

MAINE STATE LEGISLATURE

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



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

LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate

May 19, 1993 to July 14, 1993

FIRST CONFIRMATION SESSION

October 14, 1993

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

In Senate Chamber
Wednesday
July 14, 1993

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

Prayer by the Honorable M. Ida Luther of Oxford.

SENATOR M. IDA LUTHER: Good morning Ladies and Gentlemen of the Senate. Today's meditation is taken from Herman Melville's, Moby Dick, Chapter, The Sermon.

"Eternal delight and deliciousness will be his, who coming to lay him down, can say with his final breath - O Father! - chiefly known to me by the rod, be I mortal or immortal, here I die. I have striven to be thine more than to be this world's, or mine own. Yet, this is nothing; I leave eternity to thee, for what is man that he should deign to live out the lifetime of his God?"

Amen.

Reading of the Journal of Thursday, July 1, 1993.

Off Record Remarks

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

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1173

**JOINT RESOLUTION RECOGNIZING
JOHN DAVID KENNEDY**

WHEREAS, during his tenure as Revisor of Statutes, John David Kennedy has demonstrated heartfelt and selfless dedication to the Legislature as an institution and to Legislators as individuals; and

WHEREAS, despite often arduous conditions and demanding circumstances, David Kennedy served the Legislature with poise and dignity; and

WHEREAS, David Kennedy has inspired his colleagues and his staff by his example to be ever mindful of the public good in the work they perform; and

WHEREAS, his exceptional abilities have left a legacy of excellence for which the State is deeply indebted; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Sixteenth Legislature of the State of Maine, now assembled in the First Regular Session, do pause in our deliberations to express our appreciation for John David Kennedy and to recognize his sincere and unwavering commitment to the Legislature and the State of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to John David Kennedy.

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

Which was **READ**.

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

Senator **ESTY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to take this opportunity for a moment on behalf of all of us in the Maine Senate to thank David Kennedy for the service he has provided to the State. When you think of the words public servant, you think of Dave Kennedy. You think of the hours and the time and the effort that he has put in, from January to June when we all see it, but also from July to December. David has served each one of us personally. I'm not going to take the time today to tell a great many stories because I know there are a lot of people who plan on speaking, but I would sincerely like to thank you Dave, so that you can listen to this recognition of your service. We really appreciate all that you have done with us and for us and let me just say that when I read the letter that you sent to us, I had two thoughts at once. First, how badly you will be missed by this legislature and secondly, how clearly sane you must be to be leaving and going on and seeing that there is life outside of Augusta, Maine. Congratulations on what you intend to do in the future. You will be missed dearly. Thank you very much.

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 echo the remarks of the good Senator from Cumberland, Senator Esty, in extending appreciation from all of the members of the Senate to you, Dave Kennedy, as you leave this legislative hall, not for good I'm sure, but on a temporary basis. We all have appreciated over the years, your fair, even and non-partisan approach to your job as Revisor of Statutes. Whether you walk into David's office as a freshman member of the legislature or a senior member of the legislature, if you walk in as a House member or as a Senate member, a Republican or a Democrat, you are treated in the same way. It is a fair and even handed way and I appreciate that and I know that all of the members of the Senate do too. We also appreciate the number of years that you spent in our legislative family. As the good Senator from Cumberland, Senator Esty, said, we believe that you exemplify the meaning of the word public servant. I have been told by a lot of my good friends that there is indeed life after the legislature and I guess that I am just a little envious that you are going to be finding out that there is indeed that life before any of the rest of us. Thank you for the years that you have given to us so freely and thank your family for putting up with all of us and the time that we have required of you. Thank you.

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

Senator **HARRIMAN**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to rise today to join in congratulating David Kennedy and wishing him well in his new endeavor. I would also like to tell you a little bit about the side of David that I have come to know. First, I would call it integrity. I was delighted to meet David after my election and one of the first things he said to me, was you know you and I live very close to each other, your house is within a few miles of mine and I always wanted to come up and introduce myself as we crossed paths but I didn't want to do that for fear of breaking the etiquette of being non-partisan, and now that you have been elected to the Senate I just want to introduce myself and welcome you. I will never forget that. On a more friendly note, David was kind enough, I was unable to make one of the orientation sessions dealing with how to use the Revisor's office and I don't know how many times you go through this drill with new legislators but he had to do it with me. I have to tell you David how much I appreciated your patience and your attitude and your willingness to help me. It made a significant difference and I want to thank you publicly and let you know how much I appreciate that. Thank you.

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

Senator **BUSTIN**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I just wanted to say a little bit about David Kennedy. First I want to chastise him, how dare you, how dare you take a job that takes you away from this legislature when you have done such a good job for us and you have put up with one particular Senator that I know of, that happens to be myself, who is constantly down in your office, talking about legislation, and kept your cool every single time, even though there were times when you knew I was absolutely wrong, but you were more than willing to serve. How dare you go away from us now. Further than that, I want to say a very sincere thank you to David for being so good for the legislature and doing so many innovative and creative

things in your office. He truly has put us on track and we truly are a premiere legislature as far as the drafting of legislation is concerned and how our statutes look. Thank you David and good luck, even though I don't want you to go. Thank you.

Which was **ADOPTED**, in concurrence.

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

Senator **CAREY**: Thank you Mr. President. I would like to introduce S.P. 1993, L.D. 1993, "An Act to Abolish the Position of Regional State Court Administrator". I have seen Mr. Kennedy in action and I don't want what happened in his department to spread all over the State. I can't believe that this vacant position has gotten by the Appropriations Committee at a time when we were looking for so much money. Of course his salary in only \$60,000 but with his benefits it will come to \$82,500. We certainly could have used that. The reason he got the \$82,000 benefit package is that should he decide to leave early, built into this benefits package is a 6% per year buy out so that it won't cost him anything, the State will be paying for his 6% should he decide to leave early. I listened to the good Senator from Cumberland, Senator Esty, when he said I think of him as a true public servant, well I wish I could have found him that way. Every time I went down to his office it was empty. The good Senator from Kennebec, Senator Bustin, said he had done such a good job for us, he has done it all for us, how dare you go from us now. If you pass this Bill he won't be going any place. Thank you.

Senator **VOSE** of Washington was granted unanimous consent to address the Senate on the Record.

Senator **VOSE**: Thank you Mr. President. I would like to present Senate Amendment "A" (S-2000) to L.D. 1993. It is a simple amendment, it just abolishes the legislative position and duties of the Revisor of Statutes. If you pass the Bill, not only will he not be going, he won't be coming back. Thank you.

THE CHAIR was granted unanimous consent to address the Senate on the Record.

THE PRESIDENT: Obviously, David, we are really sorry to see you go. You have been a great help to me in my position. I know we have had some chats downstairs, just you and I, in your office, trying to figure out how we can change things and make them work more efficiently. I think everybody should be aware that the State of Maine, over the last five years, has been known nationally for the quality of its statutes and I think we all realize the input and leadership that you had in bringing the Maine statutes to the quality status that they have. You are really going to be missed and I think you know that we mean that sincerely. We would like to present on behalf of the legislature, this plaque

which is a copy of Senator Carey's Bill, An Act to Abolish the Position of Regional State Court Administrator", and it is signed by the members of the Maine Senate. We would like you to have this as a token of our appreciation of everything that you have done for the State. The Chair would ask the Sergeant-At-Arms to please escort David Kennedy to the front where he may receive his gratitude. Thank you.

Off Record Remarks

On motion by Senator CAREY of Kennebec, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Make Technical Corrections in Recently Enacted Laws" (Governor's Bill)
H.P. 1176 L.D. 1567

Committee on JUDICIARY suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Pursuant to Joint Rule 14 a Division was had. 23 Senators having voted in the affirmative, and No Senators in the negative, and 23 being a majority of the members present and voting, Joint Rule 14 was suspended.

Off Record Remarks

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

Off Record Remarks

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

July 14, 1993

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

Dear Madam Secretary:

House Paper 1174, Legislative Document 1566, AN ACT to Provide Funds for Community Mental Health Services, 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-four voted in favor and fifty-seven 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.

On motion by Senator BEGLEY of Lincoln, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

SECOND READERS

House

Bill "An Act to Make Technical Corrections in Recently Enacted Laws" (Governor's Bill)
H.P. 1176 L.D. 1567

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

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

Off Record Remarks

Senate at Ease

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**

July 14, 1993

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

Dear Madam Secretary:

House Paper 1172, Legislative Document 1565, AN ACT to Provide Property Tax Relief for Maine Citizens, 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-five voted in favor and fifty-five 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**.

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 Make Technical Corrections in Recently Enacted Laws (Governor's Bill)
H.P. 1176 L.D. 1567

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

At this point, a message was received from the House of Representatives, borne by Representative GWADOSKY of Fairfield, informing the Senate that the House had transacted all business before it and was ready to Adjourn, Without Day.

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

ORDERS

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

ORDERED, that a message be sent to the Governor, John R. McKernan, Jr., informing him that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day.

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

The President appointed the Senator from Cumberland, Senator **ESTY** to deliver the message to the Governor.

Subsequently, the Senator from Cumberland, Senator **ESTY** reported that he had delivered the message with which he was charged.

Senate at Ease

Senate called to order by the President.

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

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day.

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

The President appointed the Senator from Kennebec, Senator **BUSTIN** to deliver the message.

Subsequently, the Senator from Kennebec, Senator **BUSTIN** reported that she had delivered the message with which she was charged.

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator **MARDEN** of Kennebec at 12:45 p.m. on Wednesday, July 14, 1993, the Honorable **DENNIS L. DUTREMBLE**, President of the Senate, declared the First Regular Session of the 116th Legislature, **ADJOURNED SINE DIE**.