

# 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 22, 1994

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

Prayer by Reverend Glenn Swope of the High Street Congregational Church in Auburn.

**REVEREND GLENN SWOPE:** Let us pray. All mighty God, our Creator who has given us the opportunity and the responsibility to be servants and who has brought us together this day and this moment to accept our responsibility. We ask you to guide us that we may be faithful to the task that we have sought and have vowed to uphold and fulfill. We ask you to give us wisdom to sort out the important from the frivolous, the worthy from the worthless, and the false from the true. Finally, we ask you to give us satisfaction when this day is done and when this session is done. Satisfaction that we have done our best. Each one of us is here because we have made a commitment and because we were chosen to be leaders, and we thank you for that. Help us to keep in mind those who need us to be our best, the weak who need us to be strong, and the helpless who need our hand. May we honor you, Oh God, this day by our commitment and our unwaivering devotion to the good of all humankind. Amen.

Reading of the Journal of Thursday, March 10, 1994.

Off Record Remarks

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

Senator **PARADIS:** Thank you Mr. President, good morning everybody. If you have walked through the Rotunda this morning you have noticed that it is Agriculture Day. We are very proud to receive the farming community here today and Mr. President, we have a special presentation that will be given to you in a moment, it's one of the fun times of being President. Agriculture in Maine is a half billion dollar industry, cash received by farmers. We have over 6000 farmers, they pay \$6 million worth of salaries, they pay \$21 million in property taxes and

so it is indeed a pleasure for us to have them here today. If you visit the booths in the Rotunda we have all kinds of good information for you, including a freebie. If you turn in the coupon on your desk you can get a nice Maine potato sweatshirt. I would like to take a moment to introduce the people in the back of the chamber who are representing the farming community today, including the President of the Maine Potato Board and the Miss Potato Blossom Queen, Erica Shaw, with her mother, Sharla. Senator Pearson requested that I make this presentation in English today. Thank you.

**THE PRESIDENT:** The Chair is pleased to introduce Elaine Beale from Avon, Maine.

**ELAINE BEALE:** Thank you. Hello, I am Elaine Beale from Avon, Maine. I am a dairy farmer in Franklin County and I represent the Maine Farm Bureau Women's Committee. One of the things that we do is try to promote agriculture here on Agriculture Day. I'm lucky I got here, I guess the traveling is not very good anywhere today. I would like to thank the Senate of Maine for supporting Agriculture for this past year and I hope that you will continue to support us. We have a basket of Maine products that we would like to present to President Dutremble. Thank you.

**THE PRESIDENT:** We would like to thank you all and as always you are always welcome in the State House as you are a productive and needed industry in our State. We thank you.

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

In Senate, March 8, 1994, **PASSED TO BE ENGROSSED.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-816)** in **NON-CONCURRENCE.**

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

Non-concurrent Matter

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

In Senate, March 4, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-761)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-761) AS AMENDED BY HOUSE AMENDMENT "A" (H-824)** thereto, in **NON-CONCURRENCE**.

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

**Non-concurrent Matter**

Bill "An Act to Make Certain Revisions to the Maine Emergency Medical Services Act of 1982"  
S.P. 646 L.D. 1805  
(C "A" S-420)

In Senate, March 2, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-420)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-420) AS AMENDED BY HOUSE AMENDMENT "A" (H-821)** thereto, in **NON-CONCURRENCE**.

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

**COMMUNICATIONS**

The Following Communication: S.P. 748

**116TH MAINE LEGISLATURE**

March 10, 1994

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

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Laura L. Pruett of Augusta, Arthur C. Verow of Brewer and Joseph Pio of Westbrook for reappointments and Lowell Woodman, Jr. of Monmouth for appointment to the Animal Welfare Advisory Committee.

Pursuant to Title 7, MRSA Section 3906-C, these nominations will require review by the Joint Standing Committee on Agriculture 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 **AGRICULTURE**.

Sent down for concurrence.

The Following Communication: S.P. 749

**116TH MAINE LEGISLATURE**

March 11, 1994

Senator Dale McCormick  
Rep. Edward L. Pineau  
Chairpersons  
Joint Standing Committee on Banking and Insurance  
116th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated H. Donald DeMatteis of Litchfield for reappointment as Superintendent of the Maine Bureau of Banking.

Pursuant to Title 9B, MRSA Section 211, this nomination will require review by the Joint Standing Committee on Banking and Insurance 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 **BANKING AND INSURANCE**.

Sent down for concurrence.

The Following Communication: S.P. 750

**116TH MAINE LEGISLATURE**

March 14, 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 Janis B. Cohen of Cape Elizabeth for appointment and Anita C. Stickney of Yarmouth for reappointment to the Finance Authority of Maine.

**SENATE OF MAINE  
OFFICE OF THE SECRETARY  
AUGUSTA, MAINE 04333**

March 16, 1994

Pursuant to Title 10, MRSA Section 965, these nominations will require review by the Joint Standing Committee on Housing and Economic Development and confirmation by the Senate.

The Honorable Dennis L. Dutremble  
President of the Senate  
116th Legislature

Sincerely,

S/Dennis L. Dutremble  
President of the Senate

The Honorable Dan A. Gwadosky  
Speaker of the House  
116th Legislature

S/Dan A. Gwadosky  
Speaker of the House

Dear Mr. President and Mr. Speaker:

Which was **READ** and referred to the Committee on **HOUSING AND ECONOMIC DEVELOPMENT**.

Please be advised that today 1 bill was received by the Secretary of the Senate.

Sent down for concurrence.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee and ordered printed on March 16, 1994, as follows:

LABOR

The Following Communication: S.P. 751

Bill "An Act to Establish a Self-employment Assistance Program" (Governor's Bill) (S.P. 752) (L.D. 1981) (Presented by Senator CARPENTER of York) (Cosponsored by Senator: HANDY of Androscoggin, Representatives: RUHLIN of Brewer, ZIRNKILTON of Mount Desert)

**116TH MAINE LEGISLATURE**

March 14, 1994

Sincerely,

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

S/Joy J. O'Brien  
Secretary of the Senate

S/Joseph W. Mayo  
Clerk of the House

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Donald A. Kopp of West Buxton and J. Michael Orenduff of Bangor for reappointments to the Maine Education Assistance Board.

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

The Following Communication: S.P. 754

Pursuant to Title 10, MRSA Section 1016, these nominations will require review by the Joint Standing Committee on Education and confirmation by the Senate.

**116TH MAINE LEGISLATURE**

Sincerely,

March 16, 1994

S/Dennis L. Dutremble  
President of the Senate

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

S/Dan A. Gwadosky  
Speaker of the House

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

Sent down for concurrence.

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Ralph L. Hodgkins, Jr. of Wiscasset and Sally G. Vamvakias of Falmouth for reappointment and Albert B. Glickman of Cape Elizabeth for appointment to the University of Maine Board of Trustees.

Pursuant to P&SL 1967 Chapter 229, these nominations will require review by the Joint Standing Committee on Education and confirmation by the Senate.

The Following Communication: S.P. 753

Sincerely,  
S/Dennis L. Dutremble  
President of the Senate  
  
S/Dan A. Gwadosky  
Speaker of the House

Senator Harry L. Vose  
Rep. James Mitchell  
Chairpersons  
Joint Standing Committee on Marine Resources  
116th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Burton H. Blanch of Eastport, Arthur Odlin of South Portland and Brad Burns of Falmouth for reappointments to the Marine Resources Advisory Council.

Pursuant to Title 12, MRSA Section 6024, these nominations will require review by the Joint Standing Committee on Marine Resources 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. 755

**116TH MAINE LEGISLATURE**

March 16, 1994

Senator Alton E. Cianchette  
Rep. Annette M. Hoglund  
Chairpersons  
Joint Standing Committee on Business Legislation  
116th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Peter C. White of East Winthrop and Norma M. Rice of Kittery for appointments to the Maine Real Estate Commission.

Pursuant to Title 32, MRSA Section 13062, these nominations will require review by the Joint Standing Committee on Business Legislation 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 **BUSINESS LEGISLATION**.

Sent down for concurrence.

The Following Communication: S.P. 757

**116TH MAINE LEGISLATURE**

March 17, 1994

Which was **READ** and referred to the Committee on **MARINE RESOURCES**.

Sent down for concurrence.

The Following Communication: S.P. 758

**116TH MAINE LEGISLATURE**

March 17, 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 Erin O'Brien of Scarborough for appointment as Student Trustee Member of the University of Maine Board of Trustees.

Pursuant to P&SL 1987, Chapter 735, Section 73, this nomination 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. 759

**116TH MAINE LEGISLATURE**

March 17, 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 Jane Roundy of Manchester for appointment to the Maine State Housing Authority.

Pursuant to Title 30A, MRSA Section 4723, this nomination will require review by the Joint Standing Committee on Housing and Economic Development and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble  
President of the Senate

S/Dan A. Gwadosky  
Speaker of the House

Which was **READ** and referred to the Committee on **HOUSING AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

The Following Communication: S.P. 760

**116TH MAINE LEGISLATURE**

March 17, 1994

Senator Gerard P. Conley, Jr.  
Rep. Constance D. Cote  
Chairpersons  
Joint Standing Committee on Judiciary  
116th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Paul K. Vestal of Plymouth for reappointment to the Maine Human Rights Commission.

Pursuant to Title 5, MRSA Section 4561, this nomination will require review by the Joint Standing Committee on Judiciary 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 **JUDICIARY**.

Sent down for concurrence.

The Following Communication:

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

March 16, 1994

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

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Appropriations & Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1564 An Act to Authorize a General Fund Bond Issue in the Amount of \$1,922,575 to Improve National Guard Armories
- L.D. 1846 An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Rehabilitate and Expand Fish Hatchery Facilities
- L.D. 1908 An Act to Provide Supplemental Appropriations for the Loring Development Authority of Maine for Fiscal Year 1994-95
- L.D. 1941 An Act to Make Additions to the Department of Corrections Budget

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

Sincerely,

S/Sen. Michael D. Pearson  
Senate Chair

S/Rep. Lorraine N. Chonko  
House Chair

Which was **READ**.

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

Senate at Ease

Senate called to order by the President.

The Following Communication:

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

March 16, 1994

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

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Banking & Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 44 An Act to Allow 3rd-party Reimbursement for Counseling Professionals
- L.D. 1491 An Act Concerning Preferred Provider Arrangements

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

Sincerely,

S/Sen. Dale McCormick Senate Chair S/Rep. Edward L. Pineau House Chair

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

The Following Communication:

**COMMITTEE ON BUSINESS LEGISLATION  
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 16, 1994

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

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Business Legislation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1500 An Act to Consolidate Certain State Functions and Create the Board of Licensing Counseling Professionals

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

Sincerely,

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

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

The Following Communication:

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

March 16, 1994

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

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Education has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 897 An Act to Amend the School Finance Act of 1985
- L.D. 911 An Act to Require State Funding for All Special Education Costs That Exceed Double the State Average Tuition Rates
- L.D. 939 An Act to Provide Equitable School Funding
- L.D. 1146 An Act to Provide Additional Funds to Educate Certain At-risk Students
- L.D. 1680 An Act to Encourage Efficiency in School Spending



- L.D. 1690 An Act Concerning Unusual Enrollment Increases in Schools
- L.D. 1762 An Act to Create a Single School Administrative District for Aroostook County
- L.D. 1826 An Act to Provide Access to Postsecondary Education in York County
- L.D. 1869 Resolve, to Exempt School Administrative District No. 62 from Repayment of a School Subsidy Overpayment

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

The Following Communication:

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

March 16, 1994

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

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

Sincerely,

S/Sen. John J. O'Dea            S/Rep. Elizabeth H. Mitchell  
Senate Chair                    House Chair

Dear President Dutremble and Speaker Gwadosky:

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

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Human Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1962 An Act to Provide for a Comprehensive Investigation of the Death of Children by Homicide or through Other Suspicious Circumstances

The Following Communication:

**COMMITTEE ON ENERGY AND NATURAL RESOURCES  
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 16, 1994

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

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

Sincerely,

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

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Energy & Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1641 An Act to Amend the Solid Waste Laws to Permit Quasi-municipal Corporations to Enter Agreements for Development and Financing of Waste Facilities

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

The Following Communication:

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

March 16, 1994

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

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

Sincerely,

S/Sen. Mark W. Lawrence            S/Rep. John L. Martin  
Senate Chair                          House Chair

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1266 An Act to Allow a Casino to be Constructed by the Passamaquoddy Tribe in Calais for the Purpose of Gambling
- L.D. 1289 An Act to Prevent Diversion of Solid Waste
- L.D. 1436 An Act to Eliminate the Statute of Limitation in Child Molestation Cases
- L.D. 1511 An Act to Legalize Marijuana for Medicinal Purposes
- L.D. 1514 An Act to Promote Family Financial Responsibility through More Effective Child Support Enforcement
- L.D. 1669 An Act to Establish a Complaint Procedure under the Maine Human Rights Act When a Conflict of Interest Exists
- L.D. 1787 An Act to Promote Fairness in Investigation of Employee Misconduct
- L.D. 1934 An Act to Limit the Use of Force against Law Enforcement Officers Engaged in Searches or Seizures
- L.D. 1952 Resolve, to Develop a Career Criminal Act
- L.D. 1974 An Act to Change the Maine Tort Claims Act Regarding Liability with Respect to Certain Vehicles, Machinery and Equipment

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Legal Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1310 An Act to Promote Professionalism in the Law Enforcement Community
- L.D. 1587 An Act Concerning the Possession of Firearms by Persons under the Influence of Intoxicating Liquor or Drugs or with an Excessive Blood-alcohol Level

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

Sincerely,

S/Sen. Richard J. Carey                      S/Rep. Beverly C. Daggett  
Senate Chair                                      House Chair

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

The Following Communication:

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

March 16, 1994

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

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1659 An Act to Establish a Limit on Lobster Trap Trawls for Certain Coastal Waters
- L.D. 1948 An Act to Ensure the Long-term Economic and Biological Viability of the State's Coastal Lobster Fishery

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

Sincerely,

S/Sen. Harry L. Vose                              S/Rep. James Mitchell  
Senate Chair                                      House Chair

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

Sincerely,

S/Sen. Gerard P. Conley, Jr.                      S/Rep. Constance D. Cote  
Senate Chair                                      House Chair

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

The Following Communication:

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

March 16, 1994

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

Dear President Dutremble and Speaker Gwadosky:

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

The Following Communication:

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

March 16, 1994

The Following Communication:

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

March 16, 1994

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

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on State & Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1140 An Act to Require Renegotiation of State Leases for Real Property
- L.D. 1425 An Act to Separate Little Diamond Island in Casco Bay from the City of Portland and to Create the Little Diamond Island Village Corporation as Part of the Town of Long Island
- L.D. 1429 Resolve, to Establish a Commission to Study the Size of the Legislature
- L.D. 1472 An Act to Reorganize State Government
- L.D. 1527 An Act to Impose Limits on the Terms of Legislators, Constitutional Officers, Members of the Judiciary and Members of Congress and to Limit Lobbying in Successive Years
- L.D. 1866 An Act to Amend the Charter of the Northport Village Corporation
- L.D. 1944 An Act to Improve the Delivery of Law Enforcement Services in Kennebec County

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

Sincerely,

S/Sen. Georgette B. Berube      S/Rep. Ruth C. Joseph  
Senate Chair                      House Chair

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

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

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1570 An Act to Modify the Taxation of Leases on Automobiles

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

Sincerely,

S/Sen. John E. Baldacci      S/Rep. Susan E. Dore  
Senate Chair                      House Chair

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

The Following Communication:

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

March 16, 1994

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

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Utilities has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 530 An Act to Allow Public Utilities to Develop Economic Development Rates
- L.D. 1874 An Act to Reduce the Cost of Electricity and to Provide for Market Competition in the Production and Sales of Electricity

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

Sincerely,

S/Sen. Harry L. Vose  
Senate Chair

S/Rep. Herbert E. Clark  
House Chair

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

\_\_\_\_\_  
Off Record Remarks  
\_\_\_\_\_

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

**ORDERS**

**Joint Order**

On motion by Senator **CAREY** of Kennebec the  
following Joint Order:

S.P. 762

**ORDERED**, the House concurring, that Bill "An Act  
to Modify the Taxation of Leases on Automobiles,"  
S.P. 545, L.D. 1570, and all its accompanying papers,  
be recalled from the legislative files to the Senate.

Which was **READ**.

Pursuant to Joint Rule 15, this Joint Order  
requires the affirmative vote of two-thirds of the  
members present and voting. 25 Senators having voted  
in the affirmative and No Senators having voted in  
the negative, and 25 being more than two-thirds of  
the membership present and voting, the Joint Order  
was **PASSED**.

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

\_\_\_\_\_  
**Joint Resolution**

On motion by Senator **BRANNIGAN** of Cumberland  
(Cosponsored by: Senator **GOULD** of Waldo,  
Representative **BAILEY** of Township 27, Representative  
**BAILEY** of Farmington, Representative **DRISCOLL** of  
Calais, Representative **HUSSEY** of Milo, Representative  
**O'GARA** of Westbrook, Representative **PLOURDE** of  
Biddeford, Representative **STROUT** of Corinth)  
(Approved for Introduction by the Legislative Council  
pursuant to Joint Rule 35) the following Joint  
Resolution:

S.P. 756

**JOINT RESOLUTION MEMORIALIZING THE CONGRESS  
OF THE UNITED STATES TO ACT EXPEDITIOUSLY  
ON THE NATIONAL HIGHWAY SYSTEM**

WE, your Memorialists, the Members of the One  
Hundred and Sixteenth Legislature of the State of  
Maine, now assembled in the Second Regular Session,  
most respectfully present and petition the members of  
the Congress of the United States as follows:

WHEREAS, a modern, well-maintained, efficient and  
interconnected transportation system is vital to the  
economic growth, health and global competitiveness of  
our State and the entire nation; and

WHEREAS, the highway network is the backbone of a  
transportation system that provides for intermodal  
connectivity and the movement of people and goods; and

WHEREAS, it is critical to effectively address  
highway transportation needs through appropriate  
transportation plans and program investments; and

WHEREAS, the federal Intermodal Surface  
Transportation Efficiency Act of 1991 established the  
concept of a 155,000-mile National Highway System,  
which includes the Interstate System; and

WHEREAS, on December 9, 1993, the United States  
Department of Transportation transmitted to Congress  
a proposal for a 159,000-mile National Highway  
System, which identified 104 port facilities, 143  
airports, 191 railroad-truck terminals, 321 Amtrak  
stations and 319 transit terminals; and

WHEREAS, the Intermodal Surface Transportation  
Efficiency Act of 1991 requires that National Highway  
System and Interstate System maintenance funds may  
not be released to the states if the National Highway  
System is not approved by September 30, 1995; and

WHEREAS, the uncertainty associated with the  
future of the National Highway System precludes the  
possibility of the State to effectively undertake and  
properly develop the necessary planning and  
programming activities; now, therefore, be it

**RESOLVED:** That We, your Memorialists,  
respectfully urge and request that the Congress of  
the United States enact legislation to designate and  
approve the National Highway System no later than  
September 30, 1994; and be it further

**RESOLVED:** That suitable copies of this Memorial,  
duly authenticated by the Secretary of State, be  
transmitted to the Honorable William J. Clinton,  
President of the United States, to the President of  
the Senate and the Speaker of the House of  
Representatives of the Congress of the United States,  
and to each Member of the Maine Congressional  
Delegation.

Which was **READ** and **ADOPTED**.

Sent down for concurrence.

**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

The Committee on **TAXATION** on Bill "An Act Imposing Real Estate Transfer Tax on Nongovernmental Entities in Transactions Involving Governmental Entities"

H.P. 1333 L.D. 1796

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-814)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-814)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-814) **READ** and **ADOPTED**, in concurrence.

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

**Divided Report**

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act to Prohibit Electronic Video Machines" H.P. 1252 L.D. 1679

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

Signed:

Senators:

- CAREY of Kennebec
- HANDY of Androscoggin
- HALL of Piscataquis

Representatives:

- DAGGETT of Augusta
- GAMACHE of Lewiston
- STEVENS of Sabattus
- BENNETT of Norway
- 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-822)**.

Signed:

Representatives:

- BOWERS of Washington
- TRUE of Fryeburg
- ROBICHAUD of Caribou

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

Which Reports were **READ**.

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

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Authorize Special Property Tax Districts"

H.P. 708 L.D. 959

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-815)**.

Signed:

Representatives:

- HOGLUND of Portland
- FARNSWORTH of Hallowell
- MURPHY of Berwick
- NADEAU of Saco
- DIPIETRO of South Portland
- DORE of Auburn
- SIMONEAU of Thomaston
- TARDY of Palmyra
- RAND of Portland

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

Signed:

Senators:

- BALDACCI of Penobscot
- CAREY of Kennebec
- SUMMERS of Cumberland

Representative:

- SPEAR of Nobleboro

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

Which Reports were **READ**.

The Minority **UGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

**Senate**

**Ought to Pass As Amended**

Senator **MCCORMICK** for the Committee on **BANKING & INSURANCE** on Bill "An Act Concerning the Payment of Medical Expenses in Controverted Workers' Compensation Cases"

S.P. 605 L.D. 1703

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-471)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-471) **READ** and **ADOPTED**.

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

---

Senator **MCCORMICK** for the Committee on **BANKING & INSURANCE** on Bill "An Act to Require Risk-based Capital Standards and Standard Valuation to Ensure Continued Accreditation for the Bureau of Insurance" S.P. 701 L.D. 1899

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-464)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-464) **READ** and **ADOPTED**.

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

---

Senator **CIANCHETTE** for the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Amend the Petroleum Market Share Act" S.P. 596 L.D. 1655

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-455)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-455) **READ** and **ADOPTED**.

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

---

Senator **CIANCHETTE** for the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Establish the Door-to-door and Telemarketing Consumer Solicitation Sales Act" S.P. 670 L.D. 1838

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-453)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-453) **READ** and **ADOPTED**.

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

---

Senator **BUSTIN** for the Joint Select Committee on **CORRECTIONS** on Bill "An Act to Amend the Laws Governing Protective Custody" S.P. 240 L.D. 733

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-469)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-469) **READ** and **ADOPTED**.

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

---

Senator **LUDWIG** for the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Amend the Laws that Deal with the Protection of Natural Resources" S.P. 619 L.D. 1721

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-447)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-447) **READ** and **ADOPTED**.

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

---

Senator **HANDY** for the Committee on **LEGAL AFFAIRS** on Bill "An Act to Create Statewide Arrest Powers for Municipal Law Enforcement Officers" S.P. 415 L.D. 1324

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-463)**.

Which Report was **READ**.

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

---

Senator **HANDY** for the Committee on **LEGAL AFFAIRS** on Bill "An Act to Simplify the State's Liquor Tax"

S.P. 612 L.D. 1710

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-456)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-456) **READ** and **ADOPTED**.

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

---

Senator **BERUBE** for the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Create the Maine Office Development Authority"

S.P. 640 L.D. 1774

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-467)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-467) **READ** and **ADOPTED**.

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

---

Senator **BERUBE** for the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Reduce the Property Tax Burden in Androscoggin County"

S.P. 641 L.D. 1788

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-457)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-457) **READ** and **ADOPTED**.

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

---

Senator **BERUBE** for the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Provide for Uniform Fees Paid to Registers of Deeds for the Filing of Secured Transactions"

S.P. 660 L.D. 1828

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-458)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-458) **READ** and **ADOPTED**.

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

---

Senator **CAREY** for the Committee on **TAXATION** on Bill "An Act to Establish a New Valuation on Sears Island" (Emergency)

S.P. 703 L.D. 1900

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-451)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-451) **READ** and **ADOPTED**.

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

---

Senator **BRANNIGAN** for the Committee on **TRANSPORTATION** on Bill "An Act to Enable the Use of Former Exit 5 on the Maine Turnpike for Access to an Adjacent Liquor Store and Hotel and Conference Center Facility"

S.P. 594 L.D. 1653

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-448)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-448) **READ** and **ADOPTED**.

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

---

Senator **GOULD** for the Committee on **TRANSPORTATION** on Bill "An Act to Make Allocations from the Maine Turnpike Authority Funds to the Maine Turnpike Authority for the Fiscal Year Ending December 31, 1995"

S.P. 686 L.D. 1872

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-462)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-462) **READ** and **ADOPTED**.

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

Senator **VOSE** for the Committee on **UTILITIES** on Bill "An Act to Amend the Laws Concerning Emergency 911"

S.P. 452 L.D. 1419

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-452)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-452) **READ** and **ADOPTED**.

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

Senator **CLEVELAND** for the Committee on **UTILITIES** on Bill "An Act to Make Changes to the Public Utilities Commission Laws"

S.P. 574 L.D. 1616

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-465)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-465) **READ** and **ADOPTED**.

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

**Divided Report**

The Majority of the Committee on **BANKING & INSURANCE** on Bill "An Act to Permit Short-term Health Insurance Policies" (Governor's Bill)

S.P. 716 L.D. 1938

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

Signed:

Senator:

**MCCORMICK** of Kennebec

Representatives:

**PINEAU** of Jay  
**TRACY** of Rome  
**RAND** of Portland  
**TOWNSEND** of Canaan  
**ERWIN** of Rumford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass**.

Signed:

Senator:

**KIEFFER** of Aroostook

Representatives:

**CARLETON** of Wells  
**CAMPBELL** of Holden

Which Reports were **READ**.

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

**Divided Report**

The Majority of the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Increase Access to Primary Care by Redefining the Practice of Advanced Nursing"

S.P. 390 L.D. 1185

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-454)**.

Signed:

Senators:

**CIANCHETTE** of Somerset  
**BUSTIN** of Kennebec  
**MARDEN** of Kennebec

Representatives:

**ST. ONGE** of Greene  
**CAMERON** of Rumford  
**HOGLUND** of Portland  
**CLEMENT** of Clinton

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

Signed:

Representatives:

**VIGUE** of Winslow  
**REED** of Dexter  
**LIBBY** of Kennebunk  
**THOMPSON** of Lincoln  
**WINN** of Glenburn

Which Reports were **READ**.

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

**Divided Report**

The Majority of the Committee on **EDUCATION** on Bill "An Act to Clarify the Appropriate Secular Observance of Religious Holidays in Maine Schools"

S.P. 704 L.D. 1901



Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-459)**.

Signed:

Senators:

O'DEA of Penobscot  
LAWRENCE of York  
AMERO of Cumberland

Representatives:

PINETTE of Fort Kent  
AULT of Wayne  
CLOUTIER of South Portland  
OLIVER of Portland  
NORTON of Winthrop  
SMALL of Bath

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-460)**.

Signed:

Representatives:

STEVENS of Orono  
PFEIFFER of Brunswick  
SIMONDS of Cape Elizabeth  
MITCHELL of Vassalboro

Which Reports were **READ**.

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-459)** Report **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-459) **READ** and **ADOPTED**.

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

**Divided Report**

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Prohibit the Use of Gill Nets in the Kennebec and Androscoggin Rivers" (Emergency)

S.P. 710 L.D. 1918

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-470)**.

Signed:

Senators:

VOSE of Washington  
PINGREE of Knox

Representatives:

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

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

Signed:

Senator:

GOULD of Waldo

Representative:

FARREN of Cherryfield

Which Reports were **READ**.

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

**Divided Report**

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Change the Selection Process for the State Auditor and More Closely Align the Work of the Joint Standing Committee on Audit and Program Review with the Work of the State Auditor" (Governor's Bill)

S.P. 694 L.D. 1880

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

Signed:

Senators:

BERUBE of Androscoggin  
ESTY of Cumberland

Representatives:

JOSEPH of Waterville  
KILKELLY of Wiscasset  
GRAY of Sedgwick  
DUTREMBLE of Biddeford  
AHEARNE of Madawaska  
WALKER of Blue Hill

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-466)**.

Signed:

Senator:

BUTLAND of Cumberland

Representatives:

ROWE of Portland  
LOOK of Jonesboro  
BENNETT of Norway  
YOUNG of Limestone

Which Reports were **READ**.

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

**Divided Report**

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Preserve Maine's Part-time Citizen Legislature by Making the Legislative Process More Efficient" (Governor's Bill) S.P. 711 L.D. 1926

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

Signed:

Senators:

BERUBE of Androscoggin  
ESTY of Cumberland

Representatives:

JOSEPH of Waterville  
KILKELLY of Wiscasset  
DUTREMBLE of Biddeford  
AHEARNE of Madawaska  
ROWE of Portland  
WALKER of Blue Hill  
LOOK of Jonesboro

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-461).**

Signed:

Senator:

BUTLAND of Cumberland

Representatives:

GRAY of Sedgwick  
BENNETT of Norway  
YOUNG of Limestone

Which Reports were **READ.**

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

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Encourage Municipal Investment in Local Economic Development Projects" (Emergency) S.P. 647 L.D. 1806

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-468).**

Signed:

Senators:

BALDACCI of Penobscot  
CAREY of Kennebec  
SUMMERS of Cumberland

Representatives:

DIPIETRO of South Portland  
RAND of Portland  
NADEAU of Saco  
HOGLUND of Portland  
MURPHY of Berwick  
FARNSWORTH of Hallowell  
SIMONEAU of Thomaston

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

Signed:

Representatives:

TARDY of Palmyra  
SPEAR of Nobleboro  
DORE of Auburn

Which Reports were **READ.**

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-468) **READ** and **ADOPTED.**

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

**SECOND READERS**

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

**House**

Bill "An Act to Repeal the Sunset on Rating Practices in Small Group Health Plans and Individual Health Insurance" H.P. 1207 L.D. 1615

Bill "An Act to Redistrict the Knox County Budget Committee District" (Emergency) H.P. 1411 L.D. 1921

Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1994 (Emergency) H.P. 1444 L.D. 1971

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

**House As Amended**

Bill "An Act to Allow the Use of Advanced Lightweight Beverage Containers" H.P. 193 L.D. 256 (C "B" H-798)

Bill "An Act to Establish a System of Community Regional Mental Health Boards" (Emergency) H.P. 1240 L.D. 1667 (C "A" H-803)

Bill "An Act Authorizing Assessments against Income Earned in Prison as Payments to the Victims' Compensation Fund"

H.P. 1250 L.D. 1677  
(C "A" H-802)

Bill "An Act to Encourage the Establishment or Expansion of Certain Residency Programs Relating to Emergency Medicine Physicians"

H.P. 1254 L.D. 1681  
(C "A" H-796)

Bill "An Act to Exempt Schools from Certain Fees"

H.P. 1287 L.D. 1735  
(C "A" H-797)

Bill "An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 1995" (Emergency)

H.P. 1332 L.D. 1795  
(C "A" H-807)

Bill "An Act to Revise Certain Fish and Wildlife Laws" (Governor's Bill) (Emergency)

H.P. 1338 L.D. 1801  
(C "A" H-804)

Bill "An Act to Extend the Sagadahoc County Budget Advisory Committee"

H.P. 1348 L.D. 1814  
(C "A" H-810)

Bill "An Act to Expedite Oil Spill Response Activities"

H.P. 1390 L.D. 1888  
(C "A" H-808)

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

Bill "An Act to Clarify the Requirements of Disclosure of Information Pertaining to Mentally Disabled Clients"

H.P. 759 L.D. 1026  
(C "A" H-805)

Which was **READ A SECOND TIME**.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Bill "An Act Related to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act" (Emergency)

H.P. 1368 L.D. 1851  
(H "A" H-817 to C "A" H-801)

Which was **READ A SECOND TIME**.

On motion by Senator **CLEVELAND** of Androscoggin, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

**Senate**

Bill "An Act to Remove the Sunset Provision from the Limitation on Liability for Recycling Activities by Municipalities and Regional Associations" (Emergency)

S.P. 712 L.D. 1927

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

Sent down for concurrence.

**Senate As Amended**

Bill "An Act Concerning Health Insurance"

S.P. 582 L.D. 1626  
(C "A" S-441)

Bill "An Act to Promote Economic and Employment Growth in the Financial Services Sector"

S.P. 620 L.D. 1722  
(C "A" S-442)

(See Action Later Today)

Bill "An Act to Enhance the Effectiveness of the Office of the Public Advocate"

S.P. 693 L.D. 1879  
(C "A" S-445)

(See Action Later Today)

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 Amend the Laws Pertaining to the Protestant Episcopal Church

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

An Act to Amend the Laws Governing Foreclosure of Mortgages

H.P. 1187 L.D. 1584  
(C "A" H-780)

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)

An Act to Maintain Confidentiality of Certain Information Received by Licensing Boards and Commissions

S.P. 602 L.D. 1700  
(C "A" S-424)

An Act to Establish Retirement Equity for Full-time Adult Education Teachers

H.P. 1280 L.D. 1728  
(C "A" H-782)

An Act to Amend the Maine Guide License

H.P. 1293 L.D. 1741  
(C "A" H-779)

An Act to Establish Terms of Appointments for Members of the Maine Education and Training Export Partnership

S.P. 637 L.D. 1771  
(C "A" S-418)

An Act to Implement the Recommendations of the Maine Potato Board

H.P. 1366 L.D. 1849

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

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

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

An Act to Establish a Financial Assistance Program for Utilities Burdened as a Result of State Highway Construction

H.P. 1223 L.D. 1642  
(C "A" H-759)

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

**Emergency**

An Act to Identify Laboratories Subject to the Laboratory Certification Program

S.P. 481 L.D. 1479  
(S "B" S-425 to C "A" S-409)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency**

An Act to Make Modifications to Economic Development Activities

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

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

**Emergency**

An Act to Strengthen Penalties for the Unlawful Cutting of Lobster Traps

H.P. 1180 L.D. 1578  
(C "A" H-771)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency**

An Act Relating to the Ground Water Oil Clean-up Fund

H.P. 1283 L.D. 1731  
(C "A" H-777)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency**

An Act to Provide Funding to the Maine Criminal Justice Commission

H.P. 1370 L.D. 1854  
(C "A" H-770)

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

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**Emergency**

An Act to Provide for the 1994 and 1995 Allocations of the State Ceiling on Private Activity Bonds

H.P. 1404 L.D. 1913  
(C "A" H-772)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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On motion by Senator **ESTY** of Cumberland, the Senate **RECONSIDERED** its action whereby it **PASSED TO BE ENGROSSED AS AMENDED**:

Bill "An Act to Enhance the Effectiveness of the Office of the Public Advocate"

S.P. 693 L.D. 1879  
(C "A" S-445)

(In Senate, March 22, 1994, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended.**)

On further motion by same Senator, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**.

**ORDERS OF THE DAY**

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

Bill "An Act to Increase the Efficiency of the Appointment Process for Occupational or Professional Regulatory Boards"

S.P. 734 L.D. 1960

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

Pending - Motion by Senator **BEGLEY** of Lincoln to **INDEFINITELY POSTPONE** Bill and Accompanying Papers

(In Senate, March 9, 1994, Report **READ** and **ACCEPTED**.)

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **BEGLEY** of Lincoln to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

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

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order: H.P. 1453

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Banking and Insurance report out a bill, "An Act to Create the Maine Health Care Authority," to the House.

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

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

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On motion by Senator **ESTY** of Cumberland, the Senate **RECONSIDERED** its action whereby it **PASSED TO BE ENGROSSED AS AMENDED**:

Bill "An Act to Promote Economic and Employment Growth in the Financial Services Sector"

S.P. 620 L.D. 1722  
(C "A" S-442)

(In Senate, March 22, 1994, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended.**)

On further motion by same Senator, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**.

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

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

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Off Record Remarks

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

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On motion by Senator **BUSTIN** of Kennebec, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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#### ORDERS OF THE DAY

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

COMMUNICATION - relative to Joint Rule 15 Unanimous Ought Not to Pass Bills from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Tabled - March 22, 1994, by Senator **ESTY** of Cumberland.

Pending - **PLACING ON FILE**

(In Senate, March 22, 1994, **READ**.)

Which was **ORDERED PLACED ON FILE**.

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

SENATE REPORT - from the Committee on **LEGAL AFFAIRS** on Bill "An Act to Create Statewide Arrest Powers for Municipal Law Enforcement Officers"  
S.P. 415 L.D. 1324

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-463)**.

Tabled - March 22, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF REPORT**

(In Senate, March 22, 1994, Report **READ**.)

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

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

SENATE REPORTS - from the Committee on **BANKING & INSURANCE** on Bill "An Act to Permit Short-term Health Insurance Policies" (Governor's Bill)  
S.P. 716 L.D. 1938

Majority - **Ought Not to Pass**

Minority - **Ought to Pass**

Tabled - March 22, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 22, 1994, Reports **READ**.)

Senator **MCCORMICK** of Kennebec moved that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Just briefly. There is no need for this Bill, there are currently policies available at affordable prices, there are also cobra extensions available. These short term policies, the profitability of them is very high and the reason for that is because they exclude pre-existing conditions, and there is also no refunds available so that once you get employed and get a long term regular policy you cannot get your money back. If we were to pass this Bill it also would send the message opposite of what we have been moving toward which is if you stay insured you will have safeguards of continuity of care. There is no continuity of care, no guaranteed issuance, no guaranteed renewal with these policies. That moves away from where we have been moving to. It also will be very difficult, we have heard from the Bureau of Insurance, to monitor the one year limit. In other words these policies are limited to one year and it

is going to be very difficult to make sure that that is not being taken advantage of. I urge you to support the majority report and vote ought not to pass. Thank you.

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

Senator **BUTLAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I hope that you will not vote for the pending motion so that we can go on to pass the minority report. Last September I received a telephone call from a constituent who was an insurance agent and she had been notified by her carrier that she could no longer carry or handle the short term policy because the State of Maine had passed a law which made it illegal to have a non-renewable policy. She didn't do a lot of business in short term medical but she felt that it was a niche that she was satisfying and that should be continued to be offered in the future. People who were looking for an inexpensive bridge, maybe had lost their job or were in between jobs, or young people who were coming out from under their parent's coverage and hadn't got a job yet and needed the policy to make that bridge. I think, to me, it is a simple matter of choice. This policy is not for everybody but I have faith in the people of the State of Maine that they can determine what is in their best interests. I would hope that you would allow them to exercise that choice so that they would be able to get these policies which are non-renewable by definition and by design. It is designed for the short term as a bridge policy for a very limited number of people. 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 believe it is important to go back and determine why this bill is before us here today. Last year when we passed the major health care bill which is now public law 477, the bill, in my opinion at least, through error prohibited the writing or continued writing of these short term health care policies. The bill did provide for continuity of coverage for community rating, for standardization in claim forms, and many other quality features that health care definitely needed. However, in our haste I believe we overlooked the problem that we created by that bill and that is the need for a short term health care policy in several specific questions. One being the time that a student graduates from college and they are automatically taken off of their parent's group policy, they may have a job or they may not have a job. If they do have a job generally speaking the new group plan will not become effective for anywhere from 30 to 90 days. During that period of time we have eliminated their opportunity to provide low cost, temporary health care coverage for that period of time. I think the same thing applies in many cases. People getting out of the service and other short term needs that exist for this kind of policy. I certainly urge you to vote against the pending motion and support the ought to pass report. 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 urge your support as well to defeat the pending motion so we can move on to accept the minority ought to pass

report. I do so for a couple of reasons, first this bill, the minority report, is a consumer choice opportunity as has already been stated by other distinguished colleagues, there are no options for people who are in need of coverage over a short period of time. We need to provide that consumer choice to our citizens. The other is that I'm not sure why we are unable to recognize in the State of Maine that people who need health insurance coverage, who would want to buy health insurance coverage, can't do so through this mechanism. I'm lead to believe that short term health coverage is readily available, it is cost effective, and it bridges the gap for people who without this coverage could incur a significant medical expense. If I could, Mr. President, I would like to pose a question through the Chair. I heard it earlier testified that short term health care coverage in Maine does not cover pre-existing conditions. I was under the impression that pre-existing conditions are no longer able to be screened out. Thank you.

**THE PRESIDENT:** The Senator from Cumberland, Senator Harriman, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In answer to the good Senator's question. We have reformed our pre-existing condition exclusion law but they are not eliminated. The law is now that an insurer may impose a one year pre-existing exclusion with a look back period of a year. Meaning if the disease occurred two years past that would be outside the window of the pre-existing exclusion. That is the current rule. I would like to answer some of the comments that have been raised here today. First of all, as to the constituent from the good Senator from Cumberland, Senator Butland, if a person loses their job they are able to get cobra coverage at that same group rate for 18 months. So there is no need for these policies. I want to reiterate again there is no need for these policies. There is cobra coverage available if one is insured under an employer and then loses ones job or is transferred. Secondly, as the other good Senator from Cumberland, Senator Harriman, mentioned, if one just wants to get short term coverage there is nothing that prevents them from getting one of the very reasonable, and we had quotes of \$100 a month, very reasonable and comprehensive coverage available for a short period of time. I want to remind you that if you buy insurance from one of the regular health insurance offerers, that insurance if you become employed or switch insurance is refundable to you. That money is refundable to you, and secondly any time that you spend insured, say by Blue Cross or Aetna or one of the regular health insurers counts toward your one year pre-existing condition exclusion. Whereas, if you buy a short term policy as is proffered by this bill, and you hold that policy for a year, that year does not count. You are not counted as insured. That year does not count toward your pre-existing condition exclusion. So in other words there is no portability, that is the word that we use a lot in talking about health insurance policies. One of the policies of this State is that we want portability of coverage and if you pass this bill you will be setting out there in the market a whole segment of policies that have no portability, in other words I could buy them for a year and I could then become employed and I have no portability of coverage. That pre-existing condition exclusion period of a year that I have just served does not count, there is no

guaranteed issuance and I think it will be confusing to Maine consumers to have this hole out there in the market. I ask for the yeas and nays. Thank you.

On motion by Senator **MCCORMICK** of Kennebec, 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 **MCCORMICK** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** 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 BERUBE, BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, PARADIS, PEARSON, PINGREE, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

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

**ABSENT:** Senators BALDACCI, HANLEY, O'DEA, TITCOMB

17 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator **MCCORMICK** of Kennebec, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Increase Access to Primary Care by Redefining the Practice of Advanced Nursing"

S.P. 390 L.D. 1185

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-454)**

Minority - **Ought Not to Pass**

Tabled - March 22, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 22, 1994, Reports **READ**.)

Senator **CIANCHETTE** of Somerset moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **CIANCHETTE** of Somerset to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

SENATE REPORTS - from the Committee on **MARINE RESOURCES** on Bill "An Act to Prohibit the Use of Gill Nets in the Kennebec and Androscoggin Rivers" (Emergency)

S.P. 710 L.D. 1918

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-470)**

Minority - **Ought Not to Pass**

Tabled - March 22, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 22, 1994, Reports **READ**.)

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

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

SENATE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Change the Selection Process for the State Auditor and More Closely Align the Work of the Joint Standing Committee on Audit and Program Review with the Work of the State Auditor" (Governor's Bill)

S.P. 694 L.D. 1880

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-466)**

Tabled - March 22, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 22, 1994, Reports **READ**.)

Senator **BERUBE** of Androscoggin moved that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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



**ROLL CALL**

Senator **AMERO**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would urge you to vote no on the pending motion. This proposal comes directly from the special Commission on restructuring State Government. It is a proposal to provide more independence for our State Auditor. It proposes that the State Auditor be appointed by the Governor and that a two-thirds majority of the legislature would have to accept that nomination for the Auditor to be appointed. This process, I believe, and the Restructuring Commission also believes, would give the Auditor the prominence and independence he or she would need to carry on the work which we hope would help to make State Government more efficient and more cost effective. A one time seven year term, requiring a two-thirds vote, I think would necessitate having a person nominated by the Governor who would have very outstanding credentials and could provide excellent service to the State of Maine. I hope you will give serious consideration to the minority report. Thank you.

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

Senator **CAREY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I have a tremendous fear of having the Governor, Democrat or Republican, appointing an Auditor when in fact the Auditor has submitted annually, year after year, many reports asking for improvements within departments, who gets laughed at, who gets sneered at, who is simply told by some of the departments we are not even going to listen to you because we don't have to listen to you. We in the legislature don't get audited by the Auditor to any degree when you consider what the people who actually serve in the administration have to be audited. Right now we don't even know year after year, we are told that we have a surplus at the end of a year of \$3 million, \$4 million, \$5 million, \$12 million, whatever wants to come out of the administration suddenly becomes a surplus. We never know how much we really spent or how much was laid aside to be paid in the following year where we start the following year with a deficit situation. I would prefer that we somehow or other instruct an Auditor, no matter how he is appointed, that we set up Government with a incumbering system, so as soon as the money is committed the money is laid aside and cannot just be floating around within the administration. I would hope that you would support the current motion. Thank you.

On motion by Senator **BUSTIN** of Kennebec, 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 **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** 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.

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

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

**ABSENT**: Senators **BALDACCI**, **HANLEY**, **PINGREE**, **TITCOMB**

17 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator **BERUBE** of Androscoggin, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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 **AGRICULTURE** on Bill "An Act to Allow the Sale of Irradiated Food in Maine"

S.P. 684 L.D. 1870

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

Signed:

Senators:

**PARADIS** of Aroostook  
**PINGREE** of Knox  
**MARDEN** of Kennebec

Representatives:

**TARDY** of Palmyra  
**HUSSEY** of Milo  
**HEESCHEN** of Wilton  
**AHEARNE** of Madawaska  
**STROUT** of Corinth  
**SPEAR** of Nobleboro  
**NASH** of Camden  
**CROSS** of Dover-Foxcroft  
**KNEELAND** of Easton

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-472)**.

Signed:

Representative:

**ALIBERTI** of Lewiston

Which Reports were **READ**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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

**COMMITTEE REPORTS**

**Senate**

**Ought to Pass As Amended**

Senator **MCCORMICK** for the Committee on **AGING, RETIREMENT & VETERANS** on Bill "An Act to Clarify the Role and Purpose of the Maine State Retirement System" (Emergency)

S.P. 466 L.D. 1458

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-475)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-475) **READ** and **ADOPTED**.

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

Senator **MCCORMICK** for the Committee on **AGING, RETIREMENT & VETERANS** on Bill "An Act to Correct the Implementation of Recent Changes to the Retirement Laws" (Emergency)

S.P. 698 L.D. 1896

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-474)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-474) **READ** and **ADOPTED**.

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

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

**COMMITTEE REPORTS**

**Senate**

**Ought to Pass As Amended**

Senator **PEARSON** for the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Reinstate the State Eye Care Program" S.P. 576 L.D. 1620

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-477)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-477) **READ** and **ADOPTED**.

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

Senator **PEARSON** for the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Resolve, to Create the Blue Ribbon Commission on Hunger and Food Security S.P. 715 L.D. 1930

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-476)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-476) **READ** and **ADOPTED**.

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

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

**COMMUNICATIONS**

The Following Communication: S.P. 761

**116TH MAINE LEGISLATURE**

March 18, 1994

Senator Georgette B. Berube  
Representative Ruth Joseph  
Chairpersons  
Joint Standing Committee on State & Local Government  
116th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Secretary of State, G. William Diamond has nominated James S. Henderson of Orr's Island for reappointment as the State Archivist to the Maine State Archives.

Pursuant to Title 5, Section 93, this nomination will require review by the Joint Standing Committee on State & Local Government 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 **STATE & LOCAL GOVERNMENT**.

Sent down for concurrence.

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

**COMMUNICATIONS**

The Following Communication: S.P. 763

**116TH MAINE LEGISLATURE**

March 22, 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 Denison Gallaudet of Cumberland for appointment to the Maine Technical College System Board of Trustees.

Pursuant to Title 20-A, MRSA Section 12705, this nomination 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.

Senate at Ease

Senate called to order by the President.

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

**COMMUNICATIONS**

The Following Communication: S.P. 764

**116TH MAINE LEGISLATURE**

March 18, 1994

Senator Georgette B. Berube  
Representative Ruth Joseph  
Chairpersons  
Joint Standing Committee on State & Local Government  
116th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Derek P. Langhauser of Portland for appointment and John B. Wooten of Blue Hill for reappointment to the Maine Court Facilities Authority.

Pursuant to Title 4, MRSA Section 1602, these nominations will require review by the Joint Standing Committee on State & Local Government 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 **STATE & LOCAL GOVERNMENT**.

Sent down for concurrence.

Off Record Remarks

On motion by Senator **MARDEN** of Kennebec, **RECESSED** until 4:00 this afternoon.

After Recess

Senate called to order by the President.

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

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

**RECALLED FROM LEGISLATIVE FILES**

Bill "An Act to Modify the Taxation of Leases on Automobiles"

S.P. 545 L.D. 1570

(In Senate, March 22, 1994, **OUGHT NOT TO PASS** Communication from the Committee on **TAXATION READ** and **PLACED ON FILE.**)

(**RECALLED** from the Legislative Files, pursuant to Joint Order S.P. 762.)

On motion by Senator **ESTY** of Cumberland, Bill and Accompanying Papers **RECOMMITTED** to the Committee on **TAXATION**.

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

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

**COMMITTEE REPORTS**

**Senate**

**Ought to Pass As Amended**

Senator **PARADIS** for the Committee on **TRANSPORTATION** on Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$19,800,000 to Improve Passenger and Freight Rail Facilities and Make Improvements at State and Municipal Transportation Facilities" (Governor's Bill)

S.P. 697 L.D. 1895

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-478)**.

Which Report was **READ**.

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

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

**COMMITTEE REPORTS**

**Senate**

**Ought to Pass As Amended**

Senator **CIANCHETTE** for the Committee on **BUSINESS LEGISLATION** on Bill "An Act Regarding Registration for the Provision of Substance Abuse Counseling Services"

S.P. 705 L.D. 1902

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-479)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-479) **READ** and **ADOPTED**.

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

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

**ENACTORS**

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

An Act to Amend Certain Provisions of Law Pertaining to Brewers' Licenses

S.P. 551 L.D. 1575  
(C "A" S-416; H "A" H-820)

An Act to Change the Membership of the Maine Pull Events Commission

H.P. 1249 L.D. 1676  
(C "A" H-778)

An Act to Clarify the Certification Procedures of the Maine Criminal Justice Academy

H.P. 1265 L.D. 1692  
(C "A" H-784)

An Act to Establish a Commission to Study the Permitting Requirements Needed to Foster Sustainable Development of the State's Cranberry Industry  
H.P. 1267 L.D. 1694  
(C "A" H-789)

An Act to Allow the Heartwood School of Art to Grant an Associate of Arts Degree  
H.P. 1382 L.D. 1881

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

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)

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

An Act to Establish a System of Performance-based Agreements for the Provision of Certain Social Services  
H.P. 1284 L.D. 1732  
(C "A" H-794)

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

**Resolve**

Resolve, to Require Further Information from the Department of Mental Health and Mental Retardation about the Plan for Persons in the Criminal Justice System  
S.P. 486 L.D. 1497  
(C "A" S-427)

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)

Resolve, to Conduct a Study on Improving Access to the Maine Technical College System  
H.P. 1357 L.D. 1832  
(C "A" H-788)

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

**Emergency**

An Act to Allow the State to Enter into an Agreement with the State of South Carolina Concerning the Disposal of Low-level Radioactive Waste  
H.P. 635 L.D. 866  
(C "A" H-786)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with 2 Senators having voted in the negative, and 27 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 Authority of the Department of Transportation to Determine Condition of Property Prior to Acquiring (Governor's Bill)  
H.P. 847 L.D. 1152  
(H "A" H-812 to C "A" H-791; H "A" H-813)

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.

**Emergency**

An Act to Provide Enhanced Enforcement Powers in the Maine Banking Laws  
H.P. 1308 L.D. 1763  
(C "A" H-790)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in the negative, and 27 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 Increase Reimbursement Amounts to Municipalities Collecting Excise Taxes for Unorganized Townships

S.P. 636 L.D. 1770  
(C "A" S-429)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency**

An Act to Provide an Allocation for a Federally Funded Hazard Mitigation Program within the Maine Emergency Management Agency

H.P. 1350 L.D. 1816  
(C "A" H-792)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency**

An Act to Amend the Charter of the Canton Water District

S.P. 662 L.D. 1830  
(C "A" S-431)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in the negative, and 25 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 the Legal Title to a Building at Southern Maine Technical College (Governor's Bill)

S.P. 709 L.D. 1917

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency Resolve Mandate**

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1994

H.P. 1443 L.D. 1970

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 26 Members of the Senate, with No Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

**COMMUNICATIONS**

The Following Communication: H.P. 1452

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333**

March 11, 1994

Dan A. Gwadosky  
Speaker of the House  
116th Legislature

Dennis L. Dutremble  
President of the Senate  
116th Legislature

Dear Mr. Speaker and Mr. President:

On March 11, 1994, three Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on March 11, 1994 as follows:

**Banking and Insurance**

Bill "An Act to Make Maine Law Consistent with the Federal Law Regarding the Omnibus Budget Reconciliation Act of 1993 and to Clarify Maine Laws Regarding Underwriting and Continuity" (H.P. 1451) (L.D. 1980) (Presented by Representative CARLETON of Wells) (Governor's Bill)

**Legal Affairs**

Bill "An Act to Allow Firearms Dealers, Importers and Manufacturers to Comply with the Brady Handgun Violence Prevention Act" (EMERGENCY) (H.P. 1450) (L.D. 1979) (Presented by Representative CLUKEY of Houlton) (Governor's Bill)

**State and Local Government**

Bill "An Act Authorizing the Kennebec County Commissioners to Issue Bonds in the Amount of \$1,500,000 for Renovation of the County Court House in Augusta" (EMERGENCY) (H.P. 1449) (L.D. 1978) (Presented by Representative JACQUES of Waterville) (Cosponsored by Senator BUSTIN of Kennebec and Representatives: MARSH of West Gardiner, PARADIS of Augusta, VIGUE of Winslow, Senator: MARDEN of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Sincerely,  
S/Joseph W. Mayo  
Clerk of the House  
S/Joy J. O'Brien  
Secretary of the Senate

Which was **READ** and **ORDERED PLACED ON FILE**, in concurrence.

**COMMITTEE REPORTS**

**House**

**Ought to Pass**

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Amend the Laws Governing Refuse Disposal Districts"

H.P. 1401 L.D. 1910

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

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

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

The Bill **READ ONCE**.

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

**Ought to Pass As Amended**

The Committee on **EDUCATION** on Resolve, to Reclassify the Position of a Former Teacher's Aide

H.P. 1212 L.D. 1631

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-811)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-811)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-811) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Encourage Effective Use of State Resources" H.P. 1354 L.D. 1820

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-818)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-818)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-818) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act to Modify the Manufacture of Motor Vehicle Registration Plates"

H.P. 1217 L.D. 1636

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-819)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-819)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-819) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES** on Bill "An Act to Establish the Advisory Council on Energy and the Environment"

H.P. 278 L.D. 356

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-826).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-826).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-826) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES** on Bill "An Act to Amend the Charter of the Berwick Sewer District"  
H.P. 1360 L.D. 1839

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-823).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-823) AND HOUSE AMENDMENT "A" (H-828).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-823) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-828) **READ** and **ADOPTED**, in concurrence.

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

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

**COMMITTEE REPORTS**

Senate

**Divided Report**

The Majority of the Committee on **AGRICULTURE** on Bill "An Act to Require Labeling on Genetically Engineered Food"

S.P. 713 L.D. 1928

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

Signed:

Senators:

PARADIS of Aroostook  
MARDEN of Kennebec

Representatives:

TARDY of Palmyra  
ALIBERTI of Lewiston  
HUSSEY of Milo  
AHEARNE of Madawaska  
STROUT of Corinth  
SPEAR of Nobleboro  
NASH of Camden  
CROSS of Dover-Foxcroft  
KNEELAND of Easton

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-480).**

Signed:

Senator:

PINGREE of Knox

Representative:

HEESCHEN of Wilton

Which Reports were **READ.**

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

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

**SECOND READERS**

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

**House As Amended**

Bill "An Act Imposing Real Estate Transfer Tax on Nongovernmental Entities in Transactions Involving Governmental Entities"

H.P. 1333 L.D. 1796  
(C "A" H-814)

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



**Senate As Amended**

Bill "An Act to Amend the Laws Governing Protective Custody"  
S.P. 240 L.D. 733  
(C "A" S-469)

Bill "An Act to Amend the Laws Concerning Emergency 911"  
S.P. 452 L.D. 1419  
(C "A" S-452)

Bill "An Act to Clarify the Role and Purpose of the Maine State Retirement System" (Emergency)  
S.P. 466 L.D. 1458  
(C "A" S-475)

Bill "An Act to Make Changes to the Public Utilities Commission Laws"  
S.P. 574 L.D. 1616  
(C "A" S-465)

Bill "An Act to Reinstate the State Eye Care Program"  
S.P. 576 L.D. 1620  
(C "A" S-477)

Bill "An Act to Enable the Use of Former Exit 5 on the Maine Turnpike for Access to an Adjacent Liquor Store and Hotel and Conference Center Facility"  
S.P. 594 L.D. 1653  
(C "A" S-448)

Bill "An Act to Amend the Petroleum Market Share Act"  
S.P. 596 L.D. 1655  
(C "A" S-455)

Bill "An Act Concerning the Payment of Medical Expenses in Controverted Workers' Compensation Cases"  
S.P. 605 L.D. 1703  
(C "A" S-471)

Bill "An Act to Simplify the State's Liquor Tax"  
S.P. 612 L.D. 1710  
(C "A" S-456)

Bill "An Act to Amend the Laws that Deal with the Protection of Natural Resources"  
S.P. 619 L.D. 1721  
(C "A" S-447)

Bill "An Act to Create the Maine Office Development Authority"  
S.P. 640 L.D. 1774  
(C "A" S-467)

Bill "An Act to Reduce the Property Tax Burden in Androscoggin County"  
S.P. 641 L.D. 1788  
(C "A" S-457)

Bill "An Act to Encourage Municipal Investment in Local Economic Development Projects" (Emergency)  
S.P. 647 L.D. 1806  
(C "A" S-468)

Bill "An Act to Provide for Uniform Fees Paid to Registers of Deeds for the Filing of Secured Transactions"  
S.P. 660 L.D. 1828  
(C "A" S-458)

Bill "An Act to Establish the Door-to-door and Telemarketing Consumer Solicitation Sales Act"  
S.P. 670 L.D. 1838  
(C "A" S-453)

Bill "An Act to Make Allocations from the Maine Turnpike Authority Funds to the Maine Turnpike Authority for the Fiscal Year Ending December 31, 1995"  
S.P. 686 L.D. 1872  
(C "A" S-462)

Bill "An Act to Correct the Implementation of Recent Changes to the Retirement Laws" (Emergency)  
S.P. 698 L.D. 1896  
(C "A" S-474)

Bill "An Act to Require Risk-based Capital Standards and Standard Valuation to Ensure Continued Accreditation for the Bureau of Insurance"  
S.P. 701 L.D. 1899  
(C "A" S-464)

Bill "An Act to Establish a New Valuation on Sears Island" (Emergency)  
S.P. 703 L.D. 1900  
(C "A" S-451)

Bill "An Act to Clarify the Appropriate Secular Observance of Religious Holidays in Maine Schools"  
S.P. 704 L.D. 1901  
(C "A" S-459)

Resolve, to Create the Blue Ribbon Commission on Hunger and Food Security  
S.P. 715 L.D. 1930  
(C "A" S-476)

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

Sent down for concurrence.

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

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

**COMMITTEE REPORTS**

**Senate**

**Ought to Pass As Amended**

Senator **LUDWIG** for the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act Concerning Municipally Owned and Operated Solid Waste Incinerators"

S.P. 690 L.D. 1876

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-481)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-481) **READ** and **ADOPTED**.

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

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

**ORDERS**

**Joint Order**

On motion by Senator **PINGREE** of Knox the following Joint Order:

S.P. 765

**ORDERED**, the House concurring, that the Joint Standing Committee on Housing and Economic Development report out a bill concerning economic development matters to the Senate.

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

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

**ORDERS OF THE DAY**

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

**SENATE REPORTS** - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Preserve Maine's Part-time Citizen Legislature by Making the Legislative Process More Efficient" (Governor's Bill)  
S.P. 711 L.D. 1926

**Majority - Ought Not to Pass**

**Minority - Ought to Pass as Amended by Committee Amendment "A" (S-461)**

Tabled - March 22, 1994, by Senator **ESTY** of Cumberland.

**Pending - ACCEPTANCE OF EITHER REPORT**

(In Senate, March 22, 1994, Reports **READ**.)

Senator **ESTY** of Cumberland moved that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would urge my fellow colleagues not to support the motion pending before you to kill a bill which would in fact save this State many thousands of dollars. Men and women of the Senate, it is kind of refreshing to stand here this afternoon and let you know that although I have brought this chestnut before the legislature for over eight years, that for now I have a lot more power and lot more guns with me. I would direct your attention to the gubernatorial candidates who are out there, stumping in your backyard, shaking hands and putting forth proposals which will, in fact, change the face of State government. Men and women of the Senate, whether you are Republican, Democrat, Independent, Green, Libertarian, there is a gubernatorial candidate out there for you who is supporting this proposal. In fact some gubernatorial candidates of some parties are more supportive of this than others but this is finally crossed political lines. The issue of having a citizen's legislature has been embraced by all parties, not just Republicans. I guess I am standing here this afternoon to implore you to take off your partisan hat, just because this has been a Republican initiative since 1987, the times have changed, the players have changed, the tone of our State has changed and has changed dramatically. With the passage of term limits in November, with the onset of massive changes in our political structure, from our U.S. Congress, to this chamber and to the chamber down the hall. We are in a time of great opportunity. An opportunity to take a look at the State seal which is embedded in the carpet here in our chamber and take a look at the word just underneath the north star. It says 'Dirigo' men and women of the Senate, it says 'I Lead'. I ask you, men and women of the Senate, to take that credo to heart, that we as a legislative body have taken a leadership position and I applaud the presiding officers of this chamber, and of the other chamber, to have us conclude our business by the 31st of this month. A full 15 days before the statutory adjournment.

For those of you who don't have a copy of the bill in front of you, and who don't have a copy of the fiscal note, let me first try and sell you on the merits of the bill. The bill in front of you will move up the statutory adjournment date, from April 15th for the second session to March 15, just 15 short days sooner than we are going to adjourn this year, God willing. We have shown that we can do it and I think the work of the Committees have exemplified that with the urgings of the presiding officer and with the urging of leadership on both

sides of the aisle. It can be done men and women of the Senate, and for those of you who have tried to recruit candidates to run in your seat if you are stepping down, or to run in seats surrounding you in your neighboring districts, the one basic concern is you people spend too much time up there just sitting around, just wasting time. Why can't you consolidate your time, come up here, hit the beach running on January 1, put in your eight and nine hour days right from the outset, finishing up your business in a short time period. I think there are a number of benefits, not the least of which is the over half a million dollars worth of savings. Over \$500,000 projected savings from the legislative budget itself if this were to pass. Men and women of the Senate I know in the days to come there will be legislation that will be put in front of you, not directly impacting the legislative budget, but it will be sold to this chamber on the merits that it will in fact bring more money into the State coffers. This bill itself will have two positive effects, it will attract more candidates to serve in a citizen's legislature as well as saving over half a million dollars of hard earned tax payers dollars.

Before I sit down I just want to stress that point. Every dollar that the State has to spend comes out of the pockets of a hard working Mainer. The State of Maine does not manufacture anything, all we do as a government is take the proceeds of those who have worked for hard for their money and say we have a better way for it to be spent for the public good. I charge you, men and women of the Senate, that retaining a citizen's legislature and saving over half a million dollars is for the public good and it is for the good of the State of Maine. I hope you support me in my position and vote against the pending motion. Mr. President, when the vote is taken I request the yeas and nays. Thank you..

On motion by Senator **HANLEY** of Oxford, 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 **ACCEPT** the Majority **OUGHT NOT TO PASS** 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 **BERUBE, BRANNIGAN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

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

ABSENT: Senators **BALDACCI, BUSTIN**

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **ESTY** of Cumberland, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

Bill "An Act to Clarify the Requirements of Disclosure of Information Pertaining to Mentally Disabled Clients"

H.P. 759 L.D. 1026  
(C "A" H-805)

Tabled - March 22, 1994, by Senator **ESTY** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In Senate, March 22, 1994, **READ A SECOND TIME**.)

(In House, March 9, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-805)**.)

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

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

Bill "An Act Related to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act" (Emergency)

H.P. 1368 L.D. 1851  
(H "A" H-817 to C "A" H-801)

Tabled - March 22, 1994, by Senator **CLEVELAND** of Androscoggin.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In Senate, March 22, 1994, **READ A SECOND TIME**.)

(In House, March 9, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-801) AS AMENDED BY HOUSE AMENDMENT "A" (H-817)** thereto.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

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

Bill "An Act to Increase the Efficiency of the Appointment Process for Occupational or Professional Regulatory Boards"

S.P. 734 L.D. 1960

Tabled - March 22, 1994, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **BEGLEY** of Lincoln to **INDEFINITELY POSTPONE** Bill and Accompanying Papers

(In Senate, March 9, 1994, Report **READ** and **ACCEPTED**.)

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The Amendment that I spoke to earlier is prepared. If the motion to Indefinitely Postpone would be withdrawn I would be glad to present it. Thank you.

Senator **BEGLEY** of Lincoln requested and received leave of the Senate to withdraw his motion to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

On motion by Senator **CLEVELAND** of Androscoggin, Senate Amendment "A" (S-482) **READ**.

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

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The amendment is another attempt to handle a problem that everybody recognizes should be corrected in some fashion, but not necessarily with this amendment, any more than it was with the previous bill which put the executive branch and the legislative branch at odds. This amendment made an attempt to change some of that but what it has done, it has now put the legislative branch in jeopardy insofar as some of these boards are concerned because it would allow the executive branch to do away with the efficiency of these boards by not making appointments. I'm not sure that the legislative branch wants to give that up to the executive branch anymore than the executive branch wanted to give up the previous part of the bill. In talking with the Chairman of the Committee we agree that something should be done. We certainly would like to work with executive branch to bring about a more efficient way of making appointments. I'm sure that the first bill didn't work, I'm almost sure that this doesn't work and now I move to Indefinitely Postpone it and all of its accompanying papers.

Senator **BEGLEY** of Lincoln moved to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending the motion by Senator **BEGLEY** of Lincoln to Indefinitely Postpone Bill and Accompanying Papers.

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

Bill "An Act to Enhance the Effectiveness of the Office of the Public Advocate"

S.P. 693 L.D. 1879  
(C "A" S-445)

Tabled - March 22, 1994, by Senator **ESTY** of Cumberland.

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

(In Senate, March 22, 1994, **READ A SECOND TIME**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED**.

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

Bill "An Act to Promote Economic and Employment Growth in the Financial Services Sector"

S.P. 620 L.D. 1722  
(C "A" S-442)

Tabled - March 22, 1994, by Senator **ESTY** of Cumberland.

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

(In Senate, March 22, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-442)**. Subsequently, **RECONSIDERED**.)

On motion by Senator **LUTHER** of Oxford, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-442).

On further motion by same Senator, Senate Amendment "A" (S-473) to Committee Amendment "A" (S-442) **READ**.

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

Senator **LUTHER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. What this amendment would do is simply bring the bill back before the Banking and Insurance Committee after two years for re-evaluation. It does not sunset the bill, it requires no action. This bill was passed because it promised mega jobs, as many as 35,000 jobs nationwide. I rather doubt that we are the nation that is going to get them. After two years they should have created some jobs, all this amendment does is ask that we look at this again and see if it really did create any jobs because what it most certainly will create is hundreds of thousands of dollars in interest payments that Maine citizens will have to pay to banks when they use their credit cards. The good Senator from Kennebec, Senator McCormick, has sent out a letter stating currently Maine is the second worst state in the country in its regulatory environment for the credit card industry. I think that depends upon where you are sitting. I suggest that Maine is the second best State in the

nation, protecting its consumers and I urge the adoption of this amendment. Mr. President, when the vote is taken I request the yeas and nays. Thank you.

Senator **LUTHER** of Oxford requested a Roll Call.

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would urge a no vote on this amendment. I think you can understand that if we are about the business of trying to attract jobs to this state that a sunset of two years would give pause to any industry or corporation or lender who would make an investment in this State. I would like to remind the good Senator from Oxford, Senator Luther, that this hundreds of thousands of dollars in interest, which I think is very overstated, there are only 15,000 people in Maine who hold Maine chartered credit cards, Maine issued credit cards and that is the only people who are going to be affected by this bill. Once again the interest rates currently being charged on credit cards are being held under our 18% cap by the market forces at play out there in the market. Basically the only increased fees that these 15,000 people only, because all of the rest of the Mainer's are choosing to have credit cards from out of state banks, the only increased fees are going to be late fees when they have not paid off the balance on their credit card. I move the Indefinite Postponement of this amendment and I would ask for a Division. Thank you.

Senator **MCCORMICK** of Kennebec moved the **INDEFINITE POSTPONEMENT** of Senate Amendment "A" (S-473) to Committee Amendment "A" (S-442).

The same Senator requested a Division.

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

Senator **LUTHER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would bring to the attention of the good Senator from Kennebec, that this bill is not a sunset bill. This bill asks only for a review. As for who is going to be affected by interest and late fees, if you go out Christmas shopping and you buy a thousand dollars worth, and you pay \$500, you are now only paying the interest on the \$500 that you have left, that is not going to be the case when this bill passes. I ask for the yeas and nays. Thank you.

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

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

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. When I spoke on behalf of this bill a little over a week ago I don't want any misunderstandings, I fully support this bill but I don't believe there were any commitments that this bill is going to create any quantity of jobs. I said then and I say again I think it will create the opportunity for jobs for the State of Maine. That's what our intention is with this very bill. I think it is important to consider that. We have to open our doors to create jobs in Maine and I think this has the potential to do that. This amendment, as far as I am concerned, certainly as a business person if

I were looking at this legislation, and it may not be called a sunset provision, but it is going to be brought back and redone in two years, I certainly would wait the two year period of time to see what this legislature is going to do with it. I certainly wouldn't come in here on a temporary basis and I urgently request you to defeat this amendment. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **MCCORMICK** of Kennebec to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-473) to Committee Amendment "A" (S-442).

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

**NAYS:** Senators BERUBE, HANDY, LUTHER

**ABSENT:** Senators BALDACCI, BUSTIN

30 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **MCCORMICK** of Kennebec, to **INDEFINITELY POSTPONE** Senate Amendment "A"(S-473) to Committee Amendment "A" (S-442), **PREVAILED**.

Committee Amendment "A" (S-442) **ADOPTED**.

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

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Senate at Ease

Senate called to order by the President.

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On motion by Senator **MCCORMICK** of Kennebec, the Senate **RECONSIDERED** its action whereby this bill was **PASSED TO BE ENGROSSED AS AMENDED**.

On motion by Senator **LUTHER** of Oxford, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED**.

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Off Record Remarks

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On motion by Senator **LUDWIG** of Aroostook,  
**ADJOURNED** until Wednesday, March 23, 1994, at 9:00  
in the morning.