

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

PAPERS FROM THE HOUSE

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

In Senate Chamber
Tuesday
March 29, 1994

Senate called to Order by the President Pro Tem,
Pamela L. Cahill of Sagadahoc.

Non-concurrent Matter

SENATE REPORTS - from the Committee on TAXATION
on Bill "An Act to Encourage Municipal Investment in
Local Economic Development Projects" (Emergency)
S.P. 647 L.D. 1806
(C "A" S-468)

Majority - Ought to Pass as Amended by Committee
Amendment "A" (S-468)

Minority - Ought Not to Pass

In Senate, March 22, 1994, the Majority OUGHT TO
PASS AS AMENDED Report READ and ACCEPTED and the
Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE
AMENDMENT "A" (S-468).

Comes from the House the Minority OUGHT NOT TO
PASS Report READ and ACCEPTED in
NON-CONCURRENCE.

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

Prayer by the Honorable Jane A. Amero of Cumberland.

Senator JANE A. AMERO: This is a reading from
The Road Less Traveled by M. Scott Peck.

"What makes life difficult is that the process of
confronting and solving problems is a painful one.
Problems, depending upon their nature, evoke in us
frustration or grief or sadness or loneliness or
guilt or regret or anger or fear or anxiety or
anguish or despair. These are uncomfortable
feelings, often very uncomfortable, often as painful
as any kind of physical pain, sometimes equalizing
the very worst of physical pain. Indeed it is
because of the pain that events or conflicts can
gender in us that we call them problems. Since life
poses an endless series of problems, life is always
difficult and is full of pain as well as joy. Yet
it is in this whole process of meeting and solving
problems that life has its meaning. Problems are
the cutting edge that distinguish between success
and failure. Problems call forth our courage and
our wisdom, indeed they create our courage and our
wisdom. It is only because of problems that we grow
mentally and spiritually. When we desire to
encourage the growth of the human spirit we
challenge and encourage the human capacity to solve
problems, just as in school we deliberately set
problems for our children to solve. It is through
the pain of confronting and resolving problems that
we learn. As Benjamin Franklin said, 'Those things
that hurt instruct.' It is for this reason that
wise people learn not to dread but actually to
welcome problems and actually to welcome the pain of
problems."

Amen.

Reading of the Journal of Monday, March 28, 1994.

Off Record Remarks

SENATE PAPERS

Resolve, Authorizing Aroostook County to Issue
Bonds for the Northern Maine Development Commission,
Inc. (Emergency)
S.P. 772 L.D. 1992

Presented by Senator KIEFFER of Aroostook
(GOVERNOR'S BILL)
Cosponsored by Representative MACBRIDE of Presque
Isle and Senators: LUDWIG of Aroostook,
PARADIS of Aroostook, Representatives: AHEARNE
of Madawaska, ANDERSON of Woodland, CLUKEY of
Houlton, DONNELLY of Presque Isle, JOY of Island
Falls, KNEELAND of Easton, MARTIN of Eagle Lake,
ROBICHAUD of Caribou, YOUNG of Limestone

Which was referred to the Committee on STATE &
LOCAL GOVERNMENT and ORDERED PRINTED.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on BANKING & INSURANCE on
Resolve, to Require That Doctors of Chiropractic Be
Included as Select Physicians in the Maine State
Employees Health Plan (Emergency)

H.P. 1071 L.D. 1437

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-859)**.

Comes from the House with the Report **READ** and the Resolve and Accompanying Papers **INDEFINITELY POSTPONED**.

Which Report was **READ**.

The Resolve and Accompanying Papers **INDEFINITELY POSTPONED**, in concurrence.

The Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act Creating the York County Budget Advisory Committee"

H.P. 1351 L.D. 1817

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-872)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-872) AS AMENDED BY HOUSE AMENDMENT "A" (H-924)** thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-872) **READ**.

House Amendment "A" (H-924) to Committee Amendment "A" (H-872) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-872) as Amended by House Amendment "A" (H-924) thereto, **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES** on Bill "An Act to Create the Great Salt Bay Utility District"

H.P. 1336 L.D. 1799

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-825)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-825) AS AMENDED BY HOUSE AMENDMENT "A" (H-919)** thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-825) **READ**.

House Amendment "A" (H-919) to Committee Amendment "A" (H-825) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-825) as Amended by House Amendment "A" (H-919) thereto, **ADOPTED**, in concurrence.

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

SECOND READERS

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

House As Amended

Bill "An Act to Expand Protection to Persons with Mental Illness and Mental Retardation"

H.P. 347 L.D. 450
(C "A" H-934)

Bill "An Act to Ensure Equitable Insurance Practices"

H.P. 789 L.D. 1062
(C "A" H-943)

Bill "An Act Concerning Primary Care and Parental Rights and Responsibilities in Cases of Domestic Abuse"

H.P. 1055 L.D. 1407
(C "A" H-940)

Bill "An Act to Guarantee Equal Access and Nondiscrimination to All Students Enrolled in Approved Equivalent Instruction Programs"

H.P. 1069 L.D. 1435
(C "A" H-910)

Bill "An Act to Improve Environmental Protection and Support Economic Development under the State's Land Use Laws"

H.P. 1100 L.D. 1487
(C "A" H-942)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 to Provide Funds for Assistance to Maine Businesses"

H.P. 1148 L.D. 1547
(C "A" H-949)

Bill "An Act to Clarify Maine Election Laws"

H.P. 1201 L.D. 1609
(C "A" H-947)

Bill "An Act to Adjust the Dates for Distributions from the State Harness Racing Commission"

H.P. 1202 L.D. 1611
(C "A" H-925)

Bill "An Act to Clarify Reporting Requirements for Party Committees"

H.P. 1244 L.D. 1671
(C "A" H-918)

Bill "An Act to Protect Maine Children from Child Pornography Contraband"

H.P. 1274 L.D. 1718
(C "A" H-935)

Bill "An Act to Affect the Credit of People Who Are in Default of Child Support Payments"

H.P. 1279 L.D. 1727
(C "A" H-936)

Bill "An Act to Maintain State-staffed Crisis Programs" (Emergency)

H.P. 1296 L.D. 1751
(C "A" H-907)

Bill "An Act to Rename Boarding Care Facilities and Expand Their Definitions" (Emergency)

H.P. 1337 L.D. 1800
(C "A" H-945)

Bill "An Act to Adopt the Uniform Interstate Family Support Act"

H.P. 1339 L.D. 1802
(C "A" H-939)

Bill "An Act to Develop Standards for the Licensure of Hospice Programs"

H.P. 1355 L.D. 1821
(C "A" H-946)

Bill "An Act to Reinstitute Stipends for Professional Staff at State Mental Health Institutions"

H.P. 1358 L.D. 1833
(C "A" H-892)

Bill "An Act Relating to Retirement Benefits for the State Police"

H.P. 1363 L.D. 1842
(C "A" H-891)

Bill "An Act to Amend the Equine Licensing Laws"

H.P. 1415 L.D. 1925
(C "A" H-926)

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

H.P. 1441 L.D. 1967
(C "A" H-937)

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

Bill "An Act to Establish the Right of Grandparents to Act as Foster Parents for Their Grandchildren"

H.P. 1352 L.D. 1818
(C "A" H-938)

Which was **READ A SECOND TIME**.

On motion by Senator **CONLEY** of Cumberland, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-938), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-519) to Committee Amendment "A" (H-938) **READ**.

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

Senator **CONLEY:** Thank you Madam President, Ladies and Gentlemen of the Senate. The amendment which has just been presented is language that was inadvertently left off of a unanimous Committee report and should be included in the Bill to reflect the unanimous nature of the report. Thank you.

On motion by Senator **CONLEY** of Cumberland, Senate Amendment "A" (S-519) to Committee Amendment "A" (H-938) **ADOPTED**.

Committee Amendment "A" (H-938) as Amended by Senate Amendment "A" (S-519) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was **PASSED TO BE ENGROSSED, As Amended** in **NON-CONCURRENCE**.

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

Off Record Remarks

Bill "An Act to Require Licenses and Fees for BST Manufacturers and Dealers" (Emergency)

H.P. 1384 L.D. 1883
(C "A" H-950)

Which was **READ A SECOND TIME**.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Hancock, Senator Foster.

Senator **FOSTER:** Thank you Madam President, Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair in regard to "An Act to Require Licenses and Fees for BST Manufacturers and Dealers". As I read this amendment it looks to me as though we are increasing the price of milk. I would ask someone on the Committee if perhaps they could explain this to me. Thank you.

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

An Act to Authorize the Artisans School to Grant Degrees

S.P. 691 L.D. 1877
(C "A" S-434)

Senate As Amended

Bill "An Act to Increase Access to Primary Care by Redefining the Practice of Advanced Nursing"

S.P. 390 L.D. 1185
(S "B" S-513 to C
"A" S-454)

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

Bill "An Act to Clarify the Maine Banking Code as it Pertains to Service Corporation Serving Credit Unions"

S.P. 555 L.D. 1591
(C "A" S-537)

Senate at Ease

Senate called to order by the President.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System

S.P. 653 L.D. 1822
(C "A" S-515)

Off Record Remarks

Bill "An Act to Strengthen the Coordinated Delivery of Substance Abuse Services in the State"

S.P. 655 L.D. 1824
(C "B" S-509)

ORDERS OF THE DAY

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

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 for the Remediation and Closure of Municipal Solid Waste Landfills" (Governor's Bill)

S.P. 696 L.D. 1894
(C "A" S-535)

Bill "An Act to Amend the Date of Repeal of State Increment Financing Districts and to Allow the Finance Authority of Maine to Issue Revenue Refunding Securities" (Emergency)

S.P. 767 L.D. 1987

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$21,000,000 to Provide Funds for Improved Access to State Facilities for Disabled Citizens and Employees, for Safety Improvements at the Baxter School for the Deaf and for Long-term Lease Cost Savings" (Governor's Bill)

S.P. 700 L.D. 1898
(C "A" S-538)

Tabled - March 28, 1994, by Senator **ESTY** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED**

(In Senate, March 28, 1994, **READ A SECOND TIME.**)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,299,667 to Improve the Academic Facilities of the University of Maine System" (Governor's Bill)

S.P. 718 L.D. 1940
(C "A" S-539)

On motion by Senator **PINGREE** of Knox, Senate Amendment "A" (S-546) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

Sent down for concurrence.

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

ENACTORS

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

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.

Off Record Remarks

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

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:

COMMUNICATIONS

The Following Communication:

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

March 29, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Business Legislation has had under consideration the nomination of Norma M. Rice of Kittery, for appointment to the Maine Real Estate Commission.

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

YEAS:	Sen. 2	Cianchette of Somerset, Bustin of Kennebec
	Rep. 7	Hoglund of Portland, Vigue of Winslow, St. Onge of Greene, Clement of Clinton, Libby of Kennebunk, Reed of Dexter, Cameron of Rumford
NAYS:	0	
ABSENT:	4	Sen. Marden of Kennebec, Rep. Winn of Glenburn, Rep. Thompson of Lincoln, Rep. Hillock of Gorham

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Norma M. Rice of Kittery, for appointment to the Maine Real Estate Commission be confirmed.

Signed:

S/Alton E. Cianchette
Senate Chair

S/Annette M. Hoglund
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Business Legislation has recommended the nomination of Norma M. Rice of Kittery be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators AMERO, BRANNIGAN, FOSTER, LUTHER, O'DEA, TITCOMB

No Senators having voted in the affirmative and 29 Senators having voted in the negative, with 6 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Norma M. Rice, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

The Following Communication:

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

March 29, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Business Legislation has had under consideration the nomination of Peter C. White of E. Winthrop, for appointment to the Maine Real Estate Commission.

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

YEAS: Sen. 2 Cianchette of Somerset,
Bustin of Kennebec
Rep. 7 Hogleund of Portland, Vigue
of Winslow, St. Onge of
Greene, Clement of Clinton,
Libby of Kennebunk, Reed of
Dexter, Cameron of Rumford

NAYS: 0

ABSENT: 4 Sen. Marden of Kennebec,
Rep. Winn of Glenburn, Rep.
Thompson of Lincoln, Rep.
Hillock of Gorham

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Peter C. White of E. Winthrop, for appointment to the Maine Real Estate Commission be confirmed.

Signed:

S/Alton E. Cianchette
Senate Chair

S/Annette M. Hogleund
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Business Legislation has recommended the nomination of Peter C. White of East Winthrop be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators AMERO, BRANNIGAN, TITCOMB

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Peter C. White, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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

COMMUNICATIONS

The Following Communication:

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

March 28, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Clement H. Smith of Monmouth, for reappointment to the Animal Welfare Board.

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

YEAS:	Sen.	1	Paradis of Aroostook
	Rep.	9	Tardy of Palmyra, Aliberti of Lewiston, Hussey of Milo, Heeschen of Wilton, Ahearne of Madawaska, Strout of Corinth, Spear of Nobleboro, Cross of Dover-Foxcroft, Kneeland of Easton
NAYS:		0	
ABSENT:		3	Sen. Pingree of Knox, Sen. Marden of Kennebec, Rep. Nash of Camden

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Clement H. Smith of Monmouth, for reappointment to the Animal Welfare Board be confirmed.

Signed:

S/Judy A. Paradis
Senate Chair

S/Robert J. Tardy
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Agriculture has recommended the nomination of Clement H. Smith of Monmouth be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BRANNIGAN, TITCOMB

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Clement H. Smith, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

March 28, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Gail Goodwin of Danville, for reappointment to the Animal Welfare Board.

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

YEAS: Sen. 1 Paradis of Aroostook
 Rep. 9 Tardy of Palmyra, Aliberti of Lewiston, Hussey of Milo, Heeschen of Wilton, Ahearne of Madawaska, Strout of Corinth, Spear of Nobleboro, Cross of Dover-Foxcroft, Kneeland of Easton

NAYS: 0

ABSENT: 3 Sen. Pingree of Knox, Sen. Marden of Kennebec, Rep. Nash of Camden

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Gail Goodwin of Danville, for reappointment to the Animal Welfare Board be confirmed.

Signed:

S/Judy A. Paradis
 Senate Chair

S/Robert J. Tardy
 House Chair.

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

THE PRESIDENT: The Joint Standing Committee on Agriculture has recommended the nomination of Gail Goodwin of Danville be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BRANNIGAN, TITCOMB

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Gail Goodwin, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

March 28, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Lincoln O. Orff of Jefferson, for reappointment to the Animal Welfare Board.

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

YEAS: Sen. 1 Paradis of Aroostook
 Rep. 9 Tardy of Palmyra, Aliberti of Lewiston, Hussey of Milo, Heeschen of Wilton, Ahearne of Madawaska, Strout of Corinth, Spear of Nobleboro, Cross of Dover-Foxcroft, Kneeland of Easton

NAYS: 0

ABSENT: 3 Sen. Pingree of Knox, Sen. Marden of Kennebec, Rep. Nash of Camden

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Lincoln O. Orff of Jefferson, for reappointment to the Animal Welfare Board be confirmed.

Signed:

S/Judy A. Paradis
 Senate Chair

S/Robert J. Tardy
 House Chair

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

THE PRESIDENT: The Joint Standing Committee on Agriculture has recommended the nomination of Lincoln O. Orff of Jefferson be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BRANNIGAN, TITCOMB

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Lincoln O. Orff, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

March 28, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Lowell Woodman, Jr. of Monmouth, for appointment to the Animal Welfare Advisory Committee.

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

YEAS:	Sen.	1	Paradis of Aroostook
	Rep.	9	Tardy of Palmyra, Aliberti of Lewiston, Hussey of Milo, Heeschen of Wilton, Ahearn of Madawaska, Strout of Corinth, Spear of Nobleboro, Cross of Dover-Foxcroft, Kneeland of Easton
NAYS:		0	
ABSENT:		3	Sen. Pingree of Knox, Sen. Marden of Kennebec, Rep. Nash of Camden

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Lowell Woodman, Jr. of Monmouth, for appointment to the Animal Welfare Advisory Committee be confirmed.

Signed:

S/Judy A. Paradis
Senate Chair

S/Robert J. Tardy
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Agriculture has recommended the nomination of Lowell Woodman, Jr. of Monmouth be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BRANNIGAN, CARPENTER, TITCOMB

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Lowell Woodman, Jr., was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Joseph Pio of Westbrook, for reappointment to the Animal Welfare Advisory Committee be confirmed.

Signed:

S/Judy A. Paradis
Senate Chair

S/Robert J. Tardy
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Agriculture has recommended the nomination of Joseph Pio of Westbrook be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

The Following Communication:

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

March 28, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Joseph Pio of Westbrook, for reappointment to the Animal Welfare Advisory Committee.

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

YEAS: Sen. 1 Paradis of Aroostook
Rep. 9 Tardy of Palmyra, Aliberti of Lewiston, Hussey of Milo, Heeschen of Wilton, Ahearne of Madawaska, Strout of Corinth, Spear of Nobleboro, Cross of Dover-Foxcroft, Kneeland of Easton

NAYS: 0

ABSENT: 3 Sen. Pingree of Knox, Sen. Marden of Kennebec, Rep. Nash of Camden

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BRANNIGAN, TITCOMB

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Joseph Pio, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

March 28, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Arthur C. Verow of Brewer, for reappointment to the Animal Welfare Advisory Committee.

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

YEAS: Sen. 1 Paradis of Aroostook
Rep. 9 Tardy of Palmyra, Aliberti of Lewiston, Hussey of Milo, Heeschen of Wilton, Ahearne of Madawaska, Strout of Corinth, Spear of Nobleboro, Cross of Dover-Foxcroft, Kneeland of Easton

NAYS: 0

ABSENT: 3 Sen. Pingree of Knox, Sen. Marden of Kennebec, Rep. Nash of Camden

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Arthur C. Verow of Brewer, for reappointment to the Animal Welfare Advisory Committee be confirmed.

Signed:

S/Judy A. Paradis
Senate Chair

S/Robert J. Tardy
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Agriculture has recommended the nomination of Arthur C. Verow of Brewer be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BALDACCI, BRANNIGAN, TITCOMB

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Arthur C. Verow, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

March 28, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Laura L. Pruett of Augusta, for reappointment to the Animal Welfare Advisory Committee.

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

YEAS: Sen. 1 Paradis of Aroostook

Rep. 9 Tardy of Palmyra, Aliberti of Lewiston, Hussey of Milo, Heesch of Wilton, Ahearne of Madawaska, Strout of Corinth, Spear of Nobleboro, Cross of Dover-Foxcroft, Kneeland of Easton

NAYS: 0

ABSENT: 3 Sen. Pingree of Knox, Sen. Marden of Kennebec, Rep. Nash of Camden

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Laura L. Pruett of Augusta, for reappointment to the Animal Welfare Advisory Committee be confirmed.

Signed:

S/Judy A. Paradis
Senate Chair

S/Robert J. Tardy
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Agriculture has recommended the nomination of Laura L. Pruett of Augusta be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BRANNIGAN, TITCOMB

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Laura L. Pruett, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

March 28, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Frederick W. Hardy of Farmington, for appointment to the Northeast Interstate Dairy Compact.

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

YEAS: Sen. 1 Paradis of Aroostook
Rep. 9 Tardy of Palmyra, Aliberti of Lewiston, Hussey of Milo, Heesch of Wilton, Ahearne of Madawaska, Strout of Corinth, Spear of Nobleboro, Cross of Dover-Foxcroft, Kneeland of Easton

NAYS: 0

ABSENT: 3 Sen. Pingree of Knox, Sen. Marden of Kennebec, Rep. Nash of Camden

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Frederick W. Hardy of Farmington, for appointment to the Northeast Interstate Dairy Compact be confirmed.

Signed:

S/Judy A. Paradis
Senate Chair

S/Robert J. Tardy
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Agriculture has recommended the nomination of Frederick W. Hardy of Farmington be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BRANNIGAN, TITCOMB

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Frederick W. Hardy, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 28, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Housing and Economic Development has had under consideration the nomination of Richard J. Borden of Bar Harbor, for appointment to the Maine Education and Training Export Partnership.

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

YEAS:	Sen.	1	Harriman of Cumberland
	Rep.	8	Melendy of Rockland, Heeschen of Wilton, Plourde of Biddeford, Sullivan of Bangor, Kontos of Windham, Kneeland of Easton, Marshall of Eliot, Birney of Paris
NAYS:		0	
ABSENT:		4	Sen. Pingree of Knox, Sen. Brannigan of Cumberland, Rep. Rowe of Portland, Rep. Dexter of Kingfield

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Richard J. Borden of Bar Harbor, for appointment to the Maine Education and Training Export Partnership be confirmed.

Signed:

S/Rochelle M. Pingree
Senate Chair

S/Rita B. Melendy
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Housing and Economic Development has recommended the nomination of Richard J. Borden of Bar Harbor be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Housing and Economic Development be overridden?"

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BRANNIGAN, MCCORMICK, TITCOMB

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Richard J. Borden, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 28, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Housing and Economic Development has had under consideration the nomination of Julia K. Schulz of Rockland, for appointment to the Maine Education and Training Export Partnership.

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

YEAS: Sen. 1 Harriman of Cumberland
Rep. 8 Melendy of Rockland, Heeschen of Wilton, Plourde of Biddeford, Sullivan of Bangor, Kontos of Windham, Kneeland of Easton, Marshall of Eliot, Birney of Paris

NAYS: 0

ABSENT: 4 Sen. Pingree of Knox, Sen. Brannigan of Cumberland, Rep. Rowe of Portland, Rep. Dexter of Kingfield

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Julia K. Schulz of Rockland, for appointment to the Maine Education and Training Export Partnership be confirmed.

Signed:

S/Rochelle M. Pingree
Senate Chair

S/Rita B. Melendy
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Housing and Economic Development has recommended the nomination of Julia K. Schulz of Rockland be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Housing and Economic Development be overridden?"

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BRANNIGAN, MCCORMICK, TITCOMB

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Julia K. Schulz, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 28, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Housing and Economic Development has had under consideration the nomination of Donald W. Harward of Lewiston, for appointment to the Maine Science and Technology Foundation.

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

- YEAS: Sen. 1 Harriman of Cumberland
- Rep. 7 Melendy of Lewiston, Plourde of Biddeford, Sullivan of Bangor, Kontos of Windham, Kneeland of Easton, Marshall of Eliot, Birney of Paris
- NAYS: 0
- ABSENT: 5 Sen. Pingree of Knox, Sen. Brannigan of Cumberland, Rep. Rowe of Portland, Heesch of Wilton, Rep. Dexter of Kingfield

Eight members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Donald W. Harward of Lewiston, for appointment to the Maine Science and Technology Foundation be confirmed.

Signed:

S/Rochelle M. Pingree
Senate Chair

S/Rita B. Melendy
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Housing and Economic Development has recommended the nomination of Donald W. Harward of Lewiston be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Housing and Economic Development be overridden?"

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BRANNIGAN, MCCORMICK, TITCOMB

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Donald W. Harward, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 28, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Housing and Economic Development has had under consideration the nomination of Kenneth Paigen of Bar Harbor, for appointment to the Maine Science and Technology Foundation.

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

YEAS: Sen. 1 Harriman of Cumberland
 Rep. 7 Melendy of Lewiston, Plourde of Biddeford, Sullivan of Bangor, Kontos of Windham, Kneeland of Easton, Marshall of Eliot, Birney of Paris

NAYS: 0

ABSENT: 5 Sen. Pingree of Knox, Sen. Brannigan of Cumberland, Rep. Rowe of Portland, Heeschen of Wilton, Rep. Dexter of Kingfield

Eight members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Kenneth Paigen of Bar Harbor, for appointment to the Maine Science and Technology Foundation be confirmed.

Signed:

S/Rochelle M. Pingree
 Senate Chair

S/Rita B. Melendy
 House Chair

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

THE PRESIDENT: The Joint Standing Committee on Housing and Economic Development has recommended the nomination of Kenneth Paigen of Bar Harbor be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Housing and Economic Development be overridden?"

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BRANNIGAN, BUSTIN, MCCORMICK, TITCOMB

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Kenneth Paigen, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Senator **CLEVELAND** of Androscoggin was granted unanimous consent to address the Senate off the Record.

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 Public Smoking Laws"
 S.P. 724 L.D. 1945
 (C "A" S-488)

In Senate, March 25, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-488)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-488) AS AMENDED BY HOUSE AMENDMENT "A" (H-967)** thereto, in **NON-CONCURRENCE**.

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

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

PAPERS FROM THE HOUSE

House Papers

Resolve, to Clarify the Transfer of Certain State Lands to the Maine Veterans' Homes (Governor's Bill) (Emergency)

H.P. 1465 L.D. 1991

Committee on **AGING, RETIREMENT & VETERANS** suggested and **ORDERED PRINTED**.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Pursuant to Joint Rule 14 a Division was had. 27 Senators having voted in the affirmative and No Senators in the negative, and 27 being a majority of the members present and voting, the Bill **READ ONCE** without Reference to a Committee.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

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

Which was, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

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

H.P. 1464 L.D. 1990

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

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

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

Which was, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

COMMITTEE REPORTS

House

Ought to Pass

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

H.P. 1462 L.D. 1988

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

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

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

Which was, under suspension of the Rules, **READ TWICE**, and **PASSED TO BE ENGROSSED**, in concurrence.

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

H.P. 1463 L.D. 1989

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

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

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act to Establish Limited Liability Corporations and Set Their Tax Rate as Other Corporations"

H.P. 1123 L.D. 1522

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-980)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-980)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-980) **READ** and **ADOPTED**, in concurrence.

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

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **LEGAL AFFAIRS** on Bill "An Act Concerning the 1993 Apportionment of Legislative Districts"

H.P. 1372 L.D. 1856

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-889)**.

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

The Bill **READ ONCE**.

House Amendment "A" (H-889) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**.

On motion by Senator **PINGREE** of Knox, Senate Amendment "A" (S-550) **READ**.

Senator **CAREY** of Kennebec moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-550).

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. There have been amendments to legislative reapportionment bills when the court does not get involved. When the legislature takes the final action the legislature can make amendments to it. We had our opportunity, as this Senate well knows, both the Democrats and the Republicans simply could not agree and we had only cut up one municipality, and that was the municipality of Scarborough so that some people could be joined with Cape Elizabeth and South Portland. That was the only municipality and that was probably the only thing that we agreed on, we were in agreement there. However, we could not pass this measure in this body so it went to the courts and we are restricted from making substantive changes, as much as we would have liked to, to this bill. Therefore the reason for the motion to Indefinitely Postpone. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This amendment I proposed to deal with an issue that came up in the community of Hope, which I represent in Senate District 21. I have spoken extensively with the good Senator from Waldo, Senator Gould, about this particular issue because under redistricting the town of Hope was split in two, half of which would remain in Senate District 12, which is the communities I now represent, the other half would move into Senate District 11 which is the districts he would represent. The people in the community of Hope have found this very frustrating to be divided in two, they are the only town of less than 5000 people, they are closer to 1000 or 1500 people, but they are the only town of less than 5000 people that was divided

under redistricting. They did not come under the original plan so there was no opportunity for us to appeal this, this was actually from the second round, so there was actually no chance for us to speak to this within the courts. It is about less than one half of one percent of a deviation in my district were Hope to be reunited under Senate District 12, the new district. So it is a very minor change in terms of the numbers. I think the people of the community of Hope find this very frustrating because they have a part time Clerk, they already have a hard time, as a lot of municipalities do, complying with all the regulations that deal with voting and balloting on election day. The roads are not clearly marked, it is going to be a very difficult thing for people to understand which district they are in. They feel there will be a lot of confusion around this and would prefer to be in one district. Certainly some people think this is a law we should not amend, the courts have given us this order and we should just stick with it but it is my belief that because it is on the floor it is a law that we will enact, it is going to be one of the laws in the State of Maine, so we should have the opportunity to amend it. My feeling is is that if someone with standing wants to challenge this amendment, someone who would presumably have to be a resident of Hope who would have standing in this issue, then that is the way it should be handled. I feel perfectly comfortable submitting this amendment for the people of the community of Hope and I hope for Hope's sake that they can be reunited. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise this afternoon to join my fellow Senator from Kennebec, Senator Carey, to encourage this body to Indefinitely Postpone this amendment and any other amendments which try and make anything but technical changes to the apportionment plan which was finally approved by the Supreme Court of this State. It is not my intention to rehash the apportionment debate but let me just read to you exactly what the Constitution says and what the Supreme Court had to follow by in making their determination. "Each district shall be formed of contiguous and compact territories, shall cross political subdivision lines the least number of times necessary to establish as nearly as practicable equally populated districts." That was the standard that the court used. It was not this legislature that made that determination but it was the court and we are bound by the court's decision. We can only make technical changes to the apportionment plan. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Gould.

Senator **GOULD:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The town of Hope, in the past, had been separated in other legislative divisions. I think it is unfair to the town of Hope that they should be separated again in the reapportionment of today. The good Senator from Knox, Senator Pingree, has stated very eloquently why we should consider Hope's plight. I, for one, would be in favor of testing the court case or testing the legitimacy of us putting an amendment on it. Therefore, I would recommend passage of this amendment. I also would ask for the yeas and nays when the vote is taken. Thank you.

On motion by Senator **GOULD** of Waldo, 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 **CAREY** of Kennebec to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-550).

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, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CLEVELAND, FOSTER, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, MARDEN, SUMMERS, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE**

NAYS: Senators **BALDACCI, BERUBE, CIANCHETTE, CONLEY, ESTY, GOULD, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, VOSE**

ABSENT: Senators **BRANNIGAN, TITCOMB**

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **CAREY** of Kennebec, to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-550), **PREVAILED**.

On motion by Senator **LUTHER** of Oxford, Senate Amendment "B" (S-556) **READ**.

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

Senator **LUTHER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I understand what just happened to the other amendment so I have no great hopes for this amendment. I want to tell you that I have been asked by the Selectmen of Byron to pursue this as far as I could. I thought I had already pursued it as far as I could until this morning's caucus, so in order to really represent them I must bring this before you. Byron is a small town on the Swift River, it is definitely a part of the Mexico/Roxbury base. It has a 364 telephone exchange which means they can reach their legislator without making a toll call. It is an even small number of voters than are in Hope. I have spoken on this before to Representative Barth, who represents half the State of Maine, I'm sure he would not mind going out of his way for this small community, who would really be much better served if they were able to remain with the towns where they work and where they go to school and where they go to church. I have no quarrel with the court but the court didn't look at every little tiny community and this would not make any difference at all to who would win or lose an election. I think Byron is the town that we should be thinking of here and Byron would be better served to be put in House District 67. Thank you.

Senator **CAREY** of Kennebec moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-556).

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. It is unfortunate, and I think both those of us who were on apportionment both on the Democratic side and the Republican side, feels for the problem that you have. We were extremely disappointed in the courts when they took a portion of Hancock county that contained 40 people and split it up so that 24 went into one Senate district and 16 went into another. Many of us felt that they went overboard when they tried to reach some magic number of perfection which could never be reached. They split up many areas that same way. Regretfully, to the people of Byron, I make this motion because again, it would be a substantive change. Thank you.

Senator **LUTHER** of Oxford requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **CAREY** of Kennebec, to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-556).

A Division has been requested.

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.

16 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **CAREY** of Kennebec to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-556), **PREVAILED**.

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

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

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

ENACTORS

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

An Act to Amend the Laws Governing Protective Custody

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

An Act to Reduce Energy Costs and Improve the State's Indoor Air Quality

S.P. 482 L.D. 1480
(C "A" S-485)

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)

An Act Regarding the Custody of Remains of Deceased Persons

S.P. 553 L.D. 1577
(H "B" H-920 to C
"A" S-417)

An Act to Amend the Laws Regarding Protective Custody

H.P. 1322 L.D. 1784
(C "A" H-896)

An Act to Promote the Continued Use of Private Lands for Recreation

H.P. 1342 L.D. 1809
(C "A" H-895)

An Act to Continue Election Reform Efforts (Governor's Bill)

H.P. 1438 L.D. 1964
(C "A" H-900)

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

An Act to 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
(H "A" H-923 to C
"A" S-484)

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

An Act to Enable Parents to Retain Custody in Voluntary Placements

H.P. 1377 L.D. 1864
(C "A" H-902)

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

An Act to Provide Equity in the Laws Concerning Tax Exemptions for Veterans

H.P. 1413 L.D. 1923
(C "A" H-837)

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

Emergency

An Act Concerning Sexual Abuse Laws

H.P. 919 L.D. 1243
(C "A" H-898)

An Act to Clarify Plumbing Permit Fees

H.P. 1215 L.D. 1634
(C "A" H-876)

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

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

An Act to Amend the Provisions Relating to Mental Examination and Observation of Persons Accused of a Crime

H.P. 1214 L.D. 1633
(C "A" H-897)

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Relative to L.D. 1634, there were some questions raised by the Department of Human Services about home rule decisions and rather than offering an amendment I would like to read into the Senate Record a statement clarifying the intent of the legislation. That statement is, "The setting of minimum plumbing permit fees, by statute, is not intended to infringe on the authority of municipalities to set fees through local ordinances under authority established by the Constitution of Maine, Municipal Home Rule, Article VIII Sec. 1." Thank you.

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

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with 2 Senators having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Amend Certain Motor Vehicle Laws
H.P. 1270 L.D. 1697
(C "A" H-886)

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

Emergency

An Act to Modify the Workers' Compensation Board Assessment
H.P. 1278 L.D. 1726
(C "A" H-903)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act Regarding the Workers' Compensation Residual Market Mechanism
H.P. 1291 L.D. 1739
(C "A" H-887)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Amend the Tree Growth Tax and Open Space Voluntary Withdrawal Laws
H.P. 1349 L.D. 1815
(H "A" H-914 to C "A" H-832)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Implement the Recommendations of the Maine Sardine Council
H.P. 1386 L.D. 1885
(C "A" H-806; H "A" H-850)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Clarify the Opportunity for Small Employers to Purchase Health Insurance
H.P. 1405 L.D. 1914
(C "A" H-904)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Establish the Municipal Cost Component for Unorganized Territory Services to Be Rendered in Fiscal Year 1994-95
H.P. 1410 L.D. 1920
(C "A" H-890)

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

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

SECOND READERS

COMMITTEE REPORTS

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

House

House As Amended

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Bring the Bureau of State Police, the Department of the Attorney General and the Maine Drug Enforcement Agency into Conformity with the Criminal History Record Information Laws"

Bill "An Act to Create the Great Salt Bay Utility District"

H.P. 665 L.D. 903

H.P. 1336 L.D. 1799
(H "A" H-919 to C
"A" H-825)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-953).**

Bill "An Act Creating the York County Budget Advisory Committee"

H.P. 1351 L.D. 1817
(H "A" H-924 to C
"A" H-872)

Signed:

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

Senators:

CONLEY of Cumberland
BERUBE of Androscoggin

Representatives:

FAIRCLOTH of Bangor
SAXL of Bangor
KETTERER of Madison
COTE of Auburn
FARNSWORTH of Hallowell
CATHCART of Orono
CARON of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-954).**

Signed:

Senator:

HANLEY of Oxford

Representatives:

PLOWMAN of Hampden
LIPMAN of Augusta
OTT of York

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-953)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-953).**

Which Reports were **READ.**

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-953)** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE.**

Committee Amendment "A" (H-953) **READ** and **ADOPTED**, in concurrence.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Amend the Laws Governing Municipal Elections"

H.P. 1110 L.D. 1506
(C "A" H-901)

In Senate, March 25, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-901)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-901) AS AMENDED BY HOUSE AMENDMENT "A" (H-921)** thereto, in **NON-CONCURRENCE.**

On motion by Senator **CAREY** of Kennebec, the Senate **RECEDED** and **CONCURRED.**

Non-concurrent Matter

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)

In Senate, March 23, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-864)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-864) AS AMENDED BY HOUSE AMENDMENT "A" (H-975)** thereto, in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

(See Action Later Today)

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Authorize a Department of Inland Fisheries and Wildlife Bond Issue of \$10,000,000 for Fish Hatcheries"

H.P. 1301 L.D. 1756

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-962)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-962)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-962) **READ** and **ADOPTED**, in concurrence.

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

On motion by Senator **ESTY** of Cumberland, the Senate **RECONSIDERED** its action whereby it **RECEDED** and **CONCURRED** 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
(H "A" H-975 to
C "A" H-864)

(In Senate, March 23, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-864)**, in concurrence.)

(In House, March 29, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-864) AS AMENDED BY HOUSE AMENDMENT "A" (H-975)** thereto, in **NON-CONCURRENCE**.)

(In Senate, March 29, 1994, **RECEDED** and **CONCURRED**.)

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

The Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$14,000,000 to Construct Environmental Protection Facilities and to Investigate, Abate, Clean up and Mitigate Threats to the Public Health and Environment from Uncontrolled Hazardous Substances Sites" (Governor's Bill)

H.P. 1392 L.D. 1890

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-963)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-963)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-963) **READ** and **ADOPTED**, in concurrence.

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

The Joint Select Committee on **RULES** on Bill "An Act to Make Statutory Changes to Implement the Recommendations of the Legislature's Total Quality Management Committee" (Emergency)

H.P. 1083 L.D. 1449

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-951)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-951)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-951) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act to Assist in Crime Prevention" H.P. 1041 L.D. 1393

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

Signed:

Senators:

CAREY of Kennebec
HANDY of Androscoggin
HALL of Piscataquis

Representatives:

DAGGETT of Augusta
BOWERS of Washington
GAMACHE of Lewiston
TRUE of Fryeburg

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-855).**

Signed:

Representatives:

STEVENS of Sabattus
BENNETT of Norway
NASH of Camden
ROBICHAUD of Caribou

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-855).**

Which Reports were **READ.**

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED** in **NON-CONCURRENCE.**

On motion by Senator **HANLEY** of Oxford, the Senate **RECONSIDERED** its action whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report 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 would ask that this matter be Tabled until later in today's session. Thank you.

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **BRANNIGAN** for the Committee on **TRANSPORTATION** on Bill "An Act to Revise and Recodify the Maine Revised Statutes, Title 29" S.P. 277 L.D. 841

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-549).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-549) **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

Nine Members of the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Clarify Agency Relationships in Real Estate Transactions" S.P. 616 L.D. 1714

Report in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-551).**

Signed:

Senators:

CIANCHETTE of Somerset
MARDEN of Kennebec

Representatives:

WINN of Glenburn
ST. ONGE of Greene
REED of Dexter
THOMPSON of Lincoln
HOGLUND of Portland
LIBBY of Kennebunk
VIGUE of Winslow

Two Members of the same Committee on the same subject report in Report "B" that the same **Ought Not to Pass.**

Signed:

Representatives:

CAMERON of Rumford
CLEMENT of Clinton

One Member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-552).**

Signed:
Senator:
BUSTIN of Kennebec

Which Reports were READ.

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

Pending - FURTHER CONSIDERATION

(In Senate, March 22, 1994, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-468).)

(In House, March 28, 1994, the Minority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.)

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

Sent down for concurrence.

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

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

Bill "An Act to Require Licenses and Fees for BST Manufacturers and Dealers" (Emergency)
H.P. 1384 L.D. 1883
(C "A" H-950)

Tabled - March 29, 1994, by Senator ESTY of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence

(In Senate, March 29, 1994, READ A SECOND TIME.)

(In House, March 28, 1994, Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-950).)

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Pingree.

Senator PINGREE: Thank you Mr. President, Ladies and Gentlemen of the Senate. I am happy to rise and address the question asked by the good Senator from Hancock, Senator Foster, in regards to this bill which was before the Agriculture Committee. I will try to be brief but when you are talking about milk issues it is never a simple matter. The good Senator from Hancock asked if this was a bill that would increase the cost of milk, so I am just going to explain briefly how this changes the milk pricing procedure and then I will explain to you why this is a BST issue and it will all fall into place if you haven't fallen asleep by the time I get to that point. We have supported a .15 per hundred weight fee that was charged to milk buyers as they purchased milk from Maine farmers. We added .15 to every 100 pounds of milk that was paid by the dairies every time they bought milk and that was to cover the costs that were sort of excessive on Maine dairy farmers for being at the end of the line. The way that we have changed this is that we have eliminated that fee and we now have what is called a vendor's fee, which again is paid by the dairies. Actually we already had that but we added one cent onto the vendor's fee under this bill, they were already paying that but they pay it to everybody that they buy from, whether they are in state or out of state. By doing this we eliminate a disincentive to buy milk

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on TAXATION on Bill "An Act to Encourage Municipal Investment in Local Economic Development Projects" (Emergency)
S.P. 647 L.D. 1806
(C "A" S-468)

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-468)

Minority - Ought Not to Pass

Tabled - March 29, 1994, by Senator ESTY of Cumberland.

from out of state dairies. There are now certain encouragements to buy milk from Maine dairies because the dairy buyers have to pay a vendor's fee but not the .15 fee they used to pay. So you say why did we do that in this bill. What we were trying to do was increase the incentive to buy Maine milk because we already knew that the dairies were requiring of the farmers that they sign an affidavit, which was approved by the FDA, that said that they were not using BST in the production of milk. By changing our policy of how this fee was charged we are now removing the disincentive to buy out of state milk. We already know that they are buying mostly in state milk and that all in state milk is now accompanied by this affidavit that says it is BST free.

All dairies that buy milk that is BST free can use the Maine Quality label on their milk cartons, which ensures that the consumer knows that that milk is BST free. They are not going to label it as BST free because they were concerned about some of those issues but there will be press releases and things that inform the consumer that this is now BST free milk. So after many days of compromising and talking about this issue and trying to find what works well for the dairies and the farmers and the consumers, this was the compromise on the issue of BST which actually involved how we price milk and how the dairies pay this fee. It will not, in and of itself, increase the cost of milk because we have reduced the 15% charge that used to be on there, eliminated that and only added 1 cent to the vendor fee. Just as an aside, this vendor fee is where the money for WIC, Women Infants and Children, benefits come from and it is used for other good things. I hope that answers the question. Thank you.

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

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Recess, 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 Specially Assigned (3/28/94) matter:

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act to Extend Penalty Sanctions to Employee Health Benefit Plans"

S.P. 671 L.D. 1843

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-512)**

Minority - **Ought Not to Pass**

Tabled - March 25, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 24, 1994, Reports **READ**.)

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

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Later Assigned (3/28/94) matter:

Bill "An Act to Define Responsibilities of the Commission on Biotechnology and Genetic Engineering" H.P. 1015 L.D. 1361 (C "A" H-877)

Tabled - March 28, 1994, by Senator **ESTY** of Cumberland.

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

(In Senate, March 24, 1994, **READ A SECOND TIME**.)

(In House, March 23, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-877)**.)

On motion by Senator **PINGREE** of Knox, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-877).

Senate at Ease

Senate called to order by the President.

On further motion by same Senator, Senate Amendment "B" (S-554) to Committee Amendment "A" (H-877) **READ** and **ADOPTED**.

Committee Amendment "A" (H-877) as Amended by Senate Amendment "B" (S-554) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was **PASSED TO BE ENGROSSED, As Amended** in **NON-CONCURRENCE**.

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon, with the exception of those matters being held, sent down forthwith for concurrence.

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

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Create an Income Tax Stabilization Program" (Governor's Bill)

S.P. 744 L.D. 1973

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-545)**

Tabled - March 28, 1994, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **CAREY** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, March 28, 1994, Reports **READ.**)

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise to urge you to reject the pending motion and then go on to adopt the Minority report on this particular piece of legislation. I think it is very important that the State of Maine send the message, not only throughout the State but throughout the country, that we are serious in our efforts to attract business to this State and we can do so by adopting this piece of legislation. This piece of legislation, as we all know, is a measure that will reduce the State's income tax burden by 20% over a period of five years. This is based upon actual revenue in hand, as opposed to projections, it is a reasonable and prudent measure because we all know that when there are surpluses of cash lying around the State, somehow they seem to get spent. If we want to do something to restore confidence in this institution and restore the business confidence in this State I believe we can do it by enacting this piece of legislation. I hope that you will join with me in rejecting the pending motion. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator **BALDACCI:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Not being one to fill the ear with heat on this particular matter, or any other, I think it is very important that the Senate realize that two years ago we passed temporary taxes. Those were increases in the sales tax, those were snack taxes, they were taxes on corporation surcharges, on profits and surcharges on individual income taxes, upper and lower. We told the people of the State that those were temporary taxes, we made a commitment to reduce those taxes. This legislature, last year, was able to eliminate the surcharges on income and corporate upper and lower. We set into motion the law that would reduce the sales tax and ratchet it down with the revenues to five and a half and five. There were also proposals to eliminate the snack taxes. So at least we can honor the commitment that we made to the people of the State of Maine. It is our intention to have less of a tax burden on the people of the State of Maine and I think you can say

very clearly here, in this particular legislature, that this Senate and Legislature, with the Governor, have reduced the amount of taxes that people are paying. I think we have to continue that and we have that in motion.

This proposal would add a very big complication onto those temporary taxes and we would not be able to reduce the sales tax if this were put into motion. I think it is more important to honor our commitment to the people of this State to eliminate those so-called temporary taxes, since they don't believe us as it is now, to maintain that commitment rather than adding another commitment on top of that. I would hope that you would support the Majority Ought Not to Pass report. 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. In response to my good friend and colleague from Penobscot, Senator Baldacci, first of all I would like to address the issue of the temporary taxes and the fact that this legislature had the opportunity last year to sunset all of the temporary taxes that we promised to in the 115th. Unfortunately a majority of votes were cast against that measure, mine not being one of them. Also, I would like to point out that there is a mechanism within this piece of legislation which will go into effect under these circumstances, those being if revenues exceed 8% of the previous year then the income tax reduction will not go into effect and the sales tax reduction will automatically be put into motion. There are many safeguards regarding the temporary tax reduction that have been put into this legislation. Again, this is an opportunity to make good on a promise that some have delayed in making good on. This is an opportunity before us now to make good on a commitment and I believe that everyone in this body should stand behind that commitment. I would request the yeas and nays. Thank you.

On motion by Senator **SUMMERS** of Cumberland, 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 Bustin.

Senator **BUSTIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. While I appreciate the words of the good Senator from Cumberland, Senator Summers, and recognize the concern that is being expressed about trying to return as much money to the taxpayers as we possibly can, and wouldn't I love to do that. I work in a business where I am constantly asked to revisit contracts that we have already done because there is no money there. There is no money in Bath, Maine, they are considering shutting down a school, they are considering shutting down vocational schools. There is no money in Whitefield, they are considering going into Chapter 11. I doubt that any school system would go into Chapter 11 but it is that serious. I met with my school Superintendent yesterday morning, and he explained to me what would be happening in our school system. Just on schools alone, let's not talk about all of the other issues, all of the other needs, unmet needs, that we simply cannot do. Let's just talk about the education issue. We can talk about how we should reduce what we are doing in the schools, that we don't need to have the fluff of athletics or the fluff of music or the fluff of any of the arts or any of the languages or whatever. I

don't hold that as a philosophy for me in educating the people of this State, I would hope that the young adults sitting in this chamber wouldn't want us to do that. I would suspect that if we told them they would tell us what we need in education and they would tell us what we are not giving them. So on education alone I would have to disagree with the good Senator from Cumberland, Senator Summers, and say that we simply cannot send back money that we don't have and not meet needs that we must have. So with that I would hope that you would hope to not pass this bill. 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. We had some fairly long discussion about this in Committee and we were very concerned that we had been talking about estimated general fund money, and there were those of us here who said we would like to pin it down so it was very definitive. We are, in fact, going to be dealing with real money. I'm not even sure the six and a half million that this thing purports to have in there is really there. As I read the bill, I look at line 47 on page 1 and it says again "estimated general fund". So we are still dealing with estimated figures. Interestingly enough this thing is going to take effect after the Governor is gone and after those who are sitting in this body who are not seeking re-election will also be gone. I see that there are quite a few of those. I would prefer that we stick with the Ought Not to Pass report so any incoming Governor, be he Democrat or Republican or Independent, can shape his own administration without this administration on its way out, which in fact has been bumbling for eight years now and has surrounded itself with people who take two and two and somehow or other get five out of it. I am very concerned that people can't add that are in the administration and I would hope that we would let somebody else take the reins on this. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Let me preface my remarks by saying that I have never met a tax cut that I didn't like, whether it be a sales tax cut, a property tax cut or an income tax cut. Having said that, I think the issue in front of us goes to our individual underlying premise on how state government should run. I'm concerned that if this State doesn't take positive proactive measures we will continue to lose out to businesses in New Hampshire, Massachusetts, Connecticut and our New England neighbors who are actively embracing tax cuts. Income tax cuts that will in fact attract businesses to come to the State of Maine. This philosophy is called different things by different people. I guess I just call it good business. If we can bring more businesses to this State, to employ more people, thus more people have wages, more people are buying various commodities, more people are paying income tax, so we are better off. By initiating a tax cut, by making the State of Maine more attractive to business, in the long term we will all be better off. For that reason I urge you to vote against the pending motion so we can go on to accept the Minority Ought to Pass report. 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. In response to the good Senator from Kennebec, Senator Carey, when he referred to the next Governor and his programs, I would just like to correct him because I am sure it was just a slip of the tongue, whether it is his or her programs that we will be having. I would like to say that at a quarter to three this afternoon I filed my nomination petitions to run for Governor, I hope I am elected as the next Governor and if I am elected as the next Governor I certainly will be delighted to have the income tax rate lowered, particularly the percentage that it will be lowered over the next five years. Why do I say that? The reason I say that is because I travel around the State of Maine, I talk to businesses and individuals, the biggest factor against businesses coming to the State of Maine or staying in the State of Maine is our overall tax burden to those individual businesses. They feel that our tax burden, and particularly the income tax burden, is too high and I believe that this is a necessity to the State of Maine. It may have seemed a luxury a few months ago, but States all over the country, 17 States to be exact, have proposals before their legislatures to do the exact same thing that this bill would do, reduce their income tax rate. Those States are not far away from us. We already have to compete with New Hampshire who has no income tax. I'm talking about States like Massachusetts. We have always called it affectionately "Taxachusetts". What is the top income tax rate in Massachusetts? It is 5%, in Maine it is 8 1/2%. It doesn't stop with Massachusetts. States like New Jersey, New York, and other States very close to us have lowered, or are in the process of lowering, their income tax. If Maine is to be competitive with these other States so these children, that the Senator from Kennebec, Senator Bustin, talked about can go to school, we need to be competitive so these same children can get a job.

My daughter, Veronica, graduated from college last May and much to her father's and my dismay she told us that she had made the decision to go live and work in New York City. We asked her why she had made that decision and she said quite frankly Mom and Dad I don't see the opportunities for me in Maine that were once there. I think that this legislature today has an opportunity to stabilize, not only our income tax structure, but jobs for the future generations. That is one of the reasons I have decided to seek a higher office, so that I can work for job creation and job stabilization. This is one step, we need to do other things, but this is one step toward helping Maine become more competitive with the rest of the country. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator O'Dea.

Senator **O'DEA:** Thank you Mr. President, Ladies and Gentlemen of the Senate. It has been a very interesting debate, listening to people talk about this matter but I think it is important to look at some other tax policies that have been adversely affected over the course of the last few years. Property taxes around the State have come up about \$100 million over the past four years to cover the cost of your local schools, because the State share has dropped down. If you look around the State you can see that we are overburdened in terms of bonds, that our level of indebtedness is quite high, that we have serious problems across the breadth of State government and there is little doubt in my mind that this money couldn't be better applied in any number of places. I thought it interesting to listen to the

Minority Leader, the Senator from Sagadahoc, Senator Cahill, talking about New York City. New York City has about the highest income tax in the country. Not only do they charge a State income tax, they also charge a city income tax and they also charge it to out of state residents who work in the city. Their problem is the same problem that we are starting to face, which is a problem of crumbling infrastructure and a lack of investment in their young people and it is hurting their business climate. If we are concerned about doing something to bring businesses here we need to make this a more attractive place to live. People give a lot of lip service to recruiting businesses and bringing businesses in, but the harsh reality is that most growth, most economic development is the stuff you grow at home and it is much easier to grow it with a populace that is well educated. I would just urge you to think twice about this rather transparent proposal and go back to the business of investing in Maine people and infrastructure. 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. There are several statements that I would like to respond to, the first being the one of the Senator from Penobscot, Senator O'Dea, referring to New York's income tax. I think he is right, they probably do have the highest income tax but it is interesting to note that in an Associated Press article I have before me, New York is currently considering \$210 million in income tax deductions. That's interesting. We have heard a lot about the rise in property taxes and property taxes have gone up dramatically. I would submit that a lot of that is that we here in State government have declined to exercise our ability to cut the size of State government and instead have pushed it off into local communities. I would like to take that one step further. It is true, property taxes have gone up because of a shrinking tax base. Over the course of the last three or four years we have lost thirty thousand jobs in this State and once again I would submit that that has something to do with the shrinking tax base. If we want to really do something to attract those jobs back to this State we have to reduce the income tax. Let's face it, the people who are in charge of making the decisions, the CEO's, when they look at a State the first thing they look at is how that State's income tax structure is going to affect them. If you have a CEO who is making in excess of \$200,000 or \$300,000 a year and they can look at New Hampshire, which has no income tax, and look at Maine, they can quickly come to realize they can save themselves about \$16,000 or \$20,000 a year by locating in New Hampshire, then it is a business decision after that point.

We have heard a lot about the unmet needs in this State. We hear time and time again in this chamber about the working men and women in the State sacrificing the fruits of their labor in order to make compassion possible for those who can't keep up in our competitive society. My compassion goes beyond that, to those people who get up every day and send their kids to work, they pay their property taxes, they pay their income taxes, they go to work in order to make compassion possible for those less fortunate. It seems to me that when we are willing to sacrifice the fruits of their labor we are in fact sacrificing our own independence and going further and further down toward the anthill of socialism. I just hope Mr. President, that the members of this

honorable body will go beyond the partisan rhetoric and enact this piece of legislation. This is a piece of legislation unlike what was characterized by the Senator from Kennebec, Senator Carey, this is based on actual revenues. If you will turn in the bill and look at the Statement of Fact or the general text of the bill, it says that a comparison of the actual fiscal year revenues excess to the target amount provides the measure by which the tax rates are to be adjusted downward for the tax year. To me that says they are going to look at what we have in excess of the targeted amount and then adjust the tax rates downward. This is a reasonable measure, it is a measure that will not go into effect unless we do, in fact, have a surplus. It is a measure that will send the money back to the people, put it into their pockets so they can pay some of the escalating property taxes that they are faced with and so they can make compassion possible for themselves and not just those who can't keep up in our society. 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 have heard a couple of people in this body mention how Maine compares to the State of New Hampshire on business promotion and taxes. I'm interested to find so many people as experts on how Maine compares with the State of New Hampshire. When I wake up every morning I look out my window and I look directly into Market Square in downtown Portsmouth, that's how close I live to the State of New Hampshire. Let me tell you the difference between the State of New Hampshire and the State of Maine. The State of New Hampshire taxes and spends over \$4 billion in the biennium, where Maine taxes and spends roughly \$3 billion in the biennium. There was a report in the Portsmouth Herald, the local paper down there, recently that showed that New Hampshire rated among the poorest in the States in this nation in the promotion of small businesses. They really threatened, through their tax structure, the promotion of small businesses in that State. I don't want to trade places with the State of New Hampshire. I don't want to become like them. If you have your business in the State of New Hampshire you will pay twice the property taxes that you do in the State of Maine, you will be subject to a business profits tax that is just astronomical compared to what we do here in Maine. Yes, there are problems with the tax structure in the State of Maine, comparing it with the State of New Hampshire, but the State of New Hampshire is no Utopia for businesses. I'm very concerned about this proposal. I'm concerned because I have seen the suffering out there by people who have faced the cutbacks in the State of Maine. We have had many residents down in my area lose their property tax rebates. We have been trying to get a Vocational Technical Institute in York county. My only question for the good Senator from Cumberland, Senator Summers, is how can he propose to fund a York county technical college and propose this kind of tax cut from money we don't even have? 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. This bill is a rich man's give away bill. If we are under any illusions that middle class and low income people are going to get any more than a couple of dollars in their pocket from this we are suffering badly from

some mushroom because this is not going to be the case. Higher income people will get much more back from such a give away as the Senator from Cumberland, Senator Summers, is discussing. I think, let's assume, that all of us here want to lower the taxes of our constituents. If we all want to do that this bill is exactly the wrong thing to do because it will, as I have said, give much more to the rich than it will to the poor. If we want to lower our constituents tax bills we will put this money into either educations, thereby lowering the cost shift to the property tax which will lower their property tax bills, or we will, as the Senator from Penobscot, Senator Baldacci, mentioned, fund the promise of reducing sales and property taxes. I wish that our esteemed Minority Leader were here because if she does get to be Governor I will be the first person at the door to give her a little bit of a tax primer, because the reason why Massachusetts has a 5% income tax is because they have a flat tax. That is absolutely right, the least progressive kind of tax. If you look at any chart in progressivity Maine is one of the more progressive States because we do have an income tax that has several different levels in it. If it was up to me, and I hope I will convince you on that day that you become Governor, I would put in a couple of extra brackets so that we can tax people who make \$200,000 and half a million dollars higher, at a higher rate, than we are taxing people who make \$35,000. Right now all of them are paying the same percentage of tax and that is not in the interest of low and middle income people. So, if we want to do something to lower our taxes then let's kill this bill, let's just kill it dead. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator **BALDACCII:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Most of the Senators understand business. Most of the Senators understand what this issue is. Now the question is do most of you have the courage to be able to express yourselves and say to the people of the State of Maine, yes this is a highly political issue, it is one to draw more partisan heat than substance. When we can't pay our bills to people who are representing people and we send them I.O.U.'s, when we push forward education subsidies because we can't afford to pay it in the quarter that we are in, when we grab money from businesses earlier because we want to put it into this year, or this month, or this quarter so that we can balance it on paper. When we are borrowing hundreds of million of dollars, twice what we normally borrow, because we don't have the cash in the till to pay the bills, that could give most people who understand business some red flags as to how this business is being operated. This issue is nothing more than political baloney. \$6 million out of the \$600 million that's generated. It is an issue which can be defined to the general public and it's probably going to be very hard to have be able to have to defend what I do or what anybody else does on this particular issue. What is more important than the politicalness of the issue is the honesty of the issue. If you can honestly say that you can do this when you know that this issue would have a hard time getting signed into law because the money has already been spent that was targeted for this, you would have a hard time with a straight face saying that this is going to be something that you are going to have to rally to the troops back home and say this should be done. If you talk to any of the business people that we listened to on the Taxation Committee, and the good Senator from Cumberland, I'm sure he was aware of it, but most of the people in the business

community are saying the personal property taxes, most of the people in the business community say get rid of those surcharges, they are a red flag to businesses locating, reduce or eliminate those personal property taxes. The more we invest in plant equipment the higher we are going to be taxed. That's \$100 million a year. You talk to any business person of any magnitude that is investing in the State of Maine and they will tell you that. This bill goes in the opposite direction. This bill goes away from economic development. This isn't going to create any jobs. I'd like to know if somebody could point out to me what jobs are going to be created by doing this. I would like them to tell me the jobs. I apologize to the Senate for taking so much time on this particular issue because it really is a nonissue. It's nothing more than people getting an opportunity to get up and beat their chest and say why they are doing whatever they are doing. That's the unfortunate thing of this entire issue. I apologize for it taking this much time from the Senate. Thank you.

THE PRESIDENT: Senator Summers of Cumberland requested and received leave of the Senate to speak a fourth time. The Chair recognizes the Senator from Cumberland, Senator Summers.

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I appreciate the economics lesson from my colleague from Penobscot County. Although I found it somewhat whimsical because of his descriptions of us pushing bills into the next fiscal year, us actually collecting corporate taxes early, and so forth. I find it interesting that he cites those examples and cites those as faulty measures on behalf of this legislature, but at the same time I have heard members of his party refer to the President's retroactive taxes and tax packages in Washington as something that is an investment and it is a good thing and something that is going to stimulate the economy. There seems to be somewhat of a dichotomy here.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci, and asks for what purpose the Senator arises?

Senator **BALDACCII:** Thank you Mr. President. Point of order please. The debate that we have before us is not germane.

THE PRESIDENT: The Senator from Cumberland will please proceed.

Senator **SUMMERS:** Thank you Mr. President. I appreciate that. Nevertheless he questions the wisdom on this issue and invokes the terms of partisan rhetoric and hot air and baloney. I find that interesting that he would consider reducing the tax burdens of the citizens of this State as baloney. I happen to take that very seriously. I would hope that he, as a businessman, would do the same. I believe that this measure, once again, does not take effect unless there are surplus funds. This is something that will exist in the future only if there is enough money left over in the treasury. It is something that lets us put our fiscal house in order and I resent the fact that there are those in this chamber who decide to hide behind the cloak of partisanship on this. This is something where they can be proactive, they can go out and take a stand, they can make a difference in this State today, they can send the signal not only across this State but across this country that we are serious about doing

something. It is not something that is going to hurt them, it is something that is going to help them. He asked about where are the jobs that are going to come in. I can tell you where the jobs are, there are people who are going to have more money to spend, whether it is on repairing their homes or on buying a new car or a new refrigerator or a new TV.

I found it interesting that the Senator from Kennebec, Senator McCormick, talked about how this bill was going to help the rich, only help the rich, and has resorted to fear politics in bringing those things up. Who is it that creates jobs in this State? It says to me that if she is making the argument that it is only going to help the rich then she must feel it is the government who creates jobs in this State. I have always learned that the government consumes, the government does not produce. If this is something that offers a tax break to someone that is wealthy and that person, in turn, spends that money in our economy than I say it is good.

The other point I would like to make is that people who are wealthy, people who have money, are not concerned as much on the tax break because they've got their money, all they are trying to do is protect it. By not enacting a tax package like this what you are doing is you are keeping people down. You are not allowing them to climb the ladder, to get to the point where they have to worry about protecting their wealth. You are simply taking it away from people, you are keeping them dependent on the State and once again it is big brother taking care of us. We hear a lot of talk about personal responsibility and doing this and doing that but it seems to me like the majority in this legislature never ever wants to let go. They simply want to nurse people along and they never want to give them a chance to get out and stand on their own two feet, because by doing that it weakens their grip on keeping people down. I would submit that the people who vote against this, the people who speak against this, are simply trying to keep the people who are trying to climb up the ladder down. I hope that we won't resort to that. I hope that we will reject the pending motion and go on to pass this measure that will take effect in the future, it will not take effect until there are surplus revenues. 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. Maybe I didn't pose my question properly. I'd like to pose a question through the Chair. My question is simply, we have talked about many issues this session, the funding for the York County technical college.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Summers and asks for what purpose the Senator arises?

Senator **SUMMERS:** Thank you Mr. President. Point of inquiry please. I believe the Senator from York, Senator Lawrence, is not referring to an issue that is germane to this particular piece of legislation. Thank you.

THE PRESIDENT: The Senator from York, Senator Lawrence, may continue.

Senator **LAWRENCE:** Thank you Mr. President. We have talked about many issues.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Summers, and asks for what purpose the Senator arises?

Senator **SUMMERS:** Thank you Mr. President. To ask for a ruling from the Chair on the germaneness of this matter.

THE PRESIDENT: The Senator from Cumberland, Senator Summers, is out of order. The Senator from York, Senator Lawrence, may continue.

Senator **LAWRENCE:** Thank you Mr. President. This bill deals with funding and my question is how are we going to fund the things we have talked about this past session, such as the York county technical college, such as educational funding which is drastically needed in York county, that we have lost so much, and property tax relief that was cut by this last budget. If we continue to propose proposals like these how are we going to fund those things which are so important for taking the property tax burden off the people of our State and getting people back to work? Thank you.

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I believe the question was stated how are we going to reduce property taxes for people. I would simply respond to that by saying putting extra money in people's pockets would be a good way to allow them to pay their property tax bill. Secondly, this State could reject many of the measures that are before us for additional spending today. The Senator from York, Senator Lawrence, mentioned the technical college which I believe in earlier debate he asserted that I put forth. Although I am certainly supportive of a technical college and would work feverishly to ensure that it becomes a reality I would point out to the Senator one more time that this issue deals with excess revenues. Revenues that are in excess of the demands that are put upon them today. If there are revenues available for the York county technical college then I would certainly support taking a piece of those revenues to fund the York county technical college. I hope the Senator from York, Senator Lawrence, and the Senator from York, Senator Dutremble, would follow suit with me on that. I would be happy to introduce legislation on that particular matter. Thank you.

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

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to point out something that I don't think has been brought out in this debate that I would hope that you would find important in your deliberations. If I did my calculations right, and I think I did them reasonably proper, consider the fact that we amortized the debt to our retirement fund last year. If you look at what we did and look at what we are going to cost the future generations, and you use the same ratios, and there may be a better mathematician than I in here, but I think my numbers are reasonable close, if we use \$6.5 million to reduce that debt, if we paid down \$6.5 million of our debt, we would save our future generations more than \$100 million. I think the numbers are closer to \$150 million. I

don't understand the rationale of talking about continuing a debt that we are going to build for future generations if we have surplus funds. We need to focus our attention on our debts and if there is any surplus money I would like people to think about paying down a debt and saving our future generations at that kind of a ratio from \$6.5 million to possibly \$150 million. I think you ought to think about that. If we are trying to run this State in a fiscally responsible manner I think we've got to look at the debt folks. 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. When one reviews the past ten or twelve years of the State's expenditures one can find where we have committed ourselves into the situation where we are today. Whether those conditions are good or bad are entirely up to you as you have voted in your own way and put us in that position. In discussing taxes at home, the people have said many times, the surest way to cut taxes is to stop spending. We have had commission after commission saying that there are aspects of the State, there are aspects of our programs in education and welfare that can and should be reduced because of our economic condition. Mathematics, I am certainly not an expert, I have listened to the position that this last year we have helped out by reducing temporary taxes. It reminds me somewhat of the ad in the newspaper that says please come in and buy this refrigerator which was priced at \$750 but you can have it for \$500 and you have now saved \$250. I find that a rather strange form of economics in my life because I haven't saved \$250, I am sorry to say I am now \$500 out. I have a refrigerator but I am \$500 out. If the temporary taxes had been reduced to where they were originally and then reduced more to the extent where we could say to our constituents, yes we have done this, then we might have something to talk about. We passed a budget that increased above what we thought we were taking in, to the tune of about \$160 million. The budget, as proposed, was supposedly that we were going to live within our means. We felt, at least the majority felt, that we needed more. We then did pass that budget and are spending it. I am saying to you that a reduction in income tax, to put more money back into people's pockets to spend, may, and I can't prove this, but it may open up markets. It may give us jobs later on. I know for a fact that there are people in my area that are leaving the State because of the rate of our income tax. Whether or not you like that or not is entirely up to you but they are going to other sections of the country and coming back here for a lovely five and a half months and saving that money. We can't afford to lose that, yet we are losing that. My constituents have said to me if you have any way of reducing taxes I will applaud you. I know there are instances where we need various things but I also know there are places where we should be able to save and please try to reduce taxes. This bill is at least an attempt to say to people yes, we are looking at your income tax and we propose that if the economic situation does arise we will give you back some of your money. 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. There were a few things that were said that really need some clarification.

First of all, I want to extend my apologies to the Senator from Sagadahoc, Senator Cahill, and I would say there are extremely capable women who are running for the office of Governor. The gentleman from Cumberland, Senator Summers, mentioned that we had lost something like 30,000 jobs and really that was one of the reasons why property taxes were going up. Unless somebody has found a way to back a truck up and load their lot onto the truck, and put their house on top of it, and move out of the State, that property is still there. One of the things that has been happening, and I know that many of you are well aware of this, is that the liens on property are probably at a record high currently and foreclosures are very close behind. We are talking about a tax shift here. We are really talking about giving some people at the upper level, and I see the Senator from Cumberland shaking his head, I would look at the 1990's and compare statistics. There were, in fact, 26,510 exemptions for people who are earning over \$100,000. There were, in fact, when you include the people over \$75,000 there were 53,776 exemptions. If you take it by exemption, those people who are in the bracket between \$75,000 and \$100,000, their tax commitment was \$4538 on average. When the good Senator spoke about going to New Hampshire and saving something like \$20,000, it is interesting to me that he mentioned a guy who was earning \$100,000, if the top bracket is 8%, even on his gross income that would only come to \$8000. Somewhere along the line the guy has stolen \$12,000 from somebody.

Senator Begley said that the people back home want us to stop spending. But it is the people back home who set the school budgets, and that is where our problem is. That is really where the problem of expenditures lie. We have been reducing, at the State level, our level of expenditures for it and the lower you lower the income tax, the higher the property taxes go up to make the difference. Many years ago, in the 1970's, we made a commitment that we would have educational costs paid by the State at a 60% level. We have never even approached that and now we are well below 50%. Thank you.

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

Senator HANLEY: Thank you Mr. President, Ladies and Gentlemen of the Senate. Just two point. First to address an issue that has been brought up in this chamber by a number of people regarding education costs and the shift to property taxes. Let us all be cognizant of the fact that, yes, the budgets are set locally but the mandates that these school boards have to face are set by this body. We are the ones that push the mandates down their throats and say okay here's your baby, now fund it. That is something that we can't forget. One of my other concerns, and I was glad to hear the Senator from Somerset, Senator Cianchette, rise and talk about the need to look at our indebtedness and I could not agree with the good Senator more. I think that needs to be a focus of our attention. That being the case why did we amortize the retirement system for forty years, costing not \$100 million but closer to \$1 billion. We have made some very imprudent decisions, in my humble opinion as the one Senator from Oxford, over the last four or five years. Now is the time for us to take a proactive stance. This bill before you would allow any surplus, it would set a ceiling on what we would be spending, and then any amount over that would then go down to turn down the income tax rate. Speaking personally, my aunt and uncle who know the good Senator from Penobscot, Senator Pearson, and think

very highly of him, who used to live in Enfield moved to Florida. Why? Because they are on a fixed income. He had worked in the woods his entire life and she had worked in the office for the logging company and they didn't have the resources to stay here in Maine. They moved to Florida because the tax burden is much less and for us to lose our greatest resource, and I guess I would differ from some as to what truly is the greatest resource for Maine. I think everyone would agree it is its people, but is the real issue is it our young people or is it our elderly who have seen many things, who have the experience of years behind them. I'm not sure but I know I lost a good friend who now, because of cost, has gone to Florida and does not travel back to go hunting with his nephew in the foothills of the White Mountains. That's a loss that I will take with me and I think this is a story that is told throughout the State of Maine. There are the people who can afford to, and the tax question is an issue, move to a place which is more beneficial to them. This bill attacks the overage, it sets a cap and anything over goes back to the people. It doesn't let the State consume that surplus. I think it is reasonable and I hope the members of this chamber do as well. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This appears to be a reasonable proposal whose time has come and I would ask the members of this body to support this bill. Facts will show us that in every State in this country that between 1986 and 1993 that the per capita tax rate is lower, the economy is doing better than Maine's. On the other hand, every State in this country that has greater taxes during that period of time had economies as bad as ours or worse. This proposal makes sense to me for one simple reason. I was here, as many of you were, during the good times in the 1980's. I made many speeches on this floor arguing that we ought to be paying off debt, we should be retiring bonds, we should be setting money aside, all to no avail. If this legislature saw a windfall in the future, whatever the amount would be, it would be spent. Every nickel would be spent. Politicians have a hard time setting priorities. I'm not faulting anybody, I'm just telling you the way the process works. It seems to me that the people of this State pay enough taxes. When I hear legislators talk about the property tax and the fact that we don't have enough money, I just continue to remind them that twelve years ago we spent \$1 billion in State spending, today we spend \$3 billion. In my household if I want to buy a new car I do what everybody else does. I decide what I am going to do without and I pay for the car. Maine people have to set priorities, politicians should have to do the same thing. We have enough tax dollars here, Maine people pay enough, they are among the highest taxed people in the country. This is a proposal that is long overdue. I was here when even when we had surpluses we raised taxes. I didn't, but the legislature did. In 1986, 1985, 1984, 1983, every year during those times, when the Governor was Mr. Brennan and the legislature was controlled by people who think like him, we raised taxes. We created new programs and we spent every dime. This proposal is long overdue and I urge your support. 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. In a joint leadership meeting last week with the Governor's office, the Governor informed us that for the supplemental requests there are about \$40 million of things that in a perfect world we could fund. We could put more money into corrections, we could put more money into the Department of Human Services, they always need more money, we could put more money into mental health, we could certainly put more money into education, and as the good Senator from Somerset suggested we could even put more money into reducing the debts that the State of Maine currently owes. I would suggest if we are really serious about lowering our debt none of us would vote for a single bond issue that is currently before us or will be before us in the next day or two. For every \$10 million that we bond, \$2.2 million is needed to pay back the interest over that ten year period. The fact remains that we don't have enough money to do all of the things that many of us would like to do, what we can do by supporting this piece of legislation is make a structural difference in our tax system which will benefit us, not only in the short term, but also in the long term. My priority is to create jobs and create an economic environment that promotes business expansion so more people will be paying more taxes so we can keep the base as low as possible. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **CAREY** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senators **BRANNIGAN**, **PARADIS**, **TITCOMB**

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

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **CAREY** of Kennebec, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

Off Record Remarks

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 to Assist in Crime Prevention"

H.P. 1041 L.D. 1393

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-855)**

Tabled - March 29, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 29, 1994, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**. Subsequently, **RECONSIDERED**.)

(In House, March 29, 1994, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-855)**.)

Senator **HALL** of Piscataquis moved that the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Could I ask the good Senator from Piscataquis why we should support that report? Thank you.

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

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The reason that I have changed my vote on this particular L.D. is because the amendment changes the bill significantly and gives the court the discretion whether or not to suspend a convicted drug seller's license, their operator's license. If a person is convicted of dealing in drugs and using a motor vehicle we already have the power in this State to seize his motor vehicle, it seems only fair that if we are going to do that then we ought to seize his right to operate a motor vehicle in this State too. This is what this amendment will do. 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. This Committee amendment as it is reflected in the minority report, which I oppose, is H-855. That indeed was the draft that the Committee did review before this was reported out. The majority of the Committee opposed that simply because there are some very stiff

penalties for the trafficking of drugs already on the books and the Committee felt that it made absolutely no sense whatsoever to have something like the revocation of a driver's license, or the suspension of a license, that it would provide absolutely no incentive. If the punishments that we currently have on the books aren't enough, certainly something as trivial as the revocation of a driver's license is not going to dissuade any individual from trafficking in drugs. They're committed to a much higher incentive. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I like to call this bill the deadbeat drug dealer bill, because much like the deadbeat dad, this legislature has seen fit to suspend their license and use that as a deterrent and use that as a form of punishment. The amendment in front of you, which is the entire bill, would do nothing but give the court the discretion to suspend the license after a person convicted of drug trafficking had served their term of imprisonment. Let me read to you a letter from James Ferland, from the Maine Chiefs of Police Association. In part it reads, "A license suspension, being part of a possible penalty associated with L.D. 1393, makes sense and is perfectly logical. In defense of that position I would submit the following: 1. People under the age of 21 who are caught transporting an otherwise legal drug, alcohol, will receive license suspension as punishment. Minors with alcohol - license suspension. 2. People under the age of 21 who operate a motor vehicle with a .02 to .079 blood alcohol level and are caught also receive a license suspension. 3. If you are caught operating a motor vehicle with a blood alcohol level of .08 or above, you will receive a license suspension and possibly go to jail. 4. If you are caught furnishing or trafficking a controlled substance, and you use a vehicle as a tool in the purchase or trafficking, the police can seize your vehicle and it may ultimately be forfeited. 5. Now comes a bill that would ultimately allow the judge in a particular case to impose a license suspension on any one who furnishes or traffics in a controlled substance. If the drugs were being transported in a vehicle by the person convicted of the trafficking or furnishing." Men and Women of the Senate, I guess I find it difficult to see what the problem with this legislation is. If the other chamber has seen fit to go along with it. It gives the court the discretion, which they already have in the OUI arena, to suspend licenses. Now, if we have people dealing drugs to our kids shouldn't we give the judge the discretion, even though their vehicle may have been forfeited, as soon as they get out of jail they can go out and buy another vehicle and be driving again and dealing drugs out of their car outside of our schools, out in the small towns throughout the State, and in our more urban areas. I think this is a very measured proposal, one that deserves our acceptance and I urge you to support the motion of the good Senator from Piscataquis, Senator Hall. Thank you.

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending the motion by Senator **HALL** of Piscataquis to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senator **CAHILL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

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

On motion by Senator **PEARSON** of Penobscot, **RECESSED** until 6:08 this evening.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Clarify Agency Relationships in Real Estate Transactions"

S.P. 616 L.D. 1714

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (S-551)**

Report "B" - **Ought Not to Pass**

Report "C" - **Ought to Pass as Amended by Committee Amendment "B" (S-552)**

Tabled - March 29, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF ANY REPORT**

(In Senate, March 29, 1994, Reports **READ.**)

Senator **CIANCHETTE** of Somerset moved that the Senate **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-551).**

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

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would encourage you to vote for Committee Amendment "A", this piece of legislation was brought to the Committee on Business Legislation and we had long, long sessions relative to this piece of legislation. I think most of the debate around this bill comes down to the dual agency aspect of real estate activities in the State of Maine. The law today allows dual agencies, they are operating all over the State of Maine today and there are no specific guideline to what a dual agency must disclose to do their job appropriately. This phenomena has been studied for about six years intensively to come up with a nationwide concept of how a dual agency should work. This Committee Amendment "A" is the result of two studies that are contained in these two reports. One started in 1985 and they finally printed the report in 1992, the other is from 1992 to 1993, where they put their findings from the study into specific language. There has been a lot of work on this. The Real Estate Commission feels very strongly that if they are going to protect the consumers in the State of Maine they need guidelines to go by. This work that has been done and is presented in Committee Amendment "A" is the result of that. It is the strong recommendation of our Real Estate Commission in the State of Maine who has the authority and who has the responsibility of protecting the consumer, to give them this tool to protect the consumer in the State of Maine. I strongly urge you to accept the majority Ought to Pass as amended by Committee Amendment "A" Report. 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 have done my best to try to find a way to fully support this bill since I am the designated broker in our real estate firm. As the designated broker you are responsible for the actions of other brokers within your organization as well as salesmen. Certainly I have no quarrel with the seller-agent portion of this bill, or with the buyer-agent portion of the bill. It is practically the law as it exists today and I think it is a very good law. My question is, and my problem is with the designated dual agent provision of this bill. It seems that it is so complicated and so involved that I don't know how you could possibly have a salesman or two salesmen, or two brokers, working out of the same office and discussing listings as well as offers on different types of property that would not be in conflict with this law. I believe that the Real Estate Commission has enough examiners on staff, under most conditions I believe they can walk into any real estate agency that is even close to doing business as both a buyer agent and a seller agent, and I think they are going to find violations. I have a concern with that. I think it needs some more work in that portion of the bill and I would just like to see it straightened out and made a little clearer. I think it is very confusing and I think it is going to create a lot more problems than it is worth at this point. Thank you.

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

Senator CARPENTER: Thank you Mr. President, Ladies and Gentlemen of the Senate. I am the sponsor on this bill and it was actually proposed about two years ago but we withdrew it because the Real Estate Commission and the Maine Board of Realtors could not come to an agreeable agreement. It was worked for about a year and now that they have come to an agreement it is before us. I understand some of the concerns about dual agencies. I was a designated broker in my own agency at one time and I was a designated broker in another agency also, in fact I am still with the agency but I am not the designated broker. Anyway, you have your choice as to whether you want to be a dual agency. If it is too complicated to work out then I would suggest don't start a dual agency, be a buyer's broker or be a seller's broker. The bill, as it is proposed, is to clarify what a dual agency is and that is the reason why it is here, there are some agencies and the law is now available. You could have a dual agency. The Real Estate Commission, which is the consumer watchdog over the realtors, and the Real Estate Board has come to an agreement and they both agree that something has to be done so that you have guidelines to follow. Yes, the Real Estate Commission will be forming rules that will have fines if these guidelines are not followed. I urge you to support th majority ought to pass report. Thank you.

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

Senator BUSTIN: Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to the report "A" that is before you and would hope that we could go on and accept report "B" because in fact report "B" does allow for a legislative study to be taking a look at that. I don't want to take this position, I want to support the realtors in this because they are my good friends, I have enjoyed my association with them, I have good friends that are real estate agents all over the State. It pains me to have to stand up before you and tell you that I am in opposition to report "A", it doesn't mean that I don't think there is a problem out there, it doesn't mean that I think they are wrong in trying to submit this piece of legislation, it does mean that I have a bad feeling about it. That bad feeling has not been allayed during the time that I have studied this. I have taken the time to meet with both sides, both privately and in the Committee hearings, I have tried desperately to find people on both sides to see what kind of an agreement we could come to, I find the legal profession is divided on this. I find the real estate profession is divided on this. I find that my friends up country in Maine, even though I consider them very knowledgable about real estate, don't understand the bill and don't really know. When they call me and ask me to support it I ask them why and they don't really know except that they have been told to. The two reports that have been referred to by the good Senator from Somerset, Senator Cianchette, are reports that were done by the National Real Estate Association. Had I had time, I just learned today, that the Consumer Federation of America is opposing this bill. Hopefully I will have it on your desks tomorrow, it may be too late but I will have it on your desks to let you know why. Basically why I am opposed to putting this in law now is because I'm not convinced about dual agency, I'm not sure that anyone else is either. What happens

now is when you go into a real estate agency, and you want to buy a house, what you are going for is to get somebody there to sell you a house. That would say to me that there is nobody representing me. That is me going to somebody and saying what have you got for sale. It's like going to Senator Marden's store and seeing what he has for sale there and I either buy it or I don't buy it. I don't expect him to be representing me in anything as the buyer, that is basically what the situation is right now. One of the problems is, and I appreciate the good Senator from Aroostook, Senator Kieffer, picking up on this because it is in the rural areas of Maine that we have a problem with how we handle dual agencies and whether people can represent both sides. It is my feeling that with this new dual agency law that these smaller agencies, these one person agencies, will find a particular difficult problem in trying to carry out their business because what the report before you is basically saying is that you can take, and basically it is the larger agencies that will benefit from this, is that you can have 50 agents or 25 agents or whatever, you can designate which is the buyer broker and which is the seller broker. Presumably, under the dual agency, you make a commitment with this that you are not going to disclose for one side or the other what goes on with one side or the other. If you believe that I am going to sell you the Brooklyn Bridge, because that is never going to happen.

One of the things that we haven't been able to put down in words here is when do you make that disclosure? Do you make it as soon as I walk into that agency in Aroostook county and do you say right up front to me, before I disclose anything to you about my finances or what I am looking for, so that once I disclose that you've got it and I haven't signed anything yet. We haven't really decided when that takes place. The other big piece of this that really bothers me is the common law portion. The reason that you have this piece of legislation before you is because of the Minnesota decision that was based on common law. Common law in real estate is like 300 years old. It is probably before the Magna Carta, if I wanted to go back that far. The reason that that is there is because we human beings live on a sphere, it's called the earth, it is very finite. Each one of us, if we are lucky, owns a little teeny weeny piece of that. But there is no other place to go. With cars, if you take out common law and put on a statute, the car is not your life blood, it is not going to tell you where you are going to live. This is and that is what scares me about it. If I am going to take 300 years of common law and throw it out for a statute then I better be very, very sure of what I am doing. I'm not very, very sure. The only other point that I would like to make to you is that this has been touted as a consumer bill. Have you been asked as a consumer, have I been asked as a consumer, has your friend down the street been asked as a consumer? The answer is no, no, no. It was brought in by the Real Estate Commission and the Board of Realtors. I have no problem with that, that happens every day of the week, but that doesn't mean that I have to swallow it, nor that you have to swallow it. I am only asking you to take a look at this. This is a very, very important bill, it goes to the very core of our living here on earth and we ought to be very sure of what we are doing. I would urge you to vote against the pending motion in order to accept report "B". 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 rise to respond to a couple of points that the Senator from Kennebec, Senator Bustin, made. The most important being doing away with the common law, I have to paraphrase, but what she refers to in this piece of legislation is the abrogation of common law, throwing out law cases that have been in existence for hundreds of years. I would offer that we do that every day in all of the uniform codes and we are simply codifying our actions and not having to go back to case law in this particular matter. This is something that occurs time and time again. The other issue that I would like to bring up is the issue of when is something disclosed. It is very plain in the legislation right now as far as seller agents are concerned that it is disclosed as soon as you walk in to the real estate office. In fact on my real estate cards that I have, on the back there is a disclaimer that states that I am in fact working for the seller. This simply will put some regulations into effect and allow the Commission and the courts to have something to judge the actions by. 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 also am in real estate. It seems like half of us are, that's not bad, it's an honorable profession. I am getting a little confused because I have to spend half of my time with my clients now making disclosures and if this passes I will spend the rest of my time doing that. I am from central Maine, I am against change, this is change, I don't like this. I have got a lot of problems with this and some of them have already been brought up, like the designated agent. There is no way that is going to work. Dual agency will not work, not the way you expect it to, unless you go around with a gag on all day long in the office and don't leave any papers laying around and keep everything under lock and key, it is going to be that fine. Even with all of those concerns I have a bigger concern for the seller of the property in this State. They are confused enough now without adding this. I know myself I am very careful, most of us try to be fair and disclose everything. I disclose things I don't have to disclose, I will not mention them here because it will be written down and we will then have to start disclosing those too. To the seller of the property, immediately if we do this, I know I am going back and the next house I list will be listed for 10% or 15% more than it normally would have been. I can see it all now, I don't personally like the buyer broker arrangement. I go into a home that I have listed, and sometimes this occurs now without them being a buyer broker, occasionally the owner of the property is kind of in the background a little bit and they listen to the agent that brought the customers into the house pick their house apart. When they leave the question I am usually asked, or when I call back, who was that person working for? I thought you told me that as a sub-broker that they were also working for me. I say that is the way it is supposed to be but I realize and I sympathize that sometimes it doesn't work that way even though it should. I tell them they must remember they were probably going to go show one of their listings later so they are going to run your property down because you are listed with us and they are going to try and sell theirs. With the buyer broker situation that is exactly what is going to happen, probably each and every time. I'll have to admit, in central Maine this is a new concept, it is not going over well anyway because the buyer broker comes into my office

and says look, I have some customers who would like to look at your listings. I'd like to take them around and I want you to give me half of your commission from your seller, think about that. I work for the seller, the seller is going to pay me 6% on a residential sale and I have someone who is going to come in and work against them, try to beat them down on price, tear their house apart, and wants the seller to pay their commission. No thank you. I realize there are some customers and the buyers do need to be protected, and there are some buyers that will pay the commission to the buyer broker, that is all well and fine and I congratulate any broker on being able to obtain those people, but they haven't reached central Maine yet, I can assure you.

I know times change and I fight change often and I will continue to. I realize that this is going to come to pass but I do ask you to consider it very seriously. I think it needs more study. I think it needs more input from designated brokers throughout the State. They can tell me that there has been a lot of them involved but I can tell you that there have been a lot of them who haven't been involved and are just starting to hear about it right now in the last couple of days. I am going to urge you to vote against the pending motion and move onto something that we can have a little more time to work these things out. Thank you.

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

Senator **CARPENTER**: Thank you Mr. President, Ladies and Gentlemen of the Senate. The longer I listen I can understand why some people are a little confused about this bill. Some of the real estate brokers get confused and confusing also. A couple of little points that I would like to clear up right away is there is no way that it is going to increase the cost of a home. If your home is listed for a certain percent that is what the selling broker would get, that percent of the property. If you have a buyers broker, the buyers broker has made an agreement with an individual, please go find me a house, this is what I want, and I am paying you this amount of money to find me a house. If an agency that has a house listed wants to give the buyers broker more of his commission I suppose that is okay but in our agency we don't do that. We don't have a dual agency, like I would think that if you don't like buyers brokers or don't like the thought of it or the idea of having that in your agency then you don't have them, you can actually treat them the way you want. I think everything that has been said tonight is probably a very good example of why we need this bill. This bill is going to clear up the problems, it will give the Real Estate Commission some teeth in implementing these policies and the Maine Board of Realtors wants them. Please vote for the majority ought to pass report. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **CIANCHETTE** of Somerset, to **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-551)**.

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.

23 Senators having voted in the affirmative, and 6 Senators having voted in the negative, the motion by Senator **CIANCHETTE** of Somerset to **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-551), PREVAILED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-551) **READ** and **ADOPTED.**

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, as Amended.**

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

Off Record Remarks

Senator **CAHILL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **CAHILL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator **MCCORMICK** of Kennebec, **ADJOURNED** until Wednesday, March 30, 1994, at 9:00 in the morning.