senator **CAHILL** of Sagadahoc, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Out of order and under suspension of the Rules, the Senate considered the following:

RECALLED FROM ENGROSSING

Bill "An Act to Provide Consistency in the Animal Welfare Laws"

S.P. 345 L.D. 1040
(H "A" H-577; H "B"
H-608 to C "A"
S-256)

(In Senate, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

(**RECALLED** from Engrossing, pursuant to Joint Order S.P. 529 in concurrence.)

On motion by Senator **VOSE** of Washington, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-256), As Amended by House Amendments "A" (H-577) and "B" (H-608) thereto.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** House Amendment "A" (H-577) to Committee Amendment "A" (S-256), in concurrence.

On further motion by same Senator, House Amendment "A" (H-577) to Committee Amendment "A" (S-256) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** House Amendment "B" (H-608) to Committee Amendment "A" (S-256), in concurrence.

On further motion by same Senator, House Amendment "B" (H-608) to Committee Amendment "A" (S-256) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "A" (S-309) to Committee Amendment "A" (S-256) **READ** and **ADOPTED**.

Committee Amendment "A" (S-256) As Amended by Senate Amendment "A" (S-309) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was **PASSED TO BE ENGROSSED, As Amended** in **NON-CONCURRENCE**.

Sent down for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

Non-concurrent Matter

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Protect Private Property"
H.P. 514 L.D. 672
(C "A" H-551)

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-551)**

In House, June 3, 1993, Reports **READ** and Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

In Senate, June 4, 1993, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-551)** in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Senator **ESTY** of Cumberland moved that the Senate **ADHERE**.

Senator **CARPENTER** of York, moved that the Senate **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In reference to the motion by the Senator from York, Senator Carpenter, I would point out to members, at least of my own caucus, that we spent some time the other day talking about Committees of Conference, and about how they were being used far too frequently around here to try and resolve some of the problems which we are facing. In fact, I believe that that is accurate. We have been using them far too frequently and what ends up occurring is you have members getting together who may not have been involved in the original drafting of the Bill, or discussions on the original Bill, and all too frequently you are trying to meet in the middle and people do not have the time this late in the session to accomplish anything meaningful in such a meeting. I would suggest that we are far, far into the session and that this is an issue which is so complicated that it would not serve anyone well to try and resolve it through such a process. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Carpenter.

Senator **CARPENTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I want to remind you that this Bill, "An Act to Protect Private Property" was passed in the Senate 24 - 10, therefore, I think it is practically a mandate to keep making an attempt to save this Bill from being killed. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **CARPENTER** of York, to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**.

The Chair ordered a Division.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

23 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **CARPENTER** of York, to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**, **PREVAILED**.

The Chair appointed as conferees on the part of the Senate:

Senator **BERUBE** of Androscoggin.
Senator **CIANCHETTE** of Somerset.
Senator **CARPENTER** of York.

The Secretary has so informed the Speaker of the House.

Non-concurrent Matter

HOUSE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Repeal the Laws Allowing State Agencies to Adopt Rules Having the Force of Law"

H.P. 777 L.D. 1050
(C "B" H-558)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-557)**

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-558)**

In House, June 3, 1993, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-557)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-557)**.

In Senate, June 4, 1993, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-558)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-558)** in **NON-CONCURRENCE**.

Comes from the House, that Body **ADHERED**.

Senator **ESTY** of Cumberland moved that the Senate **RECEDE** and **CONCUR**.

Senator **CAHILL** of Sagadahoc requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I wonder if someone might bring us up to speed on the meaning of that motion. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Esty.

Senator **ESTY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The meaning of that motion is that should you approve it, we would agree with the House position, which is the Ought to Pass as Amended by Committee Amendment "A" Report, the

Report that Senator Berube, the good Senator from Androscoggin, and Senator Esty, the good Senator from Cumberland was on. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **ESTY** of Cumberland to **RECEDE** and **CONCUR**.

A Division has been requested.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator **ESTY** of Cumberland, to **RECEDE** and **CONCUR**, **FAILED**.

The Senate **ADHERED**.

The Secretary has so informed the Speaker of the House.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Prohibit Discrimination in the Assignment of School Attendance Areas" (Emergency)
H.P. 1155 L.D. 1554

Comes from the House referred to the Committee on **EDUCATION** and **ORDERED PRINTED**.

Which was referred to the Committee on **EDUCATION** and **ORDERED PRINTED**, in concurrence.

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Establish the Fund Insurance Review Board" (Emergency)
H.P. 797 L.D. 1083

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-615).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-615).

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-615) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

The Committee on **JUDICIARY** on Bill "An Act to Change the Statutory Provisions Applying to the Dissemination of the Records and Reports Maintained by the State Police"

H.P. 188 L.D. 240

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-618).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-618).

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-618) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

The Committee on **JUDICIARY** on Bill "An Act to Clarify the Laws Governing HIV Testing of Sexual Offenders"

H.P. 1143 L.D. 1543

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-619).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-619).

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-619) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

Under suspension of the Rules, all matters thus acted upon, with the exception of those matters being held, sent down forthwith for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Implement the Constitutional Requirement for State Funding of Mandates Imposed on Local Units of Government" (Emergency)

H.P. 574 L.D. 779
(C "A" H-530)

In Senate, June 3, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-530)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-530) AS AMENDED BY HOUSE AMENDMENT "A" (H-604)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **ESTY** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

On motion by Senator **CAHILL** of Sagadahoc, **ADJOURNED** until Tuesday, June 8, 1993, at 9:00 in the morning.