

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
Wednesday
March 9, 1994

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

Prayer by Reverend Steven Perry of the United Methodist Church in Winthrop.

REVEREND STEVEN PERRY: I count it a great privilege to be here this morning as your chaplain. Let us pray.

God of wisdom and justice who throughout history has made yourself known to humankind, giving us hope, challenge and direction. In this new day, oh God, we are called to use your wisdom to bring about your justice in the affairs of your people in this State of Maine. We, who are gathered here, stand in the unenviable position of solving problems that have solutions which seem far beyond our grasp. God we need your help. We stand in the history of a nation that sought your help in its beginnings and today and always we seek your help in its continuance. Undergird us, Oh God, with your presence, clear our minds for the careful work of legislation that lies before us, help us be true to the high calling which has brought us here as servants to the people of this great State in order that we may continue to be one nation, under God, with liberty and justice for all. We seek your wisdom, Oh God. Amen.

Reading of the Journal of Tuesday, March 8, 1994.

Off Record Remarks

COMMUNICATIONS

The Following Communication:

COMMITTEE ON AGRICULTURE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 7, 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 Agriculture has had under consideration the nomination of Richard D. Lamb of Springvale, for reappointment to the Maine Milk Commission.

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	Paradis of Aroostook
	Rep.	6	Tardy of Palmyra, Spear of Nobleboro, Hussey of Milo, Aliberti of Lewiston, Strout of Corinth, Cross of Dover-Foxcroft
NAYS:		0	
ABSENT:		6	Sen. Pingree of Knox, Sen. Marden of Kennebec, Rep. Kneeland of Easton, Rep. Ahearne of Madawaska, Rep. Heeschen of Wilton, Rep. Nash of Camden

Seven 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 Richard D. Lamb of Springvale, for reappointment to the Maine Milk Commission be confirmed.

Signed:

S/Judy A. Paradis
Senate Chair

S/Robert J. Tardy
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**.

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

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

NOMINATION - of Richard D. Lamb of Springvale, for reappointment to the Maine Milk Commission.

March 7, 1994

Tabled - March 9, 1994, by Senator **ESTY** of Cumberland.

Pending - **CONSIDERATION.**

(In Senate, March 9, 1994, Communication from the Committee on **AGRICULTURE**, **READ** and **ORDERED PLACED ON FILE.**)

THE PRESIDENT: The Joint Standing Committee on Agriculture has recommended the nomination of Richard D. Lamb of Springvale be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Agriculture 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, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators BALDACCI, HANDY, O'DEA, WEBSTER

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 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 Richard D. Lamb, was **CONFIRMED.**

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

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 Agriculture has had under consideration the nomination of Colon E. Durrell of Farmington, for appointment to the Maine Milk Commission.

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	Paradis of Aroostook
	Rep.	6	Tardy of Palmyra, Spear of Nobleboro, Hussey of Milo, Aliberti of Lewiston, Strout of Corinth, Cross of Dover-Foxcroft
NAYS:		0	
ABSENT:		6	Sen. Pingree of Knox, Sen. Marden of Kennebec, Rep. Kneeland of Easton, Rep. Ahearne of Madawaska, Rep. Heeschen of Wilton, Rep. Nash of Camden

Seven 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 Colon E. Durrell of Farmington, for appointment to the Maine Milk Commission be confirmed.

Signed:

S/Judy A. Paradis
Senate Chair

S/Robert J. Tardy
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Agriculture has recommended the nomination of Colon E. Durrell of Farmington be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Agriculture 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.

NAYS: 0

The Secretary will call the Roll.

ABSENT: 6 Sen. Pingree of Knox, Sen. Marden of Kennebec, Rep. Kneeland of Easton, Rep. Ahearne of Madawaska, Rep. Heeschon of Wilton, Rep. Nash of Camden

ROLL CALL

YEAS: Senators None

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

Seven 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 Richard H. Duncan of Presque Isle, for reappointment to the Harness Racing Commission be confirmed.

Signed:

S/Judy A. Paradis
Senate Chair

S/Robert J. Tardy
House Chair

ABSENT: Senators BALDACCI, LUTHER, O'DEA

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

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 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 Colon E. Durrell, was **CONFIRMED**.

THE PRESIDENT: The Joint Standing Committee on Agriculture has recommended the nomination of Richard H. Duncan of Presque Isle be confirmed.

The Secretary has so informed the Speaker of the House.

The pending question before the Senate is: "Shall the recommendation of the Committee on Agriculture 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.

The Following Communication:

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

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

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

March 7, 1994

Is the Senate ready for the question?

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

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

Dear Mr. President:

YEAS: Senators None

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 Agriculture has had under consideration the nomination of Richard H. Duncan of Presque Isle, for reappointment to the Harness Racing Commission.

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

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:

ABSENT: Senators BALDACCI, O'DEA

YEAS: Sen. 1 Paradis of Aroostook
Rep. 6 Tardy of Palmyra, Spear of Nobleboro, Hussey of Milo, Aliberti of Lewiston, Strout of Corinth, Cross of Dover-Foxcroft

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 Richard H. Duncan, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

March 7, 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 Agriculture has had under consideration the nomination of Charmaine A. Brown of Monmouth, for appointment to the Harness Racing Commission.

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	Paradis of Aroostook
	Rep.	6	Tardy of Palmyra, Spear of Nobleboro, Hussey of Milo, Aliberti of Lewiston, Strout of Corinth, Cross of Dover-Foxcroft
NAYS:		0	
ABSENT:		6	Sen. Pingree of Knox, Sen. Marden of Kennebec, Rep. Kneeland of Easton, Rep. Ahearne of Madawaska, Rep. Heeschen of Wilton, Rep. Nash of Camden

Seven 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 Charmaine A. Brown of Monmouth, for appointment to the Harness Racing Commission be confirmed.

Signed:

S/Judy A. Paradis
Senate Chair

S/Robert J. Tardy
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Agriculture has recommended the nomination of Charmaine A. Brown of Monmouth be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Agriculture 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, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators BALDACCI, O'DEA

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 Charmaine A. Brown, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

SENATE PAPERS

Bill "An Act to Create an Income Tax Stabilization Program"

S.P. 744 L.D. 1973

Presented by Senator **SUMMERS** of Cumberland (GOVERNOR'S BILL)

Cosponsored by Senators: **BUTLAND** of Cumberland, **CAHILL** of Sagadahoc, **CARPENTER** of York, **HALL** of Piscataquis, Representative: MURPHY of Berwick

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

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

ORDERS

Joint Resolution

On motion by Senator **LAWRENCE** of York (Cosponsored by: Senator **BEGLEY** of Lincoln, Senator **HARRIMAN** of Cumberland, Representative **FITZPATRICK** of Durham, Representative **PFEIFFER** of Brunswick, Representative **ROBICHAUD** of Caribou, Representative **RYDELL** of Brunswick) the following Joint Resolution:
S.P. 732

JOINT RESOLUTION RECOGNIZING BOWDOIN COLLEGE ON ITS 200TH ANNIVERSARY

WHEREAS, in 1787, the people of the District of Maine first petitioned the General Court of the Commonwealth of Massachusetts for the establishment of a local college in Maine for the higher education of the citizens of the district; and

WHEREAS, on June 24, 1794, the General Court of the Commonwealth of Massachusetts directed that "there be erected and established in the Town of Brunswick in the District of Maine, a College for the purpose of educating youth, to be called Bowdoin College"; and

WHEREAS, in 1802, Bowdoin College matriculated its first class of 8 students on the principle that "literary institutions are founded and endowed for the common good, and not for the private advantage of those who resort to them for education"; and

WHEREAS, in the first 200 years of its existence, Bowdoin College and its alumni and alumnae have made significant contributions to the common good far exceeding the size of this institution; and

WHEREAS, in the field of law, Bowdoin College and its alumni and alumnae have contributed to and occupied the highest positions and have been leaders in the governance of this State and the other states of this nation, as well as in the governance of the United States of America and the many nations of the world; and

WHEREAS, in the field of science, Bowdoin College and its alumni and alumnae have been at the forefront in explorations and discoveries that have benefited humankind, including the disciplines of engineering, human sexuality, mathematics, medicine, mental philosophy and mineralogy; and

WHEREAS, in the fields of letters and history, Bowdoin College and its alumni and alumnae have contributed literature that has enlightened the world and changed the course of human events; and

WHEREAS, in the field of art, Bowdoin College and its alumni and alumnae have made major contributions to the disciplines of photography, music and painting, to name a few; and

WHEREAS, in the field of education, Bowdoin College and its alumni and alumnae have played a significant role in the establishment and promotion of educational institutions of all types in this country and throughout the world; and

WHEREAS, in these fields and numerous more, Bowdoin College and its alumni and alumnae have fulfilled its founding principles to serve for the good of humankind; now, therefore, be it

RESOLVED: That We, the Senate and the House of Representatives of the State of Maine, join in recognizing Bowdoin College upon its 200th anniversary, for its enormous contribution and continuing dedication to the service of the common good; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President, Chair of the Board of Overseers and Chair of the Board of Trustees of Bowdoin College.

Which was **READ**.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **EDUCATION** on Bill "An Act to Allow the Heartwood School of Art to Grant an Associate of Arts Degree"

H.P. 1382 L.D. 1881

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

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

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

The Bill **READ ONCE**.

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

The Committee on **STATE & LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1994 (Emergency)

H.P. 1443 L.D. 1970

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 1344).

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

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

The Resolve **READ ONCE**.

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

Ought to Pass As Amended

The Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Provide an Appropriation for a Federally Funded Hazard Mitigation Program within the Maine Emergency Management Agency" (Emergency)

H.P. 1350 L.D. 1816

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-792).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-792).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-792) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BANKING & INSURANCE** on Bill "An Act to Provide Enhanced Enforcement Powers in the Maine Banking Laws" (Emergency)

H.P. 1308 L.D. 1763

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-790).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-790).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-790) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION** on Resolve, to Conduct a Study on Improving Access to the Maine Technical College System

H.P. 1357 L.D. 1832

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-788).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-788).**

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

The Resolve **READ ONCE.**

Committee Amendment "A" (H-788) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Allow the State to Enter into an Agreement with the State of South Carolina Concerning the Disposal of Low-level Radioactive Waste" (Emergency)

H.P. 635 L.D. 866

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-786).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-786).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-786) **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 Clarify Permitting Requirements for Cranberry Growing Operations"

H.P. 1267 L.D. 1694

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-789).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-789).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-789) **READ** and **ADOPTED**, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on HUMAN RESOURCES on Bill "An Act to Establish a System of Performance-based Agreements for the Provision of Certain Social Services"

H.P. 1284 L.D. 1732

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-794).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-794).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-794) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Bill "An Act to Clarify the Authority of the Department of Transportation to Determine Condition of Property Prior to Acquiring" (Governor's Bill) (Emergency)
H.P. 847 L.D. 1152

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-791).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-791) AS AMENDED BY HOUSE AMENDMENT "A" (H-812) thereto, AND HOUSE AMENDMENT "A" (H-813).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-791) READ.

House Amendment "A" (H-812) to Committee Amendment "A" (H-791) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-791) as Amended by House Amendment "A" (H-812) thereto, ADOPTED, in concurrence.

House Amendment "A" (H-813) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate

Divided Report

The Majority of the Committee on FISHERIES & WILDLIFE on Bill "An Act Authorizing the Commissioner of Inland Fisheries and Wildlife to Award 5 Moose Hunting Permits through Public Auction to Fund Youth Conservation Education Programs" (Governor's Bill)

S.P. 661 L.D. 1829

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-437).

Signed:

Senators:

LUTHER of Oxford
O'DEA of Penobscot
HALL of Piscataquis

Representatives:

GREENLAW of Standish
HEINO of Boothbay
JACQUES of Waterville
LARRIVEE of Gorham
ROTONDI of Athens
SWAZEY of Bucksport

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

Signed:

Representatives:

CLARK of Millinocket
FARREN of Cherryfield
NICKERSON of Turner
TRACY of Rome

Which Reports were READ.

Senator LUTHER of Oxford moved that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

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

Senator CLEVELAND: Thank you Mr. President, Ladies and Gentlemen of the Senate. I notice that this is a Governor's Bill and I was reading the amendment, it has a fiscal note that anticipates that the auction of these five moose permits will raise the handsome sum of \$50,000. I was wondering whether those who are more familiar with this could amplify a little bit on what the thinking was on how that \$50,000 would be raised from the auction of these five permits. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator HALL: Thank you Mr. President, Ladies and Gentlemen of the Senate. This Bill basically was the idea of the new Commissioner of Inland Fisheries and Wildlife, and he asked the Governor to put it in

and I sponsored the Bill. The assumption on the amount is questionable for sure. The figures were arrived at by looking at other auctions around the country where similar situations take place. It's hard to say, as any auction you just never know. You can only make a prediction of whatever money you may take in. The money that will be received from the sale of these five licenses will go to a very worthy cause, going to the Youth Conservation School. I also would like to add that if these are purchased by out-of-state buyers, say for example all five licenses are purchased by people from out of state, those five licenses will come out of the 10% that are allotted to the non-resident people, or if it is a breakdown of three non-resident and two resident, then it will be three from the out of state allotment and two from the in state allotment of licenses. This is not an increase of five licenses. These licenses will come out of the allotment that is already approved. 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 would like to pose a question through the Chair. Under a process such as this one person with a large bankroll could buy five moose permits, or so I would assume. Is this going to be that only one may be purchased or how are you going to handle something like that? Mr. President, when the vote is taken I would ask that it be taken with the yeas and nays. Thank you.

Senator **FOSTER** of Hancock requested a Roll Call.

THE PRESIDENT: The Senator from Hancock, Senator Foster, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. We have a law that allows the taking of only one moose by one individual. Only one permit could be purchased by one individual. If that person does purchase through the auction system a permit to take a moose than they are not eligible for the other type of drawing that we now have. Thank you.

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

Senator **LUTHER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This Bill really concerns the Conservation school in Bryant Pond, which is a school set up to take students for one week at no expense to the students and teach them conservation practices. It has been in Bryant Pond for a little over 25 years. The danger was to lose the school. If we lose the school chances are we will not get it back. The people who voted against it felt that if you take a nip here and a tuck there you could come up with enough money from the Department of Inland Fisheries and Wildlife and that simply is not true. We don't want to lose the school. When times get better than perhaps we could fund the school a different way. I felt it was very worthwhile and I hope that the chamber will go along with this. It's not taking more moose than we have already agreed to take, it is simply keeping open an opportunity for students that they otherwise will not have. Thank you.

On motion by Senator **FOSTER** of Hancock, 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 **LUTHER** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

A vote of Yes will be in favor of **ACCEPTANCE**.

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

NAYS: Senators CONLEY, FOSTER, HANDY

ABSENT: Senators BALDACCI

31 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **LUTHER** of Oxford, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-437) **READ** and **ADOPTED**.

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

SECOND READERS

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

House As Amended

Bill "An Act to Establish the Lobster Promotion Council as a Public Instrumentality" (Emergency)
H.P. 1199 L.D. 1607
(H "A" H-795 to C
"A" H-774)

Bill "An Act to Clarify the Certification Procedures of the Maine Criminal Justice Academy"
H.P. 1265 L.D. 1692
(C "A" H-784)

Bill "An Act to Establish Retirement Equity for Full-time Adult Education Teachers"
 H.P. 1280 L.D. 1728
 (C "A" H-782)

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

Senate As Amended

Resolve, to Create Regional Funds for Self-employment
 S.P. 656 L.D. 1825
 (C "A" S-435)

Bill "An Act to Authorize the Artisans School to Grant Degrees"
 S.P. 691 L.D. 1877
 (C "A" S-434)

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 Repeal Sanctions against Businesses Doing Business in South Africa
 H.P. 1290 L.D. 1738

Which 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 Concerning Summer Work Permits
 S.P. 725 L.D. 1946
 (H "A" H-775; S "A" S-423)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative, and 30 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 Revise the Duties of the Superintendent of the Pineland Center" (Governor's Bill)
 H.P. 1445 L.D. 1972

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.

ORDERS OF THE DAY

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

JOINT RESOLUTION - Recognizing Bowdoin College on its 200th Anniversary
 S.P. 732

Tabled - March 9, 1994, by Senator **ESTY** of Cumberland.

Pending - **ADOPTION**

(In Senate, March 9, 1994, **READ**.)

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. If you have been out in the hall today I'm sure that you have noticed that today is a celebration of Bowdoin College and its 200th anniversary in the State of Maine. Being one of only three Bowdoin graduates in the legislature we wanted to bring in a Resolution to memorialize that occasion. Senator Begley and myself are the only two in this body and there is one member in the other body. As I was writing this Resolution and as I was thinking about what I was going to say today I thought back, which now seems like a considerable time ago, to when I matriculated at Bowdoin College, a class of about 350 people and the blur of the orientation that went on that first weekend when we arrived. I remember, if you remember college orientation, one of the things you want to do most at that time is to escape from your parents who are following you around where ever you go during that time. One of the events listed on the calendar was for members of the incoming class only. It was in the Congregational church down at the corner as you enter the campus, so I went to that event. There was about 200 of us huddled in there and I was still in the blur of all of the events and celebrations and all the parties of an incoming class so I kind of

wasn't paying attention. During the talk of the person who was talking I began to wake up a bit and I began to realize that there was this man up front who was a very modest man, not over assuming, he was a very gentle person and he spoke in a very relaxed, almost a monotone, type of voice. I couldn't figure out who he was and he kept saying over and over and over again about this thing that was going to happen to us. I was kind of wondering what this awful thing was that was going to happen to us and all of a sudden I realized that this person was the President of the College, Dr. Roger Howe. What struck me most was a line from one of John LaCarre's books in which he described someone as the meek who do not inherit the earth. That was the first thought that came to my mind when I saw President Howe. It couldn't have been more of a wrong thought because Dr. Howe was a tremendous man, in fact he was the only American Rhodes Scholar, a graduate of Bowdoin, and the only American if my recollection serves me right, who went to Oxford and was allowed to teach the English history. He was a brilliant scholar. Dr. Howe talked to us about this thing that was going to happen to us at Bowdoin. He described that it was not something better than anything that would happen at any other college, not anything superior to anything else, but a unique experience.

As I think back and I look at the news now and look at the things happening in this country, what strikes me the most is Bowdoin College, which started out 200 years ago with the first class coming in, which had 8 students. Up until the early '70's was a college with only approximately 170 students per class, a very tiny college. When you think back to the people who have come out of there starting in the 1820's when Nathaniel Hawthorne and James Longfellow and President Franklin Pierce were all at Bowdoin together. When you think of learning in history about Admiral Perry, who discovered the North Pole, to think that he came out of there. I can remember being in Science classes and learning about an individual who had written a book on sexual behavior that revolutionized the thinking in that area and his name was Alfred Kinsey and he was a Bowdoin College graduate. You can think of more and more as you look on the news today, Senator Mitchell, Congressman Andrews, former Governor Longley, so many names you see that came out of such a small school. It's an incredible legacy to have that many people of that caliber come out of school. I happened to go recently to see the movie "Gettysburg" and they talked about the pivotal battle in that battle being decided by a college professor from Bowdoin College.

To have such a small college make such a tremendous impact on the history of this country and, in fact, on the history of the world is a great legacy to the State of Maine. I hope you will come today at 4:00, there is going to be a celebration in the Hall of Flags and a presentation of this Resolution and the proclamation to people from Bowdoin College. I hope you will join in the celebration of what is a truly unique and tremendous institution in this state. Thank you.

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

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. It is certainly a pleasure for me to be a co-sponsor for the Resolution. I would say to all of you that I remember well the day that Senator Lawrence just described because he forgot to tell you that he and I were in the same class. Seriously, I would echo all

of his statements, having been there a little bit earlier than he I certainly have felt the impact of the institution, as you have undoubtedly felt the impact of your own institutions. It is my pleasure to welcome you to the festivities at 4:00 this afternoon for the 200th anniversary. Thank you.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I, too, would like to rise as a co-sponsor of this Joint Resolution to talk a little bit more about the sorts of things that Bowdoin College has done for the communities in my district, Senate District 26 which is the home of Bowdoin College. I would echo the comments of the good Senator from York, Senator Lawrence, who talked so eloquently about the caliber of people who have graduated from this magnificent institution. I would also like to add that Bowdoin College has been a tremendous focus for the communities surrounding the town of Brunswick. It has provided opportunity for cultural and intellectual diversification that is second to none, in my view, in the State of Maine. The Bowdoin College family has extended its hand in every way to the citizens who live in Brunswick, whether it is the use of their facilities, access to their fine caliber professors, the students who give so much to the citizens of Brunswick should not be gone unrecognized. Perhaps most importantly as we look forward to another 200 years of Bowdoin College is to remember the people of Bowdoin College who have given outstanding contributions to our society, whether it is in the field of law or science, lead us in history or education, truly a remarkable institution that has left an indelible and positive influence on our society, and indeed our nation. I join in with my colleagues who have sponsored this Resolution to wish Bowdoin College continued success and best wishes and we look forward to seeing you at 4:00 this afternoon. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise as well to congratulate Bowdoin on their 200th anniversary. I know that an institution that has the good sense not to accept an application from a member like me as a worthy student has to be an outstanding organization and I congratulate them on their anniversary. 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. I'd like to share the accolades that have been put forward by the members of this chamber for the institution of Bowdoin College. I would not share the position of the good Senator from Cumberland, Senator Harriman, that Bowdoin College is second to none in the State of Maine. As a Colby alum I would just like to point out that, much like the Olympics, a university of Bowdoin's stature only came to that stature because it was chasing the institution of Colby College in Waterville. That has led to their greatness and I would like to share in their anniversary today. Thank you.

Which was **ADOPTED.**

ORDERS OF THE DAY

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

Off Record Remarks

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Ensure Continued Federal Support for Unemployed Workers during Periods of High Unemployment" (Emergency)

S.P. 625 L.D. 1744

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-438)**.

Signed:

Senators:

HANDY of Androscoggin
LUTHER of Oxford

Representatives:

RUHLIN of Brewer
CHASE of China
CLEMENT of Clinton
SULLIVAN of Bangor
COFFMAN of Old Town
AIKMAN of Poland
CARR of Sanford
LIBBY of Buxton
LINDAHL of Northport
ST. ONGE of Greene

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-439)**.

Signed:

Senator:

BEGLEY of Lincoln

Which Reports were **READ**.

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

The Chair laid before the Senate the Tabled and Today Assigned 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)

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

Pending - **FURTHER CONSIDERATION**

(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.)

(In House, March 4, 1994, **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 until Later in Today's Session, pending **FURTHER CONSIDERATION**.

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

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

H.P. 1285 L.D. 1733

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

Pending - Motion by Senator **BERUBE** of Androscoggin to **ADOPT** Senate Amendment "A" (S-436) to Committee Amendment "A" (H-741)

(In Senate, March 8, 1994, Senate Amendment "A" (S-436) to Committee Amendment "A" (H-741) **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 **BERUBE** of Androscoggin, Senate Amendment "A" (S-436) to Committee Amendment "A" (H-741) **ADOPTED**.

Committee Amendment "A" (H-741) as Amended by Senate Amendment "A" (S-436) thereto, **ADOPTED in NON-CONCURRENCE.**

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 to 3 MRSA, chapter 33)

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

Pending - **ACCEPTANCE OF REPORT**

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

Which Report was **ACCEPTED**.

Senator **CLEVELAND** of Androscoggin moved that this Bill be given its **FIRST READING**, without reference to a Committee.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. We bring this to you today from the Audit and Program Review Committee and the reason why we don't refer it to the Committee is because it is an item that has been thoroughly reviewed and actually developed by the Committee, so there is no benefit in returning it to the Committee. It comes to you as a separate item because you will be seeing, in a day or two, a more comprehensive report from the Committee and this item was withdrawn from that comprehensive Report so that we could look at it individually at the request of members of that Committee. This is really a very modest proposal that we bring to you today and we think it merits your consideration. It is a proposal that was developed in a bipartisan way by the members of the Committee, with an active participation I am glad to say by Senator Begley from Lincoln County, who contributed greatly to its crafting and he will talk to you about his skills in a moment. During the course of that crafting we also solicited input from the Executive branch and it wasn't until after the public hearing, quite frankly, that we learned that there was some concerns from members of the Executive branch. Regardless of those, even though there has been some suggestion that even though our founding fathers really intended that this should be a monarchy, they apparently accidentally created a democratic society with co-equal branches, so we felt it was appropriate that this body also have an opportunity to consider this proposal.

Let me tell you a little bit about what this modest proposal does and I then will tell you why we are bringing it to you. What it does is create efficiency in the reappointment process to our many Boards and Commissions. What it provides for is to ensure that the Executive branch is notified in ample time of an upcoming nomination and if a member is serving on that Board already it provides that if the Governor doesn't take other action to say that he objects or would like to wait for a moment before making that appointment, that individual, who has already been appointed by a Governor and is already serving on that Board, would just continue into the next term for reappointment within that process.

However, if the Governor finds that he or she would like to take some more time in their consideration it provides that the Governor simply notifies that he or she would like to do that and then has, within eight months, an opportunity to select an appropriate and competent individual and make the appointment. These appointments don't require any confirmation, they only apply to the financial regulatory boards, the 45 boards within that agency. If, by some chance, the Governor does not make that appointment within that eight month period it then simply provides that a report be sent to the Legislative Council and the Committee of Jurisdiction and Audit and Program Review that that position is still currently vacant. It makes no other imposition whatsoever on the Governor.

I had distributed to you yesterday a March 3 letter from the Attorney General because there has been some question on whether this infringes on the Governor's authority. You will see from the Attorney General's opinion that it does not do that in any way whatsoever. Let me tell you then why we bring this to you and why we think it merits some moment of consideration. There are currently more than 300 Boards and Commissions within this State. There is a report in a green binder that lists all of those Boards and Commissions. There are literally thousands of appointments that need to be made to those Boards and Commissions. This piece of legislation only affects 45 of the Boards that deal with health professions and trade professions, it deals with none of the others.

We brought it to you because our review in the Audit and Program Review Committee noticed that there were a large number of vacancies that had occurred for long periods of time. Let me emphasize at this point that these comments are not meant to be derogatory or disparaging to anyone. The Executive staff is working very hard with a skillful appointment secretary to make these, but the job is overwhelming. So this refers not to any particular administration but to the benefit of all future administrations. Let me tell you what we have seen. Currently there exists today 46 vacancies that have been vacant for some long periods of time. On those appointment processes nearly 16% of the appointments that were due to be made up to this year have yet to be filled. What we found was that a number of these vacancies on a number of these Boards have occurred for long periods of time. Let me just give you a few examples if I may. The Board of Arboretus, a Board I am sure all of you are amply familiar with, there are six members, three positions of that Board are vacant, one of them has been vacant since 1985, another one has been vacant since 1990. Apparently it takes some time to find a good member for an Arboretus Board. Let's take a look at the Board of Accountancy, one would think that we have a large array of accountants that we could choose from, there are seven members on that Board and two of the positions are currently vacant and another one is due to be filled this year. Of those vacancies, one has been vacant since September of 1981 and the second has been vacant since September of 1982. Let me give you a couple more examples. The Pilatage Commission, one of our prominent Boards and Commissions that protects the health and welfare of our citizens, and I'm sure we would be in a disastrous state without this Board, we have a five member Board with two vacancies, the vacancies have been there since 1991 and 1993. The Board of Social Workers, it's a 12 member Board and there has been a vacancy on that Board since 1985. I could go on and on. Some of them haven't been vacant for quite that long, but

obviously there are substantial vacancies that have been going on for long periods of time.

This Committee's objective was simply to say what can we do to help the process, to make it more efficient and to insure that legislative intent was carried through. The Committees in this legislature work very hard in determining the right number of individuals for a Board and what the distribution ought to be, how many public members, how many members of a trade or profession and the subgroups within that. For instance, on the Dental Board there are representatives from the Hygienists as well as the Dentists and public members. So we look to balance the interest and get a perspective. What occurs when you have long standing vacancies is that the intent of the legislature is overridden, the Board is unbalanced, and as you can see with some of the examples they have a hard time even getting a quorum to meet because there are so many vacancies. This very modest proposal was a bipartisan effort within the Committee to try and be helpful. We have asked for other suggestions from the Executive branch, if there is some other way that we could do this, we have yet to receive those other suggestions so we bring this to you. If it is our responsibility to create all of these Boards and to establish positions on them, we ought to take some reasonable effort to see that the Boards are filled by appropriate individuals so they can discharge the responsibility for which they were created. When you have vacancies that have occurred for years, more than a decade, and it has not come to the attention of the public and this legislature we think something should be done. We think this a modest proposal and we hope that you will support it. Thank you.

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

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. What the Chairman of the Audit and Program Review Committee has said in some cases is absolutely true. When we discussed the issue as a Committee we looked at the possibility of improving the situation and in an attempt to help considered the motion that was in our omnibus Bill a well intended motion and I voted for it. Assuming that it was well intended and was to be accepted. When the Bill was printed the Executive branch called into consideration that portion and said that it felt that this finding or suggestion was encroachment on the Executive branch of government by the legislative branch. They said that it certainly accepted the fact of it being well meaning but it still, as far as they were concerned, was usurping some of their authority. Not because of the intention of helping but in one case, if you look at the presentation, it says unless the Governor objects. That puts the Executive branch in a very tenuous position, particularly making a negative comment from the Executive branch. The members of the Committee met with people from the Executive branch and were told that the Executive branch definitely opposed this in the omnibus bill. The Committee then took that out of the omnibus bill and the Chairman decided that he would present it here on the floor. I am stating to you that the Executive branch still opposes it, I oppose it because of why they have pointed out to me, their position, and certainly this branch, or the judicial branch is not paradigms of efficiency, up to dateness, timeliness, for we too have tendencies to put off until tomorrow some things. If you talk to the staff in the executive branch you will find that they are working industriously to improve and certainly we hope that

the relationship will do so. Because of these comments sir, I move to Indefinitely Postpone this Bill and all of its accompanying papers. Thank you.

Senator **BEGLEY** of Lincoln, moved the **INDEFINITE POSTPONEMENT** of Bill and Accompanying Papers.

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

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I must admit that I haven't had time to study this proposal. Obviously it has a lot to do with what the Business Legislation Committee does. I think the concept of improving the system is very necessary. I believe more need to do something. I think that there may be some other ideas that we could add to this to make it a better Bill and if we had a little time to work on it I think that we could come up with something more acceptable to the administration and to improve the process. If it would be appropriate maybe someone would be willing to table this until Tuesday, the 22nd of March, to give us time to prepare an appropriate amendment. Thank you.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

On motion by Senator **ESTY** of Cumberland, Tabled 2 Legislative Days, pending the motion by Senator **BEGLEY** of Lincoln to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

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 **BUSTIN** of Kennebec, **RECESSED** until the sound of the bell.

On motion by Senator **AMERO** of Cumberland, **ADJOURNED** until Thursday, March 10, 1994, at 9:00 in the morning.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned 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)

Tabled - March 9, 1994, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(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.)

(In House, March 4, 1994, **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 **O'DEA** of Penobscot, the Senate **RECEDED** from it's action whereby this Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-740) AS AMENDED BY HOUSE AMENDMENT "A" (H-752)** thereto, in concurrence.

House Amendment "A" (H-800) **READ.**

On motion by Senator **O'DEA** of Penobscot, House Amendment "A" (H-800) **INDEFINITELY POSTPONED in NON-CONCURRENCE.**

On further motion by same Senator, Senate Amendment "A" (S-440) **READ and ADOPTED.**

Which was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-470) AS AMENDED BY HOUSE AMENDMENT "A" (H-752)** thereto, **AND SENATE AMENDMENT "A" (S-440) 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.
