

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Sixteenth Legislature
OF THE
State Of Maine

VOLUME VI

SECOND REGULAR SESSION

Senate
January 5, 1994 to April 6, 1994

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

In Senate Chamber
Friday
February 18, 1994

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. The prayer today is taken from the Apostle Paul's first letter to the Corinthians in Chapter 9, verses 22 and 23.

"I made myself the servant of all so as to win over as many as possible. To the weak, I became weak with a view to give support to the weak. I have made myself all things to all men in order to save some of them. I do all that I do for the sake of the gospel hoping to share in its blessings." Amen.

Reading of the Journal of Tuesday, February 15, 1994.

Out of order and under suspension of the Rules, on motion by Senator **BUSTIN** of Kennebec, the following Joint Order:

S.P. 708

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Wednesday, February 23, 1994, at nine o'clock in the morning.

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, on motion by Senator **ESTY** of Cumberland, the following Order:

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both Branches in the Hall of the House at 10:30 in the morning, for the purpose of extending to the Honorable J. Michael Orenduff, Chancellor of the University of Maine, an invitation to attend the Joint Convention and make such communication as pleases him.

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

The Chair appointed the Senator from Cumberland, Senator **ESTY**, to deliver the message. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

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

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

"Resolve, Authorizing the Direct Purchase of the Desk, Chair and Credenza Used by John L. Martin as Speaker of the House of Representatives"

S.P. 677 L.D. 1857

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

In Senate, February 10, 1994, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-737)**, without reference to a Committee and **ORDERED PRINTED** in **NON-CONCURRENCE**.

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

House Papers

Bill "An Act to Clarify and Expand the Driver Education and Evaluation Programs in the State"
H.P. 1381 L.D. 1868

Resolve, to Establish Minimum Standards for Adult and Family Shelters in the State
H.P. 1383 L.D. 1882

Come from the House referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

Which were referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Enable Parents to Retain Custody in Voluntary Placements"

H.P. 1377 L.D. 1864

Committee on **JUDICIARY** suggested and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **HUMAN RESOURCES**.

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

Joint Orders

The following Joint Order: H.P. 1393

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government report out a resolve directing an appropriate gift to be presented to the U.S.S. Maine at its launching ceremony to occur in the Summer of 1994.

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

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

COMMUNICATIONS

The Following Communication: S.P. 702

116TH MAINE LEGISLATURE

February 15, 1994

Senator Judy A. Paradis
Rep. Robert J. Tardy
Chairpersons
Joint Standing Committee on Agriculture
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Richard D. Lamb of Springvale for reappointment and Colon E. Durrell of Farmington for appointment to the Maine Milk Commission.

Pursuant to Title 7, MRSA Section 2952, these nominations will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

Which was **READ** and referred to the Committee on **AGRICULTURE**.

Sent down for concurrence.

The Following Communication:

**DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
STATE HOUSE STATION 78
AUGUSTA, ME 04333**

February 15, 1994

The Honorable Dennis L. Dutremble
President of the Senate
Maine State Senate
State House Station #3
Augusta, ME 04333

Dear Senator Dutremble:

Pursuant to Chapter 15, Resolves of 1993, I am submitting the Report for Amending the Laws Pertaining to Job Classification Specifications.

Please do not hesitate to call if you have any questions regarding the materials contained in the report.

Sincerely,

S/H. Sawin Millett, Jr.
Commissioner

Which was **READ** and with Accompanying Papers **ORDERED PLACED ON FILE**.

The Following Communication:

**ADVISORY COMMISSION ON RADIOACTIVE WASTE
STATE OF MAINE
STATE HOUSE STATION #120
AUGUSTA, ME 04333**

February 15, 1994

Honorable Dennis L. Dutremble
President of the Senate
State House Station #3
Augusta, ME 04333

Dear Senator Dutremble:

The accompanying document is the Advisory Commission on Radioactive Waste's annual report for the calendar year 1993. This report is submitted to you in accordance with 38 M.R.S.A. 1453 (4), which requires the Advisory Commission to "report to the Governor and the Legislature annually, during the regular legislative session and at other times as necessary."

If you have any questions, please don't hesitate to call me.

Sincerely,
S/Rep. James Mitchell
Chair, Advisory
Commission on
Radioactive Waste

Which was **READ** and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:

**COMMITTEE ON AGING, RETIREMENT AND VETERANS
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

February 15, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Aging, Retirement & Veterans has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1389 An Act to Restructure the Department of Defense and Veterans' Services
- L.D. 1411 An Act Concerning the Eligibility of Children of Disabled Veterans to Obtain Education Benefits

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Bonnie L. Titcomb S/Rep. John Jalbert
Senate Chair House Chair

Which was **READ** and with Accompanying Bills
ORDERED PLACED ON FILE.

The Following Communication:

**COMMITTEE ON AGRICULTURE
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

February 15, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Agriculture has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 664 An Act to Amend the Authority of the State Harness Racing Commission to Contract for Certain Services

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Judy Paradis S/Rep. Robert J. Tardy
Senate Chair House Chair

Which was **READ** and with Accompanying Bills
ORDERED PLACED ON FILE.

The Following Communication:

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

February 15, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Banking & Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1444 An Act to Provide Choice within the Maine State Employee Health Insurance Program
- L.D. 1583 An Act to Clarify Automobile Insurance Laws
- L.D. 1734 An Act Regarding the Use of Social Security Numbers on Health Care Cards

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Dale McCormick
Senate Chair

S/Rep. Edward L. Pineau
House Chair

Which was **READ** and with Accompanying Bills
ORDERED PLACED ON FILE.

The Following Communication:

**COMMITTEE ON BUSINESS LEGISLATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

February 15, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Business Legislation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1312 An Act to Regulate Nonsewered Toilet Systems

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Alton E. Cianchette
Senate Chair

S/Rep. Annette M. Hoglund
House Chair

Which was **READ** and with Accompanying Bills
ORDERED PLACED ON FILE.

The Following Communication:

**JOINT SELECT COMMITTEE ON CORRECTIONS
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

February 15, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Select Committee on Corrections has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 421 An Act Concerning Split Sentences

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Beverly M. Bustin
Senate Chair

S/Rep. Anne M. Larrivee
House Chair

Which was **READ** and with Accompanying Bills
ORDERED PLACED ON FILE.

The Following Communication:

**COMMITTEE ON ENERGY AND NATURAL RESOURCES
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

February 15, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Energy & Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1290 An Act to Amend the Shoreland Zoning Laws

- L.D. 1582 An Act to Amend Road Dust Nuisance Laws
- L.D. 1686 An Act to Exempt Publicly Owned Treatment Works from Certain Rules Adopted by the Board of Environmental Protection

The Following Communication:

**COMMITTEE ON HUMAN RESOURCES
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

February 15, 1994

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Sincerely,

S/Sen. Mark W. Lawrence S/Rep. Paul F. Jacques
Senate Chair House Chair

Dear President Dutremble and Speaker Gwadosky:

Which was **READ** and with Accompanying Bills
ORDERED PLACED ON FILE.

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Human Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 690 An Act Related to Special Education Costs
- L.D. 1503 An Act to Encourage People in the State to Plan for Long-term Care
- L.D. 1725 An Act to Ensure Accountability in Community Services for People with Mental Retardation

The Following Communication:

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

February 15, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Sincerely,

S/Sen. Judy Paradis S/Rep. Sharon Anglin Treat
Senate Chair House Chair

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Housing & Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

Which was **READ** and with Accompanying Bills
ORDERED PLACED ON FILE.

- L.D. 1071 An Act to Establish the Regional Revolving Loan Fund
- L.D. 1461 An Act to Establish a Capital Access Program

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

The Following Communication:

**COMMITTEE ON JUDICIARY
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

February 15, 1994

Sincerely,

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

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Which was **READ** and with Accompanying Bills
ORDERED PLACED ON FILE.

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1371 An Act to Implement the Recommendations of the Special Commission on Governmental Restructuring Pertaining to the Judicial Branch

L.D. 1647 An Act to Have Mandatory HIV Testing for Assailants of Law Enforcement Officers

Which was **READ** and with Accompanying Bills
ORDERED PLACED ON FILE.

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Gerard P. Conley, Jr. S/Rep. Constance D. Cote
Senate Chair House Chair

Which was **READ** and with Accompanying Bills
ORDERED PLACED ON FILE.

The Following Communication:

**COMMITTEE ON LEGAL AFFAIRS
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

February 15, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Legal Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1495 An Act to Amend the Laws Governing Inspection of Ballots

L.D. 1571 Resolve, Authorizing Charles and Rachel Dellea to Sue the Department of Human Services for Negligence

L.D. 1581 An Act to Decrease the Number of Sleeping Rooms a Hotel Must Have in Order to Obtain a Liquor License

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Richard J. Carey S/Rep. Beverly C. Daggett
Senate Chair House Chair

The Following Communication:

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

February 15, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on State & Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1678 An Act to Amend the Law Regarding Patrolling Small Towns by the County Sheriff

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Georgette B. Berube S/Rep. Ruth C. Joseph
Senate Chair House Chair

Which was **READ** and with Accompanying Bills
ORDERED PLACED ON FILE.

The Following Communication:

**COMMITTEE ON TAXATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

February 15, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1143 An Act Concerning the Definition of Telecommunications Under the Tax Laws
- L.D. 1199 An Act to Redefine Nonprofit Status in the Sales and Use Tax Law
- L.D. 1476 An Act to Establish Economic Recovery Tax Credits

Which was **READ** and with Accompanying Bills **ORDERED PLACED ON FILE.**

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John E. Baldacci
Senate Chair

S/Rep. Susan E. Dore
House Chair

Which was **READ** and with Accompanying Bills **ORDERED PLACED ON FILE.**

The Following Communication:

**COMMITTEE ON TRANSPORTATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

February 15, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 324 An Act to Clarify the Rights of Water Utilities with Respect to Water Lines Passing in or through Railroad Rights-of-way
- L.D. 1586 An Act to Raise the Motor Vehicle Registration Fee to Aid in the Construction of Salt and Sand Storage Facilities

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Joseph C. Brannigan
Senate Chair

S/Rep. William B. O'Gara
House Chair

The Following Communication:

**COMMITTEE ON UTILITIES
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

February 15, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Utilities has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1007 An Act to Enhance Competition in Electric Utilities
- L.D. 1119 An Act to Deregulate Consumer-owned Electric Utilities
- L.D. 1406 An Act Pertaining to Pole Attachment Rate Disputes
- L.D. 1475 An Act to Deregulate Consumer-owned Water Utilities
- L.D. 1685 An Act to Inform Telephone Consumers of Options for Deterring Unwanted Telephone Solicitation
- L.D. 1760 An Act to Amend the Utility Location Permit Laws
- L.D. 1765 An Act to Protect Ratepayer Investments

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Harry L. Vose
Senate Chair

S/Rep. Herbert E. Clark
House Chair

Which was **READ** and with Accompanying Bills **ORDERED PLACED ON FILE.**

The Following Communication:

**COMMITTEE ON AGRICULTURE
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

February 16, 1994

Dear Mr. President:

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Alan J. Lewis of Machias, for reappointment to the Board of Pesticides Control.

Dear Mr. President:

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Gwynne F. Briggs of Kennebunk, for appointment to the Board of Pesticides Control.

YEAS:	Sen.	1	Paradis of Aroostook
	Rep.	9	Tardy of Palmyra, Aliberti of Lewiston, Hussey of Milo, Heeschen of Wilton, Ahearne of Madawaska, Strout of Corinth, Spear of Nobleboro, Nash of Camden, Kneeland of Easton

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

NAYS:		0	
ABSENT:		3	Sen. Pingree of Knox, Sen. Marden of Kennebec, Rep. Cross of Foxcroft.

YEAS:	Sen.	1	Paradis of Aroostook
	Rep.	9	Tardy of Palmyra, Aliberti of Lewiston, Hussey of Milo, Ahearne of Madawaska, Strout of Corinth, Spear of Nobleboro, Nash of Camden, Cross of Foxcroft, Kneeland of Easton

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Alan J. Lewis of Machias, for reappointment to the Board of Pesticides Control be confirmed.

NAYS:		1	Rep. Heeschen of Wilton
ABSENT:		2	Sen. Pingree of Knox, Sen. Marden of Kennebec

Ten members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Gwynne F. Briggs of Kennebunk, for appointment to the Board of Pesticides Control be confirmed.

Signed:

S/Judy A. Paradis Senate Chair	S/Robert J. Tardy House Chair
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Which was **READ** and **ORDERED PLACED ON FILE**.

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

Signed:

S/Judy A. Paradis Senate Chair	S/Robert J. Tardy House Chair
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Which was **READ** and **ORDERED PLACED ON FILE**.

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

At this point, a message was received from the House of Representatives, borne by Representative JACQUES of Waterville informing the Senate that the House concurred in the proposition for a Joint Convention, to be held in the Hall of the House, at 10:30 a.m., for the purpose of extending to the Honorable J. Michael Orenduff, Chancellor of the University of Maine, an invitation to attend the Joint Convention and make such communication as pleases him.

The Following Communication:

**COMMITTEE ON AGRICULTURE
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

February 16, 1994

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

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

AFTER CONVENTION

IN SENATE

Senate called to order by the President.

ORDERS OF THE DAY

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

NOMINATION - of Gwynne F. Briggs of Kennebunk for appointment to the Board of Pesticides Control

Tabled - February 18, 1994, by Senator **BUSTIN** of Kennebec.

Pending - **CONSIDERATION**

(In Senate, February 18, 1994, Communication from the Committee on **AGRICULTURE READ** and **ORDERED PLACED ON FILE.**)

THE PRESIDENT: The Joint Standing Committee on Agriculture has recommended the nomination of Gwynne F. Briggs of Kennebunk be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BALDACCI, BRANNIGAN, BUTLAND, CAREY, CIANCHETTE, CONLEY, O'DEA, PINGREE

No Senators having voted in the affirmative and 27 Senators having voted in the negative, with 8 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Gwynne F. Briggs, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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

NOMINATION - of Alan J. Lewis of Machias for reappointment to the Board of Pesticides Control

Tabled - February 18, 1994, by Senator **BUSTIN** of Kennebec.

Pending - **CONSIDERATION**

(In Senate, February 18, 1994, Communication from the Committee on **AGRICULTURE READ** and **ORDERED PLACED ON FILE.**)

THE PRESIDENT: The Joint Standing Committee on Agriculture has recommended the nomination of Alan J. Lewis of Machias be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BRANNIGAN, BUTLAND, CAREY, CIANCHETTE, CONLEY, O'DEA, PINGREE

No Senators having voted in the affirmative and 28 Senators having voted in the negative, with 7 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Alan J. Lewis, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

THE PRESIDENT: The Joint Standing Committee on Agriculture has recommended the nomination of Andrew B. Berry of North Whitefield be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

The Following Communication:

**COMMITTEE ON AGRICULTURE
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

February 16, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Andrew B. Berry of North Whitefield, for reappointment to the Board of Pesticides Control.

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

YEAS:	Sen.	1	Paradis of Aroostook
	Rep.	9	Tardy of Palmyra, Aliberti of Lewiston, Hussey of Milo, Heeschen of Wilton, Ahearne of Madawaska, Strout of Corinth, Spear of Nobleboro, Nash of Camden, Kneeland of Easton
NAYS:		0	
ABSENT:		3	Sen. Pingree of Knox, Sen. Marden of Kennebec, Rep. Cross of Foxcroft

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Andrew B. Berry of North Whitefield, for reappointment to the Board of Pesticides Control be confirmed.

Signed:

S/Judy A. Paradis
Senate Chair

S/Robert J. Tardy
House Chair

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

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BRANNIGAN, BUTLAND, CAREY, CONLEY, PINGREE

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

The Secretary has so informed the Speaker of the House.

The Following Communication:

**COMMITTEE ON EDUCATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

February 16, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Andrew E. Ayer of Caribou, for appointment to the State Board of Education.

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

YEAS: Sen. 2 O'Dea of Penobscot, Amero of Cumberland
 Rep. 8 Mitchell of Vassalboro, Simonds of Cape Elizabeth, Cloutier of South Portland, Pinette of Fort Kent, Stevens of Orono, Norton of Winthrop, Ault of Wayne, Small of Bath

NAYS: 0

ABSENT: 3 Sen. Lawrence of York, Rep. Oliver of Portland, Rep. Pfeiffer of Brunswick

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Andrew E. Ayer of Caribou, for appointment to the State Board of Education be confirmed.

Signed:

S/John J. O'Dea
 Senate Chair

S/Elizabeth H. Mitchell
 House Chair

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

THE PRESIDENT: The Joint Standing Committee on Education has recommended the nomination of Andrew E. Ayer of Caribou be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BRANNIGAN, BUTLAND, CAREY, CONLEY, PINGREE

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

The Secretary has so informed the Speaker of the House.

The Following Communication:

**COMMITTEE ON EDUCATION
 ONE HUNDRED AND SIXTEENTH LEGISLATURE**

February 16, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Jean K. Gulliver of Falmouth, for appointment to the State Board of Education.

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

YEAS: Sen. 2 O'Dea of Penobscot, Amero of Cumberland
 Rep. 8 Mitchell of Vassalboro, Simonds of Cape Elizabeth, Cloutier of South Portland, Pinette of Fort Kent, Stevens of Orono, Norton of Winthrop, Ault of Wayne, Small of Bath

NAYS: 0

ABSENT: 3 Sen. Lawrence of York, Rep. Oliver of Portland, Rep. Pfeiffer of Brunswick

**COMMITTEE ON EDUCATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

February 16, 1994

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Jean K. Gulliver of Falmouth, for appointment to the State Board of Education be confirmed.

Signed:

S/John J. O'Dea
Senate Chair

S/Elizabeth H. Mitchell
House Chair

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

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

THE PRESIDENT: The Joint Standing Committee on Education has recommended the nomination of Jean K. Gulliver of Falmouth be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BRANNIGAN, BUTLAND, CAREY, CONLEY, PINGREE

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

The Secretary has so informed the Speaker of the House.

The Following Communication:

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Shirley D. Oliver of Orono, for appointment to the State Board of Education.

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

YEAS: Sen. 2 O'Dea of Penobscot, Amero of Cumberland

Rep. 8 Mitchell of Vassalboro, Simonds of Cape Elizabeth, Cloutier of South Portland, Pinette of Fort Kent, Stevens of Orono, Norton of Winthrop, Ault of Wayne, Small of Bath

NAYS: 0

ABSENT: 3 Sen. Lawrence of York, Rep. Oliver of Portland, Rep. Pfeiffer of Brunswick

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Shirley D. Oliver of Orono, for appointment to the State Board of Education be confirmed.

Signed:

S/John J. O'Dea
Senate Chair

S/Elizabeth H. Mitchell
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Education has recommended the nomination of Shirley D. Oliver of Orono be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BRANNIGAN, BUTLAND, CAREY, CONLEY, PINGREE

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

The Secretary has so informed the Speaker of the House.

SENATE PAPERS

Bill "An Act to Correct the Implementation of Recent Changes to the Retirement Laws" (Emergency)
S.P. 698 L.D. 1896

Presented by Senator **ESTY** of Cumberland
Cosponsored by Senators: **BUTLAND** of Cumberland, **TITCOMB** of Cumberland, **WEBSTER** of Franklin,
Representatives: REED of Falmouth, VIGUE of Winslow
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Which was referred to the Committee on **AGING, RETIREMENT & VETERANS** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 for the Remediation and Closure of Municipal Solid Waste Landfills"
S.P. 696 L.D. 1894

Presented by Senator **HARRIMAN** of Cumberland
(GOVERNOR'S BILL)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$21,000,000 to Provide Funds for Improved Access to State Facilities for Disabled Citizens and Employees, for Safety Improvements at the Baxter School for the Deaf and for Long-term Lease Cost Savings"
S.P. 700 L.D. 1898

Presented by Senator **CARPENTER** of York
(GOVERNOR'S BILL)
Cosponsored by Representative REED of Falmouth and Senator: **PEARSON** of Penobscot, Representative: CARROLL of Gray

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$1,500,000 to Improve National Guard Armories"
S.P. 706 L.D. 1903

Presented by Senator **BUSTIN** of Kennebec
(GOVERNOR'S BILL)

Which were referred to the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Require Risk-based Capital Standards and Standard Valuation to Ensure Continued Accreditation for the Bureau of Insurance"
S.P. 701 L.D. 1899

Presented by Senator **KIEFFER** of Aroostook
Cosponsored by Representatives: CARLETON of Wells, HALE of Sanford, PINEAU of Jay
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.

Which was referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act Regarding Registration for the Provision of Substance Abuse Counseling Services"
S.P. 705 L.D. 1902

Presented by Senator **BUSTIN** of Kennebec
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Which was referred to the Committee on **BUSINESS LEGISLATION** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Clarify the Appropriate Secular Observance of Religious Holidays in Maine Schools" S.P. 704 L.D. 1901

Presented by Senator **SUMMERS** of Cumberland
Cosponsored by Senators: **AMERO** of Cumberland, **BUSTIN** of Kennebec, **BUTLAND** of Cumberland, **CAHILL** of Sagadahoc, **CARPENTER** of York, **CONLEY** of Cumberland, **GOULD** of Waldo, **HALL** of Piscataquis, **HANLEY** of Oxford, **HARRIMAN** of Cumberland, **KIEFFER** of Aroostook, **MARDEN** of Kennebec, **MCCORMICK** of Kennebec, **TITCOMB** of Cumberland, **VOSE** of Washington,
Representatives: **BAILEY** of Township 27, **BAILEY** of Farmington, **DONNELLY** of Presque Isle, **FARNUM** of South Berwick, **JACQUES** of Waterville, **KERR** of Old Orchard Beach, **MARSHALL** of Eliot, **MORRISON** of Bangor, **TARDY** of Palmyra
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Bill "An Act to Correct the Legal Title to a Building at Southern Maine Technical College" (Emergency) S.P. 709 L.D. 1917

Presented by Senator **AMERO** of Cumberland (GOVERNOR'S BILL)
Cosponsored by Senator: **O'DEA** of Penobscot, Representatives: **MITCHELL** of Vassalboro, **PENDLETON** of Scarborough

Which were referred to the Committee on **EDUCATION** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Establish the Maine Surplus Energy Auction Program" S.P. 707 L.D. 1904

Presented by Senator **CARPENTER** of York (GOVERNOR'S BILL)
Cosponsored by Representative **DONNELLY** of Presque Isle and Senators: **HARRIMAN** of Cumberland, **VOSE** of Washington, Representatives: **AIKMAN** of Poland, **CLARK** of Millinocket

Committee on **ENERGY & NATURAL RESOURCES** suggested and **ORDERED PRINTED**.

On motion by Senator **ESTY** of Cumberland, referred to the Committee on **UTILITIES**.

Sent down for concurrence.

Bill "An Act to Prohibit the Use of Gill Nets in the Kennebec and Androscoggin Rivers" (Emergency) S.P. 710 L.D. 1918

Presented by Senator **ESTY** of Cumberland
Cosponsored by Representatives: **FARNSWORTH** of Hallowell, **HEINO** of Boothbay, **JACQUES** of Waterville, **LIPMAN** of Augusta, **MARSH** of West Gardiner, **PARADIS** of Augusta, **STEVENS** of Sabattus, **TREAT** of Gardiner
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Which was referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**.

Sent down for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine Providing for the Direct Election of the Treasurer of State S.P. 695 L.D. 1893

Presented by Senator **CAHILL** of Sagadahoc (GOVERNOR'S BILL)
Cosponsored by Senators: **AMERO** of Cumberland, **BEGLEY** of Lincoln, **CARPENTER** of York, **GOULD** of Waldo, **HALL** of Piscataquis, **HANLEY** of Oxford, **SUMMERS** of Cumberland, **WEBSTER** of Franklin, Representatives: **BENNETT** of Norway, **FOSS** of Yarmouth, **LIBBY** of Buxton, **LOOK** of Jonesboro, **ROBICHAUD** of Caribou, **TAYLOR** of Cumberland, **WHITCOMB** of Waldo, **ZIRNKILTON** of Mount Desert

Committee on **STATE & LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.

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

Bill "An Act to Establish a New Valuation on Sears Island" (Emergency) S.P. 703 L.D. 1900

Presented by Senator **GOULD** of Waldo
Cosponsored by Representative **TUFTS** of Stockton Springs and Representatives: **LINDAHL** of Northport, **WHITCOMB** of Waldo
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Which was referred to the Committee on **TAXATION** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$19,800,000 to Improve Passenger and Freight Rail Facilities and Make Improvements at State and Municipal Transportation Facilities" S.P. 697 L.D. 1895

Presented by Senator **GOULD** of Waldo (GOVERNOR'S BILL)
Cospensored by Senator **BRANNIGAN** of Cumberland, Representative **O'GARA** of Westbrook and Senator: **PARADIS** of Aroostook, Representatives: **BAILEY** of Township 27, **BAILEY** of Farmington, **DRISCOLL** of Calais, **GOULD** of Greenville, **HUSSEY** of Milo, **MELENDY** of Rockland, **MICHAUD** of East Millinocket, **PLOURDE** of Biddeford, **RICKER** of Lewiston, **STROUT** of Corinth

Ought to Pass As Amended

The Committee on **BANKING & INSURANCE** on Bill "An Act to Amend the Maine Banking Code to Clarify the Definition of Limited-time and Seasonal Branches and to Provide a Definition of In-school Branches" H.P. 1178 L.D. 1569

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-725)**.

Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (Emergency) S.P. 699 L.D. 1897

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-725)**.

Presented by Senator **BRANNIGAN** of Cumberland (GOVERNOR'S BILL)
Cospensored by Senator: **GOULD** of Waldo, Representatives: **BAILEY** of Township 27, **BAILEY** of Farmington, **DRISCOLL** of Calais, **HUSSEY** of Milo, **O'GARA** of Westbrook, **RICKER** of Lewiston, **STROUT** of Corinth

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-725) **READ** and **ADOPTED**, in concurrence.

Which were referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**.

The Bill as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

Sent down for concurrence.

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

The Committee on **BANKING & INSURANCE** on Bill "An Act to Amend the Workers' Compensation Laws By Allowing Guarantors of Self-Insurers to Utilize Approved Letters of Credit" H.P. 1206 L.D. 1614

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-726)**.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **STATE & LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1994 (Emergency)

H.P. 1388 L.D. 1887

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 1344).

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

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

The Resolve **READ ONCE**.

The Resolve **TOMORROW ASSIGNED FOR SECOND READING**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-726)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-726) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **FISHERIES & WILDLIFE** on Resolve, to Direct the Department of Inland Fisheries and Wildlife to Simplify Fishing Rules (Emergency) H.P. 1234 L.D. 1661

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-727)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-727) **READ** and **ADOPTED**, in concurrence.

The Resolve as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Ensure the Proper Installation of Manufactured Homes"

H.P. 342 L.D. 445

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-728)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-728)**.

Which Report was **READ**.

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

The Committee on **HUMAN RESOURCES** on Resolve, to Promote Consumer Choice and Quality Competition in Supported Living Arrangements

H.P. 1276 L.D. 1724

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-724)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724)**.

Which Report was **READ**.

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

Divided Report

The Majority of the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Supplement Environmental Enforcement"

H.P. 731 L.D. 990

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

Signed:

Senators:

LAWRENCE of York
CIANCHETTE of Somerset
LUDWIG of Aroostook

Representatives:

JACQUES of Waterville
GOULD of Greenville
POULIN of Oakland
ANDERSON of Woodland
LORD of Waterboro
CONSTANTINE of Bar Harbor

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-718)**.

Signed:

Representatives:

MARSH of West Gardiner
COLES of Harpswell
MITCHELL of Freeport
WENTWORTH of Kennebunkport

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

Which Reports were **READ**.

The Majority **UGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Senate

Ought to Pass

Senator **GOULD** for the Committee on **MARINE RESOURCES** on Bill "An Act to Clarify Certain Marine Resource Definitions"

S.P. 581 L.D. 1625

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

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

The Bill **READ ONCE**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

Ought to Pass As Amended

Senator **BUSTIN** for the Joint Select Committee on **CORRECTIONS** on Bill "An Act to Amend the Conditions of Probation"

S.P. 557 L.D. 1593

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-408)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-408) **READ** and **ADOPTED**.

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING**.

Senator **O'DEA** for the Committee on **EDUCATION** on Bill "An Act to Eliminate the Maine School Building Authority"

S.P. 600 L.D. 1698

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-406)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-406) **READ** and **ADOPTED**.

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING**.

Senator **LUDWIG** for the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Identify Laboratories Subject to the Laboratory Certification Program" (Emergency)

S.P. 481 L.D. 1479

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-409)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-409) **READ** and **ADOPTED**.

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING**.

Senator **GOULD** for the Committee on **MARINE RESOURCES** on Bill "An Act Concerning Commercial Fishing Licenses"

S.P. 572 L.D. 1618

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-410)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-410) **READ** and **ADOPTED**.

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING**.

Senator **VOSE** for the Committee on **UTILITIES** on Bill "An Act to Ensure That State Water Utility Rules Are Consistent with Federal Requirements"

S.P. 566 L.D. 1601

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-407)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-407) **READ** and **ADOPTED**.

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING**.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

Bill "An Act to Repeal Sanctions against Businesses Doing Business in South Africa"

H.P. 1290 L.D. 1738

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

House As Amended

Bill "An Act Regarding Records of Notaries Public"

H.P. 592 L.D. 807
(C "A" H-720)

Bill "An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1994" (Emergency)

H.P. 1181 L.D. 1579
(C "A" H-717)

Resolve, Regarding the Sale of State-owned Property

H.P. 1192 L.D. 1589
(C "A" H-719)

Bill "An Act Concerning the Identification of Shellfish"

H.P. 1226 L.D. 1645
(C "A" H-723)

Bill "An Act to Amend the Charter of Kents Hill School"

H.P. 1246 L.D. 1673
(C "A" H-721)

Bill "An Act to Amend the Waldoboro Utility District Charter" (Emergency)

H.P. 1268 L.D. 1695
(C "A" H-722)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**.

Sent down for concurrence.

Senate As Amended

Bill "An Act Governing Special Purpose Investment Subsidiaries"

S.P. 548 L.D. 1573
(C "A" S-403)

Bill "An Act to Ensure Appropriate Resource and Referral Services for Families Needing Child Care" (Emergency)

S.P. 550 L.D. 1574
(C "A" S-396)

Bill "An Act to Protect Cable Television Consumers from Excessive Late Fees"

S.P. 563 L.D. 1598
(C "A" S-398)

Bill "An Act to Clarify the Display of Social Security Numbers on Insurance-related Identification Cards" (Emergency)

S.P. 573 L.D. 1617
(C "A" S-399)

Bill "An Act to Amend the Credit Reporting Laws"

S.P. 579 L.D. 1623
(C "A" S-400)

Bill "An Act to Amend Conditions of the Supervised Community Confinement Program"

S.P. 588 L.D. 1648
(C "A" S-405)

Bill "An Act to Promote Equitable Penalties for Unlicensed Consumer Lending"

S.P. 589 L.D. 1649
(C "A" S-401)

Bill "An Act to Conform the Maine Tax Laws for 1993 With the United States Internal Revenue Code" (Emergency)

S.P. 604 L.D. 1702
(C "A" S-404)

Bill "An Act to Protect Consumers in Loan Broker Transactions"

S.P. 610 L.D. 1708
(C "A" S-402)

Bill "An Act to Amend the Structure of Veterans' Services"

S.P. 583 L.D. 1627
(C "A" S-397)

Which was **READ A SECOND TIME**.

On motion by Senator **TITCOMB** of Cumberland, Senate Amendment "A" (S-411) **READ** and **ADOPTED**.

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

Sent down for concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Correct Certain Inconsistencies in the Laws Relating to the Commission on Governmental Ethics and Election Practices"
H.P. 1380 L.D. 1867

Tabled - February 15, 1994, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **CAREY** of Kennebec to **REFER** to the Committee on **LEGAL AFFAIRS** in **NON-CONCURRENCE**

(In House, February 15, 1994, referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED**.)

(In Senate, February 15, 1994, referred to the Committee on **STATE AND LOCAL GOVERNMENT**. Subsequently, **RECONSIDERED**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending the motion by Senator **CAREY** of Kennebec to **REFER** to the Committee on **LEGAL AFFAIRS** in **NON-CONCURRENCE**.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Authorize an Increase in the Holdings of the Farmington Home for Aged People" (Emergency)

H.P. 1398 L.D. 1907

Comes from the House referred to the Committee on **AGING, RETIREMENT & VETERANS** and **ORDERED PRINTED**.

Which was referred to the Committee on **AGING, RETIREMENT & VETERANS** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Provide Supplemental Appropriations for the Loring Development Authority of Maine for Fiscal Year 1994-95"

H.P. 1399 L.D. 1908

Comes from the House referred to the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

Which was referred to the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** and **ORDERED PRINTED**, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Clarify the Opportunity for Small Employers to Purchase Health Insurance" (Emergency)

H.P. 1405 L.D. 1914

Comes from the House referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**.

Which was referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Allow for Reciprocal Licensure for Electricians in the State"

H.P. 1400 L.D. 1909

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

Which were referred to the Committee on **BUSINESS LEGISLATION** and **ORDERED PRINTED**, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Establish Reasonably Available Control Technology Standards for Nitrous Oxides"

H.P. 1395 L.D. 1892

Bill "An Act to Amend the Laws Governing Refuse Disposal Districts"

H.P. 1401 L.D. 1910

Come from the House referred to the Committee on **ENERGY & NATURAL RESOURCES** and **ORDERED PRINTED**.

Which were referred to the Committee on **ENERGY & NATURAL RESOURCES** and **ORDERED PRINTED**, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Provide for the 1994 and 1995 Allocations of the State Ceiling on Private Activity Bonds" (Emergency)

H.P. 1404 L.D. 1913

Comes from the House referred to the Committee on **HOUSING & ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

Which was referred to the Committee on **HOUSING & ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Amend the General Assistance Standard of Need"

H.P. 1396 L.D. 1905

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

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

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

PAPERS FROM THE HOUSE

House Papers

Resolve, Authorizing the State to Release its Interest in Certain Real Property in Belfast
H.P. 1397 L.D. 1906

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Recall of Persons Holding Elective Civil Offices
H.P. 1402 L.D. 1911

Bill "An Act to Establish the Somerset County Advisory Budget Committee"
H.P. 1406 L.D. 1915

Come from the House referred to the Committee on **STATE & LOCAL GOVERNMENT** and **ORDERED PRINTED**.

Which were referred to the Committee on **STATE & LOCAL GOVERNMENT** and **ORDERED PRINTED**, in concurrence.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

PAPERS FROM THE HOUSE

**Pursuant to Statutes
SECRETARY OF STATE**

The **SECRETARY OF STATE**, pursuant to the Maine Revised Statutes, Title 30-A, section 757, ask leave to submit its findings and to report that the accompanying Bill "An Act to Redistrict the Knox County Budget Committee District" (Emergency)
H.P. 1411 L.D. 1921

Be referred to the Committee on **BANKING & INSURANCE** for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **STATE & LOCAL GOVERNMENT** and **ORDERED PRINTED**, pursuant to Joint Rule 18.

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

The Bill referred to the Committee on **STATE & LOCAL GOVERNMENT** and **ORDERED PRINTED**, pursuant to Joint Rule 18, in concurrence.

**Pursuant to Statutes
ADMINISTRATOR OF THE UNORGANIZED TERRITORY**

The **ADMINISTRATOR OF THE UNORGANIZED TERRITORY**, pursuant to the Maine Revised Statutes, Title 36, section 1604, ask leave to submit its findings and to report that the accompanying Bill "An Act to Establish the Municipal Cost Component for Unorganized Territory Services to Be Rendered in Fiscal Year 1994-95" (Emergency)
H.P. 1410 L.D. 1920

Be referred to the Committee on **TAXATION** for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **TAXATION** and **ORDERED PRINTED**, pursuant to Joint Rule 18.

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

The Bill referred to the Committee on **TAXATION** and **ORDERED PRINTED**, pursuant to Joint Rule 18, in concurrence.

Off Record Remarks

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **ESTY** of Cumberland, **ADJOURNED** until Wednesday, February 23, 1994, at 9:00 in the morning.