

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

The Following Joint Resolution: H.P. 1389

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

**JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF
THE UNITED STATES TO EXTEND THE MAINE
TERRITORIAL SEA LIMITS FROM 3 MILES
TO 12 MILES**

In Senate Chamber
Wednesday
February 23, 1994

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

WHEREAS, We, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the members of Congress of the United States, as follows:

WHEREAS, the current territorial sea limit for the State of Maine is 3 miles; and

WHEREAS, waters within the 3-mile territorial sea limit are regulated by the State of Maine with respect to marine fisheries and the waters outside the 3-mile territorial sea limit are not within the jurisdiction of the State; and

WHEREAS, the United States Government has extended territorial limits to 12 miles for purposes other than marine fisheries; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to extend the territorial sea limit of the State of Maine from 3 miles to 12 miles for the purposes of marine fisheries so that the State of Maine can more effectively manage its marine fisheries resources; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

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

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

The Following Joint Resolution: H.P. 1408

**JOINT RESOLUTION MEMORIALIZING THE HONORABLE
REPRESENTATIVES OLYMPIA SNOWE AND THOMAS ANDREWS
TO BECOME COSPONSORS OF HOUSE REPORT 3392,
THE SAFE DRINKING WATER ACT AMENDMENTS OF 1993**

WE, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine, now assembled in the Second Regular Session, most respectfully present and petition the Representatives of the Maine Congressional Delegation, as follows:

WHEREAS, community water systems in the State are required to spend in excess of \$400,000,000 to comply with federal regulations resulting from the Safe Drinking Water Act Amendments of 1986; and

Prayer by Pastor Donald R. Miller of the Trinity Orthodox Presbyterian Church in Auburn.

PASTOR DONALD R. MILLER: Good morning. Let us pray. Our heavenly Father, as we approach you in the name of your only begotten and dearly beloved son the Lord Jesus Christ, we come with thanksgiving and praise. Our hearts are filled with thankfulness Lord at the way you have blessed us as a people, as a nation, and as a State. Oh Father, how clear is the evidence that you have loved us and cared for us in a very peculiar way. We therefore come, at the beginning of this new legislative day and seek your grace. We seek your favor God, but as we do we come acknowledging that all true power, the power that we have and the power that we wield is truly derived from you and defined by you, and we thank you for that. Thank you for counting us as your ministers in this particular arena. We come also to acknowledge Heavenly Father that there is no responsibility like the responsibility that we have to you. There is no accountability like the accountability that we have to you. We come, also, to say thank you for defining what good is so that we may pursue it and do it with all of the hopes and benefits and blessings that come to those who obey your revealed will. Come Lord and hear us as we offer up these things, as we indeed call upon you, not only to receive what we have said but to come in blessing upon us, increase our understanding and appreciation of these things. Grant us wisdom, your wisdom. Grant us strength, your strength. Grant us good health, good conscience and a day that it filled with accomplishment for your glory and for the benefit of us and all of the people of Maine. Again, we say thank you. Hear us we pray. Amen.

Reading of the Journal of Friday, February 18, 1994.

Off Record Remarks

PAPERS FROM THE HOUSE

DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES
 BUREAU OF ACCOUNTS AND CONTROL
 STATE HOUSE STATION 14
 AUGUSTA, ME 04333

WHEREAS, the Safe Drinking Water Act Amendments of 1986 require the arbitrary establishment of 25 new drinking water standards every 3 years, resulting in increased monitoring costs; and

WHEREAS, the Safe Drinking Water Act Amendments of 1986 will result in regulation requiring the removal of contaminants to levels well below that required to protect human health, resulting in millions of dollars being spent unnecessarily on new physical plants and their operation; and

WHEREAS, the Safe Drinking Water Act Amendments of 1986 do not provide any flexibility in monitoring requirements based on community location, thus requiring the monitoring and expenses for that monitoring for contaminants that are not now and never were in this State; and

WHEREAS, the reforms proposed in House Report 3392 will rectify these problems, resulting in millions of dollars of savings for the people of this State, while at the same time advancing public health protection through effective and efficient regulation of public water systems; and

WHEREAS, House Report 3392 has the support of the Maine Water Utilities Association, the Maine Rural Water Association, the National Governors Association, the National League of Cities, the United States Conference of Mayors, the National Association of Counties, the National Conference of State Legislatures, the National Association of Regulatory Utility Commissioners, the Association of Metropolitan Water Agencies, the National Association of Water Companies, the Natural Rural Water Association, the National Water Resources Association, the American Water Works Association and the Association of State Drinking Water Administrators; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Honorable Representatives Olympia Snowe and Thomas Andrews to not only support, but also cosponsor House Report 3392; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to each Member of the Maine Congressional Delegation.

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

Which was **READ**.

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

February 16, 1994

The Honorable Dennis L. Dutremble
 President of the Senate
 116th Legislature

The Honorable Dan Gwadosky
 Speaker of the House
 116th Legislature

Dear Mr. President and Mr. Speaker:

In accordance with Title 5, Maine Revised Statutes Annotated, Section 1547, the accompanying Financial Report of the State of Maine is submitted for the fiscal year ended June 30, 1993.

The first section of the report consists of the General Purpose Financial Statements for all funds reported in accordance with generally accepted accounting Principles. Generally accepted accounting principles for the Governmental Funds uses the modified accrual basis of accounting. Revenues are recognized when they become measurable and available as current assets. Expenditures are generally recognized when the related fund liability is incurred. Exceptions to generally accepted accounting principles in these financial statements include accumulated unpaid vacation and sick leave which has not been recorded, and interest on general long-term debt which is recognized when due.

The second section is reported, as it has been in the past, based upon the budgetary and legal requirements. Please refer to Note 2 of the General Notes to the Financial Statements for the reconciliation of the fund balances between the two sections. Comparative budgetary data and statistical information have also been included in this report to promote a better understanding of the State's finances.

Questions and comments about this report or any phase of State finances are always welcome.

Sincerely,

S/David A. Bourne
 State Controller
 Controller

S/Victor E. Fleury
 Deputy State
 Controller

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

COMMUNICATIONS

The Following Communication:

SENATE PAPERS

Bill "An Act to Require Labeling on Genetically Engineered Food"

S.P. 713 - L.D. 1928

Presented by Senator **TITCOMB** of Cumberland
 Cosponsored by Representative **HEESCHEN** of Wilton
 and Senators: **CAHILL** of Sagadahoc, **MCCORMICK**
 of Kennebec, **PEARSON** of Penobscot, **WEBSTER** of
 Franklin, Representatives: **AULT** of Wayne, **CHASE**
 of China, **JACQUES** of Waterville, **KILKELLY** of
 Wiscasset, **KUTASI** of Bridgton, **MARSHALL** of Eliot,
NASH of Camden, **SPEAR** of Nobleboro, **TARDY** of
 Palmyra
 Approved for introduction by a majority of the
 Legislative Council pursuant to Joint Rule 27.

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

Sent down for concurrence.

Resolve, to Create the Blue Ribbon Commission on
 Hunger and Food Security

S.P. 715 L.D. 1930

Presented by Senator **PARADIS** of Aroostook
 Cosponsored by Senators: **MCCORMICK** of Kennebec,
SUMMERS of Cumberland, Representatives: **AHEARNE**
 of Madawaska, **BRUNO** of Raymond, **CASHMAN** of Old
 Town, **CLARK** of Millinocket, **DAGGETT** of Augusta,
FAIRCLOTH of Bangor, **GEAN** of Alfred, **HUSSEY** of
 Milo, **KILKELLY** of Wiscasset, **LARRIVEE** of Gorham,
MORRISON of Bangor, **MURPHY** of Berwick, **OLIVER** of
 Portland, **PENDLETON** of Scarborough, **PFEIFFER** of
 Brunswick, **PINETTE** of Fort Kent, **POULIN** of
 Oakland, **POULIOT** of Lewiston, **SAXL** of Bangor,
TOWNSEND of Portland, **TOWNSEND** of Eastport,
TOWNSEND of Canaan
 Approved for introduction by a majority of the
 Legislative Council pursuant to Joint Rule 26.

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

Sent down for concurrence.

Bill "An Act to Remove the Sunset Provision from
 the Limitation on Liability for Recycling Activities
 by Municipalities and Regional Associations"
 (Emergency)

S.P. 712 L.D. 1927

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

Which was referred to the Committee on **ENERGY &**
NATURAL RESOURCES and **ORDERED PRINTED**.

Sent down for concurrence.

Resolve, to Effect the Health and Social Services
 Transition Team's Recommended Reorganization of the
 Department of Human Services and the Department of
 Mental Health and Mental Retardation into a Single
 Department of Health, Children and Family Services
 (Emergency)

S.P. 714 L.D. 1929

Presented by Senator **AMERO** of Cumberland
 (GOVERNOR'S BILL)
 Cosponsored by Representative: **MORRISON** of Bangor

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

Sent down for concurrence.

Bill "An Act to Preserve Maine's Part-time
 Citizen Legislature by Making the Legislative Process
 More Efficient"

S.P. 711 L.D. 1926

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

Which was referred to the Committee on **STATE &**
LOCAL GOVERNMENT and **ORDERED PRINTED**.

Sent down for concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **APPROPRIATIONS & FINANCIAL**
AFFAIRS on Bill "An Act to Make Supplemental
 Appropriations and Allocations for the Expenditures
 of State Government and to Change Certain Provisions
 of the Law Necessary to the Proper Operations of
 State Government for the Fiscal Year Ending June 30,
 1994" (Emergency)

H.P. 1409 L.D. 1919

Reported that the same **Ought to Pass**, pursuant
 to Joint Order (H.P. 1376).

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

Which Report was **READ**.

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

Ought to Pass As Amended

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Implement the Technical and Environmental Assistance Program"

H.P. 1264 L.D. 1691

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-734)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-734)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-734) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Clarify the Status of the Maine Indian Tribal-State Commission"

H.P. 1196 L.D. 1604

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-729)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-729)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-729) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **MARINE RESOURCES** on Bill "An Act to Prohibit Dragging in Waters within the Area of an Aquacultural Lease"

H.P. 1204 L.D. 1612

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-735)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-735)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-735) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act to Conform Maine Income Tax Laws and Rules to the Internal Revenue Code"

H.P. 1081 L.D. 1447

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-733)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-733)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-733) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES** on Bill "An Act to Enhance Assessment and Collection Powers of the Boothbay Harbor Sewer District" (Emergency)

H.P. 1220 L.D. 1639

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-732)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-732)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-732) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES** on Bill "An Act to Amend the Charter of the Brewer Water District"
H.P. 1257 L.D. 1684

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-731)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-731)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-731) **READ** and **ADOPTED**, in concurrence.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-412) **READ** and **ADOPTED**.

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

Senator **VOSE** for the Committee on **UTILITIES** on Bill "An Act to Improve the Efficiency of Rate Processing by Consumer-owned Electric Utilities"
S.P. 559 L.D. 1595

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-414)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-414) **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:

Senate

Ought to Pass As Amended

Senator **BUSTIN** for the Joint Select Committee on **CORRECTIONS** on Bill "An Act to Clarify the Method for Calculating Inmate Good Time"
S.P. 597 L.D. 1656

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-413)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-413) **READ** and **ADOPTED**.

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

House

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1994 (Emergency)

H.P. 1388 L.D. 1887

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

House As Amended

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
(C "A" H-725)

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
(C "A" H-726)

Senator **BUSTIN** for the Joint Select Committee on **CORRECTIONS** on Bill "An Act to Revise the Execution of Certain Mandatory Consecutive Sentences"
S.P. 608 L.D. 1706

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-412)**.

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

Resolve, to Direct the Department of Inland Fisheries and Wildlife to Simplify Fishing Rules (Emergency)

H.P. 1234 L.D. 1661
(C "A" H-727)

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

Senate

Bill "An Act to Clarify Certain Marine Resource Definitions"

S.P. 581 L.D. 1625

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Amend the Conditions of Probation"
S.P. 557 L.D. 1593
(C "A" S-408)

Bill "An Act to Ensure That State Water Utility Rules Are Consistent with Federal Requirements"
S.P. 566 L.D. 1601
(C "A" S-407)

Bill "An Act Concerning Commercial Fishing Licenses"
S.P. 572 L.D. 1618
(C "A" S-410)

Bill "An Act to Eliminate the Maine School Building Authority"
S.P. 600 L.D. 1698
(C "A" S-406)

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

Sent down for concurrence.

Bill "An Act to Identify Laboratories Subject to the Laboratory Certification Program" (Emergency)
S.P. 481 L.D. 1479
(C "A" S-409)

Which was **READ A SECOND TIME**.

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED As Amended**.

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

ENACTORS

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

An Act to Exempt Employees of the Public Utilities Commission from Furlough and Shutdown Days
S.P. 119 L.D. 357
(C "B" S-390)

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

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I will ask for a Division on this item if I may. The exemption of a particular Commission from furlough and shutdown days does not necessarily give equity across the governmental board. It is also true that the Labor Relations contract is going to phase out furlough days and shutdown days. So this Bill, in my estimation is not needed. Thank you.

Senator **BEGLEY** of Lincoln requested a Division.

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

Senator **VOSE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This Bill was held over from last year in hopes that the new contract would eliminate the furlough days for those employees. I will admit that that is being phased out and hopefully will be ended once and for all. However, the persons working at the Public Utilities Commission have no effect whatsoever on the General Fund. I understood the purpose of the furlough days was to help out the General Fund, in other words we would save money by days off. These people who are working over there are very important. They have a job to do to protect the ratepayers. Our Committee felt very strongly that they should be exempt from this particular provision. I know that there are exemptions made for emergencies, such as the State Police etc., but I don't see any particular emergency in the State liquor stores, so there has been a precedent made for people who are doing a good job for the State of Maine and have no adverse affect on the General Fund. I would hope that you would pass this Bill. Thank you.

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

Senator **CARPENTER**: Thank you Mr. President, Ladies and Gentlemen of the Senate. Originally when this Bill was first proposed and voted out of Committee, I voted in favor of it, now that they have gone through the State's bargaining unit and have reached an agreement where furlough days will, in fact, be phased out, I do not think that it is really necessary any more and I will vote against the Bill. Thank you.

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

A Division has been requested.

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

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

15 Senators having voted in the affirmative and 9 Senators having voted in the negative, this Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act to Require that All Interest on Escrowed Assessments on Utilities Be Used for the Benefit of the Public Utilities Commission and the Office of the Public Advocate

S.P. 417 L.D. 1326
(C "B" S-387; H "A"
H-730)

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

An Act Concerning the Mahogany Quahog Tax
S.P. 571 L.D. 1619
(C "A" S-388)

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

Emergency

An Act Concerning the Hauling of Mobile Homes on the Roads and Highways of the State
S.P. 564 L.D. 1599
(C "A" S-389)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine Providing for the Direct Election of the Treasurer of State (Governor's Bill)
S.P. 695 L.D. 1893

Tabled - February 18, 1994, by Senator **ESTY** of Cumberland.

Pending - **REFERENCE**

(Committee on **STATE AND LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.)

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

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

HOUSE REPORT - from the Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Ensure the Proper Installation of Manufactured Homes"
H.P. 342 L.D. 445

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-728)**

Tabled - February 18, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In Senate, February 18, 1994, Report **READ**.)

(In House, February 15, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-728)**.)

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

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

HOUSE REPORT - From the Committee on **HUMAN RESOURCES** on Resolve, to Promote Consumer Choice and Quality Competition in Supported Living Arrangements
H.P. 1276 L.D. 1724

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-724)**

Tabled - February 18, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In Senate, February 18, 1994, Report **READ**.)

(In House, February 15, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724)**.)

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

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 18, 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, referred to the Committee on **LEGAL AFFAIRS**, in concurrence.

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

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

Off Record Remarks

On motion by Senator **BUSTIN** 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 Amend the Maine State Retirement System Laws to Authorize the Buy-back of Time Served in the Peace Corps or VISTA Programs"
H.P. 1412 L.D. 1922

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 Amend the Equine Licensing Laws"
H.P. 1415 L.D. 1925

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

Which was referred to the Committee on **AGRICULTURE** 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 Improve Licensing Procedures at the Bureau of Insurance" (Governor's Bill)
H.P. 1414 L.D. 1924

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 Provide Equity in the Laws Concerning Tax Exemptions for Veterans"
H.P. 1413 L.D. 1923

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

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

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1416

ORDERED, the Senate concurring, that the Joint Standing Committee on Judiciary report out a bill, "An Act Authorizing a Tribally Owned Casino in the City of Calais" to the House.

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

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

Off Record Remarks

ORDERS OF THE DAY

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

JOINT RESOLUTION - relative to Memorializing the Honorable Representatives Olympia Snowe and Thomas Andrews to Become Cosponsors of House Report 3392, the Safe Drinking Water Act Amendments of 1993
H.P. 1408

Tabled - February 23, 1994, by Senator **ESTY** of Cumberland.

Pending - **ADOPTION**, in concurrence

(In Senate, February 23, 1994, **READ**.)

(In House, February 18, 1994, **READ** and **ADOPTED**.)

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I have been reading over this Joint Resolution and while I think the intent of the Resolution is laudable I have some questions about whether or not we, as a Senate, should be instructing members of the Congress as to what Bills they should or should not be cosponsoring. As I understand this legislation that is before the Congress may directly affect some water districts and some people within the State, those are the people who should be contacting Congresswoman Snowe and Congressman Andrews about their cosponsorship. I am concerned that we don't know enough about this issue to instruct them whether or not they should be cosponsoring it and that it is not something that directly affects this State. While it affects people in this State, it doesn't directly affect the State of Maine and I would request that this item be Indefinitely Postponed. Thank you.

Senator **ESTY** of Cumberland moved to **INDEFINITELY POSTPONE** in **NON-CONCURRENCE**.

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

Senator **BUSTIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. While I agree with the Indefinite Postponement, I am one of the cosponsors of this Resolution and the reason why I am one of the cosponsors is because my municipality in Augusta asked me if I would please do something to help them relieve the heavy financial burden that they are looking at in trying to meet the Safe Drinking Water Act standards. Where I totally agree with the Safe Drinking Water Act standards the financial burdens that have been imposed on municipalities, and if it hasn't hit yours it will, I think needs to be addressed, perhaps not in this manner, but it needs to be addressed. It is not just a United States Congress issue, it absolutely affects you and your municipalities very intimately. I hope that this legislature is willing to address this issue in some other form in this legislature. Thank you.

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

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

Senator **VOSE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I have just been reading this and it is my recollection that there were two Bills concerning this. One was originated in the Senate and the other may have originated in the House, I believe that this is addressing the Bill that may have been originated in the House which is by far the better Bill for the people of the State of Maine as I recall. I'm not that familiar with the whole situation but I did get a letter from Senator Mitchell to comment on the Senate Bill and what little I read on the Bill it appeared to me that it was going to cost the State of Maine an arm and a leg if that Bill passed in the Senate. If they are referring to the Bill that may originate in the House I feel very strongly that we should indicate our

support for this particular Bill. Therefore, I would ask someone to Table this until we can take a look and see just which Bill they are referring to. Thank you.

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending the motion by the same Senator to **INDEFINITELY POSTPONE** in **NON-CONCURRENCE**.

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

HOUSE REPORT - from the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 1994" (Emergency)
H.P. 1409 L.D. 1919

Report - **Ought to Pass**, pursuant to Joint Order (H.P. 1376)

Tabled - February 23, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In Senate, February 23, 1994, Report **READ**.)

(In House, February 18, 1994, **PASSED TO BE ENGROSSED**.)

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

Senator **BUSTIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I am probably going to vote for this budget but over some very serious objections because I do know that I do not think that we have followed the procedure that we agreed to follow last year and the year before in making sure that what is in the budget is what needs to be in the budget. There are some serious flaws that hopefully can be repaired after this budget is passed. There are some serious flaws and one of the most specific ones is the overtime issue in the Department of Corrections. We are looking at perhaps not being able to staff the post that are there if we can't make some adjustments. There is some very legitimate consideration about how overtime is paid for, how overtime is billed, why we need to use so much of it, and these need to be addressed. The Appropriations Committee has asked and has not gotten a response from the appropriate people in order to make their needs known as to why they are asking for that amount of overtime. I, as the Chair of Corrections, will be doing my very best to try to institute a process where we can get the answers to those questions and hopefully we will have them so that when we have another chance at a budget in this legislative session we will be able to resolve the issue of the overtime and get some control over it. Even though I think that we should be funding the overtime amount that has been requested by the Executive in this budget, I will be voting for it and hopefully we can repair the damage that has been done in the next budget. Thank you.

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

Senator **ESTY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would just like to take this opportunity to point out to all of the members of this Senate that this is a unanimous recommendation from the Appropriations Committee, one that we haven't seen for a budget in recent times. I would just like to take one moment, even though it is a 1994 budget, to applaud all three members of the Senate who serve on the Appropriations Committee for coming together with a unanimous report to present to us. You have worked hard, we expect in the 1995 budget that will be forthcoming that the same kinds of efforts will take place so that we can see another unanimous report come before this Senate. Thank you again on behalf of all of the members of this Senate to the three of you who have worked hard and will continue to work hard in the next five or six weeks. Thank you.

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

The Bill **READ ONCE**.

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

Off Record Remarks

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

HOUSE REPORT - from the Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Ensure the Proper Installation of Manufactured Homes"
H.P. 342 L.D. 445

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-728)**

Tabled - February 23, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF REPORT**

(In Senate, February 18, 1993, Report **READ**.)

(In House, February 15, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-728)**.)

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-728) **READ** and **ADOPTED**, in concurrence.

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

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

HOUSE REPORT - from the Committee on **HUMAN RESOURCES** on Resolve, to Promote Consumer Choice and Quality Competition in Supported Living Arrangements
H.P. 1276 L.D. 1724

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-724)**

Tabled - February 23, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF REPORT**

(In Senate, February 18, 1994, Report **READ**.)

(In House, February 15, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724)**.)

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-724) **READ** and **ADOPTED**, in concurrence.

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

Off Record Remarks

Senator **O'DEA** of Penobscot was granted unanimous consent to address the Senate off the Record.

On motion by Senator **CAHILL** of Sagadahoc, **ADJOURNED** until Thursday, February 24, 1994, at 9:00 in the morning.