

# MAINE STATE LEGISLATURE

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# **LEGISLATIVE RECORD**

OF THE

**One Hundred And Sixteenth Legislature**

OF THE

**State Of Maine**

**VOLUME IV**

**FIRST REGULAR SESSION**

**Senate**

May 19, 1993 to July 14, 1993

**FIRST CONFIRMATION SESSION**

October 14, 1993

The Secretary has so informed the Speaker of the House.

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

In Senate Chamber  
Monday  
June 14, 1993

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

Prayer by the Honorable David L. Carpenter of York.

**SENATOR DAVID L. CARPENTER:** Good morning. Today I would like to borrow a prayer from Dr. Peter Marshall, who once was the chaplain of the United States Senate. Let us be in the spirit of prayer.

Lord, we are standing on the threshold of time. Since we cannot always do what we like, grant that we may like what we do, knowing that truth will one day be vindictive and right, in the end, must prevail. Bless these Senators this day and keep them all in thy peace. Amen.

Reading of the Journal of Wednesday, June 9, 1993.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

JOINT ORDER - relative to recalling Bill, "An Act to Improve Local Control over Liquor Licensing," H.P. 589, L.D. 793, and all its accompanying papers, from the legislative files to the Senate.

H.P. 1161

In House, June 9, 1993, **READ** and **PASSED**.

In Senate, June 9, 1993, **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

On motion by Senator **CAREY** of Kennebec, the Senate **ADHERED**.

Non-concurrent Matter

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

In House, June 8, 1993, **FAILED OF ENACTMENT**.

In Senate, June 8, 1993, **PASSED TO BE ENACTED** in **NON-CONCURRENCE**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-168) AS AMENDED BY HOUSE AMENDMENT "A" (H-647)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **ESTY** of Cumberland, the Senate **INSISTED**.

On motion by Senator **HANLEY** of Oxford, the Senate **RECONSIDERED** its action whereby it **INSISTED**.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Before we go much farther on this matter I would just like to have a little bit of discussion of why we are insisting on our action. I read through the amendment, the amendment would require a two-thirds vote of the both chambers of the legislature before an appointment was made to the Commission. I was wondering what the rationale would be as far as Insisting on our action, why are we not Receding. I would just like to have some open debate on this before we finally take the vote. I would be predisposed to support the amendment that the House put on and I would just like to understand the rationale of why I would be going along with the motion to Insist. Thank you.

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

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In response, I don't know what the rationale was for the gentleman from the other body to put this on for a two-thirds confirmation. My feeling is that there aren't any other Commissions or Boards that require a two-thirds confirmation and that is why I go along with the motion that was made previously. 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 guess if that is the only rationale that we are using, that there are other Boards that do not require that, I guess I would argue that the sensitive nature of this panel, as far as dealing with election matters, should have a two-thirds vote and maybe the actions of the House

are responsible and merit our consideration. Unless there is other explanations as far as why we would not go along with the House, I would be moving to Recede. I guess I would defer if there was another member of the chamber who could enlighten me on the rationale for not going along with the House. I would be willing to hear that, short of that I will be moving to Recede. Thank you.

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

Senator **ESTY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. As a member of the State and Local Government Committee another of the reason that I, and the good Chair also, felt that it was wise to Insist was because we have worked on this Bill and worked on it carefully and come to a compromise and an agreement. This was an amendment that was added by the other body without due consideration from the Senate members. There was concern about that, quite frankly, with the compromise that had been reached within the Committee. It seems to be a very good Bill and we didn't want to tinker with it anymore. We also felt that two-thirds was not necessary because of the compromises of the Bill. 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 like to pose a parliamentary inquiry. If, in fact, the Senate were to go along with the good Senator's from Cumberland suggestion, that we Insist, it is my understanding that unless the House agrees and asks for a Committee of Conference this Bill is dead and all of the good work that has preceded will have been for naught.

**THE PRESIDENT:** The Chair would inform the Senate that the other body could Recede and Concur.

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

Senator **ESTY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The point of Insisting, if I may, is to allow the House a couple of options. To Recede and Concur or to Insist and ask for a Committee of Conference. We could have Adhered, which would have put it in the position which you talked about. We chose not to do that because of the importance of the legislation. Thank you.

On motion by Senator **ESTY** of Cumberland, the Senate **INSISTED**.

Sent down for concurrence.

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**Non-concurrent Matter**

An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1993-94 (Emergency)

H.P. 859 L.D. 1168  
(S "A" S-237 to C  
"A" H-310)

In Senate, May 27, 1993, **PASSED TO BE ENACTED**, in concurrence.

**RECALLED** from the Governor's Desk pursuant to Joint Order H.P. 1160, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-310) AS AMENDED BY HOUSE AMENDMENT "A" (H-655)** thereto, in **NON-CONCURRENCE**.

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

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**Non-concurrent Matter**

Bill "An Act to Ensure Implementation of the Federal Clean Air Act Amendments of 1990"  
H.P. 963 L.D. 1294  
(C "A" H-534)

In Senate, June 3, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-534)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-534) AS AMENDED BY HOUSE AMENDMENT "A" (H-642)** thereto **AND HOUSE AMENDMENT "A" (H-653)** in **NON-CONCURRENCE**.

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

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**Non-concurrent Matter**

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  
(H "A" H-625)

In Senate, June 8, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-625)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-625) AS AMENDED BY HOUSE AMENDMENT "B" (H-659)** thereto, in **NON-CONCURRENCE**.

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

**COMMUNICATIONS**

The Following Communication:

June 9, 1993

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

Dear Madam Secretary:

The House today failed to recede and concur on 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).

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

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

**COMMITTEE REPORTS**

**House**

**Divided Report**

The Majority of the Committee on **LEGAL AFFAIRS**, pursuant to Joint Order H.P. 1135, on Bill "An Act to Reduce the Influence of Money in Elective Politics" H.P. 1150 L.D. 1550

Reported that the same **Ought to Pass**.

Signed:

Senator:  
CAREY of Kennebec

Representatives:  
DAGGETT of Augusta  
BOWERS of Washington  
GAMACHE of Lewiston  
BENNETT of Norway  
NASH of Camden  
ROBICHAUD of Caribou  
TRUE of Fryeburg  
STEVENS of Sabattus  
LEMKE of Westbrook

The Minority of the same Committee on the same subject, pursuant to Joint Order H.P. 1135, on Bill "An Act to Reduce the Influence of Money in Elective Politics"

H.P. 1151 L.D. 1551

Reported that the same **Ought to Pass**.

Signed:

Senator:  
HANDY of Androscoggin

Representative:  
MICHAEL of Auburn

Comes from the House with the Majority **OUGHT TO PASS** (H.P. 1150) (L.D. 1550) Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "B" (H-654) AND "C" (H-658)**.

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 **MCCORMICK** for the Committee on **BANKING & INSURANCE** on Bill "An Act to Collect Baseline Data to Facilitate Health Care Reform" (Emergency) S.P. 535 L.D. 1561

Reported that the same **Ought to Pass** Pursuant to Joint Order S.P. 527.

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.

Off Record Remarks

**ENACTORS**

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

An Act to Consolidate All Substance Abuse Programs within the Office of Substance Abuse  
H.P. 1099 L.D. 1486  
(H "A" H-631; S "B" S-316; S "D" S-324 to C "A" H-563)

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

(**RECALLED** from the Governor's Desk pursuant to Joint Order H.P. 1160, in concurrence.)

(In House, June 9, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-310) AS AMENDED BY HOUSE AMENDMENT "A" (H-655)** thereto, in **NON-CONCURRENCE**.)

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

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

**RECALLED FROM LEGISLATIVE FILES**

Bill "An Act to Repeal the Laws Allowing State Agencies to Adopt Rules Having the Force of Law"  
H.P. 777 L.D. 1050  
( C "B" H-558)

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

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

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

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

Off Record Remarks

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

(In Senate, June 7, 1993, **ADHERED**.)

(**RECALLED** from the Legislative Files, pursuant to Joint Order (S.P. 534), in concurrence.)

On motion by Senator **CARPENTER** of York, **RECESSED** until the sound of the bell.

After Recess

On motion by Senator **BERUBE** of Androscoggin, the Senate **SUSPENDED THE RULES**.

Senate called to order by the President.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADHERED**.

On further motion by same Senator, the Senate **RECEDED** and **CONCURRED**.

**ORDERS OF THE DAY**

**ORDERS OF THE DAY**

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

An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1993 - 94 (Emergency)

H.P. 859 L.D. 1168  
(S"A" S-237 to C"A" H-310)

Tabled - June 14, 1993, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, May 27, 1993, **PASSED TO BE ENACTED**, in concurrence.)

**Unfinished Business**

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

The Chair laid before the Senate the Tabled and Specially Assigned (6/9/93) matter:

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

H.P. 1149 L.D. 1549

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

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

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

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

Senator **CAREY** of Kennebec requested and received leave of the Senate to withdraw his motion to **ADOPT** Senate Amendment "A" (S-282).

On further motion by same Senator, Senate Amendment "D" (S-329) **READ.**

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would ask the good Senator from Kennebec, Senator Carey, to give us a brief explanation of his Senate Amendment, it seems to be fairly lengthy. 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 Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The amendment removes the Federal offices from this Bill. It increases the expenditure permitted for campaigns for Governor. It eliminates the restriction on contributions placed on candidates who refuse to agree to the voluntary limit, and that provision is a result of a letter I received on the 9th of June from the Attorney General's Office. It requires the Commission on Government Ethics and Election Practices to prepare lists of candidates and identify whether those candidates are practicing the voluntary limits. It requires every political advertisement to state whether or not the candidate has agreed to accept the voluntary limits or not. It adds an application clause to specify that candidates who have already appointed a political committee must specify whether they accept the voluntary limits within 10 days of the effective date of the Bill. Thank you.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to pose a question through the Chair. How does the affect the spending of outside groups in elections? For example, State Committees.

**THE PRESIDENT:** The Senator from Penobscot, Senator Pearson, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. As I recall the State Committee's could make any contribution they wanted to any particular candidate. PAC's would be limited in the amount of money that they could contribute. The idea behind both L.D. 1549 and L.D. 1550 was to try to reduce the influence of outside contributors without really having to go through a PAC. We in the Commission on Ethics could better find out where money is coming from. Thank you.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. A follow up question to the good Senator from Kennebec, Senator Carey. If the intent of the Committee was to limit outside money, and there was a limit on the amount that a candidate could accept from PAC's, what about organizations that are not considered PAC's but contribute to political campaigns? 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 Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. If I can read you a part of L.D. 1549, paragraph 9 on page 3 of the L.D. points out "Contribution Limitations for State and County Candidates Who Do Not Voluntarily Limit Political Expenditures: A candidate for a State or County Office who does not agree to voluntary expenditure limits, may accept campaign contributions of no more than \$100." That part of it has been taken out. That referred to what basically is the heart of this whole Bill, as to who can contribute. They are individuals, corporations, associations, committees, excluding a candidate's authorized committee, and contributors of any other kind. This does not apply to a candidate or a candidate's spouse. Obviously Federal law prohibits us from making any restrictions on a person spending as much money as they want on their own campaign. 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. If I could pose a question. To the good Senator from Kennebec, Senator Carey, just what was the rationale for excising the requirement of our Federal elected officers, not having to comply with these requirements and only limiting it to the Governor and State Legislative races?

**THE PRESIDENT:** The Senator from Oxford, Senator Hanley, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The Federal candidates are already restricted in what they can do under the Federal Elections Commission, therefore it was not felt that we needed to make anything that was different than what they had so we eliminated them altogether. Thank you.

On motion by Senator **CAREY** of Kennebec, Senate Amendment "D" (S-329) **ADOPTED.**

On motion by Senator **HALL** of Piscataquis, Senate Amendment "E" (S-332) **READ.**

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I seek an explanation of the amendment. Thank you.

**THE PRESIDENT:** The Senator from Penobscot, Senator Pearson, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This amendment basically sets a time table on the filing, moving it up to the 11th of April, that would therefore give you time enough to decide if you wanted to sign onto the voluntary limits. Thank you.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I can't really let this Bill, or the amendment, go by without letting the members of the Senate know what I think is a bad flaw in the Bill. We restrict the amount of money that a person running for the House, the Senate, or the Governor's Office, and we further restrict it by telling them how much the limit is as to what they can spend in the Primary and what they can spend in the General Election. Many of you, I think, are well aware that a person's biggest contest may be in the Primary where we allow the candidates to have roughly half of the money that we allow them to use for the General Election. It is for that reason that even I, standing here supporting this particular measure, feel that maybe this whole package ought to be Indefinitely Postponed. I will not make that motion but I certainly will make you aware of this very serious flaw. Thank you.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would hope that the body would oppose the adoption of this amendment. The reason that the Committee crafted this section this way, and let me read from the original Bill that this seeks to amend. "No later than 10 days after appointing a political committee, and before accepting contributions, making expenditures, or incurring obligations, a candidate for Federal, State or County office shall file in writing a statement declaring that the Candidate agrees to accept voluntary limits on political expenditures, or that the candidate does not agree to voluntary limits on political expenditures, pursuant to Section 1015, subsections 7 - 10." The reason the Committee crafted it this way is because a candidate can form that political committee at any time. What the amendment proposes to do is say that declaration has to take place after the filing period, therefore that period of time that a Committee has been formed, to that which a petition has been filed by the filing deadline, that candidate may raise all kinds of monies during that time and not come under the voluntary limits. What the amendment, as proposed by the good Senator from Piscataquis, Senator Hall, does is drive a gaping hole through this. I would urge the defeat of this amendment. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. It is true that you would be able to raise more money before this filing period time, but you are still going to be governed with the voluntary, if you sign on, you will still be governed by how much you can spend regardless of how much you raised. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **HALL** of Piscataquis, to **ADOPT** Senate Amendment "E" (S-332).

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.

16 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **HALL** of Piscataquis, to **ADOPT** Senate Amendment "E" (S-332), **PREVAILED**.

On motion by Senator **CAHILL** of Sagadahoc, Senate Amendment "B" (S-315) **READ**.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Just briefly I will explain what this amendment does. In the original Bill it called for three new positions in the Secretary of State's Office, which will ultimately place this Bill on the Appropriations Table. Having spent much of the weekend with the Appropriations Committee, I think they have enough to worry about without having three new positions in the Secretary of State's Office. Thank you.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Nevertheless, if you are going to put a lot of duties on a Commission, I don't know how you can make it all go away, the cost of it, by putting on an amendment that says it won't cost anything. I think that is essentially what the good Senator is doing. I'm not presuming to know whether they need three positions or not but it seems to me it is obvious if you keep asking them to enforce more and more laws that there is going to be some impact. I'd like to ask her if she would address that please. Thank you.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would be happy to address what I believe is the answer to that question. First of all, the Commission on Governmental Ethics and Election Practices will implement this Act and it is my understanding that, other than per diem, they give their time to the State. I don't know if we need, for example, the position of a Clerk Typist, a Data Entry Specialist position and a Research and Planning Assistant position, in order to implement voluntary campaign limits. I'm just trying really to help out the Appropriations Committee with the dilemma that they are faced with down in Room 228. I think this is not the time for us to be adding positions in State Government and I think that everyone is expected to do more and I think this is one of those cases, that people are going to have to absorb the new duties to the best of their ability within existing Staff. I would ask for a Division. Thank you.



Senator **CAHILL** of Sagadahoc 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. I have seen some creative ways to get fiscal notes off from Bills before but if we could go and order people to do everything within their existing resources we could actually pass a budget around here by the end of the day. I think it is unrealistic to just put an amendment together that says do it within the budgeted monies that you have already and get the note off and call it a day. To me it would seem impossible. Thank you.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would suggest to the good Senator from Cumberland, Senator Conley, that we do it all the time. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator **CAHILL** of Sagadahoc to **ADOPT** Senate Amendment "B" (S-315).

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.

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator **CAHILL** of Sagadahoc, to **ADOPT** Senate Amendment "B" (S-315), **FAILED**.

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to pose a question through the Chair. I have been trying to go through all of these amendments on this Bill, and I know we have several Bills that deal with the same subject. Contained in this Bill, is there the provision, because I know it is in one of these Bills, but is it in this Bill where a person who accepts the voluntary spending limits has to put that on their advertising or if they don't they have to put that on their advertising. I can't see it in any amendment or in any Bill. Thank you.

**THE PRESIDENT:** The Senator from Kennebec, Senator McCormick, has posed a question through the Chair to any Senator who may care to respond. The Chair recognized the Senator from Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. If I may, I would like to read out of Section 3, item 1-A. "Voluntary Campaign Expenditure Limitations - Any communication described in subsection 1, and authorized by a candidate, a candidate's authorized political committee, or their agent, must contain the following statement, 'This candidate has/has not agreed to comply with the voluntary campaign spending limits

established by statute." That would take care of the lady's question. Whether or not it adds another 15 or 20 seconds to the candidate's expenditures I don't know. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would move that this L.D. and all accompanying papers be Indefinitely Postponed in recognition of the good Senator from Kennebec, Senator Carey. Thank you.

Senator **CLEVELAND** of Androscoggin moved to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

The Chair ordered a Division.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'm quite taken aback by my good friend and colleague from Androscoggin, Senator Cleveland, also my carpool rider who may be without a ride tomorrow. I sincerely hope you will not Indefinitely Postpone this Bill. In our efforts this legislative session to restore the public's trust in government we have dealt with the issue of electoral politics in Maine on a number of fronts. One, as it relates to the balloting process. Two, as it relates to the length of service that we, as members, may serve. Three, on this front, the area of campaign finance reform. In my first term in the legislature I sponsored legislation to address this issue. Back then many of my contemporaries said it is not a problem, let's wait until there is a problem to do something. More than 10 years has passed since then and in just the last three election cycles we have seen 358% increase in the cost of elections for members of the Maine Senate. Notwithstanding the public's perception, and in politics we have heard it a number of times, perception is reality. We see it at the national level, with the inordinate influence of Political Action Committees impose upon the electoral process and policy making. We do see it here at the State level. We have an opportunity not to impose a requirement on those who would run for public office in this State, but to offer a suggestion of voluntary limits. What can be more American? The opportunity to make your choice as to how you, as a candidate for public office in this State, will conduct your campaign. Will you be ever mindful of the influence of Political Action Committee's money? Let me say categorically that is not meant to cast any shadow or aspersion on any member of this body currently serving or having served, but so long as there is the impression that those of us who choose public service are somehow put in the position of having to struggle with our consciences every now and then, this is the least, the very least that we can do to take one step toward restoring the public's confidence in the electoral process and in this institution in which we serve. Thank you.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is one of three particular Bills that came up during the last week or ten days of the Committee's deliberations. We had, during the session, accumulated Bills which we had

hoped to put together in the Public Financing Sector, we had Bills we had put together for campaign reform, and we had Bills that we had put together to try to control the amount of money going through the election process. None of those Bills had any mention of a member of this body or the other body having sold out to the lobby. I personally don't believe that that has happened. We think, some of us do, even though we signed the Majority Report, that we actually had to rush these things out to the floor with the deadline that had been given to us. We had a struggle at one time as to whether it was the President's deadline, or the Speaker's deadline, which was a little different, that controlled. We did turn the Bill out within the required time. I don't believe that any of us on that Committee are totally satisfied with the Public Funding Bill, the Campaign Reform Bill, or the amount of money spent in an election Bill. I would strongly urge that maybe, having killed the public funding Bill, that we kill L.D. 1550, 1551, the good Bill of the Senator's if that comes up, and 1549, and put out a Joint Order so that we can have a study made of the entire elections process to report back to the 117th Legislature. Ample time, ample input, plenty of time for public hearings throughout the State. These things are not really what any of us want as the ultimate. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I introduced this motion for Indefinite Postponement because I think that this legislation is fatally flawed. I want to support legitimate, honest, effective, workable campaign reform so that none of us have to be belabored by excessive fund raising and accepting funds in larger denominations from interest groups than we would prefer to do. I think it is not responsible to pass legislation simply because we think that it is the public sentiment to do it when we know that the Bill is fatally flawed. An example would be, because of Constitutional limitations that an individual, who is financially very well to do, could spend as much money as they want, would have the ability to do that, would put someone who had accepted limitations at a distinct disadvantage. It also doesn't recognize the difference between Primary and General Elections. Further, it really doesn't deal, because of the limitations involved, in what any outside group, not linked to any candidate, not linked to any political action committee, some outside interest group who has a particular agenda which they want to pursue, either looking to defeat a particular candidate, support a particular candidate, would be free to spend whatever money that they wanted to independently at the last minute on kinds of advertising and information that would disadvantage one candidate or the other. Those who had honestly accepted the limit would be greatly disadvantaged in responding to what might be misrepresentation of the record or the facts on a candidate's position. I wish I had something that I could vote for, I would vote for it in a moment. I'm not prepared to vote for something that distorts the legitimate process. 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 couldn't agree with my good friend from Androscoggin, Senator Cleveland, any more wholeheartedly, but we come using

the same rationale but to different conclusions. I, for one see many flaws in this Bill, and it is not the piece of legislation that I would optimally vote for. There are many things missing from this legislation, many things which I think should be here for the people of the State of Maine, many things which I think gloss over some of the flaws inherent in our system. Given all that, I think this is one step, one little baby step, in the right direction. We have many more monster steps that need to be taken but to try and shut the system down without taking even this little minor step, I think, is a little bit too drastic. For that reason I will be voting for this legislation by voting against the Indefinite Postponement. Mr. President I request the yeas and nays.

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

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator **CLEVELAND** of Androscoggin to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

A vote of Yes will be in favor of **INDEFINITE POSTPONEMENT**.

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 **BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, LUTHER, O'DEA, PARADIS, PEARSON, TITCOMB, VOSE**

**NAYS:** Senators **AMERO, BEGLEY, BUTLAND, CAHILL, CARPENTER, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, MARDEN, MCCORMICK, PINGREE, SUMMERS, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE**

**ABSENT:** Senators None

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, with No Senators being absent, the motion of Senator **CLEVELAND** of Androscoggin, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, **FAILED**.

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

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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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 Modify Various Licensing Board Laws  
 S.P. 490 L.D. 1501  
 (S "D" S-305; S "A" S-268; S "C" S-293 to C "A" S-252; S "A" S-294; S "B" S-320)

An Act to Clarify the Law Concerning Aquaculture  
 S.P. 531 L.D. 1559  
 (C "A" S-322)

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 Motor Vehicle Emission Inspection Program

H.P. 1005 L.D. 1351  
 (H "B" H-583; S "A" S-301; S "B" S-318 to C "A" H-537)

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

**Emergency Resolve**

Resolve, to Abolish the Department of Human Services and the Department of Mental Health and Retardation and Create a New Department of Health and a New Department of Children and Families (Governor's Bill)

H.P. 1112 L.D. 1508  
 (H "A" H-600; S "B" S-314 to C "A" H-516)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with No Senators having voted in the negative, and 35 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 Resolve Mandate**

Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1993

H.P. 1158 L.D. 1557

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 34 Members of the Senate, with No Senators having voted in the negative, and 34 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:

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

**Emergency**

An Act to Revise the Salaries of Certain County Officers

H.P. 1159 L.D. 1558

In House, June 9, 1993, **FAILED OF ENACTMENT**.

In Senate, June 9, 1993, **PASSED TO BE ENACTED** in **NON-CONCURRENCE**.

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

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

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

Senator **BERUBE** of Androscoggin.  
 Senator **BUTLAND** of Cumberland.  
 Senator **BUSTIN** of Kennebec.

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 Minimize Electric Rates

S.P. 307 L.D. 940  
 (S "A" S-306 to C "A" S-159)

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Before we finally cast our vote on this issue I want to remind you one more time that I believe this is the new stealth policy by the Electric Utilities Company. They have lobbied for this Bill unbelievably. At least a dozen lobbyists and staff people have lobbied on this Bill, yet we cannot be told and have not been told how the Bill is supposed to be implemented. No one is willing to tell you how. I have suggested to you that the how will be a method that will penalize average residential users of electricity. That was what the intent of the Utilities is, that they will pursue it with every resource that they have at the Public Utilities Commission, and that they somehow hope that this will give them some greater legitimate basis on which policies which they choose to implement, which may not be in the best interest of residential consumers, will result. I will add despite the honest and best intentions of the sponsors and those who are supportive of it, it is a new kind of aggressive, secretive policy, preying on the fears of individuals because of unfortunate rates, to implement legislation that is unclear and not explained. I would ask you not to proceed in an area where the Public Utilities Commission has said is not necessary, the Public Advocate doesn't support it as well. All existing laws and regulations are in place to accomplish what the Bill needs to do. Mr. President, I ask for the yeas and nays.

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

**THE PRESIDENT:** The pending question before the Senate **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, BEGLEY, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CONLEY, ESTY, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, LAWRENCE, LUDWIG, LUTHER, MARDEN, O'DEA, PARADIS, PEARSON, SUMMERS, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

**NAYS:** Senators BERUBE, BRANNIGAN, CLEVELAND, HANDY, KIEFFER, MCCORMICK, PINGREE, TITCOMB

**ABSENT:** Senators None

27 Senators having voted in the affirmative and 8 Senators having voted in the negative, with No 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.

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

H.P. 138 L.D. 183  
(C "A" H-582; H "A" H-607; S "A" S-302)

In Senate, June 8, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-582) AND HOUSE AMENDMENT "A" (H-607) AND SENATE AMENDMENT "A" (S-302), in NON-CONCURRENCE.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-582) AS AMENDED BY HOUSE AMENDMENT "A" (H-660) 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 vote to Recede and Concur I notice that there is a new amendment, which is H-660, which is 7 or 8 pages of all new language. I hate to ask the question, but I was hoping that someone who knows more about this issue than I do could perhaps explain some of what that amendment does. Thank you.

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Thank you very much for that question. This amendment, for all its length, merely delays the onset of this Bill for six months, thereby allowing employers to renegotiate their contracts, their health insurance contracts, if they would like to do that. That's what it does. It also removes the Emergency clause of the Bill. Thank you.

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

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

A Division has been requested.

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

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

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **ESTY** of Cumberland, to **RECEDE** and **CONCUR**, **PREVAILED**.

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

**Non-concurrent Matter**

Bill "An Act to Amend the Laws Governing Vending Machine Sales of Cigarettes"

H.P. 1060 L.D. 1428  
(CC "A" H-649)

In Senate, June 9, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (H-649)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-661)** 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 Specially assigned (6/9/93) matter:

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

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

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

Pending - **FURTHER CONSIDERATION**

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

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

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is one of the items that will need a two-thirds vote obviously, because it is a Constitutional amendment and we may be wasting time by going any further with this so I would move the Indefinite Postponement.

**THE PRESIDENT:** The Chair would inform the Senator from Kennebec, Senator Carey, that the motion to Indefinitely Postpone is not properly before this body. The Senator has to move to Adhere if he wants to have the same effect.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I strongly believe that a motion to Adhere would not go any place so I will not make that motion. Thank you.

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

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

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.

14 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion of Senator **CAHILL** of Sagadahoc, to **RECEDE** and **CONCUR**, **FAILED**.

On motion by Senator **CAREY** of Kennebec, the Senate **ADHERED**.

Sent down for concurrence.

Off Record Remarks

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

The Chair laid before the Senate the Tabled and Specially Assigned (6/9/93) 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 8, 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**.)

(In House, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-585)**.)

Senator **CAREY** of Kennebec moved to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to have the good Senator from Kennebec, Senator Carey, enlighten me as to why I should Indefinitely Postpone this Bill. 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 Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This Bill was submitted and was intended to grant more powers to a third party candidate then is already given to [Due to technical difficulties, all of Senator Carey's remarks were not recorded.]

On motion by Senator **CAREY** of Kennebec, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Sent down for concurrence.

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

An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1993 - 94 (Emergency)

H.P. 859 L.D. 1168  
(S"A" S-237 to C"A"  
H-310)

Tabled - June 14, 1993, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, May 27, 1993, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk pursuant to Joint Order H.P. 1160, in concurrence.)

(In House, June 9, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-310) AS AMENDED BY HOUSE AMENDMENT "A" (H-655)** thereto, in **NON-CONCURRENCE**.)

The Chair moved that the Senate **RECEDE** and **CONCUR**.

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

Senator **KIEFFER:** [Due to technical difficulties, all of Senator Kieffer's remarks were not recorded]...The amendment reducing the amount by some \$400,000 reduces that percentage of increase 18%. I have to rise and speak about the way the people in the Unorganized Territories have been treated from a taxing standpoint, especially in regard to the Tree Growth Tax law. The figures pretty much speak for themselves for the year 1992 and the Tree Growth Tax Reimbursement Provision of that Bill. The amount of total tax reimbursement is \$1,734,543.01. This is determined by a tree growth acreage figure of 10,540,667 acres. The amount of acreage that is located in the Unorganized territories, of that 10,540,667 acres, is 7,540,070 acres, 3/4 of the tree growth tax law is located in Unorganized territories and yet not one dollar was credited to the unorganized territories in the past several years. This in turn duplicates some of the charges to the people who either live or have property in unorganized territories, for example, certain types of provisions that are provided by LURC in the unorganized territories are the same things that DEP does in the organized cities. Yet DEP is funded completely through the General Fund and there are no specific charges made for specific services rendered. Yet in the unorganized territories the charges are paid to LURC by the people and the organized territories themselves. I believe this is very unfair. I don't have a Bill to make an amendment on this but I do want to point this out and I do think this should be changed by legislation in the future and I will attempt to do that. Thank you.

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

Senator **BALDACCI:** Thank you Mr. President, Ladies and Gentlemen of the Senate. It is always appreciative to get a reminder and education into the unorganized territories and the sacrifice and burdens that are placed upon them, and I appreciate the good Senator from Aroostook, Senator Kieffer following in the footsteps of the former Senator from Aroostook, Senator McBriarty, because we always certainly did get our educations in lessons from the good Senator from Aroostook, Senator McBriarty, and it is so noted. It is a concern to the Committee and not only that but a lot of other issues as they pertain to the unorganized territories. I just want to say thank you and that it has been noted. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The last several days I have received calls from quite a few of my constituents that live in unorganized territories. They are quite upset with the passage of this Bill, they will receive a 26% tax increase, and they are not happy with that and I don't know if I blame them. We do need to do something. I know of several organized towns that will become disorganized very quickly unless we make different provisions, and it has to be done. I urge that we do not pass this Bill. Thank you.

June 14, 1993

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'm not quite sure I understand the point the Senator from Piscataquis has made when he says a 26% increase was a heavy increase and then he said there are quite a few organized towns that will think about deorganizing. One doesn't seem to go with the other. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Thank you very much for bringing that to my attention, it doesn't make much sense does it? For some of these people in some of the small organized town, their school taxes are hitting them so hard they probably will end up with less expensive taxes if they were unorganized. Thank you.

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

Off Record Remarks

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

Off Record Remarks

On motion by Senator **BRANNIGAN** of Cumberland, **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:

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

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

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it failed to enact Bill "An Act to Provide Access to Landlocked Property" (H.P. 1051) (L.D. 1403).

Sincerely,

S/Joseph W. Mayo  
Clerk of the House

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

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 Centralize Further the Permitting Process for Retail Businesses and to Allow Some Municipalities to Act as Central Permitting Agents  
H.P. 399 L.D. 512  
(H "A" H-408 to C  
"A" H-367)

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

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

**HELD BILL**

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

Senator **ESTY:** Mr. President, is the Senate in possession of L.D. 183?

**THE PRESIDENT:** The Chair would answer in the affirmative, the Bill having been held at the Senator's request.

On motion by Senator **ESTY** of Cumberland, the Senate **RECONSIDERED** its action whereby it **RECEDED** and **CONCURRED** on:

Bill "An Act to Reenact the Laws Governing Equitable Insurance Coverage for Mental Illness" H.P. 138 L.D. 183 (H "A" H-660 to C "A" H-582)

(In Senate, June 9, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-302) AND HOUSE AMENDMENT "A" (H-607) AND COMMITTEE AMENDMENT "A" (H-582) in NON-CONCURRENCE.**)

(In House, June 14, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-582) AS AMENDED BY HOUSE AMENDMENT "A" (H-660) thereto, in NON-CONCURRENCE.**)

(In Senate, June 14, 1993, **RECEDED and CONCURRED.**)

On further motion by same Senator, the Senate **RECEDED** from its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE.**

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

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

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Committee Amendment "A" (H-582).

House Amendment "A" (H-660) to Committee Amendment "A" (H-582) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-582) As Amended by House Amendment "A" (H-660) thereto, **ADOPTED**, in concurrence.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I see confused looks among some members and I would like to have the sponsor of all these good amendments and motion please explain to us why what we just did was necessary and if anything in the piece of legislation changes. Thank you.

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

Senator **ESTY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. My understanding is that there was an administrative error regarding one of the amendments and that I needed to go through this process to correct that administrative error. There was no substantive change at all. That is why the Bill was held. Thank you.

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

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.

**THE PRESIDENT:** The pending question before the Senate is **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE.**

A vote of Yes will be in favor of **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE.**

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 **BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PINGREE, SUMMERS, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

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

**ABSENT:** Senators None

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, with No Senators being absent, the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE.**

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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Senate at Ease

Senate called to order by the President.

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#### ORDERS OF THE DAY

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

**HOUSE REPORTS - from the Committee on LEGAL AFFAIRS, pursuant to Joint Order H.P. 1135, on Bill "An Act to Reduce the Influence of Money in Elective Politics"**

H.P. 1150 L.D. 1550

Majority - **Ought to Pass** (H.P. 1150) (L.D. 1550)

Minority - **Ought to Pass** (H.P. 1151) (L.D. 1551)

Tabled - June 14, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, June 14, 1993, Reports **READ.**)



(In House, June 9, 1993, Majority **OUGHT TO PASS** (H.P. 1150) (L.D. 1550) Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-654) AND HOUSE AMENDMENT "C" (H-658).**)

Senator **CAREY** of Kennebec moved to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

**THE PRESIDENT:** The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'm going to ask you to vote against the Indefinite Postponement of this Bill. I do have an amendment I would like to add on to it and I would like to put that amendment on it before we kill it, if at all possible. They kind of go together. My amendment pertains to another Bill.

**THE PRESIDENT:** The pending question is the Indefinite Postponement of the Bill and Accompanying Papers. The Senator's amendment is not before us.

Senator **HALL:** Thank you Mr. President. I would urge you to vote against it. Thank you.

Senator **CAREY** of Kennebec requested and received Leave of the Senate to withdraw his motion to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

Senator **HANDY** of Androscoggin moved that the Senate **ACCEPT** the Minority **OUGHT TO PASS** (H.P. 1151) (L.D. 1551) Report in **NON-CONCURRENCE**.

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

Senator **HANDY:** [Due to technical difficulties, all of Senator Handy's remarks were not recorded.] The influence of money in elected politics limits contributions by limiting the aggregate number of contributions from individuals, corporations, associations and committees, excepting party committees. PAC's and candidates authorized political committees are limited to \$500 to a candidate for Governor, \$300 for a candidate to the State Senate and \$200 for a candidate to the State House of Representatives. I know the good Senator from Piscataquis, my colleague on the Legal Affairs Committee, Senator Hall, has an amendment to offer to the other fort, however it certainly would give him the opportunity to offer the same amendment, were it to be redrafted, to be entertained under L.D. 1551, should it be adopted by this body. This Bill also limits the aggregate contributions to PAC's to \$2000 for a candidate for Governor, \$1000 for Senate, \$500 for House, and PAC's may not make contributions to candidates aggregating more than \$30,000 per calendar year. I know we had discussions on an earlier piece of legislation dealing with voluntary limits, this is the companion piece to that. This addresses the other side, the kinds of money that are spent by political committees, PAC's, in elections. I would hope you would support L.D. 1551. Thank you.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would hope that we do not adopt the Minority Report so we can go on to the Majority Report so that the good Senator from

Piscataquis can put on his amendment and then possibly I can get to my motion. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator **HANDY** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS** (H.P. 1151) (L.D. 1551) Report in **NON-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.

6 Senators having voted in the affirmative and 26 Senators having voted in the negative, the motion of Senator **HANDY** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS** (H.P. 1151) (L.D. 1551) Report in **NON-CONCURRENCE, FAILED**.

The Majority **OUGHT TO PASS** (H.P. 1150) (L.D. 1550) Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

House Amendment "B" (H-654) **READ** and **ADOPTED**, in concurrence.

House Amendment "C" (H-658) **READ** and **ADOPTED**, in concurrence.

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

On motion by Senator **HALL** of Piscataquis, Senate Amendment "A" (S-284) **READ** and **ADOPTED**.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Although the Majority Report is not my preference, it certainly provides the other step that we need in this whole process of campaign finance reform. The amendment that we just adopted even broadens the Majority Report somewhat, but again it is still palatable to me because we are taking that step, we are making that step to show that we are indeed ready to be accountable to our public, we are ready to begin to restore faith in our government. So I would hope you would oppose the motion of the good Senator from Kennebec, Senator Carey, of the Indefinite Postponement of this Bill so we can accept the Majority Report as amended. Thank you.

Senator **CAREY** of Kennebec moved that the Bill and Accompanying Papers be **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **CAREY** of Kennebec to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-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.

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **CAREY** of Kennebec to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

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Off Record Remarks

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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 Today Assigned matter:

**Emergency Mandate**

An Act Requiring Public Schools to Purchase Insurance through a Competitive Bidding Process  
H.P. 1162 L.D. 1560

Tabled - June 9, 1993, by Senator **ESTY** of Cumberland.

Pending - **ENACTMENT**

(In Senate, June 9, 1993, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, June 9, 1993, **PASSED TO BE ENACTED.**)

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

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Last Wednesday when we discussed this Bill I asked that it be tabled for 1 Legislative Day to prepare an amendment. After spending the weekend at home and talking to the members of the School Board, as well as members of our School Administration, I feel that this Bill is not worthy of an amendment and I don't believe that one amendment will correct all of the problems that I have with the Bill. I certainly am not opposed to the bidding process, for either municipal or school administrative insurance programs. However, this Bill does not do that, it provides for the bidding process for only a portion of the insurance programs of a school district. First of all, the school board, in any municipality that I know of, is a publicly elected body. They are elected exactly the same way you and I are, they are elected the same way that municipal officers are in a community. I cannot bring myself to put mandates on these bodies of elected officials and have us regulate the parameters under which they must operate. I'm sure it's easy to say the we participate in the funding of school districts, and it certainly is true, we also participate in the fundings of municipalities. So if we are going to go along this route, I would suggest

that we not only dictate what the school board members are going to do, why don't we just appoint them. Then we will have complete control over their entire process. Under this proposal, I am concerned about the small communities, that today have their school insurance combined with their municipal insurance. I'm afraid that this will actually end up costing them funding, by splitting away from the municipality, and having to go on their own. Certainly they do receive larger fleet discounts by combining their insurance with the city, they certainly receive lower individual blanket average rates on the higher protection coverages that they have. I just think that in the small communities this has the potential of hurting them very much. I think that this is really a Bill that will favor the Insurance Companies. We certainly haven't seen any of them here lobbying against this Bill, and I just feel very strongly that school boards are staffed by outstanding people in our community, certainly by limiting the ability of theirs to make decisions in their own local community I believe that we are going to degrade the quality of people that will eventually run for these school board positions. Mr. President, on this I would like to ask for a Roll Call please. Thank you.

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.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator O'Dea.

Senator **O'DEA:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would ask you to please reject the motion of the Senator from Aroostook, Senator Kieffer, that we adopt this amendment. This Bill is the product of three years of work by members of the Banking and Insurance Committee, the Joint Standing Committee on Education, the insurers, school management people from around the State, and represents one of the single most effective things you can do this legislative session to hold down the costs in your school district. Some of you who were here in past sessions may recall a Bill that would have had the Division of Risk Management, in the Executive Branch, insuring schools, or bidding for school insurance competitively. That has evolved into this plan which has been signed on by everyone who has an interest in school insurance. This plan enhances the market place, it requires for competitive bidding for school insurance by private insurers. The suggestion was raised by the Senator from Aroostook, Senator Kieffer, that this Bill somehow was a mandate. Senator Kieffer's town happens to be the same town that I graduated from High School in, and it receives about 70% of its school funding from the State. All we are asking Caribou to do now, or Orono, or any other town in this State, is to put their insurance out to bid so that they might hold their costs down and have more dollars available for teaching. That's all. In the past year or so, as it became obvious that this Bill may very well become a reality, the price of school insurance has come down dramatically. The savings that have been calculated thus far across the State exceed \$1 million. This Bill simply requires districts around the State to bid out their insurance, nothing more. The suggestion that is raised in the amendment would require that in addition to property insurance, Workers' Compensation and health insurance also be bid out. The Committee has not had time to examine that. The issue of property insurance has taken three years to bring to a conclusion that works, that

enhances the market place rather than threatens it. This amendment is certainly premature. I need to tell you that this issue of insurance consolidation for school districts is one that we are looking at very hard. Everybody has talked about having some kind of systemic changes in education and finding ways to lower education costs, this is one that we can enact today and your district and mine will all be better served by it. I would urge you to vote against the amendment and vote in favor of the Bill. Thank you.

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

Senator **AMERO:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I do believe that the Senator from Aroostook, Senator Kieffer, is not bringing forward his amendment, so I would urge all members of the Senate to please consider carefully this L.D. I do believe that the estimates are that it will save school districts between 8% and 10% if they send out to bid the insurance on their building and buses and like matters. I think in these times that we really look at every way we can to realize savings in the school districts so that that money can be spent for more important items, like textbooks and other equipment that the schools so vitally need. I would urge that you please consider carefully your vote on this item. It is a unanimous report out of the Education Committee, it has the support of the Governor's Office, the Office of Risk Management, and the insurance industry. I ask for you to vote positively on the Bill before you. Thank you.

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

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Just as a matter of clarification, I stated earlier that I did not introduce my amendment on this Bill. I believe that this is such a small item in a school budget that somebody has overlooked where the real money is. To clarify one fact, as far as the insurance in Caribou, it has been bid for many, many, many years, as well as the city's insurance. I support that entirely. 100% I support that. When you look at the number work, in Caribou for example, this weekend we looked the figures over, you are looking at about \$26,000 on the fire and property insurance that is involved or would be picked up under this particular bid. However, this doesn't talk about health insurance, and the health insurance there is \$2 million a year, and that is completely ignored under this Bill. The Workers' Compensation is completely ignored. The other day in here we heard the good Senator from Kennebec, Senator McCormick, make the statement that many companies are coming back to the State to carry Workers' Compensation. If that is true, and I certainly hope that it is, why not encourage them. Why not include them in this bidding process for the many school districts and school unions under this particular Bill. Where is the axe to grind that we have singled out such a small segment of the overall school budget? In Caribou we buy two new school buses a year, they average about \$75,000, that's \$150,000. We aren't mandating that this same school board put those school buses out to bid. I just don't understand why we are looking at such a small part of this without looking at the big picture if we are going to mandate what local school boards are directed to do. 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, CAHILL, CAREY, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

**NAYS:** Senators BEGLEY, BUTLAND, CARPENTER, CIANCHETTE, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, SUMMERS

**ABSENT:** Senators None

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 22 Members of the Senate, with 13 Senators having voted in the negative, and 22 being less than two-thirds of the entire elected Membership of the Senate, **FAILED ENACTMENT** in **NON-CONCURRENCE**.

Sent down for concurrence.

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On motion by Senator **CAHILL** of Sagadahoc, **RECESSED** until 6:30 this evening.

After Recess

Senate called to order by the President.

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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 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  
 (H "B" H-659 to H  
 "A" H-625)

An Act to Amend the Laws Governing Vending Machine Sales of Cigarettes

H.P. 1060 L.D. 1428  
(H "B" H-661)

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

**Emergency**

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  
(H "A" H-655 to C "A" H-310)

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

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I realize that this Bill has gone through a series of meetings and discussions, I know the Bill was called back from the Governor's Office, I know that the Committee has worked hard on trying to reach an agreement. I represent, as do many Senators here, a large part of the State that is unorganized, an area of the State where the people are having a hard time, like the rest of us, paying their mortgage payments, buying their groceries, heating their homes, and all the other kinds of things that the rest of our constituents have. I feel empathy for the people of Greenbush, or Greenfield or where ever it is, the town which deorganized and caused this huge, from what I understand and perhaps someone could explain this better than I can, increase. Perhaps that is the way the rules are played and we need to change the rules. I can't support this Bill simply because it does put an 18% tax increase to the municipalities, the unorganized territories in this State, people who I might add, many of them don't even have fire protection, they don't have public sewers, they don't have police protection, they don't have the kinds of services that most of us are used to and expect. For that reason I will be voting against this Bill even though I know it is a compromise. I hope you vote against this and if it does get defeated then we can look at further solutions to try and make this more reasonable. Thank you.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Before Greenfield deorganized, and without even taking Greenfield into consideration, it was 26%. Greenfield had nothing to do with it, it is a very small amount of money when you consider the whole municipal cost component. Obviously when a town deorganizes it does affect it somewhat but it is wrong to lay it at the steps of the people of Greenfield because those people found themselves in a situation where the State budget, the State budget, was so inadequately funded when it came to education

for special needs, that when 3 or 4 people in town required special needs for education, it broke the back of the town, because we didn't fund it here. That's what happened as far as Greenfield. The 26% raise is not directly attributable to Greenfield. Thank you.

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

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to thank the Senator from Penobscot, Senator Pearson, for enlightening me as to what this does. I stand corrected. I don't know the people of Greenfield or want to blame them for this situation. I do know that, because a lot of us in this chamber do not have unorganized territories, and this will not affect you, but if you were voting to raise the property taxes in your districts by 26%, or 18% because I believe it has been worked on and now it is an 18% increase, you wouldn't be voting for this. An 18% increase at the local level to these people who have no services is unreasonable, it is excessive and this legislature should spend more time on this and try to reach an agreement that will pass this chamber and the other body that is more reasonable. An 18% increase, in my opinion, is not fair to those people who live in unorganized territories. Thank you.

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.

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

Senator **BALDACCI:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would encourage you to support the enactment of this emergency, in regards to municipal cost components for unorganized territories, the Committee was appraised of the situation and recalled the Bill from the Governor's desk. We are in the waning days of this particular session and the Committee unanimously approved this amendment to put \$400,000 towards that \$1.2 million increase, to bring that down and to set into motion a review mechanism with the manager of the unorganized territories and the Superintendent of schools. There is a concern, there is a lot of possibilities that could happen and jeopardize the risk of the State because of that particular process. This is a unanimous amendment that has been approved by the Committee. I would hope that you would support it and support the Committee in that process. This is an issue that needs a lot more review and a lot more time being spent, even though a lot of us aren't involved in the unorganized areas, because of certain developments it is something that is going to cause more review and we need to be more and more cautious about it. This is a very good situation that we have set up here to address the property tax increase that was brought to our attention. It was exhorbitant, we were able to address that in a few days and get this Bill back in shape. It has got to be resolved now and I would appreciate your support at this time in realizing that a lot has to be done when we start reviewing this in January. 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, BEGLEY, BERUBE, BRANNIGAN, CAHILL, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, MCCORMICK, O'DEA, PARADIS, PINGREE, SUMMERS, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

**NAYS:** Senators BUTLAND, CARPENTER, FOSTER, GOULD, HALL, HANLEY, KIEFFER, LUDWIG, MARDEN, PEARSON, WEBSTER

**ABSENT:** Senators BUSTIN, CAREY, HARRIMAN, LUTHER

Senator **PEARSON** of Penobscot requested and received Leave of the Senate to change his vote from **YEA** to **NAY**.

This being an Emergency Measure and having received the affirmative vote of 20 Members of the Senate, with 11 Senators having voted in the negative, and 20 being less than two-thirds of the entire elected Membership of the Senate, **FAILED ENACTMENT** in **NON-CONCURRENCE**.

On motion by Senator **PEARSON** of Penobscot, the Senate **RECONSIDERED** its action whereby this Bill **FAILED ENACTMENT** in **NON-CONCURRENCE**.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. For two years one of the assessments that was supposed to go to the municipal cost component of the unorganized territories was not paid to that fund. It was picked up by the General Fund, for two years. It is being picked up this year by the municipal cost component, not a big sum, but nevertheless a sum of money, I don't remember exactly what the figure is. Couple that with the fact that we are talking about those activities in the unorganized territories that include a lot more than the Land Use Regulation Commission of the Department of Environmental Protection. We are talking about schools and education of children in Rockwood, above Greenville on Moosehead, in Connor, just outside of Caribou, in schools in Washington County, and those people who live in the unorganized territories all over the State, those are independent free standing schools, but there are many students who live in unorganized territories who go to the public schools. Old Town, Brewer, you name it, whenever there is an unorganized territory close to it, this is where it is funded. Failure to enact this municipal cost component for the unorganized territory services will mean that those services will not be rendered. Thank you.

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

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Failure to pass this Bill as presented means that we go back to the drawing board. That's what failure to pass this

means. Passing this Bill as written forces an 18 - 20% tax rate, property tax increase, to people who can't afford it. For six years I served in this chamber in leadership position, and for six years I saw every year we would take more and more dollars, diverting dollars from unorganized territories for other purposes. As far as I'm concerned it is very simple, if you think that the people in this part of the State deserve an 18% tax increase then vote for this. If you think that this legislature should work further to try and come to a different compromise, something that would be more reasonable, then vote against this. Thank you.

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

**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, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, CAHILL, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, GOULD, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

**NAYS:** Senators BUTLAND, CARPENTER, FOSTER, HALL, HANLEY, KIEFFER, LUDWIG, MARDEN, WEBSTER

**ABSENT:** Senator HARRIMAN

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with 9 Senators having voted in the negative, and 25 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:

**COMMUNICATIONS**

The Following Communication:

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

June 14, 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 to Revise the Salaries of Certain County Officers" (EMERGENCY) (H.P. 1159) (L.D. 1558):

Representative JOSEPH of Waterville  
 Representative KERR of Old Orchard Beach  
 Representative MURPHY of Berwick

Sincerely,

S/Joseph W. Mayo  
 Clerk of the House

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

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Off Record Remarks

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

**ORDERS**

**Joint Order**

On motion by Senator **ESTY** of Cumberland the following Joint Order:

S.P. 537

**ORDERED**, the House concurring, that in accordance with emergency authority granted under the Revised Statutes, Title 3, Section 2, the First Regular Session of the 116th Legislature shall be extended in accordance with the provisions of said section.

Which was **READ**.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'm not going to oppose the order to extend, but for the Record, I did want to get the attention of the extension order. In our caucus there was some concern that if we extended for 5 days without an ending day, that we could be in session one day this week, 2 days next week, 2 days the week after, perhaps a day the week after. I know for a fact that is not the intent of the presiding officer and I know for a fact it is not the intent of

the Majority leadership, but for the Record I would like to get that on the Record that that is not your intention, because that certainly is not our intention. We would like to get a budget and get out of here as soon as possible. Thank you.

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

Senator **ESTY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. For the Record I would like to say that I agree with the Minority leader, that is not the intent of the Majority leadership or the Senate President. 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'm not in agreement with the good Minority floor leader, who will not be objecting to this extension, I will. Why, you may ask, we haven't done the people's work and so on and so forth. During my tenure in the legislature I have been continually infuriated by how this system and this process operates. It operates on the old adage that all work expands to fill the time allowed. If we give this legislature one more day, it will take one day. If we give it two more days, it will take two more days. If we give it a five day extension it will take those five days and then it will come back for another extension. When are we going to do the work of the people. I was impressed by the Presiding Officer when he said June 1, and worked everything to meet that deadline. I realize that this is not a perfect world, I realize that we can't just set a deadline and not have some overlap, but for us to know in January, when we first came in, that we were going to be up against the wall in determining a budget, up against the wall in dealing with the issues before us, and for us to put forward legislation, continual legislation and not deal with those matters at hand and continue to wait and procrastinate that I don't think that I, in good conscience, nor the people of the State of Maine, have been well served by the actions. Sure, there has been some good legislation which has been put through, but here it is, June 14th, we have a statutory adjournment date of June 16th. That's in statute men and women of the Senate. We require the people of the State of Maine to follow the laws that we put in the statutes, excepting ourselves of course. We have given ourselves all sorts of latitude, all sorts of latitude to make these extensions when needed. There has been legislation that has been put forth this year, last year, the year before, the year before that and the year before that, that would have required this legislature to operate more efficiently, more effectively. By voting to extend, I believe we are voting to continue the history of the legislature as far as not being able to come in on a deadline. Not being able to do the people's work by a statutory date: When are we going to learn? I've been through this more times than I would like, voting to extend, voting not to extend, voting for three days, voting for one day, having special sessions. Let's do the work of the people and then go home and see what we've done wrong. I think this is a critical issue, a lot of people don't, a lot of people have told me they knew they were going to be voting for an extension, maybe I knew it but didn't want to, maybe I was the eternal optimist and thought maybe we could put this thing together and do the work of the people by the date allowed. That's not going to be so. I want to go on Record that I think this is terrible. The precedent

has been set, many times before now, but for us to continue on this course just staggers the imagination and it blows my mind. Mr. President, I request a Division when the vote is taken. Thank you.

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

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to pose a question if I may. I, too, am a bit frustrated by the inability of this body to complete its work on time. Here we are today, it's the 14th, and he says we have a statutory date to adjourn on the 16th. I'd like to ask the Senator, if he were in charge, what he would do to let us adjourn on the 16th. Thank you.

**THE PRESIDENT:** The Senator from Somerset, Senator Cianchette, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I couldn't let that opportunity that the good Senator from Somerset has afforded me, as far as what I would do differently. I don't want to take up the next hour as far as exactly what I would do differently but I guess starting in January I would have told the legislature that the time had to be put in and if a budget wasn't done there would be no extensions. As leader I would have said there shall be no extensions, because if members of this chamber realize that they are going to have an extension, then they are not going to do the people's work, they are going to take that liberty and they are going to wait until that extension is used up and then wait until the next extension is used up. I know the good Senator from Somerset has been in this chamber before, I've been in the legislature before, it's happened the same way every time. You give them another extension and they will take it all. The buck has to stop somewhere, the buck has to stop somewhere and it has got to stop now. By us just continuing to say well we are going to have more time, you're right. It shouldn't be happening today, June 14th, this chamber should have said in January, we are going to have a budget out by May, we're going to have a budget out by April, we're not going to mess around, we're not going to be in the same situation we were in in the 115th, waiting and waiting and waiting until June 30th comes, at 11:59, and then waiting for an extension by half of each party. That's where I see the road going and I don't see any reason why that won't play out. When you ask what I would do as far as leadership, in January I would have set that date and I would have said there will be no extensions, there will be no extensions, we will do the people's work and we will do it in a timely basis and we will do it before the statutory adjournment date. Thank you.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I want people here to know that the good Senator from Oxford and I served on the Judiciary Committee together and he has never complained about me in this fashion whatsoever in the three or four months that we spent together up there. I want to say to him that he may not believe this but I don't want to be here any more than he does. Although the good Senator has in defense and on my Committee voted for the Governor's budget right

down the line, he dissented from a unanimous Committee Report and voted for the Governor's report from the very beginning. He is a person of principle and he has stuck with his principles. Unfortunately, for the rest of us, when you start looking at the problems that exist here, and I feel bad for the people on Appropriations, within the last week they have had \$150 million pretty much pulled out from underneath them and told they have to make up this money somewhere. I know myself, on June 25th, I'm flying for the Emerald Isle, I'm out of here, without you unfortunately, and when I get over there, if you are still in, I'm going to go to the end of that rainbow and I hope there is a pot of gold there, because I'll send it back to resolve these problems. The fact of the matter is government doesn't work like a business. That's hard to accept, particularly for people in business, as much as the good Senator from Oxford wants to cut, I want to raise taxes. I was just telling the good Senator from Penobscot, Senator Baldacci, I really haven't seen many taxes that I don't like. Really, I'm pretty much open to just about anything to get things to where they have to go, I am. I don't like this pension stuff, I'm open to a lot of different ideas. As I am one, there are 33 others different from the good Senator from Oxford, and that's what we are all doing here. I don't think anybody really wants to be here, I really don't. I think what's different this year than two years ago, I really do believe that people have committed to work together to reach a result that is in the best interest of the people of the State of Maine. Thank you.

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Off Record Remarks

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would just try to remind the good Senator from Oxford that his wrath is misplaced. It ought to be with the guy who has given us a budget which is full of holes, like swiss cheese, and is developing more daily. Thank you.

**THE PRESIDENT:** The Chair would inform the membership that we are on the Joint Order for extension. Any other debate will be ruled out of order. The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I think the good Senator from Kennebec has raised a good point as far as the Order before us, as far as the extension. Since Maine became a State it has been the practice that the Governor would propose and the legislature would dispose. True, the Governor presented a budget. The legislature has a statutory adjournment date in which to dispose of a budget, whether or not they accept the budget of the Governor or comes forward with a budget of its own. That point is irrelevant. The point is the legislature knew right from the outset that it was going to be a very difficult task to get a budget that would be in the best interest of the people of the State of Maine. Right from the first day we were sworn in, we knew

that, there isn't a person in this chamber that didn't know what we were going to be up against, that some very difficult decisions would have to be made and the decisions would not be made any easier by postponing them. The decisions that we could have made on May 28th or May 29th or May 30th, as the presiding officer would liked for us to have done, so we could have been out of here by June 1, are going to be the same difficult questions that we are going to have to be answering at the end of this month. It's a fluid target, I realize that, every day things change, but the legislature has got to be up to the responsibility that has been placed before it. It is my view that by extending past the statutory adjournment date we are not upholding that responsibility. True, people can say Senator Hanley how are we going to get a budget by today or by Wednesday? You're absolutely correct, you're not going to. If we had been debating this in April, if we had been debating this in May, then we would have it. As I said, the decisions facing the Senate are not going to be any easier today then they will be five days from now or ten days from now or June 30th or July 1st or July 4th. Thank you.

Pursuant to 3 M.R.S.A. Section 2, this Joint Order requires the affirmative vote of two-thirds of the members present and voting. 34 Senators having voted in the affirmative and 1 Senator having voted in the negative, and 34 being more than two-thirds of the members present and voting, the Joint Order was **PASSED**, in concurrence.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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

**ORDERS**

**Joint Order**

On motion by Senator **BUSTIN** of Kennebec the following Joint Order:

S.P. 536

**ORDERED**, the House concurring, that when the House and Senate adjourn, they do so to the call of the President of the Senate and the Speaker of the House when there is need to conduct legislative business.

Which was **READ** and **PASSED**.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

**ORDERS OF THE DAY**

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

An Act to Centralize Further the Permitting Process for Retail Businesses and to Allow Some Municipalities to Act as Central Permitting Agents  
 H.P. 399 L.D. 512  
 (H"A" H-408 to C"A" H-367)

Tabled - June 14, 1993, by Senator **BUSTIN** of Kennebec.

Pending - **ENACTMENT**

(In Senate, June 9, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-367) AS AMENDED BY HOUSE AMENDMENT "A" (H-408)** thereto, in concurrence.)

(In House, June 14, 1993, **PASSED TO BE ENACTED.**)

On motion by Senator **PINGREE** of Knox, the Senate **SUSPENDED THE RULES.**

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

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-367) As Amended by House Amendment "A" (H-408) thereto, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** House Amendment "A" (H-408) to Committee Amendment "A" (H-367), in concurrence.

On further motion by same Senator, House Amendment "A" (H-408) to Committee Amendment "A" (H-367) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

On further motion by same Senator, Senate Amendment "A" (S-328) to Committee Amendment "A" (H-367) **READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I am proposing an amendment to L.D. 512, which is also known as the one stop permitting Bill, many of us have heard much about this over the last two or three weeks and I am sorry that there has been some controversy around the Bill but I think most of us in Maine support it and think it is a good idea. I would just like to explain to you briefly what my amendment would do, and give you a little bit of history. The Committee I chair, Housing and Economic Development, also had a one stop permitting Bill that came to us this year in response to a study last year that had been done by the Department of Economic Development to provide a centralized licensing bureau that would use our existing business answer services, a service that gets many calls every day and tries to help businesses through the difficult maze of getting a license for many of the different permits that you have to have. Our Bill came very late, it is a complicated Bill and we decided to carry it over. At the same time Business Legislation was taking up a



Bill that took a different tack and went through the municipalities to do a limited number of licenses. I think that we feel that both Bills have merits and we would like to see somehow a meeting in the middle of these two Bills and a way to make sure that both things happen. Because of the time restraints and because of the difficulties we haven't been able to work this out this year. What this amendment does is it asks to look back to some of the municipalities and see how many are willing to participate, see what kind of a consensus we can build up and next January have the two Committees work together and come out with a Bill that we can all support that really provides one stop permitting for businesses in this State. I hope that you will support this amendment. Thank you.

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

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd ask you to vote against the pending motion to adopt this amendment. I have here a real first class amendment to this Bill that will make it a very nice Bill and I think you will all want to vote for it. If I may just regress momentarily to bring you up to speed, we could delay, again, this effort to do one stop shopping in Maine. A vote for this amendment which is before us now will delay the process for a least a year. I don't see the need for that. I think there was an oversight in the Bill before you that needs to be corrected and this Bill, if you accept my amendment that I will be offering, will make this a permissive piece of legislation that will allow communities, under the direction and training of the various departments, supervised by the Department of Economic Development, if a community has a person or people to do certain permitting or inspections, after they have been approved by a rule making process that would be implemented by the Department of Economic Development, then that community, on those particular licenses, permits and inspections, would be able to do that within their own communities. This Bill may not be the panacea of all bills but it will start the process of one stop shopping that I think most of us support. We need the information available in the State of Maine, this Bill would require that DECD pull together the information, do the rulemaking that would allow for one stop shopping to get off the ground. I would urge you to vote against this amendment and then I would like to offer another amendment. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I am very sorry that I have to disagree with the good Senator from Somerset, because I think we both want to have the same thing we just disagree about how to go about it. I would call his attention to the original L.D. 512, the one we are both trying to amend, and remind him that it will not happen tomorrow. In this Bill DECD is directed to have something established by January 1, 1995, and nothing will happen over night regardless of what either of us do. I would just encourage you to support the amendment that I presented to you because I think it is good policy to make sure that we all arrive at the same goal, working together and I would hate to see the Bill my Committee is carrying over to next year, if we take a completely different tack we will have to go in and amend it and come to some disagreement at that point in time. I would rather see us spend some time

thinking about it over the summer and get to work on it in January and work together for a solution. I hope people will support this amendment. Thank you.

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

Senator **MARDEN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This Bill has been kicked around here in one form or the other for two or three weeks. I don't agree with either one of these amendments. I think everyone wants to go home so I'm going to throw my support with Senator Pingree because it is going to put it off for another year. The whole Bill is wrong. Fellow Senators, I don't know if I have ever seen a Bill that has had less information and more confusion on the part of the good Senate. There is about 400 licenses that you can get in the State of Maine and I think it is utterly preposterous and out of the question that you can, in any way, turn the permit and inspection over to the municipalities. Number one, I don't think they want it. Number two, I don't believe you would find any one person in the State of Maine that could act intelligently on every one of the permits. I'll give you one, the Fire Marshall came to me, after this was passed previously, and they handle the inspection and sale of dynamite. This is not addressed in here. If you go down through the inspection process, you've got the environmental people, you've got the agricultural people, you've got the marine people, you've got the alcohol beverage people, all of these have to have licenses. I think what the people in the State of Maine need is one central clearing house, in the State of Maine, that they can call up and get the information on the licenses they need and what do they have to do. To me, the automatic place to provide that information is the Bureau of Economic Development. This Bill suggested the experiment with the Agriculture Department, and the Agriculture Department is already trying to put what they inspect on a computer, and that's just a small part of it. If you want to go into the gasoline business and you wanted to know what place to call up to get your license, can you believe it is the Agriculture Department? If you want to go dig shellfish, you have to go to Marine Resources. What I'm saying is have one Department that tells people where to go, keep the municipalities out of it. I guess the best way to put this Bill off so it doesn't become law is to support Senator Pingree's amendment and that will put it to sleep for another year anyways. Thank you.

The Chair ordered a Division.

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

Senator **LUTHER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. May I pose a question through the Chair? I don't understand the whole Bill. How is this going to be funded? Where is the money to do this coming from? Thank you.

**THE PRESIDENT:** The Senator from Oxford, Senator Luther, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Somerset, Senator Cianchette.

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In answer to the question, the Bill is essentially self funding because the communities who request and are approved to do the licensing and inspections get a fee, part

of the fee from the person asking for the license. It is the same as your automobile license, when you go to your local city or town hall to register your vehicle, you pay that town a fee for doing their duty. You have the choice to do that or go to Augusta or one of the Motor Vehicle Centers to register your car. This Bill is set up exactly the same way. If a community wants to do the service and the Departments agree that the community has the expertise, then they may do some of the permitting and some of the inspections, but only if they meet all of the qualifications. I would doubt very much if the Fire Marshall would authorize many other people in the State to issue dynamite permits. If the Fire Marshall didn't agree to issue permits or issue authorization for permitting then it wouldn't be done. That's what my amendment says. The money is paid for by the applicants who are asking the town to save them the trip to Augusta or running around and trying to find out what they have got to do and where they have got to go. Hopefully that answers the question. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would also like to answer that question by reading from the original Bill. This basically deals with retail businesses and a certain number of licenses. It says "Retail businesses shall pay the municipality additional fee of \$4 for each permit included in the consolidated application, up to a limit of \$40." So there will be an increase of fees for businesses. I know many businesses would be willing to pay an increased fee to have permitting be done more easily. I think that is something we have to take into consideration. There is also a provision in here that asks the Departments that come under this plan to contribute some of their licensing money into a central pool that is administered by DECD, and of course there has been some resistance on the part of organizations, like the Department of Agriculture, who are concerned that their licensing divisions are already strained. One of the questions in this Bill is do we create a duplicate licensing division in municipalities as well as the one that has to be retained in the Bureau. Again, I just want to state that I do not oppose cart blanche, that municipalities would be involved in more licensing, what they do now they do well. I am just concerned that we need to do some more work here. I don't think it will set up unreasonable delays, I don't want to show any lack of respect for the hard work this Committee, or the individuals involved in this Bill, have done. I think there are some very good things in this Bill, I would just like to see us approach it in a different manner. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **PINGREE** of Knox to **ADOPT** Senate Amendment "A" (S-328) to Committee Amendment "A" (H-367).

The Chair ordered a Division.

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

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

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **PINGREE** of Knox, to **ADOPT** Senate Amendment "A" (S-328) to Committee Amendment "A" (H-367), **PREVAILED**.

Committee Amendment "A" (H-367) As Amended by Senate Amendment "A" (S-328) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

Under suspension of the Rules, ordered sent down forthwith for concurrence.

The Chair laid before the Senate the Tabled and Unassigned matter:

An Act to Impose Term Limits on Presiding Officers of the Legislature

S.P. 167 L.D. 559  
(C "A" S-141)

Tabled - May 27, 1993, by Senator **ESTY** of Cumberland.

Pending - **ENACTMENT**

(In Senate, May 17, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-141)**.)

(In House, May 26, 1993, **PASSED TO BE ENACTED**.)

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would ask for a Division because I do not favor this piece of legislation. I think it is absolutely ridiculous and I feel very strongly about that. I know people on the other side feel just as strongly that I am ridiculous but I would like a Division.

Senator **PEARSON** of Penobscot 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.

26 Senators having voted in the affirmative and 8 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.

The Chair laid before the Senate the Tabled and Unassigned matter:

SENATE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Establish Term Limitations for Presiding Officers, Leadership and Committee Chairs"

S.P. 249 L.D. 768

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-165)**

Minority - **Ought Not to Pass**

Tabled - May 20, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, May 20, 1993, Reports **READ**.)

Senator **BERUBE** of Androscoggin moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Senator **ESTY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This Bill, if we support the Majority Report, will limit the Committee Chair's to three consecutive terms in any one Chairmanship of a Committee. I oppose that. Of the three term limit Bills that we will be dealing with regarding presiding officers that we enacted, I supported regarding Minority and Majority Leaders, which is coming up next. I don't think this one makes sense and I would urge the Senate to defeat the Majority Report so the Ought Not to Pass Report can be accepted. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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.

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion of Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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

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The Chair laid before the Senate the Tabled and Unassigned matter:

HOUSE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act Imposing Term Limits on Legislative Leadership Positions"

H.P. 546 L.D. 742

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-364)**

Minority - **Ought Not to Pass**

Tabled - May 25, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **BERUBE** of Androscoggin to **ACCEPT** Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In Senate, May 24, 1993, Reports **READ**.)

(In House, May 24, 1993, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-364)**.)

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

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** 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.

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-364) **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.

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The Chair laid before the Senate the Tabled and Unassigned matter:

JOINT ORDER - relating to Amending the Joint Rules to limit the terms of Legislative Leadership to 3 consecutive terms

S.P. 392

Tabled - April 8, 1993, by Senator ESTY of Cumberland

Pending - **PASSAGE**

(In Senate, April 6, 1993, **READ.**)

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. There's an old saying that good things come to those who wait. This was my amendment to the Joint Rules, submitted back in April, and thanks to the bipartisan good work, good foresight, of those who voted in the affirmative on the other Bills, it is my pleasure to move that we Indefinitely Postpone this.

Senator **HARRIMAN** of Cumberland requested and received Leave of the Senate to withdraw the Joint Order.

Senator **WEBSTER** of Franklin was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator **SUMMERS** of Cumberland, **RECESSED** until 8:15 this evening.

After Recess

Senate called to order by the President.

Off Record Remarks

**THE PRESIDENT:** Pursuant to Joint Rule 12, any legislative business transacted after 9:00 p.m. must have the affirmative vote of two-thirds of the members present and voting.

Senator **HANLEY** of Oxford was granted unanimous consent to address the Senate on the Record.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. It is with a little trepidation that I rise this evening because I see the potential in this vote of setting a precedent which has been utilized by this chamber to extend the sessions. I guess I will not be voting for an extension for time tonight, I would have if it would have been possible for us to complete all of the work, but as it appears we will not be able to complete all of the work, in fact there will be a lot of work that will still be left, a lot of work still being dealt with in the other chamber. For us to take this move, this will be the first time we have voted to extend during this session, since this Joint Rule has been enacted, I would urge my fellow members to vote against an extension. Thank you.

Senator **WEBSTER** of Franklin was granted unanimous consent to address the Senate off the Record.

Pursuant to Joint Rule 12, the Chair ordered a Division. 27 Senators having voted in the affirmative, and 7 Senators having voted in the negative, and 27 being more than two-thirds of the membership present and voting, the Rules were suspended and the following proceedings were conducted after 9:00 p.m.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

Off Record Remarks

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

After Recess

Senate called to order by the President.

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Off Record Remarks

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Senate at Ease

Senate called to order by the President.

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**ORDERS OF THE DAY**

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

Bill "An Act to Ensure Implementation of the Federal Clean Air Act Amendments of 1990"  
H.P. 963 L.D. 1294  
(C "A" H-534)

Tabled - June 14, 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-534)**, in concurrence.)

(In House, June 9, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-534) AS AMENDED BY HOUSE AMENDMENT "A" (H-642) thereto AND HOUSE AMENDMENT "A" (H-653) in NON-CONCURRENCE.**)

On motion by Senator **LAWRENCE** of York, the Senate **RECEDED** from its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

House Amendment "A" (H-653) **READ**.

On motion by Senator **LAWRENCE** of York, House Amendment "A" (H-653) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Committee Amendment "A" (H-534).

House Amendment "A" (H-642) to Committee Amendment "A" (H-534) **READ**.

On motion by Senator **LAWRENCE** of York, House Amendment "A" (H-642) to Committee Amendment "A" (H-534) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Committee Amendment "A" (H-534) **ADOPTED** in **NON-CONCURRENCE**.

On motion by Senator **LAWRENCE** of York, Senate Amendment "A" (S-334) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

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Senator **HANLEY** of Oxford was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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

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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 Allow Political Parties to Determine the Method of Nominating Candidates"  
H.P. 1064 L.D. 1432

In House, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-585)**.

In Senate, June 9, 1993, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

On motion by Senator **ESTY** of Cumberland, the Senate **ADHERED**.

The Secretary has so informed the Speaker of the House.

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**ERRATA:**

**Page S-1133**

**was omitted**

**from all printed copies.**

**The following page from**

**the Senate Journal**

**has been supplied**

**to indicate the**

**remaining work**

**of the day.**

