

MAINE STATE LEGISLATURE

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

VOLUME VI

SECOND REGULAR SESSION

Senate
January 5, 1994 to April 6, 1994

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

In Senate Chamber
Tuesday
March 8, 1994

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

Prayer by Reverend Michelle Grube of the First United Methodist Church in Boothbay Harbor.

REVEREND MICHELLE GRUBE: Let us pray. Eternal God, in whose appointment our life stands and who committed our work to us, we come before you this morning committing ourselves to you as we begin yet another new day. We come thanking you for the newness of this day and the opportunity that we have to not only serve the people we represent but also to serve you, oh Holy One, the ultimate law maker and Lord of us all. Give us this day your grace so that we may contribute to truly establishing Maine as the example of the way life should be everywhere.

I pray this morning, oh Holy One, that you might give to these men and women the gifts, graces and talents they need to hear and follow your will. As you allowed Samuel to dream and to hear your call of service, I pray that you would give these your servants fresh dreams and visions for the future of our State, allowing them to continually hear your call. As you gave courage and strength to David to persevere until he was finally crowned King, I pray that you would give these Senators a portion of that strength and courage so that they may not be content to seek the false comfort of easy answers but will persevere to do the hard work of seeking your will with each new decision. And as you gave wisdom to Solomon to build up and successfully lead the people of Israel, I pray that you might also give these men and women a portion of that wisdom, so that they might make bold, responsible and just decisions for all your people in Maine.

And Eternal One, Creator of all humanity, we pray that you would help us to see, listen, and understand the people that we serve. Often, we see only the masses, but you, o God, see individuals each with names and unique identities. Often we see only persons who appear ordinary and average, but you see these your children as having extra-ordinary potential. Often we see only people whom we place in varying categories of worth depending on race, class, creed, and age, but whom you see as worthy no matter what category they may fall. Help us, o God, to see the individual in the masses, to work with persons to develop each one's extra-ordinary potential, and to honor the worthiness of each person.

And now we look to you, o Holy One, to be present with us throughout this day of deliberation and decision making. Hear our prayers for it is in you name that we lift them before you. Amen.

Reading of the Journal of Friday, March 4, 1994.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Authorize the Towns of Appleton, Camden, Hope, Lincolnville and Rockport to Form a Community School District" (Emergency)
H.P. 1221 L.D. 1640
(H "A" H-752 to C
"A" H-740)

In Senate, March 1, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-740) AS AMENDED BY HOUSE AMENDMENT "A" (H-752)** thereto, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-740) AS AMENDED BY HOUSE AMENDMENT "A" (H-752)** thereto, **AND HOUSE AMENDMENT "A" (H-800)** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: S.P. 739

116TH MAINE LEGISLATURE

March 4, 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 Jeremy B. Weirich of Castine for appointment as the Student Trustee Member of the Maine Maritime Academy Board of Trustees, pursuant to P&SL 1993, Chapter 27.

Governor McKernan has also nominated Harrison L. Richardson of South Portland for appointment to the Maine Maritime Academy Board of Trustees, pursuant to P.L. 1975, Chapter 771, Section 428.

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: S.P. 740

116TH MAINE LEGISLATURE

March 4, 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 Julia K. Schulz of Rockland, William H. Beardsley of Ellsworth and Richard J. Borden of Bar Harbor for appointments to the Maine Education & Training Export Partnership.

Pursuant to Title 5, Section 13063-A, these nominations 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: S.P. 742

116TH MAINE LEGISLATURE

March 4, 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 Donald W. Harward of Lewiston and Kenneth Paigen of Bar Harbor for appointments to the Maine Science and Technology Foundation.

Pursuant to Title 5 MRSA, Section 13122-C, these nominations 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: S.P. 743

116TH MAINE LEGISLATURE

March 4, 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 Gary L. McLaughlin of Bangor for appointment and Roland Bracy, Jr. of Portland, Arthur H. Redman of Augusta and Daniel M. Parker of Westbrook for reappointments to the Adaptive Equipment Loan Program Fund Board.

Pursuant to Title 10, MRSA Section 373, these nominations 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:

**DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES & LOTTERY OPERATIONS
STATE HOUSE STATION 8
AUGUSTA, ME 04333**

March 4, 1994

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

Dear Senator Dutremble:

Pursuant to 8 MRSA, Sec. 372, Sub. Sec. 2H. I am requesting that the statistical and informational materials provided by the Maine State Lottery be distributed.

Sincerely,

S/David S. Campbell
Director

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

The Following Communication:

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

March 3, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of John L. Weeks of Caribou, for appointment to the Maine Technical College System Board of Trustees.

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.	3	O'Dea of Penobscot, Lawrence of York, Amero of Cumberland
	Rep.	8	Mitchell of Vassalboro, Oliver of Portland, Simonds of Cape Elizabeth, Cloutier of South Portland, Pinette of Fort Kent, Stevens of Orono, Norton of Winthrop, Ault of Wayne
NAYS:		0	
ABSENT:		2	Rep. Pfeiffer of Brunswick, Rep. Small of Bath

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 John L. Weeks of Caribou, for appointment to the Maine Technical College System Board of Trustees be confirmed.

Signed:

S/John J. O'Dea
Senate Chair

S/Elizabeth H. Mitchell
House Chair

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

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

Off Record Remarks

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

SENATE PAPERS

Resolve, Pertaining to Assisted Living Services and Boarding Care (Emergency)
S.P. 741 L.D. 1969

Presented by Senator **ESTY** of Cumberland
Cosponsored by Senator: **PARADIS** of Aroostook,
Representatives: **CARROLL** of Gray, **CHONKO** of
Topsham, **KERR** of Old Orchard Beach
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **AGING, RETIREMENT & VETERANS** on Bill "An Act to Establish Retirement Equity for Full-time Adult Education Teachers"
H.P. 1280 L.D. 1728

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-782)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-782)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-782) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Clarify the Certification Procedures of the Maine Criminal Justice Academy"
H.P. 1265 L.D. 1692

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-784)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-784)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-784) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Legalize Marijuana for Medicinal Purposes"
H.P. 1116 L.D. 1511

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-785)**.

Comes from the House with the Report **READ** and the Bill and Accompanying Papers **RECOMMENDED** to the Committee on **JUDICIARY**.

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

The Bill and Accompanying Papers **RECOMMENDED** to the Committee on **JUDICIARY**, in concurrence.

Divided Report

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act Related to Third Parties"
H.P. 552 L.D. 748

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

Signed:

Senators:
CAREY of Kennebec
HANDY of Androscoggin
HALL of Piscataquis

Representatives:
TRUE of Fryeburg
GAMACHE of Lewiston
STEVENS of Sabattus
ROBICHAUD of Caribou
DAGGETT of Augusta
NASH of Camden

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-783)**.

Signed:

Representatives:
BENNETT of Norway
BOWERS of Washington
MICHAEL of Auburn
LEMKE of Westbrook

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.

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

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Establish the Lobster Promotion Council as a Public Instrumentality" (Emergency)

H.P. 1199 L.D. 1607

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-774)**.

Signed:

Senators:

VOSE of Washington
GOULD of Waldo
PINGREE of Knox

Representatives:

MITCHELL of Freeport
COLES of Harpswell
LEMONT of Kittery
CONSTANTINE of Bar Harbor
SKOGLUND of St. George
TOWNSEND of Eastport
SWAZEY of Bucksport
HEINO of Boothbay

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

Signed:

Representatives:

FARREN of Cherryfield
LOOK of Jonesboro

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-774) AS AMENDED BY HOUSE AMENDMENT "A" (H-795)** thereto.

Which Reports were **READ**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-774) **READ** and **ADOPTED** in **NON-CONCURRENCE**.

On motion by Senator **ESTY** of Cumberland, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-774) in **NON-CONCURRENCE**.

House Amendment "A" (H-795) to Committee Amendment "A" (H-774) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-774) as Amended by House Amendment "A"(H-795) thereto, **ADOPTED**, in concurrence.

Senate

Ought to Pass As Amended

Senator **AMERO** for the Committee on **EDUCATION** on Bill "An Act to Authorize the Artisans School to Grant Degrees"

S.P. 691 L.D. 1877

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-434)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-434) **READ** and **ADOPTED**.

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

Senator **PINGREE** for the Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Resolve, to Create Regional Funds for Self-employment

S.P. 656 L.D. 1825

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-435)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-435) **READ** and **ADOPTED**.

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

SECOND READERS

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

House As Amended

Bill "An Act to Amend the Laws Pertaining to the Protestant Episcopal Church"

H.P. 964 L.D. 1295
(C "A" H-776)

Bill "An Act to Strengthen Penalties for the Unlawful Cutting of Lobster Traps" (Emergency)
 H.P. 1180 L.D. 1578
 (C "A" H-771)

Senate at Ease

Senate called to order by the President.

Bill "An Act to Amend the Laws Governing Foreclosure of Mortgages"
 H.P. 1187 L.D. 1584
 (C "A" H-780)

Bill "An Act to Change the Membership of the Maine Pull Events Commission"
 H.P. 1249 L.D. 1676
 (C "A" H-778)

On motion by Senator **BERUBE** of Androscoggin, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-741) as amended by House Amendment "A" (H-758) thereto, in concurrence.

Bill "An Act to Increase Penalties for Violation of Lobster Fishing Laws"
 H.P. 1261 L.D. 1688
 (H "A" H-787 to C "A" H-767)

Senate

Bill "An Act to Improve the Notice Provisions for Municipal Development Districts"
 S.P. 629 L.D. 1749

Bill "An Act Relating to the Ground Water Oil Clean-up Fund" (Emergency)
 H.P. 1283 L.D. 1731
 (C "A" H-777)

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

Bill "An Act to Amend the Maine Guide License"
 H.P. 1293 L.D. 1741
 (C "A" H-779)

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

Sent down for concurrence.

Bill "An Act to Provide Funding to the Maine Criminal Justice Commission" (Emergency)
 H.P. 1370 L.D. 1854
 (C "A" H-770)

Senate As Amended

Resolve, to Prevent the Improper Use of Correctional Facilities
 S.P. 486 L.D. 1497
 (C "A" S-427)

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
 (C "A" H-772)

Bill "An Act to Establish the Debt Service Limit for Fiscal Year 1997 and Fiscal Year 1998"
 S.P. 601 L.D. 1699
 (C "A" S-430)

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

Bill "An Act to Apportion Districts for the Election of County Commissioners"
 H.P. 1285 L.D. 1733
 (H "A" H-758 to C "A" H-741)

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
 (C "A" S-428)

Which was **READ A SECOND TIME**.

Bill "An Act to Increase Reimbursement Amounts to Municipalities Collecting Excise Taxes for Unorganized Townships"
 S.P. 636 L.D. 1770
 (C "A" S-429)

On motion by Senator **BERUBE** of Androscoggin the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-741) as Amended by House Amendment "A" (H-758) thereto, in concurrence.

Bill "An Act to Amend the Charter of the Canton Water District" (Emergency)
 S.P. 662 L.D. 1830
 (C "A" S-431)

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

Sent down for concurrence.

Bill "An Act Concerning the Importation of Salmon"
S.P. 685 L.D. 1871
(C "A" S-426)

Which was **READ A SECOND TIME.**

On motion by Senator **VOSE** of Washington, Senate Amendment "A" (S-433) **READ** and **ADOPTED.**

Which was **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 Establish a Pilot Project to Mediate Certain Environmental Disputes

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

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

An Act to Improve the Efficiency of Rate Processing by Consumer-owned Electric Utilities
S.P. 559 L.D. 1595
(C "A" S-414)

An Act to Amend the Motor Vehicle Laws
H.P. 1200 L.D. 1608
(C "A" H-749)

An Act Concerning Business Directional Signs on Certain Controlled Access Highways
H.P. 1205 L.D. 1613
(C "A" H-748)

An Act to Amend the Community Correction Law
H.P. 1213 L.D. 1632
(C "A" H-738)

An Act to Clarify the Method for Calculating Inmate Good Time
S.P. 597 L.D. 1656
(C "A" S-413)

An Act to Ensure Accessibility to Mental Retardation Services for Persons Who are Deaf or Hard of Hearing

H.P. 1241 L.D. 1668
(C "A" H-750)

An Act to Exempt Eye Banks from Sales Tax
H.P. 1247 L.D. 1674
(C "A" H-739)

An Act to Promote Child Safety
H.P. 1248 L.D. 1675
(C "A" H-736)

An Act to Revise the Execution of Certain Mandatory Consecutive Sentences
S.P. 608 L.D. 1706
(C "A" S-412)

An Act to Change Statutory References to the Maine Teachers Association to the Maine Education Association
H.P. 1288 L.D. 1736
(C "A" H-742)

An Act to Amend the Classification of Part of the Presumpscot River
H.P. 1289 L.D. 1737
(C "A" H-746)

An Act to Provide Adequate Staffing for the Board of Osteopathic Examination and Registration
H.P. 1331 L.D. 1794

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

Resolve

Resolve, to Designate Route 196 through Lisbon in Memory of Staff Sergeant Thomas Field
H.P. 1317 L.D. 1779
(C "A" H-743)

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

Emergency

An Act to Eliminate Seasonal Liquor Stores
H.P. 738 L.D. 996
(H "A" H-756 to C "A" H-747)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Correct an Error in the Sand Dune Laws
H.P. 1260 L.D. 1687
(C "A" H-744)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Clarify the Laws Relating to Permits to Carry Concealed Firearms
H.P. 1335 L.D. 1798
(C "A" H-755)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with No Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Improve the License Renewal Procedure for the Board of Registration in Medicine
H.P. 1367 L.D. 1850

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with No Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Mandate

An Act to Increase the Debt Limit for the Richmond Utilities District
H.P. 1237 L.D. 1664
(C "A" H-753)

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$7,000,000 for Training Equipment for the Maine Technical College System"
H.P. 1442 L.D. 1968

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

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

ORDERS OF THE DAY

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

NOMINATION - of John L. Weeks of Caribou for appointment to the Maine Technical College System Board of Trustees.

Tabled - March 8, 1994, by Senator **ESTY** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, March 8, 1994, Communication from the Committee on **EDUCATION READ** and **ORDERED PLACED ON FILE**.)

THE PRESIDENT: The Joint Standing Committee on Education has recommended the nomination of John L. Weeks of Caribou be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators CARPENTER, WEBSTER

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 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 John L. Weeks, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Chair laid before the Senate the following unfinished business from today's Senate Calendar.

The Following Communication:

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

March 3, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of James W. Donovan of Cape Elizabeth, for reappointment to the Maine Technical College System Board of Trustees.

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.	3	O'Dea of Penobscot, Lawrence of York, Amero of Cumberland
	Rep.	8	Mitchell of Vassalboro, Oliver of Portland, Simonds of Cape Elizabeth, Cloutier of South Portland, Pinette of Fort Kent, Stevens of Orono, Norton of Winthrop, Ault of Wayne

NAYS: 0

ABSENT: 2 Rep. Pfeiffer of Brunswick, Rep. Small of Bath

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 James W. Donovan of Cape Elizabeth, for reappointment to the Maine Technical College System Board of Trustees be confirmed.

Signed:

S/John J. O'Dea
Senate Chair

S/Elizabeth H. Mitchell
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Education has recommended the nomination of James W. Donovan of Cape Elizabeth be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators CARPENTER, WEBSTER

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 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 W. Donovan, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

March 3, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Stephen R. Graebert of Brewer, for appointment to the Maine Technical College System Board of Trustees.

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.	3	O'Dea of Penobscot, Lawrence of York, Amero of Cumberland
	Rep.	8	Mitchell of Vassalboro, Oliver of Portland, Simonds of Cape Elizabeth, Cloutier of South Portland, Pinette of Fort Kent, Stevens of Orono, Norton of Winthrop, Ault of Wayne
NAYS:		0	
ABSENT:		2	Rep. Pfeiffer of Brunswick, Rep. Small of Bath

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 Stephen R. Graebert of Brewer, for appointment to the Maine Technical College System Board of Trustees be confirmed.

Signed:

S/John J. O'Dea
Senate Chair

S/Elizabeth H. Mitchell
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Education has recommended the nomination of Stephen R. Graebert of Brewer be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators CARPENTER, WEBSTER

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 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 Stephen R. Graebert, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

March 3, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of John H. Lapoint, Jr. of Falmouth, for appointment to the Maine Technical College System Board of Trustees.

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.	3	O'Dea of Penobscot, Lawrence of York, Amero of Cumberland
	Rep.	8	Mitchell of Vassalboro, Oliver of Portland, Simonds of Cape Elizabeth, Cloutier of South Portland, Pinette of Fort Kent, Stevens of Orono, Norton of Winthrop, Ault of Wayne
NAYS:		0	
ABSENT:		2	Rep. Pfeiffer of Brunswick, Rep. Small of Bath

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 John H. Lapoint, Jr. of Falmouth, for appointment to the Maine Technical College System Board of Trustees be confirmed.

Signed:

S/John J. O'Dea
Senate Chair

S/Elizabeth H. Mitchell
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Education has recommended the nomination of John H. Lapoint, Jr. of Falmouth be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senator WEBSTER

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator 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 John H. Lapoint, Jr. was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

March 3, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Elizabeth O. Shorr of Portland, for appointment to the Maine Technical College System Board of Trustees.

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. 3 O'Dea of Penobscot, Lawrence of York, Amero of Cumberland
 Rep. 8 Mitchell of Vassalboro, Oliver of Portland, Simonds of Cape Elizabeth, Cloutier of South Portland, Pinette of Fort Kent, Stevens of Orono, Norton of Winthrop, Ault of Wayne

NAYS: 0

ABSENT: 2 Rep. Pfeiffer of Brunswick, Rep. Small of Bath

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 Elizabeth O. Shorr of Portland, for appointment to the Maine Technical College System Board of Trustees be confirmed.

Signed:

S/John J. O'Dea
 Senate Chair

S/Elizabeth H. Mitchell
 House Chair

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

THE PRESIDENT: The Joint Standing Committee on Education has recommended the nomination of Elizabeth O. Shorr of Portland be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senator WEBSTER

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator 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 Elizabeth O. Shorr, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

March 3, 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 Beaudoin of Falmouth, for appointment as Chief Judge of the Administrative 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. 3 Conley of Cumberland, Berube of Androscoggin, Hanley of Oxford
 Rep. 9 Cote of Auburn, Farnsworth of Hallowell, Ketterer of Madison, Caron of Biddeford, Faircloth of Bangor, Saxl of Bangor, Ott of York, Lipman of Augusta, Plowman of Hampden

NAYS: 0

ABSENT: 1 Rep. Cathcart of Orono

Twelve 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 Beaudoin of Falmouth, for appointment as Chief Judge of the Administrative 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 Honorable Roland Beaudoin of Falmouth 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, CAHILL, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators CARPENTER, WEBSTER

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 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 the Honorable Roland Beaudoin, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

March 3, 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 Joyce A. Wheeler of Portland, for appointment as an Associate Judge of the Administrative 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. 3 Conley of Cumberland, Berube of Androscoggin, Hanley of Oxford

Rep. 9 Cote of Auburn, Farnsworth of Hallowell, Ketterer of Madison, Caron of Biddeford, Faircloth of Bangor, Saxl of Bangor, Ott of York, Lipman of Augusta, Plowman of Hampden

NAYS: 0

ABSENT: 1 Rep. Cathcart of Orono

Twelve 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 Joyce A. Wheeler of Portland, for appointment as an Associate Judge of the Administrative 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 Joyce A. Wheeler of Portland 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, CAHILL, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators CARPENTER, WEBSTER

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 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 Joyce A. Wheeler, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

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

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

Tabled - March 4, 1994, by Senator **ESTY** of Cumberland.

Pending - **REFERENCE**

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

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

Senator **ESTY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is the same issue that faced us last year. We decided that rather than sending this issue to Committee to go through the process again that it seemed to make sense that since we had acted upon this issue last year that we should act upon it in the same fashion this year. My suggestion is that we defeat this Bill and that we get onto the business of the State. 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. What is the motion before the Senate?

THE PRESIDENT: The pending question before the Senate is Reference to the Committee on State and Local Government.

Senator **ESTY** of Cumberland moved the **INDEFINITE POSTPONEMENT** of the Bill.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would hope that you would vote against Indefinite Postponement of this measure so that we might be able to go on and pass it. The good Senator from Cumberland, Senator Esty, is right, this is a Bill that was before us in the last session of the Legislature but there are some of us that believe that it is important to discuss it again because in lieu of what happened last November when voters spoke loud and clear about term limits. It seems to me that it is very clear that the voters of this State, the electorate of this State, want some very significant election reforms to occur in the State and I believe by popularly electing the State Treasurer that is one additional step towards this election reform. Under this proposal there would be a Constitutional amendment requiring popular election of the Secretary of State and it if it should pass it would appear on this November's ballot. If approved the first popular election of the State Treasurer would be in the next gubernatorial election year, 1998. This is historical information, the State Treasurer is popularly elected, such as this amendment would do, in 38 states. The Governor appoints the State Treasurer in 7 states and the Legislature chooses the State Treasurer in only 4 states. Those 4 states are Maine, Maryland, New Hampshire and Tennessee.

The citizens of our State have really spoken loud and clear. They have said that we need to change the way that we do business in this State and the way the government acts in this State. I think that was an issue that was brought home to each and every one of us when they overwhelmingly approved term limits. I believe that by changing the Constitution to popularly elect the Treasurer of the State of Maine would really be a burden off the State Treasurer's back because that person would not feel pressured by the majority party of the State Legislature, regardless of whether it is Republican or Democrat, to be bound by that party. I think it would open up the entire election process so that more people would be able to run for the position of Treasurer. I just believe that this is a measure of good government and I think it is something that we should do and I would ask for the yeas and nays. Thank you.

Senator **CAHILL** of Sagadahoc requested a Roll Call.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'll be voting for the motion to Indefinitely Postpone. It seems to me that especially with the activities of the past few days that if we have any more candidates running for office there won't be anybody to pay the bills. Thank you.

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

Senator **ESTY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would also like to point out that regarding the term limit referendum of the past year that the constitutional officers fell under those same term limit measures that we did.

So, in fact, the people have spoken, they felt that the constitutional officers, like the Treasurer, should fall under term limits and they do. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. My wife has often told me that I was born two hundred years too late and while I don't disagree with her on that I do like to go back to our founding fathers when issues of this sort come to our attention. James Madison, in the Federalist Papers, discussing the import of election process stated, "It is essential to liberty that the government in general have a common interest with the people. So it is essential that the Congress should have an immediate dependence on and intimate sympathy with the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectually secured." I think those words ring true for the constitutional officers here in the State of Maine. How can you have the accountability by these officers without an election directly accountable to the people of the State. Not to one majority party here in the Legislature. I hope that you keep that in mind when you cast your vote and I hope that you cast it against the pending motion to Indefinitely Postpone. 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. Apparently there are people who don't remember twenty five or thirty years ago when we were listening to those very same speeches. Unfortunately it was the Democrats making the speeches in support of changes and it was the Republicans who controlled both branches of the Legislature who were deadily opposed. I'm glad to see that you are becoming more enlightened to the way things should be done but I will still vote against it. 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 don't believe this is a Republican issue or a Democrat issue. I'm supporting this issue because I believe it is good government and I believe the people of the State of Maine have told us time and time again that they want us to reform our process, our system. They want us to clean up our act and they want the government to be accountable. The only way the constitutional officers in this particular Bill, the State Treasurer, is accountable to the people is if that is by general election. Thank you.

Off Record Remarks

On motion by Senator **CAHILL** of Sagadahoc, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **ESTY** of Cumberland to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

A vote of Yes will be in favor of **INDEFINITE POSTPONEMENT**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senator **WEBSTER**

Senator **BALDACCI** of Penobscot requested and received Leave of the Senate to change his vote from **NAY** to **YEA**.

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **ESTY** of Cumberland, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, **PREVAILED**.

Sent down for concurrence.

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 to 3 MRSA, chapter 33)

Tabled - March 4, 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 Later Today Assigned matter:

Bill "An Act to Apportion Districts for the Election of County Commissioners"

H.P. 1285 L.D. 1733
(H "A" H-758 to C
"A" H-741)

Tabled - March 8, 1994, by Senator **BERUBE** of Androscoggin.

Pending - **ADOPTION** of Committee Amendment "A" (H-741) as Amended by House Amendment "A" (H-758) thereto, in concurrence

(In Senate, March 8, 1994, **RECONSIDERED ADOPTION** of Committee Amendment "A" (H-741) as Amended by House Amendment "A" (H-758) thereto, in concurrence.)

(In House, March 4, 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 **BERUBE** of Androscoggin Senate Amendment "A" (S-436) to Committee Amendment "A" (H-741) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Kieffer.

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose a question to the good Senator from Androscoggin as to the purpose of this amendment. This is quite a lengthy Bill, I have reviewed the three paragraphs mentioned in this amendment and I'm not sure I understand what it does. It doesn't seem to change anything. Thank you.

THE PRESIDENT: The Senator from Aroostook, Senator Kieffer, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator **BERUBE:** Thank you Mr. President, Ladies and gentlemen of the Senate. In answer to the gentleman from Aroostook county this corrects conflicts in the dates of the terms of the Commissioners of Aroostook county. Some of them were listed as 1988, and if they run again they would be elected until 1996 or 1998. So in the three paragraphs you will find that each corresponding date is corrected from 1988, 1990 and 1992 to the correct dates 1994, 1996, and 1998. It also corrects, at the same time, the conflict that arose with the passage in the other body of an amendment for Aroostook county by another member of Aroostook county. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Kieffer.

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I thought that the terms of the Commissioners there were staggered but this, in fact, specifies that one will expire in 1994 and two in 1996. They presently do that so I am still unable to see what the change is in this particular amendment from what exists today. Thank you.

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

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This was given to me earlier this morning and I would ask anyone who is so inclined to table it please. Thank you.

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending the motion by Senator **BERUBE** of Androscoggin to **ADOPT** Senate Amendment "A" (S-436) to Committee Amendment "A" (H-741).

Off Record Remarks

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

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

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