

# 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

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

In Senate Chamber  
Wednesday  
June 23, 1993

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

Prayer by the Honorable Georgette Berube of Androscoggin.

**SENATOR GEORGETTE BERUBE:** Let us ponder together the words of St. Francis Xavier.

We pass through this world but once Oh Lord. Any good therefore, that we can do, or any kindness that we can show another human being, let us do it now. Let us not defer nor neglect it for we shall not pass this way again.

Amen.

Reading of the Journal of Friday, June 18, 1993.

**COMMUNICATIONS**

The Following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

June 18, 1993

To the Honorable Members of the 116th Legislature:

I am returning without my signature or approval S.P. 216, L.D. 687, "An Act to Amend the Occupational Disease Law". This bill provides for a substantial expansion of the availability of workers' compensation benefits. Consequently, L.D. 687 also increases costs to businesses and threatens the availability of jobs through increasing financial burdens on businesses during these difficult times.

This bill attempts to address a fictitious problem. Also, it increases benefits, tipping the balance struck between labor and management, without providing due consideration to employers. The Maine Supreme Judicial Court recently provided

clarification of the law in Manzo v. Great Northern Paper, 615 A. 2d 605 (Me. 1992). The Law Court held that medical costs are not compensable under Maine law unless the worker has lost time from work. L.D. 687 attempts to change this and require employers to pay medical benefits even though no incapacity is involved.

If this bill were to become law, the occupational disease law could potentially be abused and become a basic health care plan for those without health insurance. If there is a need to provide health care to employees with a more affordable health care package for employers, it should be addressed in another arena, not by altering the workers' compensation laws.

Furthermore, the 116th Legislature and I have been asked by the Workers' Compensation Board and the Blue Ribbon Commission on Workers' Compensation not to make any substantive changes to the workers' compensation laws. Maine's workers' compensation system has undergone many reforms in past decade and needs an opportunity to stabilize. Every change to the workers' compensation law has a reciprocal effect and hinders the system in succeeding in its mission.

Because of these reservations, I am in opposition to L.D. 687 and respectfully urge you to sustain my veto.

Sincerely,

S/John R. McKernan, Jr.  
Governor

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

The Accompanying Bill:

An Act to Amend the Occupational Disease Law  
S.P. 216 L.D. 687  
(H "C" H-616 to C  
"A" S-92; H "A"  
H-365)

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Today I am deeply disappointed that not just one branch of government, but yet a second branch of government, has opened the flood gates. We in the Labor Committee this session of the legislature did not take any action whatsoever to bring to the floor legislation which would make any substantive change in the recommendations that were passed by the previous legislature with respect to Workers' Compensation. Many of us did this for varying reasons, but I must say that last year the Judicial branch, in the case of Manzo vs. Great Northern Paper Company, cracked the door open a bit. Today we have before us a veto message from the Chief Executive of this State, and that has opened that door even wider. Men and women of the Senate, the precedent has been set, apparently the Judicial branch and the Executive branch now feel that all bets are off with respect to the Workers' Compensation Blue Ribbon Commission's Report as passed by the 115th Maine Legislature. I must say I hope you will vote to overturn the Governor's veto of this legislation, otherwise those of you who choose to support sustaining the Governor's veto will, too, have acceded to the precedent and thereby having three branches of government saying that the Blue

Ribbon Commission Report, the recommendations passed by the legislature in the previous session, are no longer valid and should not be maintained. The precedent has been set. I hope we have good luck next session because all bets are off. Thank you.

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Off Record Remarks

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

Senator **BUSTIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would urge you to override this veto and in saying that I would like to quote from the Governor's message, in his veto message which you have before you. It is the third paragraph which is fairly offensive to me. "If this Bill were to become law, the occupational disease law could potentially be abused and become a basic health care plan for those without health insurance. If there is a need to provide health care to employees with a more affordable health care package for employers, it should be addressed in another arena, not by altering the workers' compensation laws." I think that begs the question of the health and safety issue in the work place. It begs the question of how these people got this occupational disease in the first place. It would not be an occupational disease if it had not been received during their employment. That is the whole issue. I have been quoted many times, and still maintain, that an adequate universal health care system in this United States, and in the State of Maine, would indeed include the health benefits under a workers' compensation law. However, we do not have, nor do I see in the immediate foreseeable future a universal health care plan, either for Maine or for the United States. Until we have that we must address health benefits under workers' compensation under the workers' compensation laws. It is incredible to me that this statement has been made when it refers to occupational disease. Thank you.

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

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I, too, would like to remind you of some of the issues that were brought before us when we discussed the Bill itself. The major issue, and the issue in the veto message, is that we received, on the Labor Committee, a letter from the Maine Municipal Employees Insurance Company, pointing out to us that they oppose the Bill because they considered it a substantive change and asked us not to. So in your consideration of your vote please keep that in mind. Thank you.

The President laid before the Senate the following:

Shall this Bill become Law notwithstanding the objections of the Governor?

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays.

A vote of yes will be in favor of the Bill.

A vote of no will be in favor of sustaining the veto of the Governor

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

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

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

**ABSENT:** Senators BALDACCI, CIANCHETTE, CONLEY, O'DEA, PINGREE

15 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 5 Senators being absent, and 15 being less than two-thirds of the membership present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

The Secretary has so informed the Speaker of the House.

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The Following Communication:

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333**

June 18, 1993

To the Honorable Members of the 116th Legislature:

I am returning, without my signature or approval, S.P. 402, L.D. 1233 "An Act to Facilitate the Assessment and Collection of Municipal Property Taxes." My concern is with the alterations that were made to the original legislation which did not afford all interested parties the depth of public comment that should be allowed for such a major change in taxation and housing policy for our state.

The amendment added to L.D. 1233 removes a property tax exemption for low income and non-profit housing. While I appreciate the value this amendment has for our municipalities, such a change would impose a significant burden on non-profit organizations by eliminating one of the only tools available to them to compete in a marketplace dominated by well-financed for-profit organizations. By adopting such a change, Maine could lose a significant portion of its current affordable rental housing stock.

The bill in its current form also impedes many social objectives that many Legislators have set as priorities. This bill will adversely affect housing used for nursing homes, college dormitories, group homes offering a supportive living environment, housing for the homeless, and a range of other housing alternatives.

Ironically, the bill may shift additional costs to low income citizens. If an existing tax-exempt project is sold, for example, the new owner will most likely pass the increased tax burden to residents through increased rental fees.

Because of these reservations, I am in opposition to L.D. 1233 and respectfully urge you to sustain my veto.

Sincerely,

S/John R. McKernan, Jr.  
Governor

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

The Accompanying Bill:

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

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

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

Off Record Remarks

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

After Recess

Senate called to order by the President.

Off Record Remarks

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. 539

**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.

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

**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

The Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act Making Changes in the Financial Order Process" (Emergency)  
H.P. 372 L.D. 475

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-674).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-674).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-674) **READ** and **ADOPTED**, in concurrence.

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

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

The Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Make Allocations for the Necessary Administration of the Workers' Compensation Laws for the State for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (Governor's Bill) (Emergency)

H.P. 1120 L.D. 1519

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-675)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-675)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-675) **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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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 Ensure Implementation of the Federal Clean Air Act Amendments of 1990

H.P. 963 L.D. 1294  
(H "B" H-669 to C  
"A" H-534)

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

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

#### COMMITTEE REPORTS

##### House

##### Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Provide Legislative Review of Delegated Rule-making Authority

H.P. 962 L.D. 1293

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-544)**.

Signed:

Senators:

BERUBE of Androscoggin  
ESTY of Cumberland

Representatives:

GRAY of Sedgwick  
WALKER of Blue Hill  
AHEARNE of Madawaska  
LOOK of Jonesboro  
KILKELLY of Wiscasset  
ROWE of Portland  
JOSEPH of Waterville  
DUTREMBLE of Biddeford

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

Signed:

Senator:

BUTLAND of Cumberland

Representatives:

BENNETT of Norway  
YOUNG of Limestone

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolution **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-544) AS AMENDED BY HOUSE AMENDMENT "C" (H-652)** thereto.

Which Reports were **READ**.

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

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

Senator **BUTLAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would hope that you would vote against the pending motion so we can go on to defeat this, pass the Minority Ought Not to Pass. Once again, this is another attempt to get at the problem that some perceive there is with the rulemaking in this State. This would do it by going out and asking the people of the State of Maine to approve a Constitutional Amendment to allow legislative review after the adoption of rules. As I have said in a previous debate on this issue, rulemaking authority is granted in the Constitution, it is an appropriate administrative function of the administrative agencies. I personally don't think the system is broken to the extent that we need to go out and ask the people of the State of Maine to change the Constitution. We have already discussed several L.D.'s that attempt to get at this problem through statutes and I think that that is the way that we need to go. I would hope that you would vote against the pending motion. Thank you.

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

On motion by Senator **BERUBE** of Androscoggin, 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 Androscoggin, Senator Berube.

Senator **BERUBE**: Thank you Mr. President, Ladies and Gentlemen of the Senate. The State and Local Government Committee worked very long, we had over 11 meetings and work sessions on the Rulemaking Bill. The Senator who spoke for the Minority Report a moment ago correctly stated that a lot of it deals with the Constitution and for that reason we are sending it to the people to decide. I'm not scared to send anything of this nature to the people of our State. I think they should be made aware of the impact that the rules have on our way of life, how we conduct our businesses and I think it is a fair way to go and I think it will send a message that people, or bureaucracies, or agencies should not go beyond the intent of legislation when they make decisions that become law. 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, in concurrence.

A vote of Yes will be in favor of **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED** Report, in 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 **BERUBE, BUSTIN, CAREY, CLEVELAND, CONLEY, ESTY, HANDY, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

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

**ABSENT**: Senators **BALDACCI, CIANCHETTE**

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators being absent, the motion of Senator **BERUBE** of Androscoggin, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED** in **NON-CONCURRENCE**.

Sent down for concurrence.

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 Imposing Term Limits on Legislative Leadership Positions

H.P. 546 L.D. 742  
(C "A" H-364)

Which 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 Repeal the Laws Allowing State Agencies to Adopt Rules Having the Force of Law"

H.P. 777 L.D. 1050  
(C "A" H-557)

In Senate, June 14, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-557)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-557) AS AMENDED BY HOUSE AMENDMENT "A" (H-670)** 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 move to Recede and Concur I was looking at this amendment which is several pages of new language and I would just like to ask some questions regarding this. It is my understanding that if we Recede and Concur then we are accepting a couple of things that I'm not sure I agree with. One, that any Committee that wishes to review agency rules would have the authority to do so if they got a one-third vote. That is my first question, is that indeed a fact? The second question I would like to ask is does this piece of legislation have a fiscal note, because it also says that Committees are able to come in and review agency rules as they deem necessary. I think that could have quite a cost to the legislative budget. I would like to have these questions answered before we vote to Recede and Concur. 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 Androscoggin, Senator Berube.

Senator **BERUBE**: Thank you Mr. President, Ladies and Gentlemen of the Senate. In response, this clarifies the intent of the Committee that voted

for L.D. 1050, the statutory rules Bill. The one-third is correct. 4 people from the Committee could request. As far as the fiscal note we thought that perhaps it could be done without a fiscal note but as often happens it depends on what the powers that be determine. 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 like to pose another question. It is not clear in this amendment, as far as I can determine, so I will ask this question, would this allow, for example, the Committee on State and Local Government to deal with rules that might address issues of environmental protection?

**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 Androscoggin, Senator Berube.

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Not at all. The questions would be posed by the Committees of jurisdiction. 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. In a quick overview of the amendment I cannot find where it says the Committee of jurisdiction. 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. I believe that if the Senator reads L.D. 1050, she will find it in that Bill. 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. It seems, by accepting this amendment, and I understand that this amendment is really just a clarification of what has already been passed out of the Committee, that by accepting this amendment and ultimately agreeing to support the legislation, what we are doing is really asking the legislature, the various Committees, to come in for most of the summer and into the fall, because there are a lot of rules that the agencies adopt when we are not physically in session. I just don't know how we are going to pay expenses for legislator to do that. Thank you.

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

Senator **BUTLAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would hope that someone would Table this as the good Senator from Sagadahoc, Senator Cahill, has said it is several pages long. I haven't really had a chance to look at it. L.D. 1050 has had kind of a tattered trail through the legislature this year. If you will remember it was defeated in the Senate previously, and the bodies both Adhering, it was killed. It was brought back from the Files with the understanding,

or at least with my understanding, that we would Insist and ask for a Committee of Conference and that we would work out our differences. This is the first time I have seen this. I agreed not to oppose it being brought from the Files, which if I am correct took a two-thirds vote and probably would not have passed, and instead we Receded and Concurred and it went back to the House and now it appears before me today. I would hope that somebody would have the courtesy to Table this so we can take a further look at it. Thank you.

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

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

**ENACTORS**

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

An Act to Strengthen the Public Disclosure of Lobbying Activities

H.P. 1038 L.D. 1390  
(H "A" H-593; H "B" H-668; S "A" S-317 to C "A" H-528)

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

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 23, 1993

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

Dear Madam Secretary:



House Paper 931, Legislative Document 1254, AN ACT to Amend the State Finance Law in Relation to Purchases from Corporations Conducting Business in Northern Ireland, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Eighty-seven voted in favor and fifty against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

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

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

The Following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333

June 23, 1993

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

Dear Madam Secretary:

House Paper 1032, Legislative Document 1384, AN ACT to Strengthen the Enforcement of the Code of Fair Practices, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Seventy-seven voted in favor and sixty-two against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

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

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

ORDERS OF THE DAY

**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 (6/18/93) matter:

Bill "An Act to Centralize Licensing for Retail Businesses"  
H.P. 399 L.D. 512  
(S "A" S-328 to C  
"A" H-367)

Tabled - June 15, 1993, by Senator **BUSTIN** of Kennebec.

Pending - **FURTHER CONSIDERATION**

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

(In Senate, June 14, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-367) AS AMENDED BY SENATE AMENDMENT "A" (S-328) thereto, in NON-CONCURRENCE**.)

(In House, June 15, 1993, that Body **ADHERED**.)

Senator **PINGREE** of Knox moved that the Senate **RECEDE** and **CONCUR**.

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

Senator **PINGREE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. As everyone knows this Bill has visited the floor and now visiting again. I felt it was important for me to speak to my motion today because I have now changed the position I took on this Bill the last time, we have come to some kind of an agreement down in the House on an amendment that I think works well for all of us who were coming at this Bill from different ways. It allows us a little more time to get the municipalities involved and see if they actually want to participate and assess their level of involvement. It asks the Department of Economic Development to report back to us next January and have the Committees reconvene in January and make sure that we go ahead with this in a manner that is agreeable to everyone. I think at this point, if you are in favor of one stop licensing you can feel comfortable voting along with me today to Recede and Concur. The Bill will go back to the House and there will be an amendment down there. I hope you will support me in this Bill today. Thank you.

Off Record Remarks

Which was **PASSED TO BE ENACTED** and signed by the President.

On motion by Senator **PEARSON** of Penobscot, the Senate **RECONSIDERED** its action whereby it **RECEDED** and **CONCURRED** to **ENACTMENT**.

On further motion by same Senator, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending the motion of Senator **PINGREE** of Knox to **RECEDE** and **CONCUR**.

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Senate at Ease

Senate called to order by the President.

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#### ORDERS OF THE DAY

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Centralize Licensing for Retail Businesses

H.P. 399 L.D. 512  
(S"A" S-328 to C"A"  
H-367)

Tabled - June 23, 1993, by Senator **PEARSON** of Penobscot.

Pending - Motion by Senator **PINGREE** of Knox to **RECEDE** and **CONCUR**

(In Senate, June 14, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-367) AS AMENDED BY SENATE AMENDMENT "A" (S-328)** thereto, in **NON-CONCURRENCE**.)

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

(In House, June 15, 1993, that Body **ADHERED**.)

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Because of the unique parliamentary position that this Bill is in, if it went on the Table it would not have a chance to see the light of day because it has to be sent back to the other body and be Recalled from the Files, as I understand it. We have to begin that process over again because putting it on the Table would be effectively killing it. Thank you.

On motion by Senator **PINGREE** of Knox, the Senate **RECEDED** and **CONCURRED** to **ENACTMENT**, and having been signed by the President was presented by the Secretary to the Governor for his approval.

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The Chair laid before the Senate the Tabled and Specially Assigned (6/18/93) matter:

#### Emergency Resolve

Resolve, Directing Release of Investigative Records Related to Ballot Tampering  
H.P. 1003 L.D. 1349  
(C "A" H-657)

Tabled - June 15, 1993, by Senator **ESTY** of Cumberland.

Pending - **FINAL PASSAGE**

(In Senate, June 9, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-657)**, in concurrence.)

(In House, June 15, 1993, **FAILED OF FINAL PASSAGE**.)

On motion by Senator **HANLEY** of Oxford, 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, Senate Amendment "A" (S-336) **READ** and **ADOPTED**.

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

**JOINT ORDER** - relative to recalling Bill, "An Act to Facilitate the Assessment and Collection of Municipal Property Taxes," S.P. 402, L.D. 1233, and all its accompanying papers, from the Governor's desk to the House.

H.P. 1164

Tabled - June 18, 1993, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In House, June 14, 1993, **READ** and **PASSED**.)

(In Senate, June 15, 1993, **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.)

(In House, June 18, 1993, 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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The Chair laid before the Senate the Tabled and Later Today Assigned matter:

An Act to Strengthen the Public Disclosure of Lobbying Activities

H.P. 1038 L.D. 1390  
(H "A" H-593; H "B"  
H-668; S "A" S-317  
to C "A" H-528)

Tabled - June 23, 1993, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, June 15, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-528) AS AMENDED BY HOUSE AMENDMENTS "A" (H-593); "B" (H-668) AND SENATE AMENDMENT "A" (S-317)** thereto, in concurrence.)

(In House, June 23, 1993, **PASSED TO BE ENACTED.**)

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

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Off Record Remarks

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Senator **CAREY** of Kennebec was granted unanimous consent to address the Senate off the Record.

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Senator **BRANNIGAN** of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator **BRANNIGAN**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I just think this is an opportune time, given the announcement that the President has just made about the number of people who are involved in Committees of Conference. It seems to me, and I guess I have said this in caucus so I thought I would say it on the Record, I think we ought to examine very carefully whether we are happy with the direction we have taken this year. Certainly the numbers of Committees of Conference that I have seen this year are more than I have seen in all of the 15 years that I have been here, or it is pretty close. We have taken this step, unintentionally, I don't think we have thought about it, and I just think the body, the Senate, should think about it, both Democrats and Republicans. It is not a partisan issue, it is just a procedural issue. I guess we can't just say no very often and so we see this as a way. Because we have Joint Committees we shouldn't have this. The

Congress has it, I'm not sure I like the way Congress works with it, but because they don't have Joint Committees they need it to reconcile their differences. It just seems to me that this is something that should be used as an exception and not as a way of prolonging an issue. I would just like the leadership of our body to consider that. It seems to me it is a consideration that should not just be let go and just grow and we be saddled with it. Unless that is what we want. Thank you.

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Senator **CAREY** of Kennebec was granted unanimous consent to address the Senate off the Record.

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

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The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **CLEVELAND** of Androscoggin, **ADJOURNED** until the call of the President of the Senate and the Speaker of the House when there is need to conduct Legislative business.