

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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

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

In Senate Chamber  
Tuesday  
June 8, 1993

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

Prayer by the Honorable Charles M. Begley of Lincoln.

**SENATOR CHARLES M. BEGLEY:** In this hall of words, may we enjoy a moment of silence with our thoughts, our prayers, and our God.

Amen.

Reading of the Journal of Monday, June 7, 1993.

Senator **HANDY** of Androscoggin was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **PEARSON** of Penobscot was granted unanimous consent to address the Senate off the Record.

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Amend the Occupational Disease Law"

S.P. 216 L.D. 687  
(S "B" S-240 to C  
"A" S-92; H "A"  
H-365)

In Senate, June 3, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-92) AS AMENDED BY SENATE AMENDMENT "B" (S-240) thereto, AND HOUSE AMENDMENT "A" (H-365) in NON-CONCURRENCE.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-92) AS AMENDED BY HOUSE AMENDMENT "C" (H-616) thereto, AND HOUSE AMENDMENT "A" (H-365) in NON-CONCURRENCE.**

The Senate **RECEDED** and **CONCURRED.**

**Non-concurrent Matter**

HOUSE REPORTS - from the Committee on **BANKING & INSURANCE** on Bill "An Act Establishing the Maine Community Reinvestment Program"

H.P. 590 L.D. 794  
(C "A" H-540)

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-540)**

In House, June 4, 1993, the Majority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED.**

In Senate, June 4, 1993, the Minority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-540) 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 **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE.**

Senator **CAHILL** of Sagadahoc moved that the Senate **RECEDE** and **CONCUR.**

The Chair ordered a Division.

On motion by Senator **ESTY** of Cumberland, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

On further motion by same Senator, Tabled until Later in Today's Session, pending the motion by Senator **CAHILL** of Sagadahoc to **RECEDE** and **CONCUR.** (Roll Call Ordered.)

**Non-concurrent Matter**

Bill "An Act to Increase Fees Charged by Municipal Clerks for Services"

S.P. 398 L.D. 1229

In Senate, June 1, 1993, **PASSED TO BE ENGROSSED.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-602)** in **NON-CONCURRENCE**.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION**.

---

**Non-concurrent Matter**

HOUSE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of the Attorney General  
H.P. 960 L.D. 1291

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-432)**

Minority - **Ought Not to Pass**

In House, June 4, 1993, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-432)**.

In Senate, June 4, 1993, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

Senator **ESTY** of Cumberland moved that the Senate **RECEDE** and **CONCUR**. Subsequently, the same Senator requested and received leave of the Senate to withdraw his motion to **RECEDE** and **CONCUR**.

The same Senator moved that the Senate **ADHERE**.

Senator **HANLEY** of Oxford moved that the Senate **RECEDE** and **CONCUR**.

The Chair ordered a Division.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **HANLEY** of Oxford to **RECEDE** and **CONCUR**.

---

**Non-concurrent Matter**

Bill "An Act to Clarify the Powers and Duties of Municipal Officials of the New Town of Long Island" (Emergency)

H.P. 1014 L.D. 1360

In Senate, June 3, 1993, **PASSED TO BE ENGROSSED**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-624)** in **NON-CONCURRENCE**.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION**.

---

**Non-concurrent Matter**

Bill "An Act to Strengthen the Public Disclosure of Lobbying Activities"

H.P. 1038 L.D. 1390  
(C "A" H-528)

In Senate, June 3, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-528)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-528) AS AMENDED BY HOUSE AMENDMENT "A" (H-593)** thereto, in **NON-CONCURRENCE**.

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

On further motion by same Senator, Tabled until Later in Today's Session, pending motion by same Senator to **RECEDE** and **CONCUR**.

---

**Non-concurrent Matter**

Bill "An Act to Establish the Maine Youth Apprenticeship Program" (Governor's Bill)

H.P. 1136 L.D. 1536  
(C "A" H-547)

In Senate, June 3, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-547)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-547) AS AMENDED BY HOUSE AMENDMENT "A" (H-620)** thereto, in **NON-CONCURRENCE**.

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

---

**Non-concurrent Matter**

Bill "An Act to Expand the Duties of the Judicial Council to Include Implementing the Recommendations of the Commission to Study the Future of Maine's Courts and to Implement Certain Other Recommendations of the Commission" (Emergency)

H.P. 1154 L.D. 1553

In Senate, June 4, 1993, **PASSED TO BE ENGROSSED**, in concurrence.

Which was **READ** and **ORDERED PLACED ON FILE**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-621)** in **NON-CONCURRENCE**.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION**.

The Following Communication:

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333**

June 7, 1993

**Joint Orders**

The following Joint Order: H.P. 1157

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Education report out a bill "An Act Requiring Public Schools to Purchase Insurance through a Competitive Bidding Process" to the House.

Comes from the House **READ** and **PASSED**.

Which was **READ** and **PASSED**, in concurrence.

Honorable Joy J. O'Brien  
Secretary of the Senate  
116th Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Requiring a Guide for Certain Nonresident Aliens Hunting in the State" (S.P. 400) (L.D. 1231):

Representative **JACQUES** of Waterville  
Representative **LARRIVEE** of Gorham  
Representative **ANDERSON** of Woodland

Sincerely,

S/Joseph W. Mayo  
Clerk of the House

**COMMUNICATIONS**

The Following Communication:

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333**

June 7, 1993

Honorable Joy J. O'Brien  
Secretary of the Senate  
116th Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Regarding Certain Property of the Department of Mental Health and Mental Retardation" (H.P. 250) (L.D. 329):

Representative **TREAT** of Gardiner  
Representative **FITZPATRICK** of Durham  
Representative **BRUNO** of Raymond

Sincerely,

S/Joseph W. Mayo  
Clerk of the House

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333**

June 7, 1993

Honorable Joy J. O'Brien  
Secretary of the Senate  
116th Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolve, to Establish the Commission on the Status of Alleged Child Abusers (EMERGENCY) (H.P. 991) (L.D. 1322):

Representative **ERWIN** of Rumford  
Representative **MELENDY** of Rockland  
Representative **MURPHY** of Berwick

Sincerely,  
S/Joseph W. Mayo  
Clerk of the House

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

Which was **READ** and **ORDERED PLACED ON FILE**.

YEAS:	Sen. 2	McCormick of Kennebec, Kieffer of Aroostook
	Rep. 9	Pineau of Jay, Erwin of Rumford, Tracy of Rome, Joseph of Waterville, Rand of Portland, Hale of Sanford, Townsend of Canaan, Carleton of Wells, Campbell of Holden
NAYS:	0	
ABSENT:	2	Sen. Carey of Kennebec, Rep. Kutasi of Bridgton

The Following Communication:

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333**

June 7, 1993

Honorable Joy J. O'Brien  
Secretary of the Senate  
116th Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

The Speaker has ruled that Joint Order (H.P. 1114) Relative to Joint Rule 13-B was not in order to be placed upon the House Calendar.

Sincerely,  
S/Joseph W. Mayo  
Clerk of the House

Which was **READ** and **ORDERED PLACED ON FILE**.

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Brian K. Atchinson of Cumberland, for reappointment as the Superintendent of the Bureau of Insurance be confirmed.

Signed:

S/Dale McCormick Senate Chair	S/Edward L. Pineau House Chair
----------------------------------	-----------------------------------

Which was **READ** and **ORDERED PLACED ON FILE**.

**THE PRESIDENT:** The Joint Standing Committee on Banking and Insurance has recommended the nomination of Brian K. Atchinson of Cumberland be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Banking and Insurance be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEAS:	Senators None
NAYS:	Senators AMERO, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE
ABSENT:	Senators BALDACCI, O'DEA

The Following Communication:

**COMMITTEE ON BANKING AND INSURANCE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

June 7, 1993

The Honorable Dennis L. Dutremble  
President of the Senate of Maine  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Banking and Insurance has had under consideration the nomination of Brian K. Atchinson of Cumberland, for reappointment as the Superintendent of the Bureau of Insurance.

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Brian K. Atchinson, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

---

**COMMITTEE REPORTS**

**House**

**Ought to Pass**

The Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act Regarding Tax Anticipation Notes for Fiscal Year 1993-94" (Emergency)  
H.P. 1156 L.D. 1555

Reported that the same **Ought to Pass** pursuant to Joint Order (H.P. 1152).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

Which was, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

---

**Ought to Pass As Amended**

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act Authorizing a Referendum to Ratify the Texas Low-Level Radioactive Waste Disposal Compact with Maine and Vermont and Approving the Compact's Terms" (Governor's Bill) (Emergency)  
H.P. 1141 L.D. 1541

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-609)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-609) AS AMENDED BY HOUSE AMENDMENTS "A" (H-617) AND "B" (H-627)** thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-609) **READ** and **ADOPTED**.

On motion by the Chair, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-609).

House Amendment "A" (H-617) to Committee Amendment "A" (H-609) **READ** and **ADOPTED**, in concurrence.

House Amendment "B" (H-627) to Committee Amendment "A" (H-609) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-609) as Amended by House Amendments "A" (H-617) and "B" (H-627) thereto, **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 were ordered sent down forthwith for concurrence.

---

**Divided Report**

The Majority of the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Exempt Gravel Pits with Less Than 5 Unreclaimed Acres from Regulation by the Department of Environmental Protection under the Site Location of Development Act"  
H.P. 406 L.D. 519

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-566)**.

Signed:

Senators:

LAWRENCE of York  
CIANCHETTE of Somerset  
LUDWIG of Aroostook

Representatives:

COLES of Harpswell  
MARSH of West Gardiner  
JACQUES of Waterville  
CONSTANTINE of Bar Harbor  
LORD of Waterboro  
POULIN of Oakland  
ANDERSON of Woodland  
GOULD of Greenville

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-567)**.

Signed:

Representatives:

MITCHELL of Freeport  
WENTWORTH of Arundel

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-566)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-566)** AS AMENDED BY HOUSE AMENDMENT "C" (H-626) thereto.

Which Reports were **READ**.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **ACCEPTANCE** of Either Report.

---

**Divided Report**

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Authorize Sagadahoc County to Provide Centralized Administrative Services to Those Sagadahoc County Municipalities That Desire to Share the Cost of Those Services"

H.P. 978 L.D. 1309

Reported that the same **Ought Not to Pass**.

Signed:

Senator:

BERUBE of Androscoggin

Representatives:

WALKER of Blue Hill  
LOOK of Jonesboro  
BENNETT of Norway  
JOSEPH of Waterville  
YOUNG of Limestone  
DUTREMBLE of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass**.

Signed:

Senator:

BUTLAND of Cumberland

Representatives:

AHEARNE of Madawaska  
GRAY of Sedgwick

Comes from the House with the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-625)**.

Which Reports were **READ**.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **ACCEPTANCE** of Either Report.

**Divided Report**

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Maine Citizens to Propose Constitutional Amendments by Initiative  
H.P. 994 L.D. 1336

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-546)**.

Signed:

Senator:

BUTLAND of Cumberland

Representatives:

GRAY of Sedgwick  
AHEARNE of Madawaska  
BENNETT of Norway  
YOUNG of Limestone  
KILKELLY of Wiscasset  
ROWE of Portland

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Senators:

BERUBE of Androscoggin  
ESTY of Cumberland

Representatives:

WALKER of Blue Hill  
LOOK of Jonesboro  
JOSEPH of Waterville  
DUTREMBLE of Biddeford

Comes from the House with the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Which Reports were **READ**.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **ACCEPTANCE** of Either Report.

---

**Senate**

**Ought to Pass**

Senator **PINGREE** for the Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Implement Certain Recommendations of the Economic Growth Council" (Emergency)

S.P. 530 L.D. 1556

Reported that the same **Ought to Pass** pursuant to Joint Order (S.P. 522).

Which Report was **READ** and **ACCEPTED**.

Which was, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.



Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

**ENACTORS**

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

An Act Regarding Medicaid Reimbursement for Counseling Services

H.P. 89 L.D. 119  
(C "A" H-513)

An Act Regarding Dam Registration Fees

H.P. 173 L.D. 225  
(C "A" H-505)

An Act Concerning the Structure of the State Court Library Committee and the System of State Law Libraries

H.P. 226 L.D. 294  
(C "A" H-523)

An Act to Clarify the Maine Administrative Procedure Act

H.P. 329 L.D. 417  
(C "A" H-526)

An Act Regarding Automobile Air Emission Standards

H.P. 561 L.D. 758  
(C "A" H-533)

An Act Concerning Juvenile Offenders

H.P. 660 L.D. 898  
(C "A" H-524)

An Act to Promote Proper Animal Health Care

H.P. 740 L.D. 998  
(H "A" H-462; H "B" H-495)

An Act Adopting the Uniform Management of Institutional Funds Act

H.P. 796 L.D. 1082  
(C "A" H-509)

An Act Repealing Advisory Boards on Housing and Economic Development Matters

H.P. 806 L.D. 1092  
(S "B" S-281 to C "A" H-473)

An Act Repealing Advisory Boards on Human Resources

H.P. 807 L.D. 1093  
(C "A" H-560)

An Act Repealing Advisory Boards on State and Local Government Matters

H.P. 810 L.D. 1096  
(C "A" H-483; H "A" H-550)

An Act to Amend the Group Life Insurance Laws Administered by the Maine State Retirement System

H.P. 871 L.D. 1180  
(S "A" S-279)

An Act to Increase the Availability of Funding for Health Care

H.P. 879 L.D. 1193  
(C "A" H-561)

An Act to Amend the Laws Regarding Home Baby-sitting Services and to Provide Rules for Licensing Fees for Day Care Facilities, Nursery Schools and Home Baby-sitting Services

H.P. 890 L.D. 1204  
(C "A" H-511)

An Act to Clarify the Laws Pertaining to Mortgages and the Laws Pertaining to Taxation of Real Estate Transfers

H.P. 934 L.D. 1257  
(C "A" H-485; H "A" H-596)

An Act Regarding the Collection of Medical Payments for an Absent Parent When a Court Order Exists

H.P. 939 L.D. 1268  
(C "A" H-508)

An Act to Allow for the Recall of Municipal Officials

H.P. 998 L.D. 1339  
(C "A" H-527)

An Act to Amend the Laws Governing the Committee to Advise the Department of Human Services on AIDS

S.P. 451 L.D. 1418  
(H "A" H-595 to C "A" S-254)

An Act to Regulate the Use of the Title of Certified Interior Designer

S.P. 467 L.D. 1459  
(H "A" H-605 to C "A" S-265)

An Act to Place Appropriate Citations to Various Boards and Commissions within the Maine Revised Statutes, Title 5, Sections 12004-A to 12004-L

H.P. 1089 L.D. 1468  
(C "A" H-481; H "A" H-549)

An Act to Clarify the Process for a Direct Initiative of Legislation and to Simplify Questions Presented to the Voters at a Referendum

H.P. 1101 L.D. 1488  
(C "A" H-497)

An Act to Clarify Statutory Provisions Related to Juveniles

H.P. 1103 L.D. 1490  
(C "A" H-578)

An Act Regarding Welfare Reform

H.P. 1118 L.D. 1513  
(C "A" H-564)

Which were **PASSED TO BE ENACTED** and having been signed by the President, were presented by the Secretary to the Governor for his approval.

An Act Establishing an Indigent Defense Reimbursement Fund

S.P. 174 L.D. 588  
(H "A" H-518 to C "A" S-214)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

An Act to Eliminate the Prescription Requirement for Hypodermic Syringes

H.P. 587 L.D. 791  
(H "A" H-418 to C "A" H-388; H "A" H-521)

Senator **WEBSTER** of Franklin requested a Division.

**THE PRESIDENT:** The pending question before the Senate is **ENACTMENT**.

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.

24 Senators having voted in the affirmative and 6 Senators having voted in the negative, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act to Encourage Fair Medicare Payments to Hospitals and to Extend the Implementation Date for Certain Outpatient Revenue Limits

H.P. 602 L.D. 817  
(C "A" H-514)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

An Act to Clarify the Laws Related to State Tax Increment Financing

H.P. 704 L.D. 956  
(C "A" H-571)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

An Act to Amend State Tax Increment Financing

H.P. 718 L.D. 969  
(C "A" H-570)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

An Act Concerning Rights and Privileges for Maine Veterans of the Persian Gulf War

H.P. 787 L.D. 1060  
(C "A" H-515)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

An Act to Promote Electronic Transfer of Funds and Other Information System Improvements in State Government

H.P. 845 L.D. 1150  
(C "A" H-512)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

An Act to Amend the Maine Tree Growth Tax Law and the Farm and Open Space Tax Laws

H.P. 907 L.D. 1222  
(C "A" H-574)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

An Act to Amend the State Finance Law in Relation to Purchases from Corporations Conducting Business in Northern Ireland

H.P. 931 L.D. 1254  
(C "A" H-543)

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is the Northern Ireland Bill and I would request a Division on Enactment. Thank you.

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

**THE PRESIDENT:** The pending question before the Senate is **ENACTMENT**.

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.

17 Senators having voted in the affirmative and 12 Senators having voted in the negative, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act to Amend the Maine Civil Rights Act Regarding Violations of Constitutional Rights

S.P. 425 L.D. 1334  
(C "A" S-218; S "A" S-264)

Senator **HANLEY** of Oxford moved to Table until Later in Today's Session, pending **ENACTMENT**.

Senator **ESTY** of Cumberland requested a Division.

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator **HANLEY** of Oxford to **TABLE UNTIL LATER IN TODAY'S SESSION**.

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.

10 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator **HANLEY** of Oxford, to **TABLE UNTIL LATER IN TODAY'S SESSION**, pending **ENACTMENT**, **FAILED**.

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I was hoping to have a few more moments this morning to get some

thoughts together regarding this piece of legislation. This item came out of the Judiciary Committee with a 12 - 0 report. I abstained from the vote and I guess the rhetorical question I would ask this chamber is is it an act of stupidity or an act of courage to stand in front of a steaming locomotive. Well, I guess it is an act of stupidity if there isn't a reason to do that, it's an act of courage if, in fact, there is a reason. What this Bill would do, it would create what the Deputy Attorney General, Steven Wesler, told me was an articulated right within our civil rights law. What's interesting, for those of you who are not attorneys in this chamber, something to think about as far as why are we actually enacting this law today. Did not our forefathers, and foremothers, when they drafted our Constitution, set out broad categories as far as what actions are protected rights of the people of our State. Why did they set off broad rights, very broad and very general? Because if they were to have limited, drawn very narrow and focused items, then maybe someone would be left out. Maybe some action or some activity that should be constitutionally protected would not be. The argument that was put forth as far as why there was a need for this Bill is a hypothetical situation, an individual walking down Congress Street in Portland, it could be any type of individual, if that individual was accosted, beaten up, whether that individual was homosexual, whether that person was of color, or for whatever reason, Steven Wesler, Deputy Attorney General, who handles this section for the Attorney General's Office said, well we would not find this protection under the broad penumbra in our Constitution as far as the ability to be safe in our person, the ability to pursue happiness. He said that wouldn't be covered. I asked if he had ever brought a case forward arguing that that action is already constitutionally protected and he said no. I said first year constitutional law class in law school would lead me to believe that that would be a protected activity. His response to me was, Senator that was my opinion and my interpretation as well. Until he starting contacting Attorney Generals and his counterparts in Massachusetts and Connecticut, who said we have tried to go forward with these and it's just not as strong for us, so we would like to have this articulated right spelled out in our civil rights law.

This is in Title 5, this is not in our criminal activities, this is in Title 5, Civil Rights. If that individual is walking down Congress Street, and they are accosted, harassed, beaten up, there are laws to protect them for that. Now the question is are their civil rights also protected? My argument, the point I made to the Committee, is yes, under our United States Constitution and the Maine Constitution, both, the broad grant of our constitutional rights are there to protect us. If Mr. Wesler had told me, Senator we have brought a case forward using our State Constitution and using the Federal Constitution, and we have been rebuffed, we are not able to do this, I would say okay there is a need for this Bill, let us go forward. They haven't tried. They have not tried using our current constitutional protections to bring this forward. Now men and women of the Senate, are we not doing a disservice to the people of the State of Maine by continually narrowing the broad grant of the constitutional rights provided by our forefathers. That's what we are doing now and I can see the lay people in the Senate, maybe it is a tough concept to grasp, but I think it is an important one. It's tough not to be for the people, and I want to be able to walk down Main Street in South Paris without being

harassed, because I'm a Republican, because I'm male. I think that right is already there and I think anyone, regardless of any of their own characteristics, should be able to do that. My argument is that the Constitution allows that.

Let me just restate. I spoke with Deputy Attorney General, Steve Wesler, his understanding was the same as mine, that the Constitution would protect that but he hasn't brought a case to court using that because his counterparts from other States have said that it is not advisable, they don't see the success. This is civil rights, it is not under our criminal code, realizing that if I was harassed or if I was accosted walking down Main Street in South Paris, I would have a criminal complaint to bring. I argue I would also have a constitutional, a civil rights action, by a verging of my constitutional rights. It's a difficult issue and there are some fine lines being drawn and it is tough to stand here and say we are against people not being able to walk down the street and be free in their person. I see this though, as detracting from our constitutional rights by further narrowing the focus, and saying to the courts maybe our forefathers were wrong, maybe they shouldn't have given such a broad grant. Those are the concerns I want to state for the Record and I would ask for a Division on Enactment. Thank you.

Senator **HANLEY** of Oxford requested a Division.

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This Bill is the hate crimes Bill that I introduced into this legislature. What this Bill does, it gives the Attorney General and private individuals the power to protect themselves from people who attack them based on their race, their gender, their national origin, their religion, their sexual orientation, and a variety of other categories. This Bill was supported by the Christian Civic League, and in the words of Jasper Wyman, Director of that League, the time has come to pass this type of legislation against hate crimes. It is a statute, it does not change the constitution, therefore a statute cannot narrow the constitution, and the good Senator from Oxford should know that, that a statute cannot narrow the constitution. It simply gives, in addition to the criminal protection, it gives the Attorney General's Office the ability to seek an injunction if someone is harassing you because of your race, your gender, your national origin, etc. It also gives you civil remedies against the person who is assaulting you or threatening to assault you. It is a very simple Bill, it is a very good Bill. Mr. President, when the vote is taken, I would request the yeas and nays. Thank you.

On motion by Senator **LAWRENCE** of York, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to remind the chamber that this was a 12 - 0 - 1 Report out of the Judiciary Committee. The good Senator from Oxford, I believe, abstained from voting on this particular Bill. Although it was a difficult issue for him, and I respect the good Senator's philosophy, it was not a difficult issue for the other 12 members

of the Committee. As the good Senator from York has indicated, this is directed at people who are motivated by hate. Those who are intimidating other people, threatening other people by hate. I want to just read, briefly, what the Christian Civic League said in reference to this. It is very seldom that I join with Mr. Wyman on anything, and this is an exception and one which I am happy to join with him on. Mr. Wyman's letter to the Committee recommending passage of this law contained the following, "This clear and direct provision of law would enable the Civil Rights Division of the Attorney General's Office, to more effectively and expeditiously investigate and prosecute cases of civil rights violations. While we have disagreed with a majority of this Committee concerning the necessity and advisability of a statewide gay rights law, there must be no disagreement over the need to protect all of our citizens, gay and straight alike, from violence or threat of violence. Every person in this State must be assured equal protection of all laws." Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would just restate one important point. In my conversation with Deputy Attorney General, Steve Wesler, it was his understanding before he talked to his counterparts that yes, our current constitutional rights would allow this action under our civil rights law to be enforced. He has not brought a case forward though, for concern that it might not be successful. My question to you, men and women of the Senate, is do we enact a law which does not have a basis for need at this point in time and by doing so, potentially sacrificing, by the courts interpretation of our statutes, the limiting force. I just hope you keep that in mind when the vote is taken. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Lincoln, Senator Begley.

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to state pretty much what I stated on an earlier Bill, and that is that the phrase to be added here is a narrow phrase. In comparison to the other phrases in the Bill, which are quite broad and almost inclusive, this phrase takes care of a narrower bit of population. It opens up the same opportunities to having a list of 15 or 20, or any number, of other phrases added. Again, I believe that any person is protected already without opening up such a phrase again. Thank you.

**THE PRESIDENT:** The pending question before the Senate is **ENACTMENT**.

A vote of Yes will be in favor of **ENACTMENT**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

## ROLL CALL

YEAS: Senators AMERO, BALDACCI, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CONLEY, ESTY, FOSTER, HANDY, HARRIMAN, LAWRENCE, LUTHER, MCCORMICK, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

NAYS: Senators BEGLEY, GOULD, HALL, HANLEY, KIEFFER, LUDWIG, MARDEN

ABSENT: Senators CLEVELAND, O'DEA, WEBSTER

25 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 3 Senators being absent, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act to Strengthen the Enforcement of the Code of Fair Practices

H.P. 1032 L.D. 1384  
(C "A" H-507)

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise to ask that you vote against enactment of L.D. 1384, "An Act to Strengthen the Enforcement of the Code of Fair Practices", it's a very nice sounding Bill. This is the one we had the debate on last week regarding another nail in the coffin of small business. The issue, as far as how this legislature will deal with our business environment. Since that point in time, men and women of the Senate, I have had an opportunity to do a little research, and this deals with affirmative action programs. If I can just bring you back to a few days ago, we were talking about the level of work, the amount of work required by these contractors and subcontractors, dealing with the State, to file an affirmative action plan. I went down to the Library and we have the Maine Department of Labor's affirmative action plan here, we have the Department of Finance affirmative action plan here, we have one for the Equal Employment Opportunity, a guide for employer's in Maine. As far as what it says for affirmative action plans, it is very interesting as far as the policy statement, the internal dissemination of that, the responsibility of assignments, the utilization analysis, the job group analysis, the availability analysis, the affirmative action program goals and objectives. Then we also have the Audit and Reporting System. Let me just read a few of these things to you, just so you know what you are voting for when you vote for enactment of this legislation. "In your audit reporting system this section should describe the methods of collecting and evaluating your AA data. If there are no mechanisms in place or the mechanisms are inadequate, this subject may be included in the previous section with goals and time tables for compliance. The types of information required in this section include how applicant flow data is collected and evaluated." That's an interesting one,

I mean that is required in there. "How recruitment efforts are evaluated. Whether registers are reviewed by AAO prior to and/or following selection. How statistics are kept on agency's personnel actions, and any forms which haven't been developed by the employer for these purposes." Another interesting part is the annual plan update. You have to annually review your program and then provide an update. There has been a couple of concerns that I have as to exactly how this would play out. I believe that this Bill would create expensive new burdens without any real justification. The Maine Human Rights Commission annual report of employment discrimination, shall the charges filed amount to less than one tenth of one percent of the labor force, the other 99.9%, there is no problem. The original law, until 1992, only required written plans by State agencies. The contractors were required to not discriminate, to indicate equal employment opportunity in advertisements or solicitations for workers, and to require subcontractors to also comply with these conditions. The 1992 change in law requires contractors and subcontractors to pursue in good faith affirmative action programs. However, it does not require full written plans. The Human Rights Commission Affirmative Action checklist contains over 160 types of information that a plan must cover. This opens the door to require affirmative action quotas. An employer is required to establish goals for increasing numbers of minorities, women and handicapped where imbalances exist. Employers are required to make every good faith effort to achieve these goals. The Human Rights Commission has the power to review and comment on all of these programs already, that power is there already.

This legislation fails to clarify some very key issues. First, if a contractor or subcontractor, already maintains a federal affirmative action plan, must this business also prepare and file a separate state plan? Second, although a contractor or subcontractor is not required to submit a written affirmative action program if one is already on file, how much time goes by before the plan must be updated and refiled, based on the fact that affirmative action plans must have an annual update. Neither existing state law, nor Human Rights Commission, or other State agency guidelines explain how a contractor or subcontractor must address affirmative action issues raised by complex new Federal civil rights and disability rights protection laws. This Bill builds new barriers to small business participation in contracts or subcontracts. It applies to businesses regardless of size. Paperwork and complexity of public bid requirements are major reasons for the lack of small business bidding. New obstacles will prohibit and reduce competition. This imposes significant new burdens on the State Purchasing Directors and State Affirmative Action Coordinators. The Purchasing Office indicates that about 950 contracts will be affected but that does not take into account the subcontracts. If the State Affirmative Action Coordinator complies with review and report requirements this could add some two to three months additional work per year. 10 pages per program review at a average of two minutes per page. Contractors and subcontractors spend time and money providing good, safe jobs, not filling out needless paperwork and diverting money to consultants and lawyers.

Men and women of the Senate, it is time for us to realize that the actions that we take have significant actions on our small businesses. For those of you who run a small business, who have only

yourself or another individual, to comply with all of the reams of paperwork that need to be filed, refiled, updated, you can have some empathy for those businesses that are just trying to make it. This is a very important piece of legislation. It will force more businesses under, it will force more businesses not to even try to contract with the State. Men and women of the Senate, I ask that you vote against enactment of this Bill. Mr. President, I request a Division.

Senator **HANLEY** of Oxford requested a Division.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is another 12 - 1 report out of the Judiciary Committee. A bipartisan report. I believe the Committee ended up supporting it in such a fashion because the Bill is so mild, and it is so much less than what the Bill started out as. I would take very serious issue with the Senator from Oxford, as to whether or not businesses are going to seek to contract with the State if this Bill is passed. Right now businesses have to swear, that is I swear that I have an affirmative action plan, all this Bill does is say if you are successful and you get the bid, please give us a copy of your plan. Thank you.

**THE PRESIDENT:** The pending question before the Senate is **ENACTMENT**.

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.

18 Senators having voted in the affirmative and 13 Senators having voted in the negative, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

An Act Concerning Reasonable Standards and Procedures for Contracting Services by the State  
H.P. 1036 L.D. 1388  
(C "A" H-545)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

---

An Act to Amend Statutory Provisions Regarding Risk Management Funds (Governor's Bill)  
H.P. 1086 L.D. 1465  
(C "A" H-553)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

---

An Act to Require Immediate Income Withholding for All Child Support Orders (Governor's Bill)  
H.P. 1098 L.D. 1485  
(C "A" H-531)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

---

An Act to Amend the Laws Regarding Health Insurance and Health Care Services  
S.P. 525 L.D. 1548

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

#### Resolve

Resolve, to Authorize Bonding by the Maine Court Facilities Authority  
S.P. 493 L.D. 1504  
(C "A" S-251)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**.

#### Emergency

An Act to Require an Employer Majority on the Board of Governors of the Workers' Compensation Residual Market Mechanism  
H.P. 292 L.D. 379  
(S "B" S-288 to C "A" H-304)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency**

An Act to Promote Maximum Independence of Older People

H.P. 330 L.D. 418  
(C "A" H-559)

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I want to take just a brief moment to share with you some very positive work that has been going on in the Human Resources Committee. Over the last couple of weeks we have been discussing some divided reports of some great public policy debate, and unfortunately sometimes emotional. What I hope you can appreciate is that scores of Bills have come through the Human Resources Committee that have come through unanimous. This is one of those that I would like to take just a moment of your time to share with you the spirit of cooperation that has existed throughout the vast majority of our work. L.D. 418 addresses what we believe is in the forefront of how the State of Maine can be looked at as a model dealing with long term care needs of our citizens. Just to give you a sense of the magnitude of the opportunity we have, there are some things I would like to share with you about the people who may be eligible for long term care. First, two-thirds, and I need to emphasize this, two-thirds of all human beings in the entire history of the world who have lived to age 65 and beyond are alive today. Second, and I think more importantly, this is a women's issue. Beginning in 1986 it was shown that 90% of care givers of adult parents are women. In fact, statistics now show that women will spend more time caring for their adult parent than they did for their child. Thirdly, this Bill is directed at you individually, your constituents as a whole. This Bill was crafted in such a way that anyone who become eligible for Medicaid will go through a screening process. A preadmission necessity if you will. Every new Medicaid applicant will be given the opportunity to be screened, where an assessment will be done to determine whether home care, hospital care, residential care, a nursing facility, services of an area agency on aging or home health services are most appropriate. This provides opportunity and dignity and self esteem for our elder citizens to decide what is right for themselves in the later stages of their life.

This Bill has a positive fiscal note. This Bill will indeed save \$4.5 million to \$5 million in the next biennium. It is a terrific piece of work of which I am very proud of my colleagues on the Human Resources Committee, Senator Paradis from Aroostook, Senator Baldacci from Penobscot. It is a piece of work that I think you will all be proud to go back and tell your constituents that you were a part of. I hope you will all vote in favor and I will ask for a Division Mr. President. Thank you.

Senator **HARRIMAN** of Cumberland requested a Division.

---

Off Record Remarks

---

Senator **HARRIMAN** of Cumberland requested and received leave of the Senate to withdraw his request for a Division.

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

**Emergency**

An Act Concerning the Operation of Agency Liquor Stores (Governor's Bill)

S.P. 157 L.D. 488  
(H "B" H-552 to C  
"A" S-243)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency**

An Act to Enhance Voters' Rights in Budget Approval of School Districts

S.P. 252 L.D. 771  
(H "A" H-519 to H  
"A" H-489)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency**

An Act Amending the Charter of the Brewer Water District

H.P. 615 L.D. 830  
(C "A" H-250; H "B"  
H-555; S "A" S-177)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

**Emergency**

An Act to Confirm when Site Location of Development Approval Is Unnecessary  
H.P. 640 L.D. 871  
(C "A" H-504)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

**Emergency**

An Act to Provide Property Tax Adjustments Necessary for the Town of Portage Lake  
H.P. 972 L.D. 1303  
(C "A" H-569)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

---

**Emergency**

An Act to Clarify Child Support Laws  
H.P. 996 L.D. 1337  
(C "A" H-510)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

Senate at Ease

Senate called to order by the President.

---

**Emergency**

An Act to Correct Errors and Inconsistencies in the Laws of Maine  
S.P. 434 L.D. 1344  
(C "A" S-258)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

**Emergency**

An Act to Amend Certain Motor Vehicle Laws  
H.P. 1057 L.D. 1409  
(C "A" H-506)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

**Emergency**

An Act to Amend Certain Laws Administered by the Department of Environmental Protection Governing Fees, Reconsiderations and Outside Permit Reviews  
H.P. 1073 L.D. 1439  
(C "A" H-536)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

**Emergency**

An Act to Establish Minimum Regulatory Standards for Insurers to Permit the Bureau of Insurance to Seek National Accreditation  
S.P. 472 L.D. 1464  
(C "A" S-275)



This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency Mandate**

An Act to Establish a Development Authority for Loring Air Force Base (Governor's Bill)  
H.P. 1137 L.D. 1537  
(C "A" H-579)

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **ENACTMENT**.

**Emergency**

An Act to Increase Tourism Visits and Tourism Revenues for the State (Governor's Bill)  
S.P. 480 L.D. 1478  
(S "A" S-247 to C  
"A" S-198)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

**Emergency**

An Act to Amend Certain Laws Pertaining to the Department of Environmental Protection's Bureau of Hazardous Materials and Solid Waste Control  
H.P. 1113 L.D. 1509  
(C "A" H-572)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency Mandate**

An Act to Amend Laws Administered by the Maine State Retirement System  
H.P. 922 L.D. 1246  
(C "A" H-562)

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Resolve Emergency Mandate**

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1993  
H.P. 1145 L.D. 1544

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

**COMMITTEE REPORTS**

**Senate**

**Committee of Conference**

The **Committee of Conference** on the disagreeing action between the two branches of the Legislature, on Bill "An Act to Establish a Full Employment Program as a Pilot Project in Certain Counties of the State"  
S.P. 212 L.D. 683

Have had the same under consideration and ask leave to report that they are **Unable to Agree**.

Signed on the part of the Senate:

Senator LUTHER of Oxford  
Senator HANLEY of Oxford  
Senator PINGREE of Knox

Signed on the part of the House:

Representative RUHLIN of Brewer  
Representative GEAN of Alfred  
Representative STROUT of Corinth

Which Report was **READ** and **ACCEPTED**.

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

Senator **ESTY** of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator **CARPENTER** of York was granted unanimous consent to address the Senate off the Record.

On motion by Senator **FOSTER** of Hancock, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

On motion by Senator **CAHILL** of Sagadahoc, **RECESSED** until 4:00 this afternoon.

After Recess

Senate called to order by the President.

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

**COMMUNICATIONS**

The Following Communication:

**COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT  
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

June 7, 1993

The Honorable Dennis L. Dutremble  
President of the Senate of Maine  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Housing and Economic Development has had under consideration the nomination of Timothy P. Agnew of Yarmouth, for reappointment as the Chief Executive Officer of the Finance Authority of Maine.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

- YEAS: Sen. 3 Pingree of Knox, Brannigan of Cumberland, Harriman of Cumberland
- Rep. 7 Melendy of Rockland, Heeschen of Wilton, Rowe of Portland, Sullivan of Bangor, Kontos of Windham, Kneeland of Easton, Birney of Paris
- NAYS: 0
- ABSENT: 2 Rep. Plourde of Biddeford, Rep. Dexter of Kingfield
- ABSTAINED: 1 Rep. Marshall of Eliot

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Timothy P. Agnew of Yarmouth, for reappointment as the Chief Executive Officer of the Finance Authority of Maine be confirmed.

Signed:

S/Rochelle M. Pingree Senate Chair	S/Rita B. Melendy House Chair
---------------------------------------	----------------------------------

Which was **READ** and **ORDERED PLACED ON FILE**.

**THE PRESIDENT:** The Joint Standing Committee on Housing and Economic Development has recommended the nomination of Timothy P. Agnew of Yarmouth be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Housing and Economic Development be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

Rep. 8 Melendy of Rockland, Heeschen of Wilton, Rowe of Portland, Sullivan of Bangor, Kontos of Windham, Kneeland of Easton, Birney of Paris, Marshall of Eliot

**ROLL CALL**

YEAS: Senators None

NAYS: 0

NAYS: Senators AMERO, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, PARADIS, PEARSON, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: 3 Sen. Brannigan of Cumberland, Rep. Plourde of Biddeford, Rep. Dexter of Kingfield

ABSENT: Senators BALDACCI, CLEVELAND, CONLEY, O'DEA, PINGREE

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Jayne C. Giles of Winthrop, for reappointment to the Finance Authority of Maine be confirmed.

Signed:

S/Rochelle M. Pingree  
Senate Chair

S/Rita B. Melendy  
House Chair

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Timothy P. Agnew, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Which was **READ** and **ORDERED PLACED ON FILE**.

**THE PRESIDENT:** The Joint Standing Committee on Housing and Economic Development has recommended the nomination of Jayne C. Giles of Winthrop be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Housing and Economic Development be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

Off Record Remarks

The Following Communication:

**COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT  
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

June 7, 1993

The Honorable Dennis L. Dutremble  
President of the Senate of Maine  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Housing and Economic Development has had under consideration the nomination of Jayne C. Giles of Winthrop, for reappointment to the Finance Authority of Maine.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Sen. 2 Pingree of Knox, Harriman of Cumberland

**ROLL CALL**

YEAS: Senators None

NAYS: Senators AMERO, BALDACCI, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, PARADIS, PEARSON, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators CLEVELAND, O'DEA, PINGREE

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Jayne C. Giles, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT  
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

June 7, 1993

The Honorable Dennis L. Dutremble  
President of the Senate of Maine  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Housing and Economic Development has had under consideration the nomination of Richard E. Dyke of Windham, for reappointment to the Finance Authority of Maine.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

- YEAS: Sen. 2 Pingree of Knox, Harriman of Cumberland
- Rep. 7 Melendy of Rockland, Heeschen of Wilton, Rowe of Portland, Kontos of Windham, Kneeland of Easton, Birney of Paris, Marshall of Eliot
- NAYS: 0
- ABSENT: 3 Sen. Brannigan of Cumberland, Rep. Plourde of Biddeford, Rep. Dexter of Kingfield
- ABSTAINED: 1 Rep. Sullivan of Bangor

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Richard E. Dyke of Windham, for reappointment to the Finance Authority of Maine be confirmed.

Signed:

S/Rochelle M. Pingree  
Senate Chair

S/Rita B. Melendy  
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

**THE PRESIDENT:** The Joint Standing Committee on Housing and Economic Development has recommended the nomination of Richard E. Dyke of Windham be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Housing and Economic Development be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEAS: Senators None

NAYS: Senators AMERO, BALDACCI, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, PARADIS, PEARSON, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators CLEVELAND, O'DEA, PINGREE

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Richard E. Dyke, was **CONFIRMED**.

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**

**Non-concurrent Matter**

Bill "An Act to Consolidate All Substance Abuse Programs within the Office of Substance Abuse"  
H.P. 1099 L.D. 1486  
(C "A" H-563)

In Senate, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563) AS AMENDED BY HOUSE AMENDMENT "A" (H-631)** thereto, in **NON-CONCURRENCE**.

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

**Non-concurrent Matter**

Resolve, to Establish the Health and Social Services Transition Team to Develop the Governor's Restructuring Proposal to Combine the Departments of Human Services and Mental Health and Mental Retardation and the Office of Substance Abuse in a New Department of Health and Family Services (Governor's Bill) (Emergency)

H.P. 1112 L.D. 1508  
(H "A" H-600 to C  
"A" H-516)

In Senate, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-516) AS AMENDED BY HOUSE AMENDMENT "A" (H-600)** thereto, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-516) AS AMENDED BY HOUSE AMENDMENTS "A" (H-600) AND "B" (H-630)** thereto, in **NON-CONCURRENCE**.

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

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Before we Recede and Concur, there are two amendments that I have not had a chance to look at, H-600 and H-630. I was hoping that someone from the Committee might be able to tell us particularly why H-630 is necessary. It seems to make some fairly substantial changes in the legislation. Thank you.

**THE PRESIDENT:** The Senator from Sagadahoc, Senator Cahill, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Cumberland, Senator Harriman.

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I appreciate the question by the good Senator from Sagadahoc, Senator Cahill. I was asking myself the same question and literally have just flipped it open and do not know what is in these amendments. Thank you.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending the motion by the same Senator to **RECEDE** and **CONCUR**.

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

**ENACTORS**

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

An Act Related to the Adoption of Municipal Ordinances and Comprehensive Plans and to Revise Notice Requirements for Certain Zoning Changes  
H.P. 864 L.D. 1173  
(S "C" S-280 to C  
"A" H-343)

An Act to Facilitate the Assessment and Collection of Municipal Property Taxes  
S.P. 402 L.D. 1233  
(C "A" S-242)

Which were **PASSED TO BE ENACTED** and having been signed by the President, were presented by the Secretary to the Governor for his approval.

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 to Provide Funds for Assistance to Maine Businesses

H.P. 1148 L.D. 1547

On motion by Senator **TITCOMB** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act Related to the Site Location of Development Laws"

H.P. 1105 L.D. 1492  
(C "A" H-532)

In Senate, June 3, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-532)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-532) AS AMENDED BY HOUSE AMENDMENT "A" (H-632)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION**.

**Non-concurrent Matter**

Bill "An Act Concerning Stalking"  
H.P. 1147 L.D. 1546

In Senate, June 3, 1993, **PASSED TO BE ENGROSSED**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-633)** in **NON-CONCURRENCE**.

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

**ORDERS OF THE DAY**

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

Bill "An Act Related to the Site Location of Development Laws"  
H.P. 1105 L.D. 1492  
(C "A" H-532)

Tabled - June 8, 1993, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, June 3, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-532)**, in concurrence.)

(In House, June 8, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-532) AS AMENDED BY HOUSE AMENDMENT "A" (H-632)** thereto in **NON-CONCURRENCE**.)

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

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

HOUSE REPORTS - from the Committee on **BANKING & INSURANCE** on Bill "An Act Establishing the Maine Community Reinvestment Program"  
H.P. 590 L.D. 794  
(C "A" H-540)

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-540)**

Tabled - June 8, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **CAHILL** of Sagadahoc to **RECEDE** and **CONCUR** (Roll Call ordered)

(In House, June 4, 1993, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

(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-540)** in **NON-CONCURRENCE**.)

(In House, June 7, 1993, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.)

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. A point of parliamentary inquiry please. The motion to Recede and Concur would, in effect, allow us to agree with the other Body who has asked for a Committee of Conference?

**THE PRESIDENT:** The motion to Recede and Concur would have the effect of accepting the Majority Ought Not to Pass Report of the Committee.

Senator **MCCORMICK:** Thank you Mr. President. I would urge the body to vote against the pending motion so that we can proceed to agree and join in a Committee of Conference. There is, in the works, an agreement, and it seems to me that we can reach an agreement that is palatable to all interests involved and I think that we are close and ought to give it that time. Thank you.

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

A vote of Yes will be in favor of **RECEDING** and **CONCURRING**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators **AMERO, BEGLEY, BUTLAND, CAHILL, CARPENTER, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, SUMMERS, WEBSTER**

**NAYS:** Senators **BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, PARADIS, PEARSON, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

ABSENT: Senators CLEVELAND, O'DEA, PINGREE

(In House, June 7, 1993, that Body **INSISTED**.)

15 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 3 Senators being absent, the motion of Senator **CAHILL** of Sagadahoc, to **RECEDE** and **CONCUR**, **FAILED**.

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

On motion by Senator **ESTY** of Cumberland, the Senate **INSISTED** and **JOINED IN A COMMITTEE OF CONFERENCE**.

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. That's the motion I wanted to make Mr. President, that we Recede and Concur. Thank you.

The Secretary has so informed the Speaker of the House.

On motion by Senator **ESTY** of Cumberland, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

On further motion by same Senator, Tabled until Later in Today's Session, pending the motion by Senator **HANLEY** of Oxford to **RECEDE** and **CONCUR**. (Roll Call Ordered.)

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

Bill "An Act to Increase Fees Charged by Municipal Clerks for Services" S.P. 398 L.D. 1229

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

Tabled - June 8, 1993, by Senator **ESTY** of Cumberland.

Bill "An Act to Clarify the Powers and Duties of Municipal Officials of the New Town of Long Island" (Emergency) H.P. 1014 L.D. 1360

Pending - **FURTHER CONSIDERATION**

(In Senate, June 1, 1993, **PASSED TO BE ENGROSSED**.)

Tabled - June 8, 1993, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In House, June 7, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-602)** in **NON-CONCURRENCE**.)

(In Senate, June 3, 1993, **PASSED TO BE ENGROSSED**, in concurrence.)

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

(In House, June 7, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-624)** in **NON-CONCURRENCE**.)

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

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

**HOUSE REPORTS** - from the Committee on **STATE & LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of the Attorney General H.P. 960 L.D. 1291

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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-432)**

Bill "An Act to Strengthen the Public Disclosure of Lobbying Activities" H.P. 1038 L.D. 1390 (C "A" H-528)

Minority - **Ought Not to Pass**

Tabled - June 8, 1993, by Senator **ESTY** of Cumberland.

Tabled - June 8, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **HANLEY** of Oxford to **RECEDE** and **CONCUR**

Pending - Motion by same Senator to **RECEDE** and **CONCUR**.

(In House, June 4, 1993, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-432)**.)

(In Senate, June 3, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-528)**, in concurrence.)

(In Senate, June 4, 1993, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.)

(In House, June 7, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-528) AS AMENDED BY HOUSE AMENDMENT "A" (H-593)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending motion by same Senator to **RECEDE** and **CONCUR**.

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

Bill "An Act to Expand the Duties of the Judicial Council to Include Implementing the Recommendations of the Commission to Study the Future of Maine's Courts and to Implement Certain Other Recommendations of the Commission" (Emergency)

H.P. 1154 L.D. 1553

Tabled - June 8, 1993, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

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

(In House, June 7, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-621)** in **NON-CONCURRENCE**.

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

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

HOUSE REPORTS - from the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Exempt Gravel Pits with Less Than 5 Unreclaimed Acres from Regulation by the Department of Environmental Protection under the Site Location of Development Act" H.P. 406 L.D. 519

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-566)**

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-567)**

Tabled - June 8, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, June 8, 1993, Reports **READ**.)

(In House, June 7, 1993, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-566)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-566) AS AMENDED BY HOUSE AMENDMENT "C" (H-626)** thereto.)

The Chair moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-566)** Report, in concurrence.

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would request a Division on this. I think that the Minority Report is much more cautious and still cuts costs significantly for pit owners and still brings pits into compliance over the next ten years and still allows for us to reach the 30 acre cut off as proposed in the Majority Report but does it in a more cautious manner. I would request a Division on the Majority Report so that we could pass the Minority Report. Thank you.

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

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I hope you would vote in favor of the bipartisan Majority Report of the Committee, Ought to Pass as Amended by Committee Amendment "A". The Committee got together and worked with all interested parties, the environmentalists, the pit owners, both small and large, public members, to try and work out a compromise and the Majority Report from the Committee represents a balance between all of those interests to try to create a system of effective regulation of gravel pits. I hope you will support it. Thank you.

**THE PRESIDENT:** The pending question before the Senate is **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-566)** Report, in 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.

27 Senator having voted in the affirmative and 2 Senators having voted in the negative, the motion to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-566)** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-566) **READ**.

House Amendment "C" (H-626) to Committee Amendment "A" (H-566) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-566) As Amended by House Amendment "C" (H-626) thereto, **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 were ordered sent down forthwith for concurrence.

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

HOUSE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Authorize Sagadahoc County to Provide Centralized Administrative Services to Those Sagadahoc County Municipalities That Desire to Share the Cost of Those Services"

H.P. 978 L.D. 1309

Majority - **Ought Not to Pass**

Minority - **Ought to Pass**

Tabled - June 8, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, June 8, 1993, Reports **READ**.)

(In House, June 7, 1993, Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-625).**)

Senator **BERUBE** of Androscoggin, moved that the Senate **ACCEPT** the Minority **OUGHT TO PASS** Report, in concurrence.

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

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. It is the feeling of those of us who were on the Ought Not to Pass Majority Report that with the amendment that sunsets this new process, it sunsets it in 1995, and there is also a consensus of the entire delegation of Sagadahoc County we were told, so there should be no problem. That is the reason I moved the Minority Ought to Pass Report. Thank you.

On motion by Senator **BERUBE** of Androscoggin, the Minority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

House Amendment "A" (H-625) **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, ordered sent forthwith to the Engrossing Department.

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

HOUSE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Allow Maine Citizens to Propose Constitutional Amendments by Initiative

H.P. 994 L.D. 1336

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-546)**

Minority - **Ought Not to Pass**

Tabled - June 8, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, June 8, 1993, Reports **READ**.)

(In House, June 7, 1993, Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

Senator **BERUBE** of Androscoggin moved that the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence.

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

Senator **BUTLAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would hope that you oppose the pending motion so that we can go on to accept the Majority Ought to Pass as Amended and I would like to begin my talk on this by reading you a portion of the State Constitution, Article I, section 2. It says "All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit; they have therefore an unalienable and indefeasible right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it." Now, unfortunately, in the State of Maine today we don't have the ability for the people to, through direct initiative, change the Constitution and this is what this particular initiative strives to do. If you look at the Bill you will see that this is not some cavalier attempt on our part to bring direct democracy to the people. The hurdles that one would have to go through to have this happen are extremely high. First of all, the number of signatures on a petition must be at least 10% of the total vote for Governor cast in the last gubernatorial election preceding the filing of the petition. Once that happens it would go to a state wide election and if two-thirds of the votes are in favor of the proposed amendment to the Constitution, it would then be submitted to the Legislature for ratification, at which time a majority vote in the House and the Senate would send it along to the Governor who could approve or, once again, veto. I don't think that this is something that is going to be utilized by the people very often. As I said the hurdles are very high but it does allow them the opportunity. 16 other states in the country allow for direct initiative of the people to change the Constitution and I hope that you would vote against the prevailing motion so that we can go on and pass the Majority Ought to Pass motion and give the people of the State of Maine that same opportunity. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence.

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.

18 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

An Act to Establish a Development Authority for Loring Air Force Base (Governor's Bill)  
 H.P. 1137 L.D. 1537  
 (C "A" H-579)

Tabled - June 8, 1993, by Senator **ESTY** of Cumberland.

Pending - **ENACTMENT**

(In Senate, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-579)**, in concurrence.)

(In House, June 7, 1993, **PASSED TO BE ENACTED**.)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

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

Resolve, to Establish the Health and Social Services Transition Team to Develop the Governor's Restructuring Proposal to Combine the Departments of Human Services and Mental Health and Mental Retardation and the Office of Substance Abuse in a New Department of Health and Family Services (Governor's Bill) (Emergency)

H.P. 1112 L.D. 1508  
 (H"A" H-600 to C"A" H-516)

Tabled - June 8, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by same Senator to **RECEDE** and **CONCUR**

(In Senate, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-516) AS AMENDED BY HOUSE AMENDMENT "A" (H-600)** thereto, in concurrence.)

(In House, June 8, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-516) AS AMENDED BY HOUSE AMENDMENTS "A" (H-600) AND "B" (H-630)** thereto, in **NON-CONCURRENCE**.)

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

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

**COMMUNICATIONS**

The Following Communication:

**COMMITTEE ON STATE AND LOCAL GOVERNMENT  
 ONE HUNDRED AND SIXTEENTH LEGISLATURE**

June 8, 1993

The Honorable Dennis L. Dutremble  
 President of the Senate of Maine  
 116th Maine Legislature  
 State House  
 Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on State and Local Government has had under consideration the nomination of Mark R. Dionne of Sanford, for appointment as the Management Representative of the Workers' Compensation Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:	Sen. 3	Berube of Androscoggin, Esty of Cumberland, Butland of Cumberland
	Rep. 6	Joseph of Waterville, Dutremble of Biddeford, Rowe of Portland, Look of Jonesboro, Bennett of Norway, Young of Limestone
NAYS:	3	Rep. Gray of Sedgwick, Rep. Ahearne of Madawaska, Rep. Walker of Blue Hill
ABSENT:	1	Rep. Kilkelly of Wiscasset

Nine members of the Committee having voted in the affirmative and three in the negative, it was the vote of the Committee that the nomination of Mark R. Dionne of Sanford, for appointment as the Management Representative of the Workers' Compensation Board be confirmed.

Signed:

S/Georgette B. Berube  
Senate Chair

S/Ruth Joseph  
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

**THE PRESIDENT:** The Joint Standing Committee on State & Local Government has recommended the nomination of Mark R. Dionne of Sanford be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on State & Local Government be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEAS: Senators HANDY, MCCORMICK

NAYS: Senators AMERO, BALDACCI, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CONLEY, ESTY, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, O'DEA, PARADIS, PEARSON, SUMMERS, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators CLEVELAND, FOSTER, PINGREE, TITCOMB

2 Senators having voted in the affirmative and 29 Senators having voted in the negative, with 4 Senators being absent, and 2 being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Mark R. Dionne, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

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

**SENATE PAPERS**

Bill "An Act to Clarify the Law Concerning Aquaculture"

S.P. 531 L.D. 1559

Presented by Senator **VOSE** of Washington  
Cosponsored by Senator **CLEVELAND** of Androscoggin and Senators: **GOULD** of Waldo, **PINGREE** of Knox, Representatives: **LOOK** of Jonesboro, **MITCHELL** of Freeport, **SKOGLUND** of St. George, **TOWNSEND** of Eastport  
Approved by a majority of the Legislative Council pursuant to Joint Rule 27.

Committee on **MARINE RESOURCES** suggested and **ORDERED PRINTED**.

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

Senator **VOSE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This Bill was requested by the Commissioner of the Department of Marine Resources. It seems that they have a race of seaweed which is a new thing to us and we are quite excited about it, but seaweed was not definitely defined in aquaculture, as far as leasing is concerned. There was some doubt as to whether or not they could give the company a lease, therefore this is to clear this up and I would appreciate it if you would run it through. I have checked with all of the members of the Committee but two and we are in agreement. Thank you.

Pursuant to Joint Rule 14, the Chair ordered a Division on the question of whether to suspend the Rules for the purpose of giving the Bill its first reading, without reference to a Committee. 27 Senators having voted in the affirmative, and No Senators in the negative, the Rules were suspended and the Bill was **READ ONCE**, without reference to a Committee.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

**ORDERS OF THE DAY**

The Chair laid before the Senate the Tabled and Today Assigned 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 7, 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)**.)

---

Senate at Ease

Senate called to order by the President.

---

On motion by Senator **MCCORMICK** of Kennebec, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Senate Amendment "A" (S-303) to House Amendment "A" (H-607).

On further motion by same Senator, Senate Amendment "A" (S-303) to House Amendment "A" (H-607) **INDEFINITELY POSTPONED**.

House Amendment "A" (H-607) **ADOPTED**, in concurrence.

On motion by Senator **KIEFFER** of Aroostook, Senate Amendment "B" (S-308) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Kieffer.

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Last Friday we debated this Bill at some length and then it was Tabled until today. This amendment which I submit today does what I asked for last Friday, it postpones the implementation date of this legislation for one year, from July 1, 1993 to July 1, 1994. This is done in an effort to give us an opportunity to study the State Health Insurance Program, as well as to allow the Federal program to emerge and to see what types of coverages are available there and what types of funding may also be available there. Under the terms of the departmental rule making procedures coverage for mental health will automatically increase this year from a limit of \$25,000 to a limit of \$50,000. The outpatient visit coverage will also increase from \$1000 to \$1500. These are not the amounts that are requested in this Bill by a long ways but I think they are a step in the right direction. I think they are a stop gap measure if

you will to give us an opportunity to put something more meaningful together. Last Friday I spoke to you of the cost of this Bill to State Government as well as to private businesses. Today I would like to point out to you what the cost of this Bill will be to your local city governments and to your county governments. This Bill is not a mandate under Maine law, it is not a mandate due to the fact that the State of Maine cannot require municipalities to provide hospitalization coverage for their employees. However, you and I all know that this certainly is an important element in union negotiations between any municipal government and their various departments, and certainly I am not one involved in municipal government that we would be in a position to terminate the hospitalization coverage for the municipal employees. If this were a mandate, municipal governments and county governments would be much better off. If this were a mandate then the State would then have to pay 90% of the increase of these costs where ever the law was applicable. However, since it is not, they are going to have to pick up this entire cost by themselves. I believe that it is only prudent to approach this in a very realistic way, weighing all of the factors before we make a decision and once again let the Federal health care Bill, waiting in the wings with our study Committee about to begin, I would like to see this date moved forward, taking into consideration the fact that this limit is doubling, as of July 1, as to what it presently is. Mr. President, I would like to ask for a Roll Call.

On motion by Senator **KIEFFER** of Aroostook, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending the motion by Senator **KIEFFER** of Aroostook to **ADOPT** Senate Amendment "B" (S-308). (Roll Call Ordered.)

---

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 7, 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.

Off Record Remarks

---

Senator **PARADIS** of Aroostook was granted unanimous consent to address the Senate off the Record.

---

Off Record Remarks

---

On motion by Senator **BUTLAND** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

---

**THE PRESIDENT:** In reference to the action of the Senate on June 8, 1993, whereby it **INSISTED** and **JOINED IN A COMMITTEE OF CONFERENCE** on Bill, "An Act Establishing the Maine Community Reinvestment Program" (H.P. 590) (L.D. 794)

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

Senator **MCCORMICK** of Kennebec.  
 Senator **CAREY** of Kennebec.  
 Senator **KIEFFER** of Aroostook.

The Secretary has so informed the Speaker of the House.

---

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

**ENACTORS**

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

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  
 (C "A" H-618)

An Act to Amend the Enforcement Provisions of the Bureau of Taxation

H.P. 844 L.D. 1149  
 (C "A" H-611)

An Act to Establish the Maine Youth Apprenticeship Program (Governor's Bill)  
 H.P. 1136 L.D. 1536  
 (H "A" H-620 to C  
 "A" H-547)

An Act to Clarify the Laws Governing HIV Testing of Sexual Offenders

H.P. 1143 L.D. 1543  
 (C "A" H-619)

Which were **PASSED TO BE ENACTED** and having been signed by the President, were presented by the Secretary to the Governor for his approval.

---

An Act to Amend the Occupational Disease Law

S.P. 216 L.D. 687  
 (H "C" H-616 to C  
 "A" S-92; H "A"  
 H-365)

Senator **BEGLEY** of Lincoln moved the **INDEFINITE POSTPONEMENT** of Bill and Accompanying Papers in **NON-CONCURRENCE**.

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending the motion by Senator **BEGLEY** of Lincoln to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

---

An Act to Provide Consistency in the Animal Welfare Laws

S.P. 345 L.D. 1040  
 (S "A" S-309 to C  
 "A" S-256)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

---

**Resolve**

Resolve, to Establish the Academy for Public Service Study Committee

H.P. 874 L.D. 1188  
 (S "A" S-290 to C  
 "A" H-362)

Resolve, to Transfer the Responsibilities of the Bureau of Rehabilitation from the Department of Human Services to the Department of Education (Governor's Bill)

S.P. 487 L.D. 1498  
 (S "A" S-300 to C  
 "A" S-291)

Which were **FINALLY PASSED** and having been signed by the President, were presented by the Secretary to the Governor for his approval.

---

On motion by Senator **PEARSON** of Penobscot, the Senate **RECONSIDERED** its action whereby it **FINALLY PASSED**:

Resolve, to Transfer the Responsibilities of the Bureau of Rehabilitation from the Department of Human Services to the Department of Education (Governor's Bill)

S.P. 487 L.D. 1498  
(S "A" S-300 to C "A"  
S-291)

(In Senate, June 8, 1993, **FINALLY PASSED**.)

(In House, June 8, 1993, **FINALLY PASSED**.)

On further motion by same Senator, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

---

**Emergency**

An Act to Amend the Law Relating to Harness Racing  
H.P. 691 L.D. 932  
(S "A" S-299 to C  
"A" H-556)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

**Emergency**

An Act to Establish the Fund Insurance Review Board

H.P. 797 L.D. 1083  
(C "A" H-615)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency**

An Act Related to the State Valuation of the Town of Mexico

S.P. 432 L.D. 1342  
(C "A" S-272)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

---

**Emergency Resolve**

Resolve, Authorizing the Ellsworth School Department to Transact a Land Exchange to Avoid Wetlands and Ledge Discovered During Project Development of the New Ellsworth High School

S.P. 523 L.D. 1545  
(S "A" S-273)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

**Emergency Mandate**

An Act to Implement the Constitutional Requirement for State Funding of Mandates Imposed on Local Units of Government

H.P. 574 L.D. 779  
(H "A" H-604 to C  
"A" H-530)

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Popular Election of the Secretary of State

H.P. 965 L.D. 1296  
(C "A" H-434)

In Senate, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-434)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-434) AND HOUSE AMENDMENT "B" (H-475)** in **NON-CONCURRENCE**.

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

**Non-concurrent Matter**

Bill "An Act to Encourage Implementation of Total Quality Management Procedures in the Executive Branch of State Government" (Governor's Bill) (Emergency)  
H.P. 1142 L.D. 1542  
(C "A" H-581)

In Senate, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-581)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-581) AND HOUSE AMENDMENT "B" (H-637)** in **NON-CONCURRENCE**.

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

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

**ENACTORS**

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

**Emergency**

An Act Regarding Tax Anticipation Notes for Fiscal Year 1993-94  
H.P. 1156 L.D. 1555

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This would normally go on the Appropriations Table. I am going to ask that it not do so because it is an authorization for the Treasurer of the State to borrow \$170 million in tax anticipation notes for the next fiscal year. We need to do that in June to get the process started so that the money will be there for cash flow purposes when we begin the fiscal year and then we pay it back. It costs \$5.3 million to

float the bond but we get \$5.3 million back in interest so it pays for itself. It has to be done now in order to be timely. Thank you.

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

**COMMITTEE REPORTS**

**House**

**Divided Report**

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act to Restrict Private Political Campaign Contributions in State Elections"  
H.P. 1085 L.D. 1451

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

CAREY of Kennebec  
HALL of Piscataquis

Representatives:

DAGGETT of Augusta  
STEVENS of Sabattus  
BENNETT of Norway  
NASH of Camden  
ROBICHAUD of Caribou  
TRUE of Fryeburg

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-587)**.

Signed:

Senator:

HANDY of Androscoggin

Representatives:

LEMKE of Westbrook  
MICHAEL of Auburn  
BOWERS of Washington  
GAMACHE of Lewiston

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Which Reports were **READ**.

Senator **CAREY** of Kennebec moved that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending the motion by Senator **CAREY** of Kennebec to **ACCEPT** the Majority **UGHT NOT TO PASS** Report, in concurrence.

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

**PAPERS FROM THE HOUSE**

**Joint Order**

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

The following Joint Order:

H.P. 1160

**ENACTORS**

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

ORDERED, the Senate concurring, that Bill, "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1993-94," H.P. 859, L.D. 1168 and all its accompanying papers, be recalled from the Governor's desk to the House.

An Act to Reform and Reestablish the Commission on Governmental Ethics and Election Practices  
S.P. 225 L.D. 696  
(C "A" S-168)

Comes from the House **READ** and **PASSED**.

Which was **READ** and **PASSED**, in concurrence.

Comes from the House **FAILING OF ENACTMENT**.

Which was **PASSED TO BE ENACTED** and signed by the President in **NON-CONCURRENCE**.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

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

Senator **BALDACCI** of Penobscot was granted unanimous consent to address the Senate off the Record.

Senator **CAHILL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

Senator **BALDACCI** of Penobscot was granted unanimous consent to address the Senate off the Record.

Off Record Remarks