

MAINE STATE LEGISLATURE

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

VOLUME VI

SECOND REGULAR SESSION

Senate
January 5, 1994 to April 6, 1994

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

In Senate Chamber
Wednesday
March 23, 1994

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

Prayer by Reverend Kenneth Woodhams of the North Wayne Community Church in Wayne.

REVEREND KENNETH WOODHAMS: Wise and loving God bless those who hold office in the government of this nation and especially in this great State of Maine that they may do their work, make those difficult and complex decisions with a spirit of wisdom, kindness, and justice. Help them to use their unique gifts and talents and energies while exercising their authority to serve faithfully and to promote the general welfare of all in the name of God who is the creator, the Son who is the redeemer and the Holy Spirit who is the sustainer. Amen.

Reading of the Journal of Tuesday, March 22, 1994.

Off Record Remarks

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **MCCORMICK** for the Committee on **BANKING & INSURANCE** on Bill "An Act to Reduce Energy Costs and Improve the State's Air Quality"

S.P. 482 L.D. 1480

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-485).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-485) **READ** and **ADOPTED.**

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

Senator **PARADIS** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Amend the Public Smoking Laws"

S.P. 724 L.D. 1945

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-488).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-488) **READ** and **ADOPTED.**

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

Senator **HALL** for the Committee on **LEGAL AFFAIRS** on Bill "An Act to Subject Motorists with Prior Out-of-state Operating-under-the-influence Convictions to the Sentencing Provisions of the State's Operating-under-the-influence Laws"

S.P. 669 L.D. 1837

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-484).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-484) **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 Require Disclosure of Minimum Bid Requirements at Mortgage Foreclosure Sales"

S.P. 567 L.D. 1602

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

Signed:

Senator:
MCCORMICK of Kennebec

Representatives:
 PINEAU of Jay
 TRACY of Rome
 HALE of Sanford
 CARLETON of Wells
 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 as Amended by Committee Amendment "A" (S-486).**

Signed:

Senator:
 KIEFFER of Aroostook

Representative:
 JOSEPH of Waterville

(Representative CAMPBELL of Holden ABSTAINED)

Which Reports were **READ.**

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

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. When this bill was first introduced before our Committee it provided for any lending institution dealing in mortgage foreclosure sales to provide the minimum bid that they would accept for the foreclosure sale of the property involved. This was discussed long and hard and debated and the amendment which I have added to this as the minority report changes the minimum bid to the opening bid. This gives bidders the opportunity to know beforehand what the lending institution will start the bidding at and would save many many business owners a considerable amount of time away from their businesses. In so many cases people travel miles to attend a foreclosure sale, when they get there the bids progress up through the figures that they are interested in bidding, and after spending a considerable amount of time they receive an announcement from the foreclosure company that the minimum bid that they are willing to accept is far in excess of what the market will bear. It just seems to me, to be fair, that the foreclosure company should announce up front at least what their minimum opening bid, the opening bid, would be for the property involved. It just seems like a practical business approach to handling these items and I would ask for your support on the minority report. Thank you.

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

SECOND READERS

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

House

Bill "An Act to Amend the Laws Governing Refuse Disposal Districts" H.P. 1401 L.D. 1910

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

House As Amended

Bill "An Act to Establish the Advisory Council on Energy and the Environment" H.P. 278 L.D. 356 (C "A" H-826)

Resolve, to Reclassify the Position of a Former Teacher's Aide H.P. 1212 L.D. 1631 (C "A" H-811)

Bill "An Act to Modify the Manufacture of Motor Vehicle Registration Plates" H.P. 1217 L.D. 1636 (C "A" H-819)

Bill "An Act to Encourage Effective Use of State Resources" H.P. 1354 L.D. 1820 (C "A" H-818)

Bill "An Act to Amend the Charter of the Berwick Sewer District" H.P. 1360 L.D. 1839 (C "A" H-823; H "A" H-828)

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

Senate As Amended

Bill "An Act Concerning Municipally Owned and Operated Solid Waste Incinerators" S.P. 690 L.D. 1876 (C "A" S-481)

Bill "An Act Regarding Registration for the Provision of Substance Abuse Counseling Services" S.P. 705 L.D. 1902 (C "A" S-479)

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

Sent down for concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **AGING, RETIREMENT & VETERANS** on Bill "An Act to Authorize an Increase in the Holdings of the Farmington Home for Aged People" (Emergency)

H.P. 1398 L.D. 1907

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 **LATER ASSIGNED FOR SECOND READING**.

The Committee on **BANKING & INSURANCE** on Bill "An Act Regarding Insurance Coverage for Mental Illness"

H.P. 1218 L.D. 1637

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 **LATER ASSIGNED FOR SECOND READING**.

The Committee on **BANKING & INSURANCE** on Bill "An Act to Facilitate Government Investment in Mutual Funds"

H.P. 1439 L.D. 1965

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 **LATER ASSIGNED FOR SECOND READING**.

The Committee on **STATE & LOCAL GOVERNMENT** on Resolve, Authorizing the State to Release its Interest in Certain Real Property in Belfast
H.P. 1397 L.D. 1906

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

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

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

The Resolve **READ ONCE**.

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

Ought to Pass As Amended

The Committee on **AGING, RETIREMENT & VETERANS** on Bill "An Act to Create Retirement Alternatives" (Emergency)

H.P. 1362 L.D. 1841

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-867)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-867)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-867) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **AGRICULTURE** on Bill "An Act to Implement the Recommendations of the Maine Dairy and Nutrition Council and the Maine Dairy Promotion Board"
H.P. 1434 L.D. 1961

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-861)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-861)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-861) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BUSINESS LEGISLATION** on Bill "An Act to Enable the Creation of the Volunteer Social Workers' Project"

H.P. 1106 L.D. 1493

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-848)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-848)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-848) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BUSINESS LEGISLATION** on Bill "An Act to Strengthen the Maine Bottle Deposit Laws"

H.P. 1343 L.D. 1810

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-839)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-839)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-839) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BUSINESS LEGISLATION** on Bill "An Act to Allow for Reciprocal Licensure for Electricians in the State"

H.P. 1400 L.D. 1909

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-847)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-847)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-847) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION** on Bill "An Act to Establish a Technical College in York County"

H.P. 1313 L.D. 1775

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-851)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-851)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-851) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Amend the Underground Oil Storage Tank Replacement Fund" (Emergency)

H.P. 681 L.D. 923

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-868)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-868)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-868) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Provide Assistance to Homeowners Who Have Faulty Septic Systems"

H.P. 1245 L.D. 1672

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-866).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-866).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-866) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Preserve Productive Forests" (Emergency)

H.P. 1309 L.D. 1764

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-846).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-846).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-846) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Designate Certain Lands under the Constitution of Maine, Article IX, Section 23"

H.P. 1428 L.D. 1953

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-858).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-858).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-858) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **FISHERIES & WILDLIFE** on Bill "An Act to Study Eagle Mortality in Maine and Its Relationship to Human Health"

H.P. 1235 L.D. 1662

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-844).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-844).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-844) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Revise the Eastport Port Authority Charter"

H.P. 1266 L.D. 1693

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-860).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-860).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-860) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Clarify Certain Provisions of Maine's Hospital Payment System"

H.P. 1188 L.D. 1585

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-834).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-834).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-834) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Authorize Use of Civil Administrative Penalty Authority and Administrative Order Authority Against Violation of Federal and State Drinking Water Laws, Regulations and Rules" (Emergency)

H.P. 1329 L.D. 1792

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-864).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-864).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-864) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Clarify and Expand the Driver Education and Evaluation Programs in the State"

H.P. 1381 L.D. 1868

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-869).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-869).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-869) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Resolve, to Establish Minimum Standards for Adult and Family Shelters in the State

H.P. 1383 L.D. 1882

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-829).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-829).**

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

The Resolve **READ ONCE.**

Committee Amendment "A" (H-829) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Amend the General Assistance Standard of Need"

H.P. 1396 L.D. 1905

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-863).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-863).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-863) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Revise the Duties of the Superintendent of the Pineland Center" (Governor's Bill)

H.P. 1445 L.D. 1972

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-870)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-870)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-870) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **MARINE RESOURCES** on Bill "An Act Concerning Commercial Divers" H.P. 973 L.D. 1304

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-835)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-835)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-835) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Require the Utilization of an Owner's Representative on State Government Construction Contracts" H.P. 1107 L.D. 1494

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-871)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-871)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-871) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Establish the Somerset County Advisory Budget Committee" H.P. 1406 L.D. 1915

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-852)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-852)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-852) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Create the Blaine House Commission" (Governor's Bill) H.P. 1440 L.D. 1966

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-840)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-840)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-840) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act to Clarify the Tax-exempt Status of Nonprofit Rental Housing" (Emergency) H.P. 1320 L.D. 1782

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-831)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-831)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-831) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act to Implement the Recommendations of the Commission to Study the Statutory Procedures for Local Property Tax Abatement"

H.P. 1387 L.D. 1886

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-853)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-853)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-853) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES** on Bill "An Act to Permit Electric Utilities Greater Flexibility in Adjusting Electric Utility Prices to Meet Changing Market Conditions"

H.P. 1239 L.D. 1666

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-862)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-862)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-862) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES** on Bill "An Act to Create the Seal Harbor Water District"
H.P. 1269 L.D. 1696

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-841)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-841)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-841) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on RESOLUTION, Pursuant to Article IV, Part Third, Section 15 of the Constitution of Maine Calling a Constitutional Convention to Propose Amendments to the Constitution

H.P. 873 L.D. 1187

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

Signed:

Senators:

BERUBE of Androscoggin
ESTY of Cumberland
BUTLAND of Cumberland

Representatives:

KILKELLY of Wiscasset
GRAY of Sedgwick
DUTREMBLE of Biddeford
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" (H-773)**.

Signed:

Representatives:

JOSEPH of Waterville
AHEARNE of Madawaska
YOUNG of Limestone
BENNETT of Norway

Comes from the House with the Reports **READ** and the Resolution and Accompanying Papers **INDEFINITELY POSTPONED**.

Which Reports were **READ**.

On motion by Senator **BERUBE** of Androscoggin, the Senate **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the Tabled and Later Assigned (3/22/94) 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**.)

Which Report was **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-463) **READ**.

On motion by Senator **HALL** of Piscataquis, Senate Amendment "A" (S-487) to Committee Amendment "A" (S-463) **READ** and **ADOPTED**.

Committee Amendment "A" (S-463) as Amended by Senate Amendment "A" (S-487) thereto, **ADOPTED**.

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

The Chair laid before the Senate the Tabled and Later Assigned (3/22/94) 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 - Motion by Senator **CIANCHETTE** of Somerset to **ACCEPT** the Majority **Ought to Pass** as **Amended** Report

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

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 Assigned (3/22/94) 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 Assigned (3/22/94) matter:

SENATE REPORTS - from the Committee on **AGRICULTURE** on Bill "An Act to Require Labeling on Genetically Engineered Food"

S.P. 713 L.D. 1928

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-480)**

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 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 22, 1994, by Senator **ESTY** of Cumberland.

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

(In Senate, March 22, 1994, Senate Amendment "A" (S-482) **READ**.)

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

Off Record Remarks

Senator **CLEVELAND** of Androscoggin requested and received leave of the Senate to withdraw Senate Amendment "A" (S-482).

Which was, under suspension of the Rules, **READ TWICE**.

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

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

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

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Again, very briefly, we have pointed out that the original bill had a tendency to favor the legislative branch, the amendment has a tendency to favor the executive branch, which makes me believe that it is not the answer to the problem but a study by the Committee and the Executive branch would certainly benefit. I hope that you will Indefinitely Postpone this. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to take just a few moments this morning to tell you a

little bit about what the amendment does and why it has been presented to you and why we would ask that you support the amendment and not Senator Begley's recommendation to Indefinitely Postpone. The amendment is really pretty simple. What it simply says is that for all boards and commissions within the State, that any commission or board that has a vacancy on it that is 20% or more, and that vacancy has been in place for at least eight months, then that board or agency would no longer be authorized to conduct its authority until the vacancies have been filled, so that there is 20% or less vacancy on the board. The reason that we suggested a percentage number is that not all boards and agencies have the same number of individuals on the board. So rather than pick a number, which wouldn't be consistent as far as percentage wise, we tried to pick a fairly significant percentage on the board so that if a board had a large number of members it would require a large number of vacancies before the provision would take place. As soon as the vacancies are filled the board could continue to conduct all of its authority and it does not put any board or authority out of existence. It only temporarily suspends its authority to operate until the vacancy was filled.

Let me tell you the reason why we brought that amendment to you. On the Audit and Program Review Committee, in our review of boards and agencies, one of the things that we discovered, to our amazement, was the huge number of boards and agencies with long vacancies. Many of them who have had vacancies for a very long time. There are over 300 boards and agencies, there are thousands of appointments. Currently there exists, according to the latest report, more than 46 vacancies that extend back at least to 1993 and many of them much longer than that. More than 30% of the appointments that should be filled are not being filled. We have a number of boards that have long term vacancies and they are not being paid any attention to. Many of you who are happily in your own committee structured these boards and committees to have a public member, members of a trade or profession or certain technical people to balance those, and are finding that those are being completely ignored and abandoned, so that the capital construction of the representation is no longer there.

Let me just give you some of the suggestions once again of some of the problems. We have, for example, on the Board of Accountancy, there are two vacancies that date back to 1981 and 1982. Now I know it is hard to find good people, but for 12 years we can't find good people? Two people out of that seven member board have not been appointed. On the Arborists Board it goes back to 1985. Out of a six member board there are three vacancies going back to 1985. On the Social Worker's Board we have vacancies back to 1985 once again. Many of these other vacancies go back to years between 1985 and the present. It seems to me that none of us would manage our own affairs, our own organizations, our own businesses with that kind of lack of responsibility. If these boards are important, if they serve a function, and if they ought to be represented, the intent of the legislature is that the positions be filled. Currently there is no mechanism for that to occur. We think that the amendment that we have offered to you provides that mechanism to do it.

The Audit and Program Review Committee has worked diligently, not only to identify the problem, but also to find a solution and present it to you. We had, to the best of my knowledge, the existing proposal that before was amended to you, was crafted unanimously by the Audit and Program Review

Committee. We worked with the Executive branch to get their input into the process. We did not try to do this unilaterally and it had bipartisan support. However, once it was brought forward we now understand that certain members of the Committee, after discussion with the Executive branch, no longer support the unanimous approach to a solution. So we have brought to you this other approach after consultation with the Business Affairs Committee so that we can bring you another approach that we think addresses the issue and has support to deal with the issue that we brought to you. We have no particular pride in the authorship, anyone who has any suggestions to improve this amendment or has any other suggestions and wishes to ask for some opportunity to present it, we will be happy to entertain it. However, we think that the responsibility to bring the issue to you, to indicate to you that there is a serious lack of attention to filling these vacancies, that they go on for enormously long times and that there ought to be some means of accountability. We think this provides the opportunity to do that.

I hope that you would support the amendment. We think that it addresses the issue. If others have better solutions I am happy to entertain them but I don't think it is responsible simply to ignore it nor find a constructive solution simply because individuals refuse to address the issue. We have asked for constructive suggestions from the Executive branch and we have received none. We have tried to find constructive solutions and received only opposition and stonewalling. So we tried to do the best we could to present it to you and I hope that you can support it and I would be glad to support any other suggestions for any improvements if you have them. I think this achieves the goal and does so in a straight forward and legitimate way. So I hope that you would not support Senator Begley from Lincoln's motion to Indefinitely Postpone so that we can adopt this amendment. 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. As I read the amendment that means that the Governor, in effect, could really kill a board. It would still stay in existence, at least those members who are still on the board at least until their terms expire, but he could in effect kill the functioning of that Board. I have a license under the Professional Licensing Board and I would be deeply concerned about operating without a license because the rest of the statutes would obviously hold. I imagine there are a lot of other people who are in that same position. All you do is then ask for a notification to the Legislative Council and what have you, but they have no authority except to get the notice. I would certainly hope that if anything else might be done that you could give the power if the Governor fails to act in keeping the boards up and they are still in the statutes, that the power for filling the vacancy after a time would go to the Legislative Council. That might spur the Governor into taking some action. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to respond to both of those legitimate concerns and the ones that the Committee had discussed. Let me speak to the second first and then the first concern.

The Committee did look at the possibility of after certain extensive periods of time, delegating the authority of appointment to some other group, the Legislative Council, the Committee of jurisdiction or some other appropriate group. What we found is that there is a Constitutional barrier to that and that is the delegation of authority, separation of powers. That it is the Governor who has the authority and the legislature does not have the authority to appoint so we found that we had run into a Constitutional barrier in approaching that avenue. That is why we couldn't proceed with that any further. So we did think of that. Let me speak about the second issue and that is the effect of the functioning of the Committees and boards. We gave that some serious thought as well because there are people who depend on professional licenses and the like and who serve the public. Let me suggest this to you, currently there is nothing that prevents the Governor from simply not acting, and as I have illustrated to you has not acted for years, to fill vacancies. Under that process as it currently exists if a Governor chooses to deliberately make the board non-functional because it lacks a quorum that board cannot act. Currently that already exists and there is no recourse. What we believe this will do is that if a Governor fails to act in an appropriate amount of time there is a constituency to those boards. Can you imagine the Board of Registration and Medicine if it couldn't function? How long would it take for your phones to ring? How about the Cosmetologists or the Barbers or the Real Estate Agents, or any other board that has a legitimate and important constituency? There would be an immediate reflection on the Governor to act responsibly and it would come to the attention of this legislature to do that. So we feel that this really provides an opportunity to bring it to the attention that currently is not brought to us. We think that it provides more of a protection rather than less of a protection. Frankly, I'll give you one example. There was the a Commission on Credentials for Laboratories, we reviewed them. That board hadn't met in five years, the members didn't know they were still members and hadn't been reappointed and were totally ineffective. We have another Bill that eliminates that, it simply says that if a Board doesn't meet in five years that there must not be a huge need for it. Maybe there may be some that become ineffective but if it does that provides more of an opportunity to approach those issues and say perhaps there are some boards and commissions that we can live without if no one is being adversely affected, if they don't have the authority it doesn't harm anyone. If they do it will come immediately to your attention and I can assure you that it won't be too long before that is addressed. Thank you.

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

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. You have heard of the elimination of one board and it was done with justification because of their inactivity. However, at the same time, there were twelve or thirteen other boards who were approved for the cycle and their ability to function. The amendment before you is simply setting up a situation as if the whole thing is going to fall down around your shoe tops and that is not so, in my opinion. The Audit and Program Review Committee has done its job very admirably and has performed particularly in eliminating one board that didn't. The others are performing but this amendment before you will not solve the problem

because you are still arguing between the executive and the legislative branch. We would be much better off to Indefinitely Postpone it and work on it and come back when there is an agreement between the two branches. Thank you.

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.

The Chair laid before the Senate the Tabled and Today 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 **LUTHER** of Oxford.

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, Senate Amendment "A" (S-483) **READ**.

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

Senator **LUTHER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This amendment in its entirety says that a person under 21 years of age who is in school may not be issued a credit card without written permission of a parent who claims an income tax deduction for that student. I think most of us have had children in college that were dependent on our \$10 a week allowance, and for them to come home with \$3000 that they got on their name and then find themselves hopelessly in debt afterwards, is something that none of us want to see happen. If you are still a tax deduction to your parents you should not be allowed to get unlimited credit which is what this L.D. 1722 is going to do. I think it is a reasonable amendment and when the vote is taken, Mr. President, I request the yeas and nays.

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 Kennebec, Senator McCormick.

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. While I am in sympathy with the issue of our young people over extending their credit, this issue is being looked at on the Federal level, it is currently under review by bank regulators and commissions on the federal level. I think that is the place for it because I want to reiterate that if we were to pass this amendment now, only the children of the 15,000 citizens of Maine who have Maine issued credit cards will be protected or subject to this. I think if we

are going to do something like this and address this situation we need to do it for everyone and that needs to come from the federal level. So I urge the Indefinite Postponement of this amendment and ask for a Division.

Senator **MCCORMICK** of Kennebec moved that Senate Amendment "A" (S-483) be **INDEFINITELY POSTPONED**.

Senator **MCCORMICK** of Kennebec 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. In all due respect to the good Senator from Kennebec, I think 15,000 people in Maine are very important and should have our full consideration. I further feel that if we are going to leave things to the federal level we should all go home and that would certainly save a lot of money. When the vote is taken I request 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 pending question before the Senate is the motion by Senator **MCCORMICK** of Kennebec to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-483).

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, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

NAYS: Senators BERUBE, BUSTIN, CAREY, GOULD, HALL, HANDY, HANLEY, LUTHER, VOSE

ABSENT: Senators BALDACCI, TITCOMB

24 Senators having voted in the affirmative and 9 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-483), **PREVAILED**.

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

Sent down for concurrence.

Off Record Remarks

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

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

On motion by Senator **CARPENTER** of York, **RECESSED** until 4:00 this afternoon.

After Recess

Senate called to order by the President.

Off Record Remarks

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **CIANCHETTE** for the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Clarify and Make Technical Changes to Various Professional Licensing Board Laws" (Governor's Bill)
S.P. 720 L.D. 1942

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-490)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-490) **READ** and **ADOPTED**.

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

Senator **HANDY** for the Committee on **LABOR** on Bill "An Act Concerning Registered Apprenticeship Programs"

S.P. 681 L.D. 1861

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-489)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-489) **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:

PAPERS FROM THE HOUSE

House Papers

**Pursuant to Statutes
COMMITTEE ON AUDIT AND PROGRAM REVIEW**

The Committee on **AUDIT AND PROGRAM REVIEW**, pursuant to the Maine Revised Statutes, Title 3, chapter 33, ask leave to submit its findings and to report that the accompanying Bill "An Act Regarding the Department of Corrections"

H.P. 1454 L.D. 1982

Be referred to the Committee on **AUDIT & PROGRAM REVIEW** for Public Hearing and printed pursuant to Joint Rule 20.

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

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

The Bill referred to the Committee on **AUDIT & PROGRAM REVIEW** and **ORDERED PRINTED**, pursuant to Joint Rule 20, in concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **CARPENTER** for the Committee on **UTILITIES** on Bill "An Act to Establish the Maine Surplus Energy Auction Program" (Governor's Bill) S.P. 707 L.D. 1904

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-491)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-491) **READ** and **ADOPTED**.

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

Off Record Remarks

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Establish a Limit on Noneconomic Damages in Medical Malpractice Actions" S.P. 293 L.D. 880

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

Signed:

Senator:
CONLEY of Cumberland

Representatives:
CATHCART of Orono
LIPMAN of Augusta
CARON of Biddeford
OTT of York
FAIRCLOTH of Bangor
SAXL of Bangor
KETTERER of Madison
COTE of Auburn
FARNSWORTH of Hallowell

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

Signed:

Senators:
BERUBE of Androscoggin
HANLEY of Oxford

Representative:
PLOWMAN of Hampden

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 **JUDICIARY** on Bill "An Act to Modify Joint and Several Liability in Medical Malpractice Actions" S.P. 391 L.D. 1186

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

Signed:

Senator:
CONLEY of Cumberland

Representatives:
CATHCART of Orono
LIPMAN of Augusta
OTT of York
CARON of Biddeford
FAIRCLOTH of Bangor
SAXL of Bangor
KETTERER of Madison
COTE of Auburn
FARNSWORTH of Hallowell

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

Signed:

Senators:
BERUBE of Androscoggin
HANLEY of Oxford

Representative:
PLOWMAN of Hampden

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 **JUDICIARY** on Bill "An Act to Create a Noneconomic Damages Award Act" S.P. 446 L.D. 1413

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

Signed:

Senators:
CONLEY of Cumberland
BERUBE of Androscoggin

Representatives:
CATHCART of Orono
LIPMAN of Augusta
OTT of York
CARON of Biddeford
FAIRCLOTH of Bangor
SAXL of Bangor
COTE of Auburn
FARNSWORTH of Hallowell
KETTERER of Madison

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

Signed:

Senator:
HANLEY of Oxford

Representative:
PLOWMAN of Hampden

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 **JUDICIARY** on Bill "An Act to Modify the Legal Doctrine of Joint and Several Liability"

S.P. 447 L.D. 1414

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

Signed:

Senators:
CONLEY of Cumberland
BERUBE of Androscoggin

Representatives:
CATHCART of Orono
LIPMAN of Augusta
OTT of York
CARON of Biddeford
FAIRCLOTH of Bangor
SAXL of Bangor
KETTERER of Madison
COTE of Auburn
FARNSWORTH of Hallowell

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

Signed:

Senator:
HANLEY of Oxford

Representative:
PLOWMAN of Hampden

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 **UTILITIES** on Bill "An Act to Permit Scrutiny of Books and Records of Nonutility Generators"

S.P. 645 L.D. 1804

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

Signed:

Senators:
VOSE of Washington
CLEVELAND of Androscoggin

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

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

Signed:

Representative:
COFFMAN of Old Town

Which Reports were **READ.**

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **UTILITIES** on Bill "An Act to Establish an Alternative Form of Telecommunications Regulation in the State" (Governor's Bill)

S.P. 726 L.D. 1947

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-492).**

Signed:

Senators:
VOSE of Washington
CLEVELAND of Androscoggin

Representatives:

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

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

Signed:

Representative:
 COFFMAN of Old Town

Which Reports were **READ.**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-492) **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:

SECOND READERS

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

House

Bill "An Act Regarding Insurance Coverage for Mental Illness"
 H.P. 1218 L.D. 1637

Resolve, Authorizing the State to Release its Interest in Certain Real Property in Belfast
 H.P. 1397 L.D. 1906

Bill "An Act to Authorize an Increase in the Holdings of the Farmington Home for Aged People" (Emergency)
 H.P. 1398 L.D. 1907

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

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

House As Amended

Bill "An Act to Amend the Underground Oil Storage Tank Replacement Fund" (Emergency)
 H.P. 681 L.D. 923
 (C "A" H-868)

Bill "An Act Concerning Commercial Divers"
 H.P. 973 L.D. 1304
 (C "A" H-835)

Bill "An Act to Enable the Creation of the Volunteer Social Workers' Project"
 H.P. 1106 L.D. 1493
 (C "A" H-848)

Bill "An Act to Require the Utilization of an Owner's Representative on State Government Construction Contracts"
 H.P. 1107 L.D. 1494
 (C "A" H-871)

Bill "An Act to Clarify Certain Provisions of Maine's Hospital Payment System"
 H.P. 1188 L.D. 1585
 (C "A" H-834)

Bill "An Act to Study Eagle Mortality in Maine and Its Relationship to Human Health"
 H.P. 1235 L.D. 1662
 (C "A" H-844)

Bill "An Act to Permit Electric Utilities Greater Flexibility in Adjusting Electric Utility Prices to Meet Changing Market Conditions"
 H.P. 1239 L.D. 1666
 (C "A" H-862)

Bill "An Act to Provide Assistance to Homeowners Who Have Faulty Septic Systems"
 H.P. 1245 L.D. 1672
 (C "A" H-866)

Bill "An Act to Revise the Eastport Port Authority Charter"
 H.P. 1266 L.D. 1693
 (C "A" H-860)

Bill "An Act to Create the Seal Harbor Water District"
 H.P. 1269 L.D. 1696
 (C "A" H-841)

Bill "An Act to Preserve Productive Forests" (Emergency)
 H.P. 1309 L.D. 1764
 (C "A" H-846)

Bill "An Act to Establish a Technical College in York County"
 H.P. 1313 L.D. 1775
 (C "A" H-851)

Bill "An Act to Clarify the Tax-exempt Status of Nonprofit Rental Housing" (Emergency)
 H.P. 1320 L.D. 1782
 (C "A" H-831)

Bill "An Act to Authorize Use of Civil Administrative Penalty Authority and Administrative Order Authority Against Violation of Federal and State Drinking Water Laws, Regulations and Rules" (Emergency)
 H.P. 1329 L.D. 1792
 (C "A" H-864)

Bill "An Act to Strengthen the Maine Bottle Deposit Laws"
 H.P. 1343 L.D. 1810
 (C "A" H-839)

Bill "An Act to Create Retirement Alternatives" (Emergency)
 H.P. 1362 L.D. 1841
 (C "A" H-867)

Bill "An Act to Clarify and Expand the Driver Education and Evaluation Programs in the State"
 H.P. 1381 L.D. 1868
 (C "A" H-869)

Resolve, to Establish Minimum Standards for Adult and Family Shelters in the State
 H.P. 1383 L.D. 1882
 (C "A" H-829)

Bill "An Act to Implement the Recommendations of the Commission to Study the Statutory Procedures for Local Property Tax Abatement"
 H.P. 1387 L.D. 1886
 (C "A" H-853)

Bill "An Act to Amend the General Assistance Standard of Need"
 H.P. 1396 L.D. 1905
 (C "A" H-863)

(See Action Later Today)

Bill "An Act to Allow for Reciprocal Licensure for Electricians in the State"
 H.P. 1400 L.D. 1909
 (C "A" H-847)

Bill "An Act to Establish the Somerset County Advisory Budget Committee"
 H.P. 1406 L.D. 1915
 (C "A" H-852)

Bill "An Act to Designate Certain Lands under the Constitution of Maine, Article IX, Section 23"
 H.P. 1428 L.D. 1953
 (C "A" H-858)

Bill "An Act to Implement the Recommendations of the Maine Dairy and Nutrition Council and the Maine Dairy Promotion Board"
 H.P. 1434 L.D. 1961
 (C "A" H-861)

Bill "An Act to Create the Blaine House Commission" (Governor's Bill)
 H.P. 1440 L.D. 1966
 (C "A" H-840)

Bill "An Act to Revise the Duties of the Superintendent of the Pineland Center" (Governor's Bill)
 H.P. 1445 L.D. 1972
 (C "A" H-870)

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

Senate As Amended

Bill "An Act to Create Statewide Arrest Powers for Municipal Law Enforcement Officers"
 S.P. 415 L.D. 1324
 (C "A" S-463)

Bill "An Act to Reduce Energy Costs and Improve the State's Air Quality"
 S.P. 482 L.D. 1480
 (C "A" S-485)

Bill "An Act to Subject Motorists with Prior Out-of-state Operating-under-the-influence Convictions to the Sentencing Provisions of the State's Operating-under-the-influence Laws"
 S.P. 669 L.D. 1837
 (C "A" S-484)

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

Sent down for concurrence.

Bill "An Act to Amend the Public Smoking Laws"
 S.P. 724 L.D. 1945
 (C "A" S-488)

Which was **READ A SECOND TIME**.

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

On motion by Senator **HANLEY** of Oxford, the Senate **RECONSIDERED** its action whereby it **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence:

Bill "An Act to Amend the General Assistance Standard of Need"

H.P. 1396 L.D. 1905
(C "A" H-863)

(In House, March 22, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-863).**)

(In Senate, March 23, 1994, **READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-863),** in concurrence.)

The same Senator further moved to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE.**

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **HANLEY** of Oxford to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE.**

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **AGRICULTURE** on Resolve, to Enhance the Development of Alternative Uses of Maine Agriculture and Forestry Products
H.P. 1437 L.D. 1963

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-874).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-874).**

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

The Resolve **READ ONCE.**

Committee Amendment "A" (H-874) **READ** and **ADOPTED,** in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Acquire Lake and Ocean Frontage to be Preserved for the Public"

H.P. 1312 L.D. 1767

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-879).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-879).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-879) **READ** and **ADOPTED,** in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Prohibit the Location of New Groundwater Drinking Water Supply Wells in Close Proximity to Potential Contamination Sources"
H.P. 1328 L.D. 1791

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-878).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-878).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-878) **READ** and **ADOPTED,** in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Amend the Growth Management Laws Concerning Dimensional Variances"
H.P. 1369 L.D. 1853

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-827).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-827) AS AMENDED BY HOUSE AMENDMENT "A" (H-875)** thereto.

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-827) **READ.**

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-827), in concurrence.

The Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Define Responsibilities of the Commission on Biotechnology and Genetic Engineering" H.P. 1015 L.D. 1361

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-877)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-877)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-877) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

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

Reported that the same be **REFERRED** to the Committee on **ENERGY & NATURAL RESOURCES**.

Signed:

Senators:

O'DEA of Penobscot
HALL of Piscataquis

Representatives:

CLARK of Millinocket
FARREN of Cherryfield
HEINO of Boothbay
JACQUES of Waterville
NICKERSON of Turner
ROTONDI of Athens
SWAZEY of Bucksport
TRACY of Rome
LARRIVEE of Gorham

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

Signed:

Senator:

LUTHER of Oxford

Representative:

GREENLAW of Standish

Comes from the House with the Majority Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **ENERGY & NATURAL RESOURCES**.

Which Reports were **READ**.

Senator **LAWRENCE** of York moved to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I was hoping that someone from the Fisheries and Wildlife Committee would get up on this. I know this is a concern for individuals in my Senate district and should be a concern for those of you who have shooting ranges and sportsmen in your own areas. It is an item that is being dramatically imposed on by existing shooting ranges and those sportsmen who would like to go and participate in running deer shoots and turkey shoots and what have you. I think it is something that we should at least have some debate here on the floor of the Senate on before it goes down and all of the papers are Indefinitely Postponed. Thank you.

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

Senator **LUTHER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This bill came to us very late in the session, we really didn't have time to work on it. There was no one on the Committee who really understood the placement of these ranges. We were asked to send this Bill over to Energy and Natural Resources and as it turned out they really didn't have time to work on it either. As the bill reads right now a shooting range could come to where you live and open up and shoot twenty four hours a day and be exempted from all noise pollution and be exempted from any civil action. It seems silly in the reading. I think there is a place for shooting ranges. There are laws we should be looking at and we should do this early in the session and get people in who understand it and really work the bill. There wasn't time to do that and rather than pass a bad bill I think it is a good idea to simply let this bill die and look at it another time. Thank you.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I am a little amused that my good friend from Oxford, Senator Hanley, has gotten up on this Bill. This bill has a little history to it which the members of the chamber might be interested in, and it kind of reflects some of the negotiations that go on as you are battling in these last few days with a lot of bills in your Committee. As the good Senator knows, he made a strong argument in my Committee which originally had this bill, that he needed it. He talked about shooting ranges in his district and of course he just referred to that once again. He said "those of you who have shooting ranges in your district". The ones in my district happen to be bar rooms so I didn't really have a lot of sympathy for the bill when we were working on it. My record in this body in reference to guns is well known and is not a good one

by the standards which most of you in here would look to. I believe that we have given the good Senator from Oxford a chance, we had this bill referred to the Fisheries and Wildlife Committee. He made a persuasive case that that would be the best place for it to be dealt with and in return for his cooperation on a number of other matters, which you will not see tonight, we have ten other divided reports but we could have had more, we sent that bill over to Fisheries and Wildlife and I find myself in the happy position of agreeing with the good Senator from Oxford, Senator Luther, that this bill should be sent to its demise. Thank you.

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

Senator **LUTHER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. There is a little bit more history here. We wanted this bill originally and if we had gotten it originally we might have worked it, we didn't get this bill until a few days ago. Thank you.

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. There is even more of a little bit of history here. We appreciate the kind thoughts of the Judiciary Committee which referred it to the Fisheries and Wildlife Committee, and we appreciate the kind thoughts of the Fisheries and Wildlife Committee which, although it is a Divided Report, which I have never seen on a Reference to another Committee, we appreciate their kind thoughts in wanting to refer it to us on the Energy and Natural Resources Committee. In anticipation of those kind thoughts we even got together today with a copy of the bill and discussed it and said were it referred to us we would vote Ought Not to Pass. That included the very sponsor of the bill himself who said he would vote ought not to pass. So we would appreciate it if you would not refer this bill to us so that we wouldn't have to vote it out Ought Not to Pass and vote on it again, Indefinitely Postpone it right now and end this history. Thank you.

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

Senator **VOSE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Very briefly, I had looked this bill over with interest and felt that it might have gone to Utilities but we had enough work to do so I decided against that. Thank you.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act Concerning Possession of Firearms by Minors on or near Public School Property"

H.P. 1375 L.D. 1863

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

Signed:

Senators:
CAREY of Kennebec
HALL of Piscataquis

Representatives:
DAGGETT of Augusta
BOWERS of Washington
STEVENS of Sabattus
BENNETT of Norway
ROBICHAUD of Caribou

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-880)**.

Signed:

Senator:
HANDY of Androscoggin

Representatives:
GAMACHE of Lewiston
NASH of Camden
TRUE of Fryeburg

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

Which Reports were **READ**.

Senator **CAREY** of Kennebec moved that the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. For those of you who are on page 5, as I hope I am, you will notice that I have signed the Ought Not to Pass Report. That was due, unfortunately, to my illness. I have come to my senses and now we are on the Minority side. Thank you.

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

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This particular bill, I felt was a bad bill, it might make some people feel good but the repercussions of it are surely far reaching. If you vote for the minority report, and if you happen to drive to the school yard to pick up your son or daughter, and you happen to be a hunter and you have a firearm in your vehicle, you are going to be in violation of the law. I don't think that is exactly the intent but that is what is going to happen. This is the biggest reason why I am opposed to this particular bill and I would urge you strongly to take some time and consider and look this over very sharply and turn down the Minority report. Thank you.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The good Senator from Piscataquis is correct in that the original bill would have created that situation but I would

encourage him and the members here today to review the amendment in the minority report which is under the filing number of H-880. The amendment is narrowly construed to empower the judiciary, at its own discretion, the use of yet another tool and that is the revocation of one's drivers license should they have a concealed weapon. It is not as far reaching as the original legislation that was proposed by my colleague in the other body from Lewiston. This bill would provide for the establishment of a Class E crime for possession of a firearm on school property. That is without regard to an individual's age. Let me just share with you a little bit of information and a few statistics as to where we are in this nation in terms of children and those who have been killed or injured by firearms. Nearly 50,000 children, according to the Children's Defense Fund, were killed with firearms between 1979 and 1991. That is equal to the number of American battle casualties in the Vietnam War. In 1991 well over 5000 children and teenagers died as a result of firearms injuries. Every two hours in this country a child dies from gun shot wounds. Guns are the number one cause of death among 10 to 24 year old black males, and the number two cause of death among 10 to 14 year olds. Men and women of the Senate, you may say well those statistics are pretty much skewed by what happens in the big cities of this country. Well I certainly can share with you the most recent incident in the neighboring town of my hometown, the city of Auburn, where a student was found to have a concealed weapon on their person in school. Thank God no one was injured and the gun wasn't fired but the potential for injury certainly was there.

As I have indicated to you we have narrowly construed this in the Committee Report. I certainly hope that you would be supportive of the Committee's recommendation to take a small but important step toward the elimination of this scourge in our State's schools and in our country's schools. Thank you.

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to pose a question through the Chair. Does this amendment have any provisions regarding those who have concealed weapons permits, perhaps private investigators or law enforcement officers and I have heard of one instance in the State of Maine that the Senator from Androscoggin just described but I'm wondering if there is any other information on any other instances in the State of Maine. Thank you.

THE PRESIDENT: The Senator from Cumberland, Senator Summers, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Androscoggin, Senator Handy.

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Certainly a law enforcement official has certain rights and privileges that the average citizen does not carry with them and as far as any kind of bonafide instruction in the classroom, that kind of weapon would be permitted. Of course a concealed weapon carried by a student provides for a certain set of circumstances that we are trying to prevent. It is probably immaterial the number of events that one can point to in the past. I think many of us see this as a preventive measure. Thank you.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Looking over the amendment it also leaves a question in my mind. The good Senator from Androscoggin, Senator Handy, said that it was concealed weapons. Obviously I don't have the statutes in front of me but I can't read any where in the amendment where it refers just to concealed weapons. Thank you.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Let me correct myself if I said concealed weapons. Concealed firearm is the appropriate term and I can draw your attention to that in the first page of the bill. In fact the new title reflects that, An Act Concerning the Possession of Firearms on or Near School Property. When we crafted this minority report we were specifically cognizant of the fact that there are other kinds of concealed weapons certainly, but firearms were our primary concern. It is narrowly crafted to be applicable to firearms and not knives or other concealable weapons. Thank you.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Excuse me for asking the question again but I don't see anywhere that it says concealed firearms in this particular amendment. 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 would ask someone to table this bill so we can clear up this confusion. Thank you.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **CAREY** of Kennebec to **ACCEPT** the Minority **UGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Resolve, to Create the Commission to Establish Criteria and Qualifications for Certain State Officers (Emergency)

H.P. 825 L.D. 1111

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

Signed:

Senators:

BERUBE of Androscoggin
ESTY of Cumberland
BUTLAND of Cumberland

Representatives:

JOSEPH of Waterville
GRAY of Sedgwick
DUTREMBLE of Biddeford
WALKER of Blue Hill
YOUNG of Limestone

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-883).**

Signed:

Representatives:

KILKELLY of Wiscasset
AHEARNE of Madawaska
ROWE of Portland
LOOK of Jonesboro
BENNETT of Norway

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.

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 **BANKING & INSURANCE** on Bill "An Act to Promote Managed Care and to Otherwise Facilitate the Cost-effective Delivery of Health Care in the State"
S.P. 560 L.D. 1596

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-502).**

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-502) **READ** and **ADOPTED**.

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

Senator **MCCORMICK** for the Committee on **BANKING & INSURANCE** on Bill "An Act to Provide for Consistent Data Collection"
S.P. 562 L.D. 1597

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-503).**

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-503) **READ** and **ADOPTED**.

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

Senator **CONLEY** for the Committee on **JUDICIARY** on Bill "An Act to Expedite the Establishment of Administrative Child Support Orders" (Governor's Bill)
S.P. 488 L.D. 1499

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-501).**

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-501) **READ** and **ADOPTED**.

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

Senator **CONLEY** for the Committee on **JUDICIARY** on Bill "An Act to Amend the Probate Code with Respect to Powers of Fiduciaries"
S.P. 598 L.D. 1657

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-500).**

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-500) **READ** and **ADOPTED**.

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

Senator **CONLEY** for the Committee on **JUDICIARY** on Bill "An Act to Clarify Maine Corporate Laws"
S.P. 615 L.D. 1713

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-499).**

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-499) **READ** and **ADOPTED**.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator CONLEY for the Committee on JUDICIARY on Bill "An Act to Amend the Law Pertaining to the Appointment of a Guardian Ad Litem in Contested Proceedings" (Emergency)

S.P. 680 L.D. 1860

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-498).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-498) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator CONLEY for the Committee on JUDICIARY on Bill "An Act to Improve Methods of Dispute Resolution of the Maine Human Rights Commission"

S.P. 692 L.D. 1878

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-497).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-497) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator CONLEY for the Committee on JUDICIARY on Bill "An Act Relating to Pardons"

S.P. 747 L.D. 1976

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-496).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-496) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator GOULD for the Committee on TRANSPORTATION on Bill "An Act to Facilitate Collection of Tolls on the Maine Turnpike"
S.P. 687 L.D. 1873

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-494).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-494) 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:

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on BANKING & INSURANCE on Bill "An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services"

S.P. 356 L.D. 1070

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-505).

Signed:

Senators:

MCCORMICK of Kennebec
CAREY of Kennebec

Representatives:

PINEAU of Jay
TRACY of Rome
ERWIN of Rumford
JOSEPH of Waterville
TOWNSEND of Canaan
HALE of Sanford

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

Signed:

Senator:

KIEFFER of Aroostook

Representatives:

CARLETON of Wells
KUTASI of Bridgton
CAMPBELL of Holden
RAND of Portland

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 **BANKING & INSURANCE** on Bill "An Act to Ensure Quality Psychological Services"

S.P. 580 L.D. 1624

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-504).**

Signed:

Senator:

MCCORMICK of Kennebec

Representatives:

HALE of Sanford
TRACY of Rome
ERWIN of Rumford
TOWNSEND of Canaan
JOSEPH of Waterville

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

Signed:

Senator:

KIEFFER of Aroostook

Representatives:

PINEAU of Jay
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 **UTILITIES** on Bill "An Act to Protect the Interests of the Town of Otis in Certain Ponds" (Emergency)

S.P. 630 L.D. 1747

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

Signed:

Senators:

VOSE of Washington
CLEVELAND of Androscoggin

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-493).**

Signed:

Representative:

COFFMAN of Old Town

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:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Amend the Laws Governing Protective Custody"

S.P. 240 L.D. 733
(C "A" S-469)

In Senate, March 22, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-469).**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-469) AS AMENDED BY HOUSE AMENDMENT "A" (H-873)** thereto, in **NON-CONCURRENCE.**

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

Non-concurrent Matter

JOINT ORDER - relative to Larry Smith, of Saco, on his retirement after more than 36 years of service with the Saco Fire Department

SLS 240

In Senate, March 22, 1994, **READ and PASSED**

Comes from the House, **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Joint Order

The following Joint Order: H.P. 1456

ORDERED, the Senate concurring, that the Joint Standing Committee on Banking and Insurance report out a bill, "An Act Regarding Access to Chiropractic Services"

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

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

Joint Resolution

The Following Joint Resolution: H.P. 1455

JOINT RESOLUTION COMMEMORATING YOM HASHOAH, THE DAYS OF REMEMBRANCE OF THOSE WHO SUFFERED AS VICTIMS OF THE HOLOCAUST

WHEREAS, 52 years ago, 6,000,000 Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some at the cost of their lives and others with lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, April 8, 1994 has been designated internationally as a Day of Remembrance of the Victims of the Nazi Holocaust, known as Yom Hashoah; and

WHEREAS, the national community pursuant to an Act of Congress will be commemorating the week of April 3rd to April 10th as the Days of Remembrance of the Victims of Nazi Holocaust; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Sixteenth Legislature, now assembled in the Second Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Nazi Holocaust, and urge one and all to recommit themselves to the lessons of the Nazi Holocaust through this international week of commemoration and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Holocaust Memorial Council in Washington, D.C., on behalf of the people of the State of Maine.

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

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **CONLEY** for the Committee on **JUDICIARY** on Bill "An Act to Amend the Adoption Laws" S.P. 309 L.D. 942

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-495)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-495) **READ** and **ADOPTED**.

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

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **BANKING & INSURANCE** on Bill "An Act to Require Disclosure of Minimum Bid Requirements at Mortgage Foreclosure Sales"

S.P. 567 L.D. 1602

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-486)**

Tabled - March 23, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 23, 1994, Reports **READ.**)

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 of this briefly this morning before it was tabled I reminded everyone of the purpose of this bill. The bill is merely a request for banks or lending institutions, not necessarily banks, to be required to post their minimum figure prior to or with the advertising of the foreclosure sale. I think this is very important and I really don't recall all of the reasons for the opposition to it at this time. It just seems that it is a practical way to move on this particular issue. I see nothing wrong with business people being able to save some time when they go to a foreclosure sale. It certainly doesn't jeopardize the bank's position in any way at all. It allows them to specify the amount of the bid figure that they are willing to open the bidding at. The bids can go on up from there. I just feel that it is a good business procedure for the banks to pursue, or the lending institutions to pursue. For that reason, Mr. President, I would like to move the Minority Report as amended. Thank you.

Senator **KIEFFER** of Aroostook moved that the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. As I was saying this morning the Committee tried to work this bill out and could not. The reason why I am on the Majority Ought Not to Pass report is because this bill is not in the interest of all parties to the foreclosure. Maine's mortgage foreclosure process is one of the country's most complex and prescribed process that protects all of the parties, the person who is being foreclosed on and the lien holders. If the bank, which is the entity which conducts the foreclosure sale, the lender must protect the lien and the parties to the foreclosure on the property and therefore the amount that the auction brings is in the interest of the person being foreclosed on and any persons holding a lien on the property. It is in those people's interest to have as high a price as

possible. It was thought by the majority of the Committee and people testifying that to have a minimum opening bid, or a let go price, published would greatly diminish the likelihood of the person being foreclosed on and the people who might have liens on the property getting a fair price for that property and therefore being made whole. So we have to look at them first. The main purpose of the foreclosure is to get enough money to pay off the debts on the property and to pay off the debts of the person holding the mortgage. To have a minimum bid disclosed would compromise that. Please vote no on the minority Ought to Pass as Amended report so that we can protect our complex and tightly prescribed foreclosure process in Maine, which protects all parties now. Thank you.

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

Senator **MARDEN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I was the sponsor of this bill asking for the minimum bid. I agree with the good Senator from Kennebec that foreclosure is a very complicated affair and it must be done very properly. Let me give you a little description. If a bank is foreclosing on a piece of property it means that they have not collected their money. A lot of banks and a lot of loans that they make, and the banks do make mistakes just like other people, they do not expect to get a full dollar back for what they have loaned on the property. An auction, with relation to real estate and a foreclosure, is a legal means to the bank to foreclose, take possession of the property and to sell it. There is no guarantee that they are going to get what is owed on it. It is a way of selling the property. The Farmer's Home Administration in the State of Maine, every auction that they have on foreclosures, they disclose a price that they will take and I will guarantee that that price, they owed a lot more money than that price.

There is a sale coming up in Mr. President's hometown of Biddeford next Monday. It is the Lincoln Mill in Biddeford. It is a 250,000 foot mill. A certain bank in the State of Maine has a mortgage on it. I guarantee the mortgage is probably up to \$1 million, I'm telling you right now, even though it is in his hometown, if that property brings over \$300,000 they will be very fortunate. The way the good Senator from Kennebec would do this, the bank would put a price, say they want a starting bid of \$700,000 or \$800,000, I'm telling you right now nobody would go. An auction is a way of getting buyer and seller together. An auction is not held for the benefit of the bank or somebody foreclosing on property, it is a tool that they use. I do go to auctions. I intend to go down to this one in Biddeford. If they said the starting bid was \$800,000 I don't want to drive to Biddeford. The secret to an auction is to have people there. If they gave their minimum bid and it was more than the man that has got the money to pay for it will pay, they won't go, it's as simple as that.

I'm urging you to accept the Minority report on this piece of legislation with the amendment. The one thing that caused a big problem in the hearing, or the reason why they turned it down, they thought that the bank, or whoever held the mortgage, could stand up in the crowd and keep raising the bid and raising the bid. Any auctioneer that does any business at all will not let the property owner, I don't care whether it is chattel property, or a tractor or a car or a piece of real

estate, any auctioneer that does any business at all will not let the owner stand there and raise the price. It is a place where you buy and sell and it should be the fair market value. All you need is some people there. To drive down to Sanford or Biddeford and attend an auction and the bid is up around \$300,000 and then the bank comes in and they raise the bid to \$800,000, everybody walks off in disgust. It's getting so they won't even go to the auctions. I think it is the duty of this legislative body to eliminate a real estate auction as just a tool for the bank to take possession so they can go and sell the property. It's a way of selling property, the free market. I would urge you to accept the minority report. Thank you.

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I appreciate the comments of the good Senator from Kennebec, Senator Marden. I happen to do a lot of real estate litigation representing banks. I have also represented mortgagors who are having their property foreclosed upon by banks in an attempt to get a work out. I just have some concerns about what is going on in this bill because what happens in a foreclosure, what happens in the opening bid of a bank is the bank bases their opening bid on what they have appraised as the fair market value of the property plus their legal fees plus their interest expenses, etc. They make a decision as to what their minimum bid is, that minimum bid affects the bidding at the auction without a doubt, what the bank is willing to pay for the property affects what is going to be bid at the auction. What happens is the bank buys the property for less than the outstanding mortgage because the fair market value of the property has dropped down below the outstanding mortgage, which is happening in this market now. The fair market values are dropping below the outstanding mortgage. If the bank bids at that amount the mortgagor ends up with a deficiency judgement against them, a personal liability that goes beyond the property. So you can have homeowners who, despite their property having been foreclosed upon, still end up personally liable to the bank, and the amount they are personally liable for is based upon what the minimum bid of the bank is. Revealing that before an auction and squelching potential bids higher than the minimum bid potentially increases the liability of those people once that home is sold. I'm very concerned that this bill, by revealing the minimum bid of the bank, is going to affect property owners who are having their property foreclosed upon. 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 think there is some confusion as to what this amendment does. This amendment corrects the terminology of minimum bid and it makes no mention whatsoever of minimum bid. It merely requires the lending institution to declare their opening bid, as opposed to the minimum bid. 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 Chair recognizes the Senator from Somerset, Senator Cianchette.

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I just would like to say that we have heard from one of the experts in the country in the business about auctions and bidding and so forth. I respect his opinion and his knowledge about what is going on and I believe that he knows what he is talking about and if you want to get the most people coming to the auction, bidding, and getting the best price available, I think we should listen to the Senator from Kennebec, Senator Marden, and I am voting with him on this issue because I think he is one of the country's leading experts in this business and I trust him and I believe him and I think we should follow his advice. Thank you.

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I don't think anyone is doubting whether Senator Marden, from Kennebec, is a great authority on auctions because he definitely held forth in our Committee about this and taught us a lot. The question before us is who has an interest in a foreclosure. That is the question. The lenders who are organizing the foreclosure must protect the lien on the property and should the auction bring less than the outstanding debt then there is a deficiency, as the good Senator from York described, a deficiency that will have to be paid by the person being foreclosed on. Should there be a surplus, the debtor will receive the balance. The bidders at the auction, of which Senator Marden is one, are not parties to the foreclosure. They are not parties, they are there to bid on this property. There is no reason to give them an advantage in the bidding for the property at the expense of the debtor. That principal is the principal around which our foreclosure laws are organized. If the bidders get a real bargain by knowing in advance that this property is a steal then the tight foreclosure process in Maine, which is designed to protect consumers, that is its purpose, is potentially going to hurt individuals. I urge you to vote against the Minority report, it is an anti-consumer report, so that we can get on to the Majority ought not to pass report. Thank you.

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

Senator **MARDEN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Just to straighten the issue out a little with the good Senator from Kennebec, Senator McCormick. Just because the property does not bring what the bank is owed does not mean that the bank is going to the debtor to collect money. If the debtor has no money the bank is not going to go for the deficiency. While I do attend auctions, I do hold some mortgages, in fact I've got a bunch of mortgages that I bought from Fleet Bank and I foreclosed on them. I ran them at auction and they brought less than half of what Fleet was owed. I told them there was no deficiency, I could have brought deficiency against the debtor but there was no chance of getting any money. This foreclosure auction is just a convenient way for the bank to take over that property and do what they want to with it. I don't believe the banks, or the people here, want to have a public auction that is regulated by the State of Maine just as a tool for the bank. Thank you.

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. To clarify, the foreclosure procedure in Maine is to protect the banking institutions. Foreclosure procedure in Maine is to protect the mortgager, the family who bought the house and is now having their mortgage foreclosed upon. That is who it protects. Let me explain to you what is going on out there with a lot of mortgages. If you bought a house at the height of the market for \$100,000, you loaned \$80,000 with a bank, the value of that property, the fair market value of the property dropped down to say \$70,000. Even if you are current on every single one of your payments, under many many mortgages the bank has the ability to foreclose upon you because the value of their security interest is now less than what you owe them. Banks have foreclosed upon that. Despite the fact that you are current on everyone of your payments, if that property sells for say \$60,000 because the bank revealed its opening bid which, if you know foreclosure procedure, is the same thing as minimum bid, then you are stuck, that family is stuck with a deficiency judgement. This bill throws a wet blanket on the auctioning process. It doesn't attract more people to the auction, it attracts fewer. If we want to protect the people who bought the homes during the height of the real estate market and are now being foreclosed upon, we should not vote for this bill. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **KIEFFER** of Aroostook to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **AMERO, BEGLEY, BERUBE, BUTLAND, CAHILL, CAREY, CIANCHETTE, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, O'DEA, SUMMERS, WEBSTER**

NAYS: Senators **BUSTIN, CARPENTER, CONLEY, ESTY, FOSTER, HANDY, LAWRENCE, LUTHER, MCCORMICK, PARADIS, PEARSON, PINGREE, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

ABSENT: Senators **BALDACCI, BRANNIGAN, CLEVELAND, 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 **KIEFFER** of Aroostook, to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-486) **READ** and **ADOPTED**.

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

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

HOUSE REPORTS - from the Committee on **LEGAL AFFAIRS** on Bill "An Act Concerning Possession of Firearms by Minors on or near Public School Property" H.P. 1375 L.D. 1863

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-880)**

Tabled - March 23, 1994, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **CAREY** of Kennebec to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

(In Senate, March 23, 1994, Reports **READ**.)

(In House, March 23, 1994, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I wish to thank the members for affording me the time to get everything straight on this and give me an opportunity to respond to the good Senator from Sagadahoc. What this bill, the minority report, does is amend the existing section of Section 6552 in Title 20A, it doesn't not refer to concealed weapons to answer the Senator's question. I apologize for using that term and in recollection in crafting the amendment to this we went through several options of how we might approach this issue and that was one of them that kept coming back. It doesn't address the concealed weapons issue at all, it addresses Section 6552 in Title 20A that deals with firearms on school property or within 500 feet of school property and simply adds to that body of law a sentencing alternative at the discretion of the Judiciary. Thank you.

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

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. We already have a statute on the books that prohibits firearms in and around schools. This basically is only to be able to get at someone's driver's license if they are convicted of this. Whether they drove a motor vehicle to the school grounds or not. I don't feel that that is fair, I don't think it's right, I think we have enough laws now pertaining to this and surely no one is going to look at this if they make a mistake and go and pull over onto the lawn to pick up their child and they have a rifle in the rack of the pickup truck, or whatever, they could lose their driver's license for that. I surely don't think that is what we want or that is what we need. Surely it's not been proven that one's driver's license is

responsible for any actions of firearms in schools. If that is the case then I certainly would encourage everyone to vote against 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. The gentleman from Piscataquis, Senator Hall, talks about the rifle in the rack being brought onto the school grounds by the parents. We are addressing the minor himself having the gun. So the example is not really one that would fit the terms of arrest and the loss of license. I assume that the parents would not be minors, otherwise they'd be in great shape for earning a lot of money. I had signed this report as the Ought Not to Pass and I mentioned earlier I signed on the wrong side, so basically my signature should be on the bottom with Senator Handy, because I don't believe in having guns. All the bigger cities in the country are having problems with guns, some of them are putting in metal detectors at the entrance and I don't want to put the State of Maine in that position where school funding is tight enough that we have to start funding firearm control in the schools. Thank you.

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

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I surely don't want it to sound like I am soft on crime or I don't want firearms around our children, or so on and so forth, but according to what I read this also applies to adults as well as minors. 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. In reading this Bill I think I need some clarification. Can I have just a minute? Under House Paper 880 the amendment to this bill, the Statement of Fact states the penalty may be applied to violators who are adults or minors. Would someone like to clarify that for me as to whether we are talking about only minors or whether this does in fact include adults. Certainly the Statement of Fact on it is very clear. Thank you.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The body of law which this amends refers to firearms on school property or within 500 feet of school property. It doesn't matter whether you are one year old or a hundred years old, there is no reason to discriminate on the mode of getting the firearm onto the school property. So it does apply, as you say Senator Kieffer, to all people. Thank you.

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair. I just heard the good Senator from Androscoggin, Senator Handy,

mention whether you are on school grounds or within 500 feet of school grounds, I'm wondering, like the Senator from Piscataquis, Senator Hall, mentioned earlier, if someone is driving by in their pickup truck on the way to a gun show or whatever the case may be, could that person then be in violation of this ordinance? Thank you.

THE PRESIDENT: The Senator from Cumberland, Senator Summers, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Somerset, Senator Cianchette.

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Maybe I could help by reading what the law says. Very simply it says, "Prohibition - A person may not possess a firearm on public school property or discharge a firearm within 500 feet of school property". I think it's a pretty straight forward amendment. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **CAREY** of Kennebec, to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

The Chair ordered a Division.

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

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

12 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion of Senator **CAREY** of Kennebec, to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE, FAILED**.

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

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

Bill "An Act to Amend the Laws Governing Protective Custody"

S.P. 240 L.D. 733
(C "A" S-469)

Tabled - March 23, 1994, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, March 22, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-469).**)

(In House, March 23, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-469) AS AMENDED BY HOUSE AMENDMENT "A" (H-873) thereto, in NON-CONCURRENCE.**)

On motion by Senator **ESTY** of Cumberland, the Senate **INSISTED**.

Sent down for concurrence.

(In House, March 22, 1994, **PASSED TO BE ENGROSSED AS AMENDED.**)

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

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending motion by Senator **HANLEY** of Oxford to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

JOINT ORDER - relative to Larry Smith, of Saco, on his retirement after more than 36 years of service with the Saco Fire Department

SLS 240

Tabled - March 23, 1994, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

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

(In House, March 23, 1994, **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.)

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

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

Bill "An Act to Amend the Public Smoking Laws"
S.P. 724 L.D. 1945
(C "A" S-488)

Tabled - March 23, 1994, by Senator **ESTY** of Cumberland.

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

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

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

Senate at Ease

Senate called to order by the President.

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

Senator **CAHILL** of Sagadahoc requested and received leave of the Senate that elected members and appointed staff be allowed to remove their jackets for the remainder of the Session.

Bill "An Act to Amend the General Assistance Standard of Need"
H.P. 1396 L.D. 1905
(C "A" H-863)

Tabled - March 23, 1994, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **HANLEY** of Oxford to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

(In Senate, March 23, 1994, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence. Subsequently, **RECONSIDERED.**)

(In House, March 22, 1994, **PASSED TO BE ENGROSSED AS AMENDED.**)

Off Record Remarks

Senator **HANLEY** of Oxford requested and received leave of the Senate to withdraw his motion to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

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 to Amend the General Assistance Standard of Need"
H.P. 1396 L.D. 1905
(C "A" H-863)

Tabled - March 23, 1994, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **HANLEY** of Oxford to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

(In Senate, March 23, 1994, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence. Subsequently, **RECONSIDERED.**)

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

Bill "An Act to Amend the Growth Management Laws Concerning Dimensional Variances"

H.P. 1369 L.D. 1853

Tabled - March 23, 1994, by Senator **ESTY** of Cumberland.

Pending - **ADOPTION** of Committee Amendment "A" (H-827)

(In Senate, March 23, 1994, Committee Amendment "A" (H-827) **READ**.)

(In House, March 23, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-827) AS AMENDED BY HOUSE AMENDMENT "A" (H-875)** thereto.)

House Amendment "A" (H-875) to Committee Amendment "A" (H-827) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-827) as Amended by House Amendment "A" (H-875) thereto, **ADOPTED**, in concurrence.

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

Senate at Ease

Senate called to order by the President.

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

Off Record Remarks

On motion by Senator **VOSE** of Washington, **ADJOURNED** until Thursday, March 24, 1994, at 9:00 in the morning.