

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

Non-concurrent Matter

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

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

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

In Senate Chamber
Friday
March 4, 1994

In Senate, February 18, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-399).**

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

In House, February 23, 1994, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

In Senate, February 24, 1994, **INSISTED.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-781)** in **NON-CONCURRENCE.**

Prayer by the Honorable Georgette B. Berube of Androscoggin.

On motion by Senator ESTY of Cumberland, the Senate **RECEDED** and **CONCURRED.**

SENATOR GEORGETTE B. BERUBE: Let us ponder together the words of the beautiful prayer of St. Francis Xavier.

"We pass through this world but once oh Lord. Any good, therefore, that we can do, or any kindness that we can show another human being let us do it now. Let us not defer nor neglect it for we shall not pass this way again."

COMMUNICATIONS

Amen.

The Following Communication: S.P. 736

116TH MAINE LEGISLATURE

Reading of the Journal of Thursday, March 3, 1994.

March 2, 1994

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

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

S.P. 738

Dear Chairs:

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 8, 1994, at nine o'clock in the morning.

Please be advised that Governor John R. McKernan, Jr. has nominated Clement H. Smith of Monmouth, Gail Goodwin of Danville and Lincoln O. Orff of Jefferson for reappointments to the Animal Welfare Board.

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

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

Pursuant to Title 7, MRSA Section 3903-A, these nominations will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,

Off Record Remarks

S/Dennis L. Dutremble
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

PAPERS FROM THE HOUSE

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

Sent down for concurrence.

The Following Communication: S.P. 737

116TH MAINE LEGISLATURE

March 3, 1994

Senator John J. O'Dea
Rep. Elizabeth H. Mitchell
Chairpersons
Joint Standing Committee on Education
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Walter H. Moulton of Brunswick, David W. Brown of Bar Harbor, Ronald P. Miliken of Farmington and Natalie Graceffa of Augusta for reappointments to the Maine Educational Loan Authority.

Pursuant to Title 20A, MRSA Section 11415, these nominations will require review by the Joint Standing Committee on Education 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 **EDUCATION**.

Sent down for concurrence.

The Following Communication:

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

March 2, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of the Honorable David G. Roberts of Cumberland, for

reappointment as an Associate Justice of the Maine Supreme Judicial Court.

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

YEAS:	Sen.	1	Conley of Cumberland
	Rep.	8	Cote of Auburn, Farnsworth of Hallowell, Cathcart of Orono, Ketterer of Madison, Caron of Biddeford, Saxl of Bangor, Ott of York, Plowman of Hampden
NAYS:		0	
ABSENT:		4	Sen. Berube of Androscoggin, Sen. Hanley of Oxford, Rep. Faircloth of Bangor, Rep. Lipman of Augusta

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of the Honorable David G. Roberts of Cumberland, for reappointment as an Associate Justice of the Maine Supreme Judicial Court be confirmed.

Signed:

S/Gerard P. Conley, Jr.
Senate Chair

S/Constance D. Cote
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Judiciary has recommended the nomination of David G. Roberts of Cumberland be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators CAHILL, CAREY, CLEVELAND, KIEFFER, LAWRENCE, LUDWIG, PINGREE, WEBSTER

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

The Secretary has so informed the Speaker of the House.

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of the Honorable James P. Archibald of Houlton, for reappointment as an Active Retired Justice of the Maine Supreme Judicial Court be confirmed.

Signed:

S/Gerard P. Conley, Jr.
Senate Chair

S/Constance D. Cote
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Judiciary has recommended the nomination of James P. Archibald of Houlton be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

The Following Communication:

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

March 2, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of the Honorable James P. Archibald of Houlton, for reappointment as an Active Retired Justice of the Maine Supreme Judicial Court.

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

YEAS:	Sen.	1	Conley of Cumberland
	Rep.	9	Cote of Auburn, Farnsworth of Hallowell, Cathcart of Orono, Ketterer of Madison, Caron of Biddeford, Saxl of Bangor, Ott of York, Lipman of Augusta, Plowman of Hampden

NAYS: 0

ABSENT: 3 Sen. Berube of Androscoggin, Sen. Hanley of Oxford, Rep. Faircloth of Bangor

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators CAHILL, CAREY, CLEVELAND, KIEFFER, LAWRENCE, LUDWIG, PINGREE, WEBSTER

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

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

March 2, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of the Honorable Roland A. Cole of Wells, for reappointment as a Justice of the Maine Superior Court.

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

YEAS: Sen. 1 Conley of Cumberland
Rep. 10 Cote of Auburn, Farnsworth of Hallowell, Cathcart of Orono, Ketterer of Madison, Caron of Biddeford, Faircloth of Bangor, Saxl of Bangor, Ott of York, Lipman of Augusta, Plowman of Hampden

NAYS: 0

ABSENT: 2 Sen. Berube of Androscoggin, Sen. Hanley of Oxford,

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of the Honorable Roland A. Cole of Wells, for reappointment as a Justice of the Maine Superior Court be confirmed.

Signed:

S/Gerard P. Conley, Jr.
Senate Chair

S/Constance D. Cote
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Judiciary has recommended the nomination of Roland A. Cole of Wells be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators CAHILL, CAREY, CLEVELAND, KIEFFER, LAWRENCE, LUDWIG, PINGREE, WEBSTER

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

The Secretary has so informed the Speaker of the House.

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **AGRICULTURE** on Bill "An Act to Change the Membership of the Maine Pull Events Commission"

H.P. 1249 L.D. 1676

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-778)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-778)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-778) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BANKING & INSURANCE** on Bill "An Act to Amend the Laws Governing Foreclosure of Mortgages"

H.P. 1187 L.D. 1584

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-780)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-780)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-780) **READ** and **ADOPTED**, in concurrence.

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

The Joint Select Committee on **CORRECTIONS** on Bill "An Act to Provide Funding to the Maine Criminal Justice Commission" (Emergency)

H.P. 1370 L.D. 1854

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-770)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-770)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-770) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act Relating to the Ground Water Oil Clean-up Fund" (Emergency)

H.P. 1283 L.D. 1731

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-777)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-777)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-777) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **FISHERIES & WILDLIFE** on Bill "An Act to Amend the Maine Guide License"

H.P. 1293 L.D. 1741

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-779)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-779)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-779) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Provide for the 1994 and 1995 Allocations of the State Ceiling on Private Activity Bonds" (Emergency)

H.P. 1404 L.D. 1913

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-772)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-772)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-772) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Amend the Laws Pertaining to the Protestant Episcopal Church"

H.P. 964 L.D. 1295

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-776)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-776)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-776) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **MARINE RESOURCES** on Bill "An Act to Strengthen Penalties for the Unlawful Cutting of Lobster Traps" (Emergency)
H.P. 1180 L.D. 1578

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-771)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-771)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-771) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **MARINE RESOURCES** on Bill "An Act to Increase Penalties for Violation of Lobster Fishing Laws"
H.P. 1261 L.D. 1688

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-767)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-767) AS AMENDED BY HOUSE AMENDMENT "A" (H-787)** thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-767) **READ**.

House Amendment "A" (H-787) to Committee Amendment "A" (H-767) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-767) as Amended by House Amendment "A" (H-787) thereto, **ADOPTED**, in concurrence.

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

Senate

Ought to Pass

Senator **O'DEA** for the Committee on **EDUCATION** on Bill "An Act to Correct the Legal Title to a Building at Southern Maine Technical College" (Governor's Bill) (Emergency)
S.P. 709 L.D. 1917

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

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

The Bill **READ ONCE**.

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

Senator **CAREY** for the Committee on **TAXATION** on Bill "An Act to Improve the Notice Provisions for Municipal Development Districts"
S.P. 629 L.D. 1749

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

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

The Bill **READ ONCE**.

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

Ought to Pass As Amended

Senator **BUSTIN** for the Joint Select Committee on **CORRECTIONS** on Resolve, to Prevent the Improper Use of Correctional Facilities
S.P. 486 L.D. 1497

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-427)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-427) **READ** and **ADOPTED**.

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

Senator **O'DEA** for the Committee on **EDUCATION** on Bill "An Act to Establish the Debt Service Limit for Fiscal Year 1997 and Fiscal Year 1998"
S.P. 601 L.D. 1699

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-430).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-430) **READ** and **ADOPTED.**

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

Senator **CAREY** for the Committee on **TAXATION** on Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory
S.P. 627 L.D. 1746

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-428).**

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

The Resolve **READ ONCE.**

Committee Amendment "A" (S-428) **READ** and **ADOPTED.**

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

Senator **BALDACCI** for the Committee on **TAXATION** on Bill "An Act to Increase Reimbursement Amounts to Municipalities Collecting Excise Taxes for Unorganized Townships"
S.P. 636 L.D. 1770

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-429).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-429) **READ** and **ADOPTED.**

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

Senator **CARPENTER** for the Committee on **UTILITIES** on Bill "An Act to Amend the Charter of the Canton Water District" (Emergency)
S.P. 662 L.D. 1830

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-431).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-431) **READ** and **ADOPTED.**

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

SECOND READERS

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

House

Bill "An Act to Implement the Recommendations of the Maine Potato Board"
H.P. 1366 L.D. 1849

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

House As Amended

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
(C "A" H-759)

Resolve, to Simplify the Schedule of Fees for Licenses Issued by the Department of Inland Fisheries and Wildlife
H.P. 1224 L.D. 1643
(C "A" H-764)

Bill "An Act to Allow the Growth and Sale of Cultivated Ginseng in Maine"
H.P. 1236 L.D. 1663
(C "A" H-761)

Resolve, Regarding the Development of a Medicare Volume Performance Standard Demonstration Project
H.P. 1256 L.D. 1683
(C "A" H-768)

Resolve, to Extend the Reporting Date of the Healthy Start Task Force Report (Emergency)

H.P. 1298 L.D. 1753
(C "A" H-769)

Bill "An Act Regarding the Discharge of Mortgages"

H.P. 1299 L.D. 1754
(C "A" H-765)

Bill "An Act to Modify the End Disposal of Sharp Waste Products in the Biohazard Disposal Law"

H.P. 1300 L.D. 1755
(C "A" H-763)

Bill "An Act Concerning Alewives"

H.P. 1323 L.D. 1785
(C "A" H-766)

Bill "An Act to Amend the Charter of the Madison Water District"

H.P. 1334 L.D. 1797
(C "A" H-760)

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

Senate As Amended

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
(C "A" S-424)

Which was **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 Protect Cable Television Consumers from Excessive Late Fees

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

An Act to Ensure That State Water Utility Rules Are Consistent with Federal Requirements

S.P. 566 L.D. 1601
(C "A" S-407)

An Act Concerning Commercial Fishing Licenses

S.P. 572 L.D. 1618
(C "A" S-410)

An Act to Clarify Certain Marine Resource Definitions

S.P. 581 L.D. 1625

An Act to Eliminate the Maine School Building Authority

S.P. 600 L.D. 1698
(C "A" S-406)

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

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 (3/3/94) matter:

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

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

Pending - **REFERENCE**

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

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

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

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**.)

Which Report was **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-426) **READ** and **ADOPTED**.

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

The Chair laid before the Senate the Tabled and Today Assigned 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 3 MRSA, chapter 33)

Tabled - March 3, 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**.

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 3, 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**.)

Senator **ESTY** of Cumberland requested and received leave of the Senate to withdraw his motion to **INDEFINITELY POSTPONE** Joint Resolution in **NON-CONCURRENCE**.

On motion by Senator **BUSTIN** of Kennebec, Senate Amendment "A" (S-432) **READ**.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Point of order please. Mr. President, is this amendment properly before us? It seems to be in conflict with the original Joint Resolution. Thank you.

Senate at Ease

Senate called to order by the President.

THE PRESIDENT: The Chair would rule that the amendment is properly before the body. The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to exercise my prerogative to appeal the ruling of the presiding officer to the entire body. Thank you.

THE PRESIDENT: The pending question before the Senate is **SUSTAINING THE RULING OF THE CHAIR**.

The Chair ordered a Division.

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

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

15 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion to **SUSTAIN THE RULING OF THE CHAIR, PREVAILED**.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I did not put us through this process without great trepidation. I do have a concern, the reason why I questioned the appropriateness of the amendment before us is that is basically totally eviscerates the original Joint Resolution memorializing both Congresswoman Snowe and Congressman Andrews to sign onto the amendment to the Safe Drinking Water Act. As the Senator from Oxford County, having been contacted by every water district within my Senatorial District, and impressed upon the importance of having a Joint Resolution which has some teeth in it, which directs Congresswoman Snowe and Congressman Andrews to take particular action, with regards to the Safe Drinking Water Act, I think this body needs to vote on that specific Joint Resolution. There are other members in this body who disagree with me. While I applaud the good Senator from Kennebec as far as trying to find some common ground, in fact in reading through her proposed amendment, the points that she raises are true and are very important to each and every one of our own water districts, and very important to each and every one of the rate payers of our water districts across the State. My concern is that even though our concerns are raised in this proposed Amendment to the Joint Resolution, it has no direct charge on our Congressional delegation.

While I support the principles of the amendment and what it is trying to get at, this is not what my district and my water districts had required and requested of me to support. While half a loaf is better than none, I think that we owe it to our water districts throughout this State to vote affirmatively on the first Joint Resolution, for that reason and that reason alone I would recommend to my fellow colleagues in this Senate chamber to vote against this proposed amendment so we can support the original Joint Resolution and give some direction to Congress and let them know of the import that this will have on each and every water district across the State. Thank you.

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

Senator BUSTIN: Thank you Mr. President, Ladies and Gentlemen of the Senate. I appreciate the good Senator from Oxford, Senator Hanley's, comments and I assure you that I have worked very diligently, as has the good Senator from York, Senator Lawrence, and the staff of the Majority Office, and Don Ware, who is currently on the phone because I was checking with him again. He is the Director of the Augusta Water District, who is the one who approached us to put this Resolution in. To make sure everything is copacetic I, in fact, had Don Ware working with the staff and with Senator Lawrence in order to draft this. The reason that I held it up yesterday, and it was me who held it up, was because I was finally able to get in touch with Senator Mitchell's office in the form of his staff member, Jeff Peterson, to ask him one specific thing because I wondered about it having been on Senator Mitchell's staff once before and knowing how these things work. It was the part where it basically was saying that we needed to have some flexibility in being able to adjust our standards. In fact, we can go to the EPA and petition for a waiver of those standards if we choose to. I haven't fully finished my conversation with Don Ware, but it is my clear understanding, and my staff's clear understanding that in fact we do have that ability and I didn't want to send to Congress a Resolution that had untruths in it. That was my only basis for holding that up yesterday, to get that correct. We have just corrected that and that is what this amendment it about. I think, in fact, that this draft is a better draft than what we had before in that it is more inclusive and it takes away any political implications that this might have. We are all very concerned about our municipal water supplies, what kinds of money we have to pay for them, and certainly insuring the health and safety of our population. I think this will clearly send this message to Congress that this is what we want to do. Thank you.

On motion by Senator **BUSTIN** of Kennebec, Senate Amendment "A" (S-432) **ADOPTED**.

Which was **ADOPTED**, As **Amended** in **NON-CONCURRENCE**.

Sent down 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 3, 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.)

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-741) **READ**.

House Amendment "A" (H-758) to Committee Amendment "A" (H-741) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-741) as Amended by House Amendment "A" (H-758) thereto, **ADOPTED**, in concurrence.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Probate Code to Provide Greater Due Processing in Guardianship and Conservatorship Cases"

H.P. 1441 L.D. 1967

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 Create the Blaine House Commission" (Governor's Bill)

H.P. 1440 L.D. 1966

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.

Off Record Remarks

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

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **VOSE** of Washington, **ADJOURNED** until Tuesday, March 8, 1994, at 9:00 in the morning.