

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
Thursday
March 3, 1994

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

persuade them according to the dictates of their own conscience. Lord grant them courage to see beyond their own party's platform and philosophies, or personal gain, and help each work together in a bipartisan effort for the good of the people they represent. Give to each one alertness of mind, strength for their physical body so each one is alert to debate with clarity the business of each day or night sessions. Lord, we have upon our coins the motto "In God We Trust", so in one sense we identify ourselves with you. You said "If my people which are called by my name will humble themselves and will pray, will seek my face and turn from their wicked ways, then will I hear from heaven. I will forgive their sins and I will heal their land." Our land needs healing and Lord work it through the Legislature to bring about the solving. We thank you in hearing these petitions and answering them. In the name of the Lord and Saviour, Jesus Christ, we ask these things. Amen.

Prayer by Reverend Joseph W. Brown of the Assembly of God Church in Thomaston.

REVEREND JOSEPH W. BROWN: Heavenly Father, you are the God of all things, and are worthy to receive glory and honor and power from all your creation, for you have created all things, and for your pleasure they are and were created. We acknowledge that it is in you we live and move and have our being, so Lord, let not one of us pride ourselves in position or wisdom or as being independent or self-sufficient in ourselves. Who is man that you are mindful of them for in comparison we are as grasshoppers and are reputed as nothing.

Reading of the Journal of Wednesday, March 2, 1994.

So we humble ourselves and acknowledge your greatness and praise you for your compassion - that though you be high above all, yet you have respect unto those who are low. A humble and a contrite spirit you will not despise. Oh, how much you desire to be a part of our everyday life and decisions. You, Lord, are the one that has endowed man with special gifts and abilities and promote them by hard work to diverse positions of leadership. Therefore in a great sense we are not only servants and stewards of our State and country but of you Lord. And your exhortation to all is that "We learn to do well: Seek judgment, relieve the oppressed, defend the fatherless and plead for the widow".

PAPERS FROM THE HOUSE

House Papers

Pursuant to Public Law
MAINE DAIRY AND NUTRITION COUNCIL AND THE
MAINE DAIRY PROMOTION BOARD

The MAINE DAIRY AND NUTRITION COUNCIL AND THE MAINE DAIRY PROMOTION BOARD, pursuant to Public Law 1993, chapter 413, section 5, ask leave to submit its findings and to report that the accompanying Bill "An Act to Implement the Recommendations of the Maine Dairy and Nutrition Council and the Maine Dairy Promotion Board"

H.P. 1434 L.D. 1961

Be referred to the Committee on AGRICULTURE for Public Hearing and printed pursuant to Joint Rule 20.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on AGRICULTURE and **ORDERED PRINTED**, pursuant to Joint Rule 20.

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

The Bill referred to the Committee on AGRICULTURE and **ORDERED PRINTED**, pursuant to Joint Rule 20, in concurrence.

I therefore stand here Lord, in prayer for all these elected servants, our Senators and their staff members. It is at their invitation prayer is offered, acknowledging they want you to be a part of this business session. So when the gavel comes down and the business session begins, in all their consideration of the agenda or the referrals to Committees, give them the wisdom and answers in solving the complex and difficult problems they face. Clothe them with the robe of your understanding as they deliberate moral issues that often divide a people, for we know in a free society, there is no escape from social responsibilities. Place upon them the cloak of your knowledge, as they debate on subjects of finances, unemployment, the elderly, institutions, and the maze of endless resolutions.

Be pleased Lord, to give each one the courage to speak and vote what is right not what is convenient. And let each one judge a given issue, not on the pressures or convictions of a lobbyist group, or a favor returned for a favor, but on their own research and prayer for your guidance that will

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.P. 735

116TH MAINE LEGISLATURE

March 2, 1994

Senator Rochelle Pingree
Rep. Rita B. Melendy
Chairpersons
Joint Standing Committee on Housing and Economic
Development
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated David Lakari of Portland for appointment to the Maine State Housing Authority.

Pursuant to Title 30A, MRSA Section 4723, this nomination will require review by the Joint Standing Committee on Housing and Economic Development 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 **HOUSING AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

The Following Communication:

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

March 1, 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. 232 An Act to Increase the Earnings Cap of a Disability Retirement Benefit

- L.D. 1117 An Act to Improve the Functions and Operations of the Maine State Retirement System
- L.D. 1245 An Act Related to Disability Retirement under the Maine State Retirement System
- L.D. 1308 An Act to Provide Equitable Representation on the Board of Trustees of the Maine State Retirement System

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

Sincerely,

S/Sen. Bonnie L. Titcomb
Senate Chair

S/Rep. John Jalbert
House Chair

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

The Following Communication:

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

March 1, 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. 1848 Resolve, Concerning the Licensure of Off-track Betting Facilities

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

Sincerely,

S/Sen. Judy Paradis
Senate Chair

S/Rep. Robert J. Tardy
House Chair

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

The Following Communication:

**COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 1, 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 Appropriations & Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1505 An Act to Encourage More Efficient Spending of State Tax Dollars
- L.D. 1652 An Act to Authorize the Maine State Prison and the Maine Correctional Institution - Warren to Combine Accounts

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

Sincerely,

S/Sen. Michael D. Pearson S/Rep. Lorraine N. Chonko
Senate Chair House Chair

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

The Following Communication:

**COMMITTEE ON AUDIT AND PROGRAM REVIEW
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 1, 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 Audit & Program Review has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 972 An Act to Support the Natural Areas Program

L.D. 1840 An Act to Ensure Adequate Administrative Support for Professional Regulatory Boards

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

Sincerely,

S/Sen. John J. Cleveland S/Rep. Phyllis R. Erwin
Senate Chair 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**

March 1, 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. 1151 An Act to Amend the Laws Regulating the Practice of Optometry

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

Sincerely,

S/Sen. Alton E. Cianchette S/Rep. Annette M. Hogle
Senate Chair House Chair

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

The Following Communication:

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

March 1, 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 Education has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1729 An Act to Ensure Rehabilitation Services for People with Severe Disabilities

L.D. 1768 An Act to Develop a Voluntary Firearm Safety Program for Use in Schools in the State

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

Sincerely,

S/Sen. John J. O'Dea
Senate Chair

S/Rep. Elizabeth H. Mitchell
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**

March 1, 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. 975 An Act to Allow for the Use of Multi-layered Packages

L.D. 1752 An Act Concerning Protective Structures along the Coast in Biddeford

L.D. 1769 An Act to Protect Maine's Lakes and Ponds

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

Sincerely,

S/Sen. Mark W. Lawrence
Senate Chair

S/Rep. John L. Martin
House Chair

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

The Following Communication:

**COMMITTEE ON FISHERIES AND WILDLIFE
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 1, 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 Fisheries & Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1211 An Act Concerning Habitual Offenders under the Fish and Wildlife Laws

L.D. 1382 An Act to Strengthen the Landowner Relations Program

L.D. 1603 An Act to Restrict the Type of Fishing Allowed on Long Pond, or Beaver Mountain Lake, to Artificial Lures and Flies

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

Sincerely,

S/Sen. M. Ida Luther
Senate Chair

S/Rep. Dorothy A. Rotondi
House Chair

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

The Following Communication:

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

March 1, 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 Housing & Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1385 An Act to Provide One Centralized Location for Obtaining Permits
- L.D. 1777 An Act to Make Economic Development Funds More Readily Available for Improving Existing Equipment and Facilities

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

Sincerely,

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

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

The Following Communication:

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

March 1, 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 Human Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1740 An Act to Clarify Medicaid Reimbursement for New Psychiatric Hospitals

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

Sincerely,

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

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

The Following Communication:

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

March 1, 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 Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1773 An Act to Reinstate Involuntary Commitment for Chronic and Life-threatening Substance Abuse
- L.D. 1780 An Act to Require That Medical Personnel Report Suspected Domestic Abuse
- L.D. 1808 An Act Imposing a Mandatory Arrest Period in Cases of Domestic Violence

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 LABOR
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 1, 1994

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

Sincerely,

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

S/Sen. Richard J. Carey
Senate Chair

S/Rep. Beverly C. Daggett
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 Labor 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. 1730 An Act to Establish Preapprenticeship Programs
- L.D. 1745 An Act Concerning Independent Contractors
- L.D. 1847 An Act Concerning Agency Service Fees

The Following Communication:

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

March 1, 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. James R. Handy
Senate Chair

S/Rep. Richard P. Ruhlin
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 Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1781 An Act to Amend the Sea Urchin Harvesting and Licensing Laws and to Establish the Sea Urchin Fund

The Following Communication:

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

March 1, 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

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. James Mitchell
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 Legal Affairs 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. 1251 Resolve, Authorizing Stephanie Burton to Sue the Town of Freeport
- L.D. 1790 An Act to Remove the Distance Requirement Relating to Replacement Agency Stores

The Following Communication:

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

March 1, 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. John E. Baldacci
Senate Chair

S/Rep. Susan E. Dore
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 State & Local Government 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. 1212 An Act to Require the Bureau of the Budget to Monitor Federal Legislation to Determine the Cost of Implementing Legislation at Local and State Levels

The Following Communication:

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

L.D. 1719 An Act to Provide Job-site Inspectors Representing the Owner on Public Improvements

March 1, 1994

L.D. 1743 An Act Regarding Municipal Code Enforcement Officers and Enforcement of Penalties

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

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

Dear President Dutremble and Speaker Gwadosky:

Sincerely,

S/Sen. Georgette B. Berube
Senate Chair

S/Rep. Ruth C. Joseph
House Chair

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":

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

L.D. 1778 An Act to Increase Safety in Highway Construction and Maintenance Work Areas

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

Sincerely,

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

S/Sen. Joseph C. Brannigan
Senate Chair

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

March 1, 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

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

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":

COMMITTEE REPORTS

House

Ought to Pass

L.D. 1660 An Act to Redefine Certain Articles Classified as Personal Property

The Committee on **AGRICULTURE** on Bill "An Act to Implement the Recommendations of the Maine Potato Board"

H.P. 1366 L.D. 1849

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

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 **AGRICULTURE** on Bill "An Act to Allow the Growth and Sale of Cultivated Ginseng in Maine"

H.P. 1236 L.D. 1663

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-761)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-761)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-761) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Modify the End Disposal of Sharp Waste Products in the Biohazard Disposal Law"

H.P. 1300 L.D. 1755

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-763)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-763)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-763) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **FISHERIES & WILDLIFE** on Resolve, to Simplify the Schedule of Fees for Licenses Issued by the Department of Inland Fisheries and Wildlife

H.P. 1224 L.D. 1643

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-764)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-764)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-764) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Resolve, Regarding the Development of a Medicare Volume Performance Standard Demonstration Project

H.P. 1256 L.D. 1683

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-768)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-768)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-768) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Resolve, to Extend the Reporting Date of the Healthy Start Task Force Report (Emergency)

H.P. 1298 L.D. 1753

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-769)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-769)**.

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

The Resolve **READ ONCE.**

Committee Amendment "A" (H-769) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act Regarding the Discharge of Mortgages"
H.P. 1299 L.D. 1754

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-765).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-765).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-765) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **MARINE RESOURCES** on Bill "An Act Concerning Alewives"
H.P. 1323 L.D. 1785

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-766).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-766).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-766) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act to Establish a Financial Assistance Program for Utilities Burdened as a Result of State Highway Construction"
H.P. 1223 L.D. 1642

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-759).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-759).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-759) **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 Madison Water District"
H.P. 1334 L.D. 1797

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-760).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-760).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-760) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **UTILITIES** on Bill "An Act to Improve the Business Climate in the State by Making Power Available at a Lower Rate"
H.P. 1095 L.D. 1482

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

Signed:

Senators:

VOSE of Washington
CLEVELAND of Androscoggin
CARPENTER of York

Representatives:

CLARK of Millinocket
HOLT of Bath
ADAMS of Portland
KONTOS of Windham
CASHMAN of Old Town
DONNELLY of Presque Isle
MORRISON of Bangor
AIKMAN of Poland
TAYLOR of Cumberland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-762).**

Signed:

Representative:
COFFMAN of Old Town

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

Which Reports were **READ**.

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

Senate

Ought to Pass As Amended

Senator **CONLEY** for the Committee on **JUDICIARY** on Bill "An Act to Maintain Confidentiality of Certain Information Received by the Board of Counseling Professionals Licensure and the State Board of Substance Abuse Counselors"

S.P. 602 L.D. 1700

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-424).**

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-424) **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 As Amended

Bill "An Act to Make Modifications to Economic Development Activities" (Emergency)

S.P. 552 L.D. 1576
(C "A" S-422)

Bill "An Act to Streamline the Department of Transportation's Permitting Procedure for Aboveground Facilities"

S.P. 678 L.D. 1858
(C "A" S-421)

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

Sent down for concurrence.

ENACTORS

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

An Act to Allow Nonresidents to Possess Antique License Plates

H.P. 1177 L.D. 1568
(C "A" H-716)

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **PINGREE** for the Committee on **MARINE RESOURCES** on Bill "An Act Concerning the Importation of Salmon"

S.P. 685 L.D. 1871

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-426).**

Which Report was **READ**.

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

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

PAPERS FROM THE HOUSE

House Papers

Resolve, to Enhance the Development of Alternative Uses of Maine Agriculture and Forestry Products

H.P. 1437 L.D. 1963

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

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

Bill "An Act to Facilitate Government Investment in Mutual Funds"
H.P. 1439 L.D. 1965

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.

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 a Comprehensive Investigation of the Death of Children by Homicide or through Other Suspicious Circumstances"
H.P. 1436 L.D. 1962

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.

Bill "An Act to Continue Election Reform Efforts" (Governor's Bill)
H.P. 1438 L.D. 1964

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

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the Tabled and Later Assigned (3/2/94) matter:

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

Tabled - March 2, 1994, by Senator **ESTY** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**

(In Senate, February 23, 1994, **READ A SECOND TIME**.)

On motion by Senator **LAMRENCE** of York, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-409).

On further motion by same Senator, Senate Amendment "B" (S-425) to Committee Amendment "A" (S-409) **READ** and **ADOPTED**.

Committee Amendment "A" (S-409) as Amended by Senate Amendment "B" (S-425) thereto, **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Later Assigned (3/2/94) matter:

Bill "An Act to Establish Maine Quality Centers" (Governor's Bill)

S.P. 728 L.D. 1949

Tabled - March 2, 1994, by Senator **ESTY** of Cumberland.

Pending - **REFERENCE**

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

On motion by Senator **ESTY** of Cumberland, referred to the Committee on **HOUSING AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

The Chair laid before the Senate the Tabled and Later Assigned (3/2/94) matter:

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

Tabled - March 2, 1994, by Senator ESTY of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED** in **NON-CONCURRENCE**

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

(In Senate, March 1, 1994, **PASSED TO BE ENGROSSED**, without reference to a Committee.)

(In House, March 1, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-775)** without reference to a Committee in **NON-CONCURRENCE.**)

(In Senate, March 1, 1994, **RECEDED** from **PASSAGE TO BE ENGROSSED.**)

House Amendment "A" (H-775) **READ** and **ADOPTED**, in concurrence.

On motion by Senator **HANDY** of Androscoggin, Senate Amendment "A" (S-423) **READ** and **ADOPTED.**

Which was **PASSED TO BE ENGROSSED, As Amended** without reference to a Committee in **NON-CONCURRENCE.**

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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

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

On motion by Senator **CAHILL** of Sagadahoc, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1435

ORDERED, the Senate concurring, that the Joint Standing Committee on Energy and Natural Resources report out a bill authorizing the issuance of bonds for municipal infrastructure improvements to the House.

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

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

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

COMMITTEE REPORTS

House

Change of Reference

The Committee on **JUDICIARY** on Bill "An Act to Exempt Owners of Shooting Ranges from any Civil or Criminal Action Relating to Noise Pollution" H.P. 724 L.D. 983

Reported that the same be **REFERRED** to the Committee on **FISHERIES & WILDLIFE.**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **FISHERIES & WILDLIFE.**

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

The Bill **REFERRED** to the Committee on **FISHERIES & WILDLIFE**, in concurrence.

ORDERS OF THE DAY

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

SENATE REPORT - from the Committee on **MARINE RESOURCES** on Bill "An Act Concerning the Importation of Salmon"

S.P. 685 L.D. 1871

Report - Ought to Pass as Amended by Committee
Amendment "A" (S-426)

Tabled - March 3, 1994, by Senator ESTY of
Cumberland.

Pending - **ACCEPTANCE OF REPORT**

(In Senate, March 3, 1994, Report **READ**.)

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

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

Resolve, to Enhance the Development of
Alternative Used of Maine Agriculture and Forestry
Products

H.P. 1437 L.D. 1963

Tabled - March 3, 1994, by Senator ESTY of
Cumberland.

Pending - **REFERENCE**

(In House, March 3, 1994, **REFERRED** to the
Committee on **AGRICULTURE** and **ORDERED PRINTED**.)

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

The Chair laid before the Senate the Tabled and
Later Assigned (3/2/94) matter:

Bill "An Act to Provide Funding to Support Maine
Energy Policy"

H.P. 1432 L.D. 1957

Tabled - March 2, 1994, by Senator CAHILL of
Sagadahoc.

Pending - **REFERENCE**

(In House, March 1, 1994, referred to the
Committee on **TAXATION**.)

Senator ESTY of Cumberland moved the
INDEFINITE POSTPONEMENT of Bill and Accompanying
Papers in **NON-CONCURRENCE**.

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

Senator CAREY: Thank you Mr. President, Ladies
and Gentlemen of the Senate. I am one of the
sponsors on this Bill, as is Senator Summers, and the
Bill was going to go to Taxation. It has served its
purpose, it has brought the two sides closer
together. The President of the Senate is to be
congratulated because he picked up on that work and
carried it forward so that now they are going to be
reaching the table. However, they are not bound to

reach any agreement. They are supposed to be talking
to each other and hopefully will come up with
something. I do want to let the people know the
NUG's and Central Maine Power, that if in fact they
cannot reach an agreement that this Bill will
probably be back in the next session. Thank you.

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

Senator SUMMERS: Thank you Mr. President,
Ladies and Gentlemen of the Senate. I only concur
with my colleague on Taxation, Senator Carey, except
on one point. I'm not confident of the closeness of
an agreement on this issue. I think that there are
many issues that concern members of the Republican
caucus that are going to have to be addressed and I
would want to be the last one to impress upon the
people in this chamber and the citizens of this State
that we are ready to come in complete harmony on this
particular issue. Thank you.

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

Senator CAREY: Thank you Mr. President, Ladies
and Gentlemen of the Senate. I left out a very
important sponsor in this measure who had yielded
with great reluctance in this matter, I understand,
Senator Luther. I thank her very much. Thank you.

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

Senator BALDACCI: Thank you Mr. President,
Ladies and Gentlemen of the Senate. I also applaud
the efforts of the presiding officer in regards to
reaching an agreement as far as this particular
matter is concerned. I do think that something needs
to be said on the Record on this day, Thursday, March
3, 1994, the fact of the matter is that this Bill is
here because of a potential \$55 million increase in
rates that are automatically built into contracts
that Central Maine Power Company has with
cogenerators and generators of power. This
legislation was an attempt to try to address that
rate increase that is automatically going to occur.
Companies tried very hard to come to a 15% savings
which that \$55 million represents and have come to
terms in regards to an overall agreement as to the
voluntary approach to try to arrest that rate
increase. That rate increase is automatically built
in. Hopefully with a measurement of sorts on this
particular matter as it stands, they will be able to
turn around and tell the people of the State of
Maine, by putting their moral obligation on the
dotted line for the companies involved, that in fact
there has been some reduction in rates, or at least
not as much of an increase. I think that needs to be
set forth. This is a voluntary approach, the
presiding officer has done a tremendous job in this
particular matter. The volumes of mail can attest
that it certainly is one of our more controversial
issues and I appreciate the presiding officer's
intervention in this matter. I am one who will
support his efforts and stand behind them as has been
said here today. Thank you.

THE PRESIDENT: The Chair recognizes the
Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President,
Ladies and Gentlemen of the Senate. I, too, applaud
the President of the Senate and the Utility companies
and the non-utility generators for coming to the
table to work out differences on what indeed is an

extremely difficult issue which will be facing this legislature. However, this particular Bill, not this one that we are actually debating right now, but the whole subject matter does, in my opinion, leave a lot to be desired. Number one, I think it makes some inroads for Central Maine Power and for the NUG's, I'm not sure that it does anything to protect the rate payer at this point. I think we are going to have to look long and hard to make sure that the rate payer is protected. I don't have a lot of interest, frankly, in protecting Central Maine Power, who for a number of years has been mismanaged, in my opinion, and I don't have any desire to put the State's moral obligation, that's tax payers dollars, on the line to bail out a company that I feel has had very poor management over the years. While I think it is encouraging we are off the dime on this particular issue I in no way want to send the message that this is something that is being supported by every single member of this legislature because until I am made perfectly clear that this Bill protects Maine rate payers I am not willing to sign onto it. 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. I rise today not to applaud anyone. This tax Bill that we are debating right now I certainly never did approve of so I would be happy with an Indefinite Postponement. Being on the Utilities Committee, maybe we received a lot more letters on what this tax Bill really did as far as bringing people to the bargaining table than people in Taxation. This tax Bill, you really can count whether it really did bring people to the bargaining table or turned them away. I have received a lot of letters that say we have no intention of renegotiation or going to the bargaining table as long as this tax Bill is there. I'm speaking only on the tax Bill and I hope you will support Indefinite Postponement. Thank you.

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

Senator **VOSE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I can assure you, those of us who are on the Utilities Committee have heard your messages and will do the best we can to resolve the issue and to satisfy your concerns. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Foster.

Senator **FOSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I have been here for 14 years and I know when this happened that Central Maine Power was mandated to buy power and who was behind it. I have watched over the years as Central Maine Power has paid their top officials unheard of salaries and only in recent times have they looked at management and the cost of producing this electricity. I cannot believe, in my infinite wisdom, that there was not the pulling together of Republicans and Democrats yesterday to have a joint, non-partisan meeting with the press. We did that with the budget and we owed it to one another to do it. What we have done, we have created something, as the front page of the papers will say, that we are going to now look at letting CMP and Bangor Hydro borrow from the Maine Public Utility Financing Bank. Do we have that bank? How much is that costing the tax payers of the State to allow them that privilege. Do we allow that privilege to them with no decrease or the same rate forever and ever. I am

upset, I am upset because it sends the message that one party is going to save the rate payers of Maine. Ladies and Gentlemen of the Senate, that is not going to happen. We must work together. There are problems and we must solve them. If we are going to have this comraderie, this good feeling about one another, we must do it together. That is the message I leave you with today. We owe the rate payers and we owe the tax payers both the same things as we owe anyone else in this State. Thank you.

The President requested the Sergeant-at-Arms escort the Senator from Cumberland, Senator **ESTY** to the Rostrum where he assumed the duties as President Pro Tem.

The President took a seat on the floor of the Senate.

The Senate called to Order by the President Pro Tem.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Dutremble.

Senator **DUTREMBLE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. There are a lot of people who would like to have you believe that I dropped the ball but what I really did was drop my microphone. One of the things I enjoy about being the President of the Senate is the fact that all of you have shown me a lot of support in what I have done over the last year and a half. Part of that, I have always believed, was the fact that if there was any way at all to avoid conflict in this place that you gave me the support to do that. One of the major items that we are facing this year with tremendous conflict was the issue on electric rates, the NUG's versus Central Maine Power and the utilities. We all knew last year when we dealt with the electric issue on L.D. 940 that it was an issue with an opportunity for blow up and last year we were able to avoid that to some degree. We had some serious discussion but we all knew last year that this issue with the NUG's versus the utilities would come up. It didn't make any difference if you were a Republican or a Democrat or an Independent, it really doesn't because everyone pays rates here. It has nothing to do with what political party you belong to. It did blow up this year, L.D. 1957 was the impetus for this huge discussion that would have happened next week and everyone from the Governor on down to the citizens understood that we were going to have a war on electricity between the NUG's and the utilities next week in Committee. We also knew that this was going to divide this legislature, we also knew that there were anywhere from 20 to 40 lobbyists out there trying to make you decide on an issue which most of us, including myself, know very little about. So, the best way to come out of that is to have those people involved in the issue come out with a Bill or an amendment to an existing Bill that they feel would move us off the duck, that they feel would get energy policy created in this State in a way that is done in a positive fashion and not the adversarial role that we have had in the past. So sometime last week I talked to some people from CMP and some people from the IUCG and the NUG's and said do you want to go

through this war. They said they really would rather not, they would rather do this in a better fashion and see if we could start talking on the issues in a way that would avoid it and set a positive trend for the future. I said why don't you meet and see if you can come up with something and work as hard as you can and they both made the commitment to do that and they did it. I guess when I went through this I made a mistake, I failed to look at this issue as a Democrat. That was a failure of mine. I looked at it as the Senate President and as a rate payer and as a person representing his district. I never looked at it as a Democrat as do we have to worry about who we bring in and who we don't bring in. My idea, again, was just to pull these people together and come up with a proposal and present it to the Committee and let it go through its process, the way anybody who presents any Bill would put something together. In this case it was the utilities and the non-utility generators who helped put this Bill together for introduction. I understand that at some point, and you have all been involved in serious negotiations where how many people involved depends on the success or non-success of it, we knew that I would have to go the good Senator from York, Senator Carpenter, and the good Senator from Androscoggin, Senator Cleveland and the good Senator from Washington, Senator Vose, because they are the experts on the issue. Most of the people who were involved I at least tried to forewarn them that I was doing this and I may have missed one person here or there. The Governor certainly knew and the representatives from the Governor's office certainly knew that I was doing this. This was not something that was held in secrecy. It was something that I just said let's get moving, let's prevent this war. So understand from the spirit which it was brought up from and understand that throughout this whole process I stuck my neck way out that what is happening could happen here, frankly I don't care. I don't care if my neck is out, if it gets chopped off, if this gets us off the dime and starts to move. It is moving. I do apologize to those people if I forgot to talk to somebody in a particular party or my party or people downstairs, I can understand that. I don't think there was an error made there, I just think that we need to move on from this point and get off the dime. Let's deal with the issue. The issue before us shall Maine rate payers pay less for electricity and I hope that this Bill does that. In my opinion it will do that, but I'm not the one that is going to make that decision. The good Senator from York, Senator Carpenter, the good Senator from Washington, Senator Vose, and the good Senator from Androscoggin, Senator Cleveland and their Committee will make that decision. I know that you are as sure as I am sure that we have been well represented by all of our Committees in making the right decisions.

The utilities and the NUG's have worked out what they consider an agreement. I think it is important that we stand behind that agreement as far as we can go on this issue. If there are points of it that need to be adjusted then let's adjust them. Understand that this is no more than that. It is not a Democrat versus Republican issue at all. This is just a good sound way of moving energy policy into the future in the State of Maine. Do it in a cooperative fashion. We have finally been able to get these people to the table, let's not move them apart again. Let's keep them right there and let's move on. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President, Ladies and Gentlemen of the Senate. The NUG's have paid lobbyists who come to the legislature, Central Maine Power has lobbyist who come to the legislature, the people, the rate payers don't have lobbyists to come to the legislature. I think it is up to this legislature to be the lobbyists for the people. That's what should be our ultimate concern, that this Bill is going to protect the rate payers of the State of Maine. I don't think it does that but I am willing to use it as a vehicle to make sure that the rate payers are protected. Thank you.

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

Senator BUSTIN: Thank you Mr. President, Ladies and Gentlemen of the Senate. As you know I represent the capitol area district. Central Maine Power is one of the more prominent employers in my district. I somewhat resent the implications that were presented about CMP in particular but I am not going to go into that. What I would like to go into is exactly how this conference, confrontation, meetings, with the Senate President took place and to tell you that I appreciate the kind of work that was done in that very high level, high tension, highly charged meeting. I knew they were going on. I was not invited in nor did I think it appropriate that I be invited in. I was briefed very briefly on what was going on, mostly after it had happened, but it is immaterial to me who is the person who put themselves up as the negotiator for a compromise in this legislature. I don't care whether it was Governor McKernan, or a person of the opposite party, or if it is somebody who may not even be on Utilities who may do that. What I care about is what Senator Muskie said to me when I first ran 14 years ago, as the good Senator from Hancock, Senator Foster, did. That was, "Beverly, when you get there remember that making laws is the art of compromise." One of the reasons that I can go along with the presentation that has been made is because it is not a fait accompli, it is not that, it is simply a suggestion for a Bill. An avenue that is open to every single one of us sitting in these bodies, that avenue happens to have been taken by the Senate President, by a person who has advocated since the day he has been here the same thing that Senator Muskie said to me, legislating is the art of compromise. Let me say this, even though this ought to be on the other Bill, we ought to pay very strict attention to what is going on here because I do want to represent the rate payers, I do think the rates are atrocious, I did think, as Senator Foster from Hancock thought 14 years ago, that perhaps we were going in the wrong direction even though I support the NUG's. I thought that the oil crisis may be overblown, even though I still want some independent power in Maine, so if I balance all of that together what my ultimate goal is is to make sure that I have the best and cheapest power that I can have for my rate payers and that will be my commitment. I am willing to use this vehicle that has been suggested to work that commitment out. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Hancock, Senator Foster.

Senator FOSTER: Thank you Mr. President, Ladies and Gentlemen of the Senate. The rate payers, we represent the rate payers and where have we been in the preliminary negotiations that brought out this Bill? Not involved. Who has been involved? The lobbyists for both sides. Meetings here, off premise

meetings, that is not how we come up with a compromise. We come up with a compromise with the elected officials in this body and we must be included. We must be in there first, not last, we should be in it before anything is done and that is my resentment. That is truly my resentment because when we mediate and we negotiate we negotiate with one another. That is the problem that I see us in today. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise to echo the sentiments of the good Senator from Hancock county, Senator Foster. The reason I rise is in response to the good Senator from Kennebec, Senator Bustin's, seminar on the art of compromise. I think it is important that the art of compromise is between the two parties who are represented in this chamber. That is where the art of compromise stands. I listened very intently to the good Senator from York, Senator Dutremble's, comments as far as how this thing played out and where there was some oversight. I listened intently but then I thought how could I contrast that with a hurried press conference that was scheduled for 4:00 in the afternoon. If there truly was a compromise that was being worked out and that was going to be taken into account by both parties, that there would have been some discussion prior to that rather than trying to steam roll something through. I, too, believe in the art of compromise but the art of compromise begins right in this chamber, between the members of this chamber and that is the only way we are going to have legislation passed through. So when we talk about the compromising that needs to be done let's remember that there are two parties being represented in this chamber. Thank you.

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

Senator **VOSE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Please, let's stop it. We are getting into a bipartisan argument that shouldn't be. Senator Carpenter and I work together well. Our Committee works well with both Democrats and Republicans. The issue is ours, we are going to take care of it the best we can and all of this stuff that is happening now on the floor is not going to help a thing. I hope you will just let us take this thing down to our Committee and do the best we can. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Summers.

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Where do you start on something like this? Do you start with the newspapers, do you start with the comments that have been made in this chamber so far? This obviously is a very aggravating situation that we are facing right now. I urge my good friend from York county, Senator Dutremble, a guy who I happen to like a great deal personally, he mentioned that he didn't think of this as a Democrat or as it being partisan, and I didn't either until I went to the press conference yesterday. I saw none of our leadership there, from either body, no one from the second floor was there. Then I hear an issue being put forth as though it was agreed upon and it was a done deal. Then I get the newspaper today and I read how this plan is going to reduce or stabilize rate payers rates, and I become a

little more incensed by this whole process. We have talked about how we are supposed to work together and the Senator from Kennebec, Senator Bustin, said how she felt she was well represented at that meeting. I think she was well represented, by members of her own caucus. I don't feel very well represented at that meeting and I resent an issue coming in and being put forth in the media as if it is a done deal because it is not a done deal. As a Senator from Senate district 31 I am not willing to gloss this over and let the Committee go in and hammer out a proposal that I had no say in, nothing to do with. That's the crux of this whole issue today. It is very disturbing when this is put forth after this agreement is supposedly reached between the NUG's and CMP. Did they come to the caucuses and say this is the plan that we have worked out, how do you feel about it. No, we have to read about it in the newspaper. At 4:00 in the afternoon, when the State House is empty, there is a press conference, and then when we stand up and raise objections today we are made out to be bad guys. I don't feel that we were given the proper representation in this and my friend from York county, Senator Dutremble, I take my hat off to him on many occasions but on this one I think the ball was dropped and I think if there is any hope in somehow lassoing the rate payers and bringing the people back together, I think this ought to be set down and hammered out in the Committee absent of any agreement that was reached outside of this building. I hope that the members of this body are willing to support that because without it we are going to have a fight and we are going to dig our heels in. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator **BALDACCI:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I think it is important, as has been said by my colleague the good Senator from Washington county, Senator Vose, in regards to this particular matter, it is going to be resolved in the Committee. I don't think it is appropriate that we all get worked up about it at this particular point but I guess that is what we do when we are not involved in working on this, is to get all worked up about it. I think we probably should have a room that we all get worked up in so we don't end up having to do it up here, and then we could get it out of our system. It is going to be handled by the Committee and I think before we start going down the road and talking about who was involved and who wasn't it is only a proposed Bill, it's going to have a public hearing and it is going to be voted on by the Committee, bipartisanly, whether it has any amendments or anything else to it. It is no different than somebody coming to you saying I would really like this to be introduced during this session of the legislature, go in to the Committee, going to a public hearing, then coming back to this body. I think that if we are going to get all worked up about it that it is not going to serve any purpose, and believe me I am somebody who can get very worked up about things and I have been known to get very worked up about things. I think I am trying to echo what the good Senator from Washington, Senator Vose, has said, some of the best speeches are never given. I think right now is probably a time, when we have a pretty bad snowstorm out there, to move ahead, get a public hearing going on the matter and believe me Senator Summers and other members that are really interested in doing something, I'm really interested in doing something and will operate as the Committee as a whole if we are not satisfied and be able to apply amendments on that at that time. It is

a short session and we have a lot of matters before us so Mr. President, I appreciate the opportunity to address the Senate. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. As I listen to the discussion today it is hard for me to understand that the actual motion on the floor is for Indefinite Postponement of L.D. 1957. The issue really is whether you wish to proceed with that Bill, which would put a 66% tax on top of another business, or whether you don't want to do that. That is the real issue. Let me add one more note. Really all this other issue that you are talking about is an opportunity to discuss another approach to a difficult solution. It is going through the process, it will have a public hearing, I welcome and ask all of you who have an interest and a point of view to please come before our Committee and present your points. I have been listening very carefully. If you don't know anything else about me in this Senate, what you do know is that I always carefully review the issues, particularly the ones of great consequence, and I exercise an independent judgement. I will do no less on this, regardless of partisan position or the results of the parties. I have made no prior commitments to the outcome and I will look at and consider all of your opinions carefully and I will take a position regardless of who takes another position on the other side if I believe that is the end. I will do the same for you here. I look forward to your thoughts and considerations. This is simply an opportunity and another means of addressing a difficult issue. If you have additional ideas that would help us please bring them forward and I will give them serious consideration. Thank you.

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

Senator **CARPENTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. It doesn't really amuse me but yesterday was my bad day, not today. Today is getting bad but yesterday when I found out about what was going on, Senator Dutremble will recall I went right through his door, there was a meeting going on and he did ask me to stay but I requested a private conference instead. I have been on Utilities for 6 years, I have bills on there that protect the rate payers. This so called Bill that we have floating right now uses a portion of a Bill that I had, so I was kind of wild yesterday and the press conference was kind of a shut out for the Republicans, which is fine, we are the minority. I do urge you now to let this thought go to the Utilities Committee and we will attempt to work it out if we can't work it out we will get a Divided Report and debate it then. Thank you.

On motion by Senator **ESTY** of Cumberland, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Sent down for concurrence.

The President Pro Tem requested that the Sergeant-at-Arms escort the Senator from York, Senator **DUTREMBLE** to the Rostrum where he resumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Cumberland, Senator **ESTY** to his seat on the floor.

Senate called to order by the President.

Off Record Remarks

The Chair laid before the Senate the Tabled and Later Assigned (3/2/94) matter:

SENATE REPORT - from the Committee on **AUDIT AND PROGRAM REVIEW**, on Bill "An Act to Increase the Efficiency of the Appointment Process for Occupational or Professional Regulatory Boards" S.P. 734 L.D. 1960

Report - **REFER** to Committee on **AUDIT & PROGRAM REVIEW** (pursuant to the 3 MRSA, chapter 33)

Tabled - March 2, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF REPORT**

(In Senate, March 2, 1994, Report **READ**.)

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

Senate at Ease

Senate called to order by the President.

The Chair laid before the Senate the Tabled and 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 - March 2, 1994, by Senator **ESTY** of Cumberland.

Pending - Motion by same Senator to **INDEFINITELY POSTPONE** in **NON-CONCURRENCE**

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

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

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

Senator **HANLEY** of Oxford was granted unanimous consent to address the Senate on the Record.

Senator **HANLEY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose a question to the good Senator from Cumberland, Senator Esty. Would you be able to tell us when we will be able to vote on this matter? Thank you.

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

Senator **ESTY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. An amendment is being drafted. If we were coming into session at 4:00 today we would be doing it then but since we are not, it will be acted upon in the session tomorrow afternoon at 2:00. Thank you.

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

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" (Governor's Bill)

S.P. 733 L.D. 1958

Tabled - March 2, 1994, by Senator **ESTY** of Cumberland.

Pending - **REFERENCE**

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

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

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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

HOUSE REPORT - from 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

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-741)**

Tabled - March 2, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF REPORT**

(In Senate, March 1, 1994, Report **READ**.)

(In House, March 1, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-741) AS AMENDED BY HOUSE AMENDMENT "A" (H-758)** thereto.)

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

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

Senator **O'DEA**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would call your attention to a pair of news clippings that I had distributed a little while ago, clippings from yesterday's Bangor Daily News and an editorial from today's Bangor Daily News about the development efforts underway in Aroostook county. For those of you who don't know, I grew up in Aroostook county, I still have a lot of family there and it is near and dear to my heart. I have been frustrated, as have some others, about the slow pace that the redevelopment has been on. There are two outfits up there that are doing most of the legwork on the redevelopment. The Loring Development Authority and the State's Department of Economic and Community Development. The article in yesterday's paper talks about the reception that an outfit received that tried to bring in an air shipping terminal that would be doing containerized shipping into the former Soviet Union. You might recall that when Loring Air Force Base was built, and it predates me a little bit, that the reason Loring Air Force Base was put in Limestone, Maine was because it was the closest place in the continental United States to the Soviet Union, which would make it ideally suited, it seems, for use as an air cargo terminal into the same place.

Now, we have people who are interested in doing that sort of development, the kind of development that could conceivably bring some well paying jobs there and this is the response that they received. At the meeting, "Mr. Clark and Mr. Obie treated us as if we were aliens from another planet." Now I don't know what is going on up there and I'm sure there are two sides to every story but I remain unconvinced when I hear that this is moving in a timely fashion. Yesterday the last air tanker, the last KC-135 flew out of that base, and today after the snow finishes falling, unlike any time in the past 30 years, those runways will not be plowed and will not be maintained. It is a source of great frustration for this Senator and I'm sure for the 80,000 people left in Aroostook county.

I'm sure over the next three, four or five years we will spend a billion dollars up there on consultants and environmental clean-up and everything else. I'm waiting to see what we can do here to make sure that some people get some good paying jobs and get that situation turned around. Thank you.

difficult issue. I think that we are on the right track. I think if the newspapers will look into all of the facts they might find out that we are further ahead than what is indicated in this editorial. Thank you.

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

Senator **PEARSON**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I am so very pleased that the good Senator from Penobscot, by way of Aroostook, has addressed this particular article and shared it with us on our desks today about what is going on at Loring. This Legislature, over the last several years, has demonstrated in many different ways on several occasions its concern for Aroostook and for Loring in particular and also for Kittery when people have had economic difficulties. This Legislature, I do believe, is prepared to do that and continue to do that. I know that those of us who are on the Appropriations Committee have always been very sympathetic to the concerns of that county. We were told yesterday or the day before that there is a possibility that if something isn't done, and done very rapidly, in Aroostook county that the population of Aroostook may decline by as much as 20%. Down to 60,000, about the size of the city of Portland. That's terrible, we can't allow that to happen, we have a responsibility to those people who live up there and to those people in the Bangor area who sell commodities and goods to Aroostook county. I am watching the developments up in Loring, and the reception of people who want them, very closely and we have a bill before our Committee which strange things are happening to right now which I don't understand that would help them with some support from the State. Again, I am pleased that Senator O'Dea, from Caribou, has offered to share this with us. Thank you.

Senator **PINGREE** of Knox was granted unanimous consent to address the Senate on the Record.

Senator **PINGREE**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I just would like to respond briefly to all of the concerns that have been expressed here about the Loring Air Force Base. As the Chair of the Housing and Economic Development Committee we take the issue of defense conversion and the problems with the Loring Air Force Base very seriously. The Loring Development Authority board members were confirmed under our Committee. We have scheduled one trip to attend Loring that was snowed out and barring snow we plan to be there on Monday and ask many difficult questions about the progress of the LDA and also what is being done up there and how can we make sure that all progress is enhanced as quickly as possible. I think that it is important that everyone know that the Senate is taking a concern about this and our members of the other body are actively involved and we do consider this a very important problem. Thank you.

Off Record Remarks

Senator **KIEFFER** of Aroostook was granted unanimous consent to address the Senate on the Record.

Senator **KIEFFER**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I share Senator O'Dea's concern about the time frame involved in the process of obtaining businesses and trying to redevelop Loring Air Force Base. This is like vacating a city, and I have been involved with this process since it was initiated, since the base closure announcement came to the forefront. I dislike this type of an editorial but I'm sure that it does raise many sales of newspapers throughout the State, but it again tells only about a third of the facts. It's just sad that they don't report the facts instead of an editorial such as this. I could stand here and talk to you for about an hour about what is wrong with this editorial but I'm not going to do it. It takes too much time and I don't think it is worthy of it. I'd like to see something have been done with Loring yesterday but it doesn't happen that fast. The new entity that we created here last year has been in place and on board for about two and a half or three months. I think they are doing a very good job to this point. They have had no full time staff, as was explained to Appropriations earlier this week, and I am still very upset over the time frame as well as everyone else, but being involved with it I fully understand that it is a very

On motion by Senator **PEARSON** of Penobscot, **ADJOURNED** until Friday, March 4, 1994, at 2:00 in the afternoon.