

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
Tuesday
March 1, 1994

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

Please be advised that Governor John R. McKernan, Jr. has nominated C. Thomas Jagger of Springvale for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA Section 7033-A, this nomination will require review by the Joint Standing Committee on Fisheries and Wildlife and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

Prayer by the Honorable James R. Handy of Androscoggin.

SENATOR JAMES R. HANDY: Thank you and good morning. In February we celebrated Black History Month and in recognition of those 28 days of recognizing the contributions of Black Americans and African Americans to our great country I would like to share with you a poem by Langston Hughes, a black poet, called "I Too".

I, too, sing America.
I am the darker brother.
They send me to eat in the kitchen when
company comes, but I laugh and eat well
and grow strong.
Tomorrow I will be at the table when
company comes.
Nobody will dare say to me "eat in the
kitchen" then. Besides, they will see
how beautiful I am and be ashamed.
I, too, am America.

Thank you.

Reading of the Journal of Thursday, February 24, 1994.

Which was **READ** and referred to the Committee on **FISHERIES AND WILDLIFE**.

Sent down for concurrence.

The Following Communication:

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

February 23, 1994

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

Dear Mr. President:

Pursuant to P.L. 1992, Ch. 885, the Joint Standing Committee on Banking and Insurance has met to review the reappointment of Harvey Picker of Camden as the Public Member of the Maine Employers' Mutual Insurance Company.

After review, the Committee proceeded to vote on the approval of this reappointment. The Committee Clerk called the roll with the following result:

YEAS:	Sen. 2	McCormick of Kennebec, Carey of Kennebec
	Rep. 6	Erwin of Rumford, Tracy of Rome, Rand of Portland, Hale of Sanford, Townsend of Canaan, Carleton of Wells,
NAYS:	0	
ABSENT:	5	Sen. Kieffer of Aroostook, Rep. Pineau of Jay, Rep. Kutasi of Bridgton, Rep. Campbell of Holden, Rep. Joseph of Waterville

The Following Communication: S.P. 731

116TH MAINE LEGISLATURE

February 23, 1994

Senator Ida Luther
Rep. Dorothy A. Rotondi
Chairpersons
Joint Standing Committee on Fisheries and Wildlife
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Eight members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the reappointment of Harvey Picker of Camden as the Public Member of the Maine Employers' Mutual Insurance Company be approved.

Signed:

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

S/Dale McCormick
Senate Chair

S/Edward L. Pineau
House Chair

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

Off Record Remarks

The Following Communication:

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

February 25, 1994

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

After Recess

Senate called to order by the President.

To The Honorable Members of the 116th Legislature:

I am returning, without my signature or approval, S.P. 119, L.D. 357, "An Act to Exempt Employees of the Public Utilities Commission from Furlough and Shutdown Days." This bill would provide for an exemption to the furlough days and shutdown days for Public Utilities Commission employees. As a matter of equity to all State employees, this bill should not become law.

In addition to the principle of fairness, it should also be noted that furlough and shutdown days will soon be an issue of the past. New contracts were entered into during the most recent negotiations that provided for a two year period beginning July, 1993, expiring June 30, 1995. There was no agreement to exempt any employees during these negotiations, nor was there any distinction in application based upon occupational work or funding source.

The collective bargaining agreements covering the employees working at the Public Utilities Commission during FY 93/94 provide for ten shutdown days, six of which have already been taken. The total number of shutdown days for FY 94/95 is only five. All shutdown days will be concluded at the expiration of these agreements. Because of these changes, I do not support an exemption.

Any exemption from shutdown days for the Public Utilities Commission employees could result in a lack of understanding and frustration by other employees who are not exempted. With furlough days and shutdown days quickly phasing out, I cannot support an exemption. I hope you will join me in rejecting this piece of legislation.

Sincerely,

S/John R. McKernan, Jr.
Governor

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

Off Record Remarks

UNFINISHED BUSINESS

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

The Chair laid before the Senate the Accompanying Bill:

"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)

(In Senate, March 1, 1994, Veto Communication **READ** and **ORDERED PLACED ON FILE**.)

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Before we have the opportunity to cast our ballot on this I would like to take an opportunity to share a few thoughts about this particular proposal with you as a sponsor of the proposal. I fully understand, of course, that given the nature of the institution, and I'm not deluded at all at what the outcome will be, that we will probably vote pretty much by party lines, so my remarks may not change the outcome, but I think for historical perspective it is important to know that there is merit to this position, and that it was not offered in a cavalier or thoughtless way. The concern about exempting PUC employees from furlough days is really the basis of a philosophical difference. This proposal has passed both bodies twice and is here before us again. It has to do with providing the necessary resources with an essential agency to deal with critical utility issues during a difficult time in energy pricing and policy in this

State. Requiring these individuals to take a significant number of days off is a detriment to the public interest. As all of you know, I hope, the cost of the Public Utilities Commission is paid through a dedicated fund, it is not paid through general funds, so any reduction by shutdowns do not benefit, in any way, the general fund.

Further, the issue of exempting employees is not a new issue in this State. Teachers in unorganized territories have been exempted, the State Police have been exempted, liquor store employees have been exempted, that certainly is a critical service that requires exemption. All of the employees in the Department of Labor in regards to the unemployment compensation work have been exempted. Those have already occurred and are exempted now. The fact that we have a request for a new group of employees to meet a critical need is not a precedent setting area. Furthermore, as has already occurred by the exemption of these other employees, there has been no mad rush by other employees to ask for exemptions either, nor has there been any noticeable detrimental effect on the moral or any individuals because all of these other employees have been exempted. It is a question of where do we provide a resource to meet critical needs in this State. There are only a few additional days left, the Legislature is closely coming to an end, so the Legislature is not going to introduce any more bills to exempt employees, that would be up to the Executive branch to do that. The arguments that somehow this will affect employees, that it will encourage additional requests for exemptions, are specious arguments. Those will not occur, they have not occurred in the past, this is not a precedent setting process, it is just an opportunity by which we can provide necessary resources with no impact on the general fund whatsoever to meet critical needs of utility issues today. That is the reason why it was introduced, that is the reason why it got bipartisan support in the Committee, that is the reason why it has passed both houses and I would hope that we could override the judgement of the Governor and do something that is to the benefit of the citizens of this State. Thank you.

The President laid before the Senate the following:

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HARRIMAN, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

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

ABSENT: Senators HANDY

Senator **MCCORMICK** of Kennebec requested and received Leave of the Senate to change her vote from **NAY** to **YEA**.

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, and 20 being less than two-thirds of the membership present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

The Secretary has so informed the Speaker of the House.

SENATE PAPERS

Bill "An Act to Establish the Maine School of Science and Mathematics and the Task Force on the Maine School of Visual and Performing Arts"
S.P. 733 L.D. 1958

Presented by Senator **PARADIS** of Aroostook (GOVERNOR'S BILL)
Cosponsored by Senator **KIEFFER** of Aroostook, Representative **MACBRIDE** of Presque Isle and Senators: **AMERO** of Cumberland, **CARPENTER** of York, **DUTREMBLE** of York, **LUDWIG** of Aroostook, **O'DEA** of Penobscot, Representatives: **AHEARNE** of Madawaska, **ANDERSON** of Woodland, **CLUKEY** of Houlton, **DONNELLY** of Presque Isle, **JACQUES** of Waterville, **MARTIN** of Eagle Lake, **MITCHELL** of Vassalboro, **PINETTE** of Fort Kent, **ROBICHAUD** of Caribou, **SMALL** of Bath, **TRUE** of Fryeburg, **WHITCOMB** of Waldo, **YOUNG** of Limestone

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

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

Bill "An Act to Consolidate and Streamline the Functions of Maine Government in Conformity with the Provisions of the Texas Low-Level Radioactive Waste Disposal Compact"

S.P. 730 L.D. 1951

Presented by Senator **LAWRENCE** of York
(GOVERNOR'S BILL)
Cosponsored by Representative: **ANDERSON** of
Woodland

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

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

Sent down for concurrence.

Bill "An Act to Amend the Public Smoking Laws"
S.P. 724 L.D. 1945

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

Bill "An Act to Ensure the Long-term Economic and
Biological Viability of the State's Coastal Lobster
Fishery" (Emergency)
S.P. 727 L.D. 1948

Presented by Senator **PINGREE** of Knox
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.

Bill "An Act to Establish the Project Opportunity
Demonstration Program" (Emergency)
S.P. 729 L.D. 1950

Presented by Senator **HARRIMAN** of Cumberland
(GOVERNOR'S BILL)
Cosponsored by Representative **FOSS** of Yarmouth and
Representatives: **AIKMAN** of Poland, **BARTH** of
Bethel, **CARR** of Sanford, **KERR** of Old Orchard
Beach, **MACBRIDE** of Presque Isle, **PENDEXTER** of
Scarborough, **REED** of Falmouth

Bill "An Act to Establish Maine Quality Centers"
S.P. 728 L.D. 1949

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

Sent down for concurrence.

Presented by Senator **AMERO** of Cumberland
(GOVERNOR'S BILL)
Cosponsored by Speaker **GWADOSKY** of Fairfield and
Senators: **CARPENTER** of York, **DUTREMBLE** of
York, **HANLEY** of Oxford, **KIEFFER** of Aroostook,
O'DEA of Penobscot, **PEARSON** of Penobscot,
Representatives: **CAMPBELL** of Holden, **DIPIETRO** of
South Portland, **ZIRNKILTON** of Mount Desert

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

Bill "An Act Concerning Summer Work Permits"
(Emergency)
S.P. 725 L.D. 1946

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

Presented by Senator **HANDY** of Androscoggin
Cosponsored by Representative **RUHLIN** of Brewer and
Senator: **BEGLEY** of Lincoln, Representative:
AIKMAN of Poland
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

Bill "An Act to Establish an Alternative Form of
Telecommunications Regulation in the State"
S.P. 726 L.D. 1947

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

Presented by President **DUTREMBLE** of York
(GOVERNOR'S BILL)
Cosponsored by Senator **CARPENTER** of York and
Senators: **CAHILL** of Sagadahoc, **VOSE** of
Washington

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

Sent down for concurrence.

Pursuant to Joint Rule 14 a Division was had. 33
Senators having voted in the affirmative and No
Senators in the negative, and 33 being a majority of
the members present and voting, the Bill **READ ONCE**
without reference to a Committee.

Which was, under suspension of the Rules, **READ A
SECOND TIME** and **PASSED TO BE ENGROSSED**, without
reference to a Committee.

Sent down for concurrence.

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

Committee Amendment "A" (H-750) **READ** and **ADOPTED**, in concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **EDUCATION** on Bill "An Act to Authorize the Towns of Appleton, Camden, Hope, Lincolnville and Rockport to Form a Community School District" (Emergency)

H.P. 1221 L.D. 1640

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-740)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-740) AS AMENDED BY HOUSE AMENDMENT "A" (H-752)** thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-740) **READ**.

House Amendment "A" (H-752) to Committee Amendment "A" (H-740) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-740) as Amended by House Amendment "A" (H-752) thereto, **ADOPTED**, in concurrence.

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

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Ensure Accessibility to Mental Retardation Services for Persons Who are Deaf or Hard of Hearing" H.P. 1241 L.D. 1668

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-750)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-750)**.

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

The Bill **READ ONCE**.

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Clarify the Laws Relating to Permits to Carry Concealed Firearms" (Emergency)

H.P. 1335 L.D. 1798

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-755)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-755)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-755) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES** on Bill "An Act to Increase the Debt Limit for the Richmond Utilities District" (Emergency)

H.P. 1237 L.D. 1664

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-753)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-753)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-753) **READ** and **ADOPTED**, in concurrence.

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

Senate

Ought to Pass

Senator **PINGREE** for the Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Allow the Dissolution of the Maine Capital Corporation"
S.P. 644 L.D. 1803

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

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

The Bill **READ ONCE**.

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

Bill "An Act to Establish Mediation to More Efficiently and Fairly Enforce the State's Environmental Laws"

H.P. 435 L.D. 554
(C "A" H-745)

Bill "An Act to Eliminate Seasonal Liquor Stores" (Emergency)

H.P. 738 L.D. 996
(H "A" H-756 to C "A" H-747)

Bill "An Act to Amend the Motor Vehicle Laws"

H.P. 1200 L.D. 1608
(C "A" H-749)

Bill "An Act Concerning Business Directional Signs on Certain Controlled Access Highways"

H.P. 1205 L.D. 1613
(C "A" H-748)

Bill "An Act to Amend the Community Correction Law"

H.P. 1213 L.D. 1632
(C "A" H-738)

Bill "An Act to Exempt Eye Banks from Sales Tax"

H.P. 1247 L.D. 1674
(C "A" H-739)

Bill "An Act to Promote Child Safety"

H.P. 1248 L.D. 1675
(C "A" H-736)

Bill "An Act to Correct an Error in the Sand Dune Laws" (Emergency)

H.P. 1260 L.D. 1687
(C "A" H-744)

Bill "An Act to Change Statutory References to the Maine Teachers Association to the Maine Education Association"

H.P. 1288 L.D. 1736
(C "A" H-742)

Bill "An Act to Amend the Classification of Part of the Presumpscot River and One of Its Tributaries"

H.P. 1289 L.D. 1737
(C "A" H-746)

Resolve, to Designate Route 196 through Lisbon in Memory of Staff Sergeant Thomas Field

H.P. 1317 L.D. 1779
(C "A" H-743)

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

Ought to Pass As Amended

Senator **HALL** for the Committee on **LEGAL AFFAIRS** on Bill "An Act to Amend Certain Provisions of Law Pertaining to Brewers' Licenses"
S.P. 551 L.D. 1575

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-416)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-416) **READ** and **ADOPTED**.

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

Senator **VOSE** for the Committee on **UTILITIES** on Bill "An Act to Encourage Innovation and Competitiveness by Electric Utilities"
S.P. 618 L.D. 1720

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-415)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-415) **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 As Amended

ENACTORS

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

An Act Regarding Records of Notaries Public
H.P. 592 L.D. 807
(C "A" H-720)

An Act to Amend the Liquor Laws Pertaining to the Delivery of Beer and Wine
S.P. 565 L.D. 1600

An Act to Protect Utility Consumers from Bearing Responsibility for Utility Mismanagement
S.P. 577 L.D. 1621

An Act Concerning the Identification of Shellfish
H.P. 1226 L.D. 1645
(C "A" H-723)

An Act to Amend the Charter of Kents Hill School
H.P. 1246 L.D. 1673
(C "A" H-721)

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

Resolve

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
(H "A" H-737)

Resolve, Regarding the Sale of State-owned Property
H.P. 1192 L.D. 1589
(C "A" H-719)

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

Emergency

An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Years Ending June 30, 1994 and June 30, 1995
H.P. 1181 L.D. 1579
(C "A" H-717)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 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.

Emergency Mandate

An Act to Amend the Waldoboro Utility District Charter
H.P. 1268 L.D. 1695
(C "A" H-722)

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Continue Health Care Reform in Maine and Prepare for Federal Reforms" (Governor's Bill) (Emergency)
H.P. 1429 L.D. 1954

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 Revise the Laws of Maine to Incorporate the Office of Rehabilitation Services within the Department of Education" (Governor's Bill) (Emergency)
H.P. 1431 L.D. 1956

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

Which was referred to the Committee on **EDUCATION** 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 Designate Certain Lands under the Constitution of Maine, Article IX, Section 23"
H.P. 1428 L.D. 1953

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

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

Bill "An Act to Promote a Continuum of Quality and Affordable Long-term Care and to Promote Consumer Choice"
H.P. 1430 L.D. 1955

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, to Develop a Career Criminal Act
H.P. 1427 L.D. 1952

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

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

Bill "An Act to Improve the Delivery of Law Enforcement Services in Kennebec County"
H.P. 1426 L.D. 1944

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

Which was referred to the Committee on **STATE & LOCAL GOVERNMENT** 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 Permit Railroad Crossings for the Sole Purpose of Accommodating Timber Harvesting Operations"
H.P. 1425 L.D. 1943

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

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **PINGREE** for the Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Establish Terms of Appointments for Members of the Maine Education Training and Export Partnership"
S.P. 637 L.D. 1771

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-418)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-418) **READ** and **ADOPTED**.

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

Senator **PARADIS** for the Committee on **HUMAN RESOURCES** on Bill "An Act Regarding the Custody of Remains of Deceased Persons" S.P. 553 L.D. 1577

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-417)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-417) **READ** and **ADOPTED**.

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

Off Record Remarks

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

Off Record Remarks

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

After Recess

Senate called to order by the President.

Off Record Remarks

On motion by Senator **HALL** of Piscataquis, **RECESSED** until 12:15 this afternoon.

After Recess

Senate called to order by the President.

Off Record Remarks

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

Off Record Remarks

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

On motion by Senator **ESTY** of Cumberland, **RECESSED** until 4:30 this afternoon.

After Recess

Senate called to order by the President.

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

ENACTORS

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

Emergency

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

H.P. 1409 L.D. 1919

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with 1 Senator having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Concerning the University of Maine System Scholarship Fund" (Emergency)
H.P. 1421 L.D. 1935

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

Comes from the House referred to the Committee on **TRANSPORTATION.**

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **AUDIT & PROGRAM REVIEW** on Bill "An Act to Provide Adequate Staffing for the Board of Osteopathic Examination and Registration"
H.P. 1331 L.D. 1794

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

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

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

The Bill **READ ONCE.**

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

The Committee on **AUDIT & PROGRAM REVIEW** on Bill "An Act to Improve the License Renewal Procedure for the Board of Registration in Medicine" (Emergency)
H.P. 1367 L.D. 1850

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

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

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

The Bill **READ ONCE.**

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

Ought to Pass As Amended

The Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Apportion Districts for the Election of County Commissioners"
H.P. 1285 L.D. 1733

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-741).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-741) AS AMENDED BY HOUSE AMENDMENT "A" (H-758)** thereto.

Which Report was **READ.**

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE OF REPORT.**

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Create a Body Politic and Corporate by the Name of Great Diamond Island Village Corporation"
H.P. 1056 L.D. 1408

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-754).**

Signed:

Senator:

BERUBE of Androscoggin

Representatives:

JOSEPH of Waterville
KILKELLY of Wiscasset
GRAY of Sedgwick
AHEARNE of Madawaska
LOOK of Jonesboro
BENNETT of Norway
YOUNG of Limestone

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

Signed:

Senators:

ESTY of Cumberland
BUTLAND of Cumberland

Representatives:

DUTREMBLE of Biddeford
ROWE of Portland
WALKER of Blue Hill

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

Which Reports were **READ.**

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE OF EITHER REPORT.**

Senate

Ought to Pass

Senator **PINGREE** for the Committee on **MARINE RESOURCES** on Bill "An Act Concerning Authorization to Grow Certain Marine Species in Aquaculture"
S.P. 659 L.D. 1827

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 **HANDY** for the Committee on **LEGAL AFFAIRS** on Bill "An Act to Make Certain Revisions to the Maine Emergency Medical Services Act of 1982"
S.P. 646 L.D. 1805

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-420).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-420) **READ** and **ADOPTED.**

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

ENACTORS

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

An Act to Ensure the Proper Installation of Manufactured Homes

H.P. 342 L.D. 445
(C "A" H-728)

An Act to Conform Maine Income Tax Laws and Rules to the Internal Revenue Code

H.P. 1081 L.D. 1447
(C "A" H-733)

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)

An Act Governing Special Purpose Investment Subsidiaries

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

An Act to Amend the Maine Self-Insurance Guarantee Association Assessment Base

S.P. 556 L.D. 1592
(C "A" S-394)

An Act to Clarify the Status of the Maine Indian Tribal-State Commission

H.P. 1196 L.D. 1604
(C "A" H-729)

An Act to Clarify the State's Implementing Regulations to Provide for Schedules of Compliance

S.P. 569 L.D. 1610
(C "A" S-395)

An Act to Prohibit Dragging in Waters within the Area of an Aquacultural Lease

H.P. 1204 L.D. 1612
(C "A" H-735)

(See Action Later Today)

An Act to Amend the Credit Reporting Laws

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

An Act to Amend the Structure of Veterans' Services

S.P. 583 L.D. 1627
(C "A" S-397; S "A" S-411)

(See Action Later Today)

An Act to Amend Conditions of the Supervised Community Confinement Program

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

An Act to Promote Equitable Penalties for Unlicensed Consumer Lending

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

An Act to Implement the Technical and Environmental Assistance Program

H.P. 1264 L.D. 1691
(C "A" H-734)

An Act to Protect Consumers in Loan Broker Transactions

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

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

Resolve

Resolve, to Promote Consumer Choice, Competition and Quality in Mental Retardation Services
H.P. 1276 L.D. 1724
(C "A" H-724)

Resolve, to Direct the Department of Inland Fisheries and Wildlife to Simplify Fishing Rules
H.P. 1234 L.D. 1661
(C "A" H-727)

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

On motion by Senator **PEARSON** of Penobscot, the Senate **RECONSIDERED** its action whereby it **PASSED TO BE ENACTED**, in concurrence:

An Act to Prohibit Dragging in Waters within the Area of an Aquacultural Lease
H.P. 1204 L.D. 1612
(C "A" H-735)

(In House, March 1, 1994, **PASSED TO BE ENACTED**.)

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I am going to ask Senator Titcomb, from Cumberland, if she would place this on the Special Appropriations Table. Thank you.

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

On motion by Senator **PEARSON** of Penobscot, the Senate **RECONSIDERED** its action whereby it **PASSED TO BE ENACTED**, in concurrence:

An Act to Amend the Structure of Veterans' Services
S.P. 583 L.D. 1627
(C "A" S-397; S "A" S-411)

(In House, March 1, 1994, **PASSED TO BE ENACTED**.)

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

Mandate

An Act to Amend the Charter of the Brewer Water District
H.P. 1257 L.D. 1684
(C "A" H-731)

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 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.

Emergency

An Act to Ensure Appropriate Resource and Referral Services for Families Needing Child Care
S.P. 550 L.D. 1574
(C "A" S-396)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in the negative, and 32 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.

Emergency

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)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 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.

Emergency

An Act to Conform the Maine Tax Laws for 1993
With the United States Internal Revenue Code
S.P. 604 L.D. 1702
(C "A" S-404)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 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.

Emergency

An Act Regarding the Implementation of the Provisions of the Higher Education Act of 1965 as Amended
S.P. 606 L.D. 1704
(C "A" S-393)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in the negative, and 32 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.

Emergency Mandate

An Act to Amend the Boothbay Harbor Sewer District Charter
H.P. 1220 L.D. 1639
(C "A" H-732)

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 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.

Emergency Resolve Mandate

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1994
H.P. 1388 L.D. 1887

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Concerning Summer Work Permits" (Emergency)
S.P. 725 L.D. 1946

In Senate, March 1, 1994, **PASSED TO BE ENGROSSED.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-775) in NON-CONCURRENCE.**

On motion by Senator **HANDY** of Androscoggin, the Senate **RECEDED.**

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED in NON-CONCURRENCE.**

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator **LUDWIG** of Aroostook, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

On motion by Senator **PEARSON** of Penobscot,
ADJOURNED until Wednesday, March 2, 1994, at 9:00
in the morning.