

MAINE STATE LEGISLATURE

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

VOLUME VI

SECOND REGULAR SESSION

Senate
January 5, 1994 to April 6, 1994

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

In Senate Chamber
Wednesday
March 30, 1994

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

Prayer by Reverend F. John Marquis, Dean of Chaplains, Colby College in Waterville.

REVEREND F. JOHN MARQUIS: Let us pray. Loving God we praise you for your creation and for all that you give us. We ask your blessing upon our State and especially for those who devote themselves to making our laws. Bless these men and women with a deep concern for the common good for all that is just and true. Give them ears attuned to the needs of the less fortunate and the patience to listen to one another as they make difficult decisions. We ask this in your name loving God. Amen.

Reading of the Journal of Tuesday, March 29, 1994.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

S.P. 567 L.D. 1602
(C "A" S-486)

Majority - **Ought Not to Pass**

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

In Senate, March 24, 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" (S-486)**.

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

On motion by Senator **CIANCHETTE** of Somerset, the Senate **INSISTED AND ASKED FOR A COMMITTEE OF CONFERENCE**.

Sent down for concurrence.

Non-concurrent Matter

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

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

In Senate, March 22, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-814)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-814) AS AMENDED BY HOUSE AMENDMENT "A" (H-928)** thereto, in **NON-CONCURRENCE**.

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

Non-concurrent Matter

Bill "An Act to Implement the Recommendations of the Maine Dairy and Nutrition Council and the Maine Dairy Promotion Board"

H.P. 1434 L.D. 1961
(C "A" H-861)

In Senate, March 23, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-861)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-861) AS AMENDED BY HOUSE AMENDMENT "A" (H-965)** thereto, in **NON-CONCURRENCE**.

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

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Handy, who requests permission to address the Senate on the Record.

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In reference to an expression of Legislative Sentiment recognizing Laurent F. Gilbert, Sr. of Lewiston, on being named U.S. Marshall for the State of Maine, I would like to

say a few words. It is a distinct honor and privilege to present this sentiment to you today. I am not accustomed to presenting a lot of these before the legislature because I think they should be held aside for very special circumstances. I think today is such a circumstance as this sentiment is intended to honor an individual whom I have come to know and admire. Laurent Gilbert and I first met when we both took our career paths and our educational paths and started taking college courses together. Both of us were non-traditional students from different generations with different points of view but with the same kinds of personal goals, to exceed and do the best we can for our communities. As the sentiment states Laurent Gilbert was recently appointed by President Clinton, upon the recommendation of Senator Mitchell, to serve as United States Marshall for the State of Maine. This is really Lewiston's Horatio Alger story. My friend, Larry, started out as a patrol officer and worked his way through the ranks of the Lewiston Police Department to become Chief. Not only has he had an impact on the citizens of the city of Lewiston, but he has had a great impact on the citizens of the State of Maine. I'm sure that he will be known for his undying love for our city, its people, and his efforts for justice for the people of the city of Lewiston and this State. On behalf of the people of Lewiston and the State of Maine I want to thank Larry for all that he has done. Thank you.

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

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to reiterate what my colleague and seatmate has said about Chief Gilbert, I still call him that but I guess we will have to change the name pretty soon. I have also known him for a number of years when he used to patrol the beat on Lisbon Street and he would stop at our place of business for coffee on occasion. It wasn't very good but he always said it was warming and good. In his profession he has exemplified all of the values that we look for in law enforcement, compassion, tenacity, firmness and fairness. He is a credit to his family, to his profession, to our city of Lewiston, and very importantly, to himself. We wish him well and I know he will be a credit to the entire State of Maine. Thank you.

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

Senator **PARADIS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Indeed the people of french descent in Maine are very proud of Chief Laurent Gilbert, but in addition he has been very helpful in helping us craft legislation in our Committees. Human Resources has benefited especially from his expertise and we could count on him and call on him at any time and that legacy is one that is going to impact the people of this State for a long time. Thank you.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is sort of turning into a love in for Larry Gilbert here. I would like to stand and join my colleagues who have praised him. I have a feeling that if the beat officer in my neighborhood was like Larry Gilbert when I was growing up I would have a much more

positive attitude about police officers now. Unfortunately I did not have that sort of guidance, for that I have lost. Larry Gilbert has been up before the Judiciary Committee on numerous issues. He has helped us in this legislature form meaningful policy. He has never been afraid to stick up for those who had nobody to stick up for them. He has been a leader in his community and in the State. Even when public sentiment would run against his opinion he has never been afraid to get out there and say what he thinks. It is more than just that. My nephew and niece were over in Lewiston about a year ago, as the good Senator from Penobscot would be happy to know they were from my wife's side of the family, and he took time out of his busy day as the Chief to take these kids around the police station, take them out in a police car and show them the very human side of what police work is all about. These kids will never forget that as long as they live. I thank him for that and I thank him for the work he has done for the people of the State of Maine. I wish him and his family well. 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. Being the talkative Senator I can't resist joining in this. I have to say to Larry that his name sounds very romantic when Senator Paradis of Aroostook says it and it sounds very mundane when I say it. I have served with Larry Gilbert on many, many occasions with Corrections issues and with drug and alcohol abuse issues and he has exemplified exactly what I would have expected from a person in his position and more. He is a terrific person, he has served us well and I am looking forward to that continued service in his new position. Congratulations Larry. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. As a neighbor to the community of Lewiston we have had an opportunity to see the good work that Chief Gilbert has done. As others have testified, he is an outstanding individual of unquestioned integrity and professionalism and the model of law enforcement that all of us would like to see from all of our police officers across the State. One of his outstanding qualities is not only does he talk about fairness, talk about caring, and talk about justice, but he stands up for them. Even when he is a small voice in a large crowd speaking on the other side, because he understands that law enforcement is about enforcing the laws and providing protection for all people in this society, not just for the majority but for everyone. He is committed to it beyond doubt. I am very proud to have Larry Gilbert nominated, we could not have a finer individual and the Lewiston/Auburn area has been distinguished by this outstanding Franco American who I am extremely proud of and congratulate today. Thank you.

Off Record Remarks

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **BANKING & INSURANCE** on Bill "An Act to Improve Licensing Procedures at the Bureau of Insurance" (Governor's Bill)

H.P. 1414 L.D. 1924

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-884)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-884) AND HOUSE AMENDMENT "A" (H-931)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-884) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-931) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act Regarding Access to Property via Discontinued Roads"

H.P. 1238 L.D. 1665

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-809)**.

Comes from the House with the Report **READ** and the Bill and Accompanying Papers **RECOMMENDED** to the Committee on **STATE & LOCAL GOVERNMENT**.

Which Report was **READ**.

The Bill and Accompanying Papers **RECOMMENDED** to the Committee on **STATE & LOCAL GOVERNMENT**, in concurrence.

SECOND READERS

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

House As Amended

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
(C "A" H-951)

Bill "An Act to Establish Limited Liability Corporations and Set Their Tax Rate as Other Corporations"

H.P. 1123 L.D. 1522
(C "A" H-980)

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
(C "A" H-962)

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
(C "A" H-963)

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

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"

H.P. 665 L.D. 903
(C "A" H-953)

Which was **READ A SECOND TIME**.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Point of order please. It is my understanding that L.D. 903 on the Senate calendar is in error, that in fact this bill was Tabled until later in the day yesterday and was not taken up again on yesterday's calendar. Thank you.

Senate at Ease

Senate called to order by the President.

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

Senator **CAREY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would suggest that this 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 **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

Senate As Amended

Bill "An Act to Revise and Recodify the Maine Revised Statutes, Title 29"

S.P. 277 L.D. 841
(C "A" S-549)

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

Sent down for concurrence.

ENACTORS

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

An Act Concerning the Payment of Medical Expenses in Controverted Workers' Compensation Cases

S.P. 605 L.D. 1703
(C "A" S-471)

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

An Act to Enable the Use of Former Exit 5 on the Maine Turnpike for Access to an Adjacent Liquor Store and Hotel and Conference Center Facility

S.P. 594 L.D. 1653
(C "A" S-448)

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

ORDERS OF THE DAY

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

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"

H.P. 665 L.D. 903
(C "A" H-953)

Tabled - March 30, 1994, by Senator **ESTY** of Cumberland.

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

(In Senate, March 30, 1994, **READ A SECOND TIME**.)

(In House, March 29, 1994, **READ A SECOND TIME** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-953)**.)

THE PRESIDENT: The Chair would inform the Senator from Oxford, Senator Hanley that this Bill had its First Reading and Committee Amendment "A" (H-953) was Read and Adopted yesterday. Therefore, this Bill is properly before the Body on the printed calendar. The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. If the chamber would bear me out it is my recollection that this bill did initially go under the hammer. I stood up moments there after and having voted on the prevailing side moved to reconsider our action whereby we did vote to accept the Majority Ought Not to Pass report. It was then Tabled by the good Senator from Cumberland, Senator Esty, until later in the day's session. Then later on last night, when the item was brought up again, the good Senator from Piscataquis, Senator Hall, stood up and moved the Minority report, at which time some debate took place. I believe I was the last speaker and then the good Senator from Cumberland, Senator Esty, once again stood up and moved that this item be tabled until later in the day's session. I would with all due respect Mr. President, I would state that that is the posture that this bill should be in, the acceptance of the Minority Ought Not to Pass report. Thank you.

THE PRESIDENT: The Chair would answer that the bill that was reconsidered and tabled pending the motion by Senator Hall of Piscataquis to accept the Minority Ought to Pass as Amended Report. It will appear on today's calendar under Tabled and Specially Assigned item number one. Again the Chair would state this matter is properly before the Body as it appears on your printed calendar.

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the Tabled and Later Assigned (3/25/94) matter:

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

S.P. 697 L.D. 1895

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-478)**

Tabled - March 24, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF REPORT**

(In Senate, March 22, 1994, Report **READ** and **ACCEPTED**. Subsequently, **RECONSIDERED**.)

Which Report was **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-478) **READ** and **ADOPTED**.

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

On motion by Senator **BRANNIGAN** of Cumberland, Senate Amendment "A" (S-540) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Specially Assigned (3/29/94) matter:

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act to Protect the Rights of Employees and to Ensure the Proper Expenditure of Public Funds" H.P. 1303 L.D. 1758

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-865)**

Minority - **Ought Not to Pass**

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

Pending - **ACCEPTANCE OF EITHER REPORT**

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

(In House, March 25, 1994, Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-865)**.)

Senator **HANDY** of Androscoggin moved that the Senate **ACCEPT** the Majority **UGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This bill which deals with the use of funds, public funds, is another one of those bills that has been introduced but should not be passed. It is unneeded. The National Labor Relations Act will take care of this situation very nicely as it has in the past and would in no way have to concern itself with the bill that is before you. I move that you do not accept the majority report so that we can have the minority ought not to pass report. Thank you.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The Labor Committee took serious consideration of this legislation as it was presented to us and what this bill basically does is mirror Federal law. It says that public funds, when they go for a particular public purpose, ought to be used for that purpose and not used for the purpose of organizing a union or for the purpose of keeping a union out of a particular facility. Now the good Senator from Lincoln, Senator Begley, on the Labor Committee indicates that he doesn't see a need for the bill. We heard, although I can't give you all of the details, we are certainly aware of one instance where there is serious concern in this area about a facility in this State that receives State monies that very well could find themselves in the position of having certain actions taken against them. In fact, there is at least one instance where Federal Medicare dollars that have been drawn down have been disallowed because according to a preliminary audit they have been used for such a purpose. So the Labor Committee feels that it is critically important, particularly with scarce tax dollars, that they be used for their intended purpose and that is to provide service to the citizens of this State and not be used for the formation or the keeping out of a union in a particular facility. 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. The Chair of the Labor Committee used the term 'mirror' and it is true that this bill does mirror the national law and that is exactly my point when I stated earlier that it is not needed. He has also stated that there has been one case presented whereby the National Labor Relations Board said to the individual that Medicare money cannot be used. That is why the Federal law is there and it is protecting the people currently. The situation of one versus many does not, in my opinion, call for new legislation. It is also a bill that has a tendency to say to the employer be careful how you use your money, which we have already stated is an absolute must, but it does not in any fashion say when, or how, or prove what you have done. If I, as an employer, happen to be talking to an employee about a labor possibility, must I record that at 9:15 I am not using public funds, but I am using my own funds. In small business you are again put in a position whereby it is almost impossible for him to be able to control all of the work that goes into

it. We do not need the bill, it is not being overruled by many complaints. It is a situation where we are saying to the small employer, mostly the small employers who cannot afford many employees that will help him with labor relations and positions of that kind, so he is now at a disadvantage and would be even more so. We are saying to employers you are again being picked out as one who is going to be hurt and hopefully that is not what we want to be saying to employers in general.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **HANDY** of Androscoggin, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

The Chair ordered a Division.

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

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

17 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **HANDY** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-865) **READ**.

On motion by Senator **HANDY** of Androscoggin, Senate Amendment "A" (S-555) to Committee Amendment "A" (H-865) **READ** and **ADOPTED**.

Committee Amendment "A" (H-865) as Amended by Senate Amendment "A" (S-555) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **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 Later Assigned (3/29/94) matter:

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

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

Pending - **FURTHER CONSIDERATION**

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

(In House, March 28, 1994, **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**.

The Chair laid before the Senate the Tabled and Later Assigned (3/29/94) 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)

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

Pending - **FURTHER CONSIDERATION**

(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**.)

On motion by Senator **PARADIS** of Aroostook, the Senate **RECEDED** from its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Committee Amendment "A" (H-864), in concurrence.

House Amendment "A" (H-975) to Committee Amendment "A" (H-864) **READ**.

On motion by Senator **PARADIS** of Aroostook, House Amendment "A" (H-975) to Committee Amendment "A" (H-864) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "A" (S-559) to Committee Amendment "A" (H-864) **READ**.

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

Senator **PARADIS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This bill as amended is necessary for the ability of the State of Maine to regulate its public drinking water industry

rather than the Federal government. We have arrived at this amendment after discussions with the EPA and all of the different organizations representing the majority of the regulated industry. This amendment is to correct a technical error. Thank you.

On motion by same Senator, Senate Amendment "A" (S-559) to Committee Amendment "A" (H-864) **ADOPTED**.

Committee Amendment "A" (H-864) as Amended by Senate Amendment "A" (S-559) 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 were ordered sent down forthwith for concurrence.

The Chair laid before the Senate the Tabled and 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 - Motion by Senator **HALL** of Piscataquis to **ACCEPT** Minority **OUGHT TO PASS AS AMENDED** Report

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

(In House, 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)**.)

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Make Changes in the Manufactured Housing Laws" (Emergency)

S.P. 461 L.D. 1453
(C "A" S-530)

In Senate, March 28, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-530)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-530) AS AMENDED BY HOUSE AMENDMENT "A" (H-992)** thereto, in **NON-CONCURRENCE**.

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

Non-concurrent Matter

Bill "An Act to Implement the Recommendations of the Commission to Study the Statutory Procedures for Local Property Tax Abatement"

H.P. 1387 L.D. 1886
(C "A" H-853)

In Senate, March 23, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-853)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-853) AS AMENDED BY HOUSE AMENDMENT "A" (H-978)** thereto, in **NON-CONCURRENCE**.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act Authorizing Medicaid Reimbursement for Certain Providers of Counseling Services"

H.P. 1209 L.D. 1628

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-905)**.

Signed:

Representatives:

TREAT of Gardiner
 BRENNAN of Portland
 TOWNSEND of Portland
 PENDEXTER of Scarborough
 JOHNSON of South Portland
 GEAN of Alfred

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

Signed:

Senator:

HARRIMAN of Cumberland

Representatives:

BRUNO of Raymond
 CARR of Sanford
 PENDLETON of Scarborough
 FITZPATRICK of Durham

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-905).**

Which Reports were **READ.**

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

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Conserve Sea Urchin Resources"

H.P. 1459 L.D. 1984

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 1373).

Signed:

Senators:

VOSE of Washington
 PINGREE of Knox
 GOULD of Waldo

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**, pursuant to Joint Order (H.P. 1373).

Signed:

Representatives:

SKOGLUND of St. George
 FARREN of Cherryfield

Comes from the House with the Majority **UGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-983).**

Which Reports were **READ.**

The Majority **UGHT TO PASS** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE.**

House Amendment "B" (H-983) **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-547) **READ.**

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I was hoping that the good Senator from Knox, Senator Pingree, would be willing to explain her amendment. As I read it, it prohibits sea urchining within a one mile radius of Vinalhaven for four or five years and I want to know if there is scientific evidence that this is necessary and how this amendment came about. 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. I would be happy to discuss this amendment. This came about by request from the community of Vinalhaven, which had a resolution on their town warrant last Friday night, to actually extend the closed season on the sea urchin fisheries for about 45 days within a one mile radius of Vinalhaven. It does not shut down the fisheries for four or five years, it just extends this closed season, which is proposed in the bill, for 45 days. The reason the community of Vinalhaven asked to have this done was because there are probably thirty to fifty people who are now sea urchining and over the past three or four years they have watched the fisheries decline very severely. We know from scientific evidence from other states that this is a fishery that, once excessively harvested, goes downhill very fast. It was their concern that the Department of Marine Resources and the legislative proposal that was on the table this year did not go far enough to protect their resource, they wanted to take more responsibility for protecting that resource and asked that it be closed for a slightly longer season. This will prohibit Vinalhaven fishermen as well as anyone else who chooses to fish these waters from fishing during those times so it doesn't give them some benefits that other people don't have. It is not unprecedented for communities to have their own fishing restrictions. Monhegan has a closed season on lobstering, Swans Island has a closed season on lobstering, there are quite a few special scallop closed seasons where there are cables or other reasons to close a fishery, so this is not unheard

of. I believe that it is a community attempting to participate in preserving this resource and making sure it is available in the future. That is why I was willing to propose this amendment to this body. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-547) **ADOPTED**.

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, 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 Create Statewide Arrest Powers for Municipal and County Law Enforcement Officers

S.P. 415 L.D. 1324
(S "A" S-487 to C
"A" S-463)

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

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

COMMUNICATIONS

The Following Communication: H.P. 1458

**BUREAU OF CORPORATIONS, ELECTIONS, AND COMMISSIONS
DEPARTMENT OF THE SECRETARY OF STATE
STATE HOUSE STATION 101
AUGUSTA, MAINE 04333**

March 17, 1994

Honorable Dan A. Gwadosky
Speaker of the House
State House Station #2
Augusta, Maine 04333

Dear Speaker Gwadosky:

Please find enclosed a certified copy of the Secretary of State's certification of validity for the petitions circulated on behalf of initiative legislation entitled, "AN ACT to Impose Term Limitations on Maine's Representatives to the United States House of Representatives and the United States Senate." The original certification has been delivered to the Clerk of the House for introduction.

Sincerely,

S/Rebecca Wyke
Director of Corporations
and Elections

**STATE OF MAINE
DEPARTMENT OF STATE**

I, the Secretary of State of Maine, certify that written petitions bearing the signatures of 54,515 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on January 31, 1994, requesting that the Legislature consider an act entitled "AN ACT to Impose Term Limitations on Maine's Representatives to the United States House of Representatives and the United States Senate."

I further certify that the number of signatures submitted is in excess of ten percent of the total vote cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution, that number being 52,308.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In Testimony Whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta, March 17, 1994.

S/BILL DIAMOND
Secretary of State

Comes from the House **READ** and with Accompanying Papers **ORDERED PLACED ON FILE**.

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

The Accompanying Bill "An Act to Impose Term Limits on Members of the United States Congress"
I.B. 2 L.D. 1983

Comes from the House referred to the Committee on **STATE & LOCAL GOVERNMENT** and **ORDERED PRINTED**.

Which was referred to the Committee on **STATE & LOCAL GOVERNMENT** and **ORDERED PRINTED**, in concurrence.

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

21 Senators having voted in the affirmative and 9 Senators having voted in the negative, this Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

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

Off Record Remarks

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

Tabled - March 30, 1994, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

On motion by Senator **CAHILL** of Sagadahoc, **RECESSED** until the sound of the bell.

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

After Recess

(In House, March 28, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-488) AS AMENDED BY HOUSE AMENDMENT "A" (H-967)** thereto, in **NON-CONCURRENCE.**)

Senate called to order by the President.

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

ORDERS OF THE DAY

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

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

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

HOUSE REPORTS - from the Committee on **LEGAL AFFAIRS** on Bill "An Act to Assist in Crime Prevention"
H.P. 1041 L.D. 1393

Tabled - March 30, 1994, by Senator **ESTY** of Cumberland.

Majority - **Ought Not to Pass**

Pending - **ENACTMENT**

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

(In Senate, March 22, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-448).**)

Tabled - March 30, 1994, by Senator **ESTY** of Cumberland.

(In House, March 29, 1994, **PASSED TO BE ENACTED.**)

Pending - Motion by Senator **HALL** of Piscataquis to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence

Senator **CAHILL** of Sagadahoc requested a Division.

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

THE PRESIDENT: The pending question before the Senate is **ENACTMENT.**

(In House, 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).**)

A Division has been requested.

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

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

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

Senator **HANDY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. Just to restate the Committee's concern with this legislation and who oppose its enactment, that is to say that we do not believe that the revocation or suspension of one's driver's license to a high powered drug trafficker is going to any kind of incentive or in any way dissuade them from trafficking or dealing in drugs. They have far bigger fish to fry and further more if they want to traffic drugs they don't need a driver's license to do it, they can grab a vehicle or do it on foot anywhere they want to. So we would hope that you would oppose the motion before you. 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 truly agree that this will not prevent anyone from dealing in drugs. To me, and I would hope to every member in here, a drug dealer is the lowest form of human life in our State. They care not who they sell to, they are only interested in profit. They entice our children to become addicted to drugs. I in no way, form or manner want to go on record as being soft on drug dealers. Though this will not prevent, it surely will come down a little bit harder on them and make the point that they are not welcome in this State. Anything that we can do to keep them, or teach them a lesson or whatever, this also would end up being a law enforcement tool. Convicted drug dealers are known well by all law enforcement personnel, and if they saw them operating a vehicle they know full well that they do not have a right to and they can be pulled over and who knows, they may be caught having possession of drugs. I don't understand how anyone would vote against this. Thank you.

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

Senator **CONLEY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I have looked at this amendment and I am going to rise to support the Senator from Androscoggin, Senator Handy. In listening to the remarks from the good Senator from Piscataquis, Senator Hall, all I can think of is taking away a drug dealers driver's license and agreeing with everything else he said about how drug dealers hurt our society and how we should do everything in our power to stop them from carrying on their trade, this notion is sort of like proposing to take away squirt guns from international gun dealers. It is not going to do anything, nothing at all. The Secretary of State has enough things to do in his office, or her office, than to get involved with this type of activity. If we are going to take away driver's licenses from these individuals then why don't we take them away from people convicted of murder, why don't we take them away from people convicted of child molestation, or burglaries, or any other types of crimes. The fact of the matter is when it comes to crime we can put on our mad faces and get up here and say we are going to do anything we can to stamp it out, but a proposal like this is sort of like big time wrestling, it just isn't going to do anything real. 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. We got into this a little bit yesterday and I read to you portions of a letter from Jim Ferland, President of the Maine

Chiefs of Police Association. I think it is important, not to read through the comments again, but just to get the gist of it. The amendment on the minority report would provide the courts with the discretion to suspend the driver's license. Currently we have in law, for those people who are convicted for operating under the influence of alcohol, automatic license suspensions, for people abusing alcohol. Automatically it is suspended for those under the age of 21 who are caught transporting an otherwise legal drug, alcohol. Immediate suspension for them under the age of 21 who are caught with a blood alcohol level of .02 to .079. We currently do this, we currently suspend licenses as a deterrent and as a form of punishment. It would be my sentiment that this amendment should go even further and make it an automatic suspension. If we truly believe that dealing drugs to our children is an offense that not only the right of freedom should be taken away, but also the right and the privilege of operating a motor vehicle should be taken away. It seems a little bit ironic that we can take away the car that they are driving if they deal in drugs but after they get out of jail they can use whatever drug money they have to buy a new car and they are driving again. I guess I disagree with my good friend from Piscataquis, Senator Hall, I think that this may in fact have an impact on limiting the distribution of drugs. I mean how many drug dealers are going to be able to deal out of the back of a taxi cab. The Secretary of State, in the amendment, says that there isn't a cost and the good Senator from Cumberland, Senator Conley, always the fiscal conservative, wants to make sure that the State's money is well spent. Any cost can be absorbed in the current budget. There will not be an excessive cost. In my tenure in this legislature I have never known the Secretary of State to hold back on a fiscal note if it was going to cost them. I think this is a good bill. I think the proposal before you will have a positive impact on limiting the distribution of drugs and the dealing of drugs here in our State. Even if it prevents one dealer from dealing more drugs to our kids I think the State of Maine will be better served. I trust that you will as well and will vote for the pending motion. 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. To say that this would not have any effect on drug dealers I believe is to accuse our law enforcement people of being totally inadequate. I don't support that concept. I believe that drug dealers are a very low form of human life and I think the law enforcement people should be given every single tool that we can make available to them to eliminate them from the streets. If this only affects one out of fifty, or one out of a hundred, or one out of five hundred, it is one step to eliminate the selling of drugs to our youngsters in this State. I thoroughly support this amendment. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion of Senator **HALL** of Piscataquis to **ACCEPT** the Minority **UGHT TO PASS AS AMENDED** Report, in concurrence.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators AMERO, BUTLAND, CAHILL, CARPENTER, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, MARDEN, SUMMERS, WEBSTER

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

ABSENT: Senator TITCOMB

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator HALL of Piscataquis, to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

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

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 Implement the Recommendations of the Commission to Study the Statutory Procedures for Local Property Tax Abatement"

H.P. 1387 L.D. 1886 (C "A" H-853)

Tabled - March 30, 1994, by Senator ESTY of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, March 23, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-853)**, in concurrence.)

(In House, March 30, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-853) AS AMENDED BY HOUSE AMENDMENT "A" (H-978)** thereto, in **NON-CONCURRENCE**.)

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

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

HOUSE REPORTS - from the Committee on **HUMAN RESOURCES** on Bill "An Act Authorizing Medicaid Reimbursement for Certain Providers of Counseling Services"

H.P. 1209 L.D. 1628

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-905)**

Minority - **Ought Not to Pass**

Tabled - March 30, 1994, by Senator ESTY of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 30, 1994, Reports **READ**.)

(In House, March 29, 1994, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-905)**.)

Senator HARRIMAN of Cumberland moved that the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

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

Senator PARADIS: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would urge you to vote against the motion and in favor of allowing the majority report to go forward. We were convinced over a period of time, after due consideration, that this would eventually cause us to save money in the State. Right now we had some providers that were left out of the system. After perusing resumes we found that many times they were far better trained or prepared to deliver those services. Eventually the process will save money because the bill does not change the gate keeper, the only way that somebody could get into the system is if they are sent to a counselor by a DHS employee or the like. That has not changed. What it does mean though is that instead of having two people that you can choose between there might be five. A lot of these people that we are hoping will be on board in this legislation provide a very good service a lot more cheaply. So I would urge you to turn down this motion so we can accept the other. Thank you.

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

Senator HARRIMAN: Thank you Mr. President, Ladies and Gentlemen of the Senate. The reason why I moved the minority ought not to pass report is because the original bill that was presented to the Human Resources Committee allowed pastoral counselors to bill Medicaid directly for their services. While we could each stand up and talk about our own

philosophies about the type of counselors that we feel should be providing these types of services, pastoral counselors services are based on theology. The Committee went on to make several amendments, not only allowing pastoral counseling, the amendment also asks for marriage and family therapists to be recognized as a Medicaid provider. Last of all, the reason I ask you to support the minority ought not to pass report is that the fiscal office tells us that this has a likely impact of \$180,000 to the general fund. Thank you.

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

Senator **PARADIS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Indeed pastoral counselors have to be licensed by the State of Maine, they have to meet all of the stringent guidelines. Senator Harriman is absolutely right, there is a fiscal note. We are in total disagreement with the fiscal note. We urge you to pass the majority report and we will continue fighting that fiscal note on the Appropriations Table. Thank you.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to pose a question to anybody who would care to answer it. Does this bill provide for the payment to pastors for counseling, any pastor who provides counseling? The reason I ask that, and I'm not going to name any names or pick on anybody, but one of the pastors of the church that I am familiar with told me the other day that if there were any marital disputes in the family it was always the women's fault. I'm not paying for that kind of counseling. Thank you.

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

Senator **PARADIS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Indeed that was an issue that we discussed, that all of a sudden every priest and every minister could start billing Medicaid. These pastoral counselors are often not ministers at all but they hang a shingle where a lot of people want to go to somebody affiliated. However, in order to be affiliated with some kind of a religious bent to their therapy they have to go through all of the training and the education and the licensing. Many times they far out do the recommendations that we want. So no, ministers and priests could not just bill Medicaid for the services they give in the course of their duties. Many times these people are not active ministers in a congregation. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion of Senator **HARRIMAN** of Cumberland to **ACCEPT** the Minority **UGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senators CIANCHETTE, TITCOMB

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being absent, the motion of Senator **HARRIMAN** of Cumberland, to **ACCEPT** the Minority **UGHT NOT TO PASS** Report in **NON-CONCURRENCE**, **FAILED**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-905) **READ** and **ADOPTED**, in concurrence.

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

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

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

Senator **HANLEY:** Mr. President, is the Senate in possession of L.D. 903?

THE PRESIDENT: The Chair would answer in the affirmative. The Bill having been held at the Senator's request.

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"

H.P. 665 L.D. 903
(C "A" H-953)

(In Senate, March 30, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-953)**, in concurrence.)

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

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

Off Record Remarks

Senator **BUSTIN** of Kennebec was granted unanimous consent to address the Senate off the Record.

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

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

After Recess

Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT
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 Housing and Economic Development has had under consideration the nomination of Roland Bracy, Jr. of Portland, for reappointment to the Adaptive Equipment Loan Fund Program.

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 Pingree of Knox, Harriman of Cumberland
Rep. 10 Melendy of Rockland, Heeschen of Wilton, Plourde of Biddeford, Rowe of Portland, Sullivan of Bangor, Kontos of Windham, Dexter of Kingfield, Kneeland of Easton, Marshall of Eliot, Birney of Paris

NAYS: 0

ABSENT: 1 Sen. Brannigan of Cumberland

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Roland Bracy, Jr. of Portland, for reappointment to the Adaptive Equipment Loan Fund Program 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 Roland Bracy, Jr. of Portland 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.

Rep. 10 Melendy of Rockland,
Heeschen of Wilton, Plourde
of Biddeford, Rowe of
Portland, Sullivan of
Bangor, Kontos of Windham,
Dexter of Kingfield,
Kneeland of Easton, Marshall
of Eliot, Birney of Paris

ROLL CALL

YEAS: Senators None

NAYS: Senators AMERO, BEGLEY, BERUBE,
BRANNIGAN, 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

NAYS: 0

ABSENT: 1 Sen. Brannigan of Cumberland

ABSENT: Senators BALDACCI, BUSTIN, 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 Roland Bracy, Jr., 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 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 Housing and Economic Development has had under consideration the nomination of Arthur H. Redman of Augusta, for reappointment to the Adaptive Equipment Loan Fund Program.

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 Pingree of Knox, Harriman of
Cumberland

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Arthur H. Redman of Augusta, for reappointment to the Adaptive Equipment Loan Fund Program 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 Arthur H. Redman of Augusta 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, BEGLEY, BERUBE,
BRANNIGAN, BUSTIN, BUTLAND, CAHILL,
CAREY, CARPENTER, CIANCHETTE,
CLEVELAND, CONLEY, ESTY, FOSTER, GOULD,
HALL, HANDY, HANLEY, HARRIMAN, KIEFFER,
LAWRENCE, LUDWIG, LUTHER, MARDEN,
MCCORMICK, O'DEA, PARADIS, PEARSON,
PINGREE, SUMMERS, VOSE, WEBSTER, THE
PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators BALDACCI, 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 Arthur H. Redman, 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 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 Housing and Economic Development has had under consideration the nomination of Daniel M. Parker of Westbrook, for reappointment to the Adaptive Equipment Loan Fund Program.

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	Pingree of Knox, Harriman of Cumberland
	Rep.	10	Melendy of Rockland, Heeschen of Wilton, Plourde of Biddeford, Rowe of Portland, Sullivan of Bangor, Kontos of Windham, Dexter of Kingfield, Kneeland of Easton, Marshall of Eliot, Birney of Paris
NAYS:		0	
ABSENT:		1	Sen. Brannigan of Cumberland

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Daniel M. Parker of Westbrook, for reappointment to the Adaptive Equipment Loan Fund Program be confirmed.

Signed:

S/Rochelle M. Pingree
Senate Chair

S/Rita B. Melendy
House Chair

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

Off Record Remarks

THE PRESIDENT: The Joint Standing Committee on Housing and Economic Development has recommended the nomination of Daniel M. Parker of Westbrook 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, BEGLEY, BERUBE, BRANNIGAN, 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, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators BALDACCI, 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 Daniel M. Parker, 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 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 Housing and Economic Development has had under consideration the nomination of Gary L. McLaughlin of Bangor, for appointment to the Adaptive Equipment Loan Fund Program.

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	Pingree of Knox, Harriman of Cumberland
	Rep.	10	Melendy of Rockland, Heeschen of Wilton, Plourde of Biddeford, Rowe of Portland, Sullivan of Bangor, Kontos of Windham, Dexter of Kingfield, Kneeland of Easton, Marshall of Eliot, Birney of Paris
NAYS:		0	
ABSENT:		1	Sen. Brannigan of Cumberland

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Gary L. McLaughlin of Bangor, for appointment to the Adaptive Equipment Loan Fund Program be confirmed.

Signed:

S/Rochelle M. Pingree
Senate Chair

S/Rita B. Melendy
House Chair

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

Off Record Remarks

THE PRESIDENT: The Joint Standing Committee on Housing and Economic Development has recommended the nomination of Gary L. McLaughlin of Bangor 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, BEGLEY, BERUBE, BRANNIGAN, 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 BALDACCI, 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 Gary L. McLaughlin, 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 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 Housing and Economic Development has had under consideration the nomination of Janis B. Cohen of Cape Elizabeth, for appointment to the Finance Authority of Maine.

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 Pingree of Knox, Harriman of Cumberland
 Rep. 10 Melendy of Rockland, Heeschen of Wilton, Plourde of Biddeford, Rowe of Portland, Sullivan of Bangor, Kontos of Windham, Dexter of Kingfield, Kneeland of Easton, Marshall of Eliot, Birney of Paris

NAYS: 0

ABSENT: 1 Sen. Brannigan of Cumberland

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Janis B. Cohen of Cape Elizabeth, for appointment to the Finance Authority of Maine 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 Janis B. Cohen of Cape Elizabeth 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, BEGLEY, BERUBE, BRANNIGAN, 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 BALDACCI, 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 Janis B. Cohen, 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 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 Housing and Economic Development has had under consideration the nomination of Anita C. Stickney of Yarmouth, for reappointment to the Finance Authority of Maine.

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 Pingree of Knox, Harriman of Cumberland
 Rep. 10 Melendy of Rockland, Heeschen of Wilton, Plourde of Biddeford, Rowe of Portland, Sullivan of Bangor, Kontos of Windham, Dexter of Kingfield, Kneeland of Easton, Marshall of Eliot, Birney of Paris

NAYS: 0

ABSENT: 1 Sen. Brannigan of Cumberland

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Anita C. Stickney of Yarmouth, for reappointment to the Finance Authority of Maine 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 Anita C. Stickney of Yarmouth 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, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators BALDACCI, 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 Anita C. Stickney, 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 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 Housing and Economic Development has had under consideration the nomination of William H. Beardsley of Ellsworth, 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. 0

Rep. 10 Melendy of Rockland, Heeschen of Wilton, Plourde of Biddeford, Rowe of Portland, Sullivan of Bangor, Kontos of Windham, Dexter of Kingfield, Kneeland of Easton, Marshall of Eliot, Birney of Paris

NAYS: 0

ABSENT: 3 Sen. Pingree of Knox, Sen. Brannigan of Cumberland, Sen. Harriman of Cumberland

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

ABSENT: Senators BALDACCI, 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 William H. Beardsley, 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:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Demonstrate the Value the State Places on a Strong, Competitive and Sustainable Paper Industry"

H.P. 1466 L.D. 1993

Comes from the House referred to the Committee on **TAXATION** and **ORDERED PRINTED**.

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Amend Certain Laws Pertaining to the Department of Environmental Protection, Bureau of Hazardous Materials and Solid Waste Control"

H.P. 1302 L.D. 1757

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-995)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-995)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-995) **READ** and **ADOPTED**, in concurrence.

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

Off Record Remarks

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1467

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal Affairs report out a bill to the House to establish fairness in the placement of on-line lottery machines by specifying an appeals process for applicants who are denied on-line licenses.

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

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

ORDERS OF THE DAY

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

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

Tabled - March 30, 1994, by Senator ESTY of Cumberland.

Pending - **FURTHER CONSIDERATION**

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

(In House, March 28, 1994, **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 **PARADIS** of Aroostook, the Senate **RECEDED** from its action whereby this bill was **PASSED TO BE ENGROSSED AS AMENDED.**

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Committee Amendment "A" (S-488).

House Amendment "A" (H-967) to Committee Amendment "A" (S-488) **READ.**

motion by Senator **PARADIS** of Aroostook, House Amendment "A" (H-967) to Committee Amendment "A" (S-488) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

On further motion by same Senator, Senate Amendment "D" (S-560) to Committee Amendment "A" (S-488) **READ.**

Senator **CAHILL** of Sagadahoc requested a Division.

THE PRESIDENT: The pending question before the Senate is **ADOPTION** of Senate Amendment "D" (S-560) to Committee Amendment "A" (S-488).

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.

17 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **PARADIS** of Aroostook to **ADOPT** Senate Amendment "D" (S-560) to Committee Amendment "A" (S-488), **PREVAILED.**

Committee Amendment "A" (S-488) as Amended by Senate Amendment "D" (S-560) thereto, **ADOPTED** in **NON-CONCURRENCE.**

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

Sent down forthwith for concurrence.

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

Off Record Remarks

On motion by Senator **CAHILL** of Sagadahoc, **RECESSED** until 4:00 this afternoon.

After Recess

Senate called to order by the President.

Off Record Remarks

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **PARADIS** for the Committee on **TRANSPORTATION** on Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (Governor's Bill) (Emergency)

S.P. 699 L.D. 1897

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-562).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-562) **READ** and **ADOPTED.**

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

SENATE REPORTS - from the Committee on JUDICIARY on Bill "An Act to Establish a Limit on Noneconomic Damages in Medical Malpractice Actions" S.P. 293 L.D. 880 (S "A" S-524)

Majority - Ought Not to Pass

Minority - Ought to Pass

In Senate, March 28, 1994, the Minority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-524).

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

Senator CONLEY of Cumberland moved that the Senate RECEDE and CONCUR.

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

Senator HANLEY: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would urge the members of this chamber not to go along with the pending motion and in fact to stay steadfast and true by our previous vote where we accepted the minority ought to pass report on the cap for noneconomic damages for medical malpractice. This issue we have debated every year during my tenure. We had a very hearty debate earlier this week that I don't think we need to rehash but I just hope that this chamber will stand by their vote on the previous ballot. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator CONLEY of Cumberland to RECEDE and CONCUR.

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.

16 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator CONLEY of Cumberland to RECEDE and CONCUR, PREVAILED.

COMMUNICATIONS

The Following Communication:

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

March 30, 1994

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

Dear President Dutremble and Speaker Gwadosky:

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

L.D. 1855 An Act to Strengthen the Laws Governing Harness Racing

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

Sincerely,

S/Sen. Judy Paradis
Senate Chair

S/Rep. Robert J. Tardy
House Chair

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

The Following Communication:

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

March 30, 1994

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

Dear President Dutremble and Speaker Gwadosky:

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

L.D. 1701 An Act to Assess Excise Tax on a Pro Rata Basis on Automobiles Utilized for Rental

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

Sincerely,

S/Sen. John E. Baldacci
Senate Chair

S/Rep. Susan E. Dore
House Chair

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

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

COMMUNICATIONS

The Following Communication:

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

March 30, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Harrison L. Richardson of South Portland, for appointment to the Maine Maritime Academy Board of Trustees.

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

YEAS:	Sen.	3	O'Dea of Penobscot, Lawrence of York, Amero of Cumberland
	Rep.	10	Mitchell of Vassalboro, Oliver of Portland, Pfeiffer of Brunswick, Simonds of Cape Elizabeth, Cloutier of South Portland, Pinette of Fort Kent, Stevens of Orono, Norton of Winthrop, Ault of Wayne, Small of Bath

NAYS: 0

ABSENT: 0

Thirteen 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 Harrison L. Richardson of South Portland, for appointment to the Maine Maritime Academy Board of Trustees be confirmed.

Signed:

S/John J. O'Dea
Senate Chair

S/Elizabeth H. Mitchell
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Education has recommended the nomination of Harrison L. Richardson of South Portland be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BALDACCI, BEGLEY, HANDY, 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 Harrison L. Richardson, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

March 30, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Jeremy B. Weirich of Castine, for appointment as the Student Member of the Maine Maritime Academy Board of Trustees.

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

YEAS: Sen. 3 O'Dea of Penobscot, Lawrence of York, Amero of Cumberland
 Rep. 10 Mitchell of Vassalboro, Oliver of Portland, Pfeiffer of Brunswick, Simonds of Cape Elizabeth, Cloutier of South Portland, Pinette of Fort Kent, Stevens of Orono, Norton of Winthrop, Ault of Wayne, Small of Bath

NAYS: 0

ABSENT: 0

Thirteen 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 Jeremy B. Weirich of Castine, for appointment as the Student Member of the Maine Maritime Academy Board of Trustees be confirmed.

Signed:

S/John J. O'Dea
 Senate Chair

S/Elizabeth H. Mitchell
 House Chair

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

THE PRESIDENT: The Joint Standing Committee on Education has recommended the nomination of Jeremy B. Weirich of Castine be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BALDACCI, BEGLEY, HANDY, 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 Jeremy B. Weirich, 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 HOUSING AND ECONOMIC DEVELOPMENT
 ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 30, 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 David Lakari of Portland, for appointment as the Executive Director of the Maine State Housing Authority.

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

YEAS: Sen. 3 Pingree of Knox, Brannigan of Cumberland, Harriman of Cumberland

Rep. 10 Melendy of Rockland,
Heeschen of Wilton, Plourde
of Biddeford, Rowe of
Portland, Sullivan of
Bangor, Kontos of Windham,
Dexter of Kingfield,
Kneeland of Easton, Marshall
of Eliot, Birney of Paris

NAYS: 0

ABSENT: 0

Thirteen 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 David Lakari, of Portland, for appointment as the Executive Director of the Maine State Housing Authority 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 David Lakari of Portland 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, BERUBE,
BRANNIGAN, BUSTIN, BUTLAND, CAHILL,
CAREY, CARPENTER, CIANCHETTE,
CLEVELAND, CONLEY, ESTY, FOSTER, GOULD,
HALL, HANLEY, HARRIMAN, KIEFFER,
LAWRENCE, LUDWIG, LUTHER, MARDEN,
MCCORMICK, O'DEA, PARADIS, PEARSON,
PINGREE, SUMMERS, VOSE, WEBSTER, THE
PRESIDENT – DENNIS L. DUTREMBLE

ABSENT: Senators BEGLEY, HANDY, 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 David Lakari, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

On motion by Senator **LUDWIG** of Aroostook, **RECESSED** until 6:00 this evening.

After Recess

Senate called to order by the President.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **BEGLEY** for the Committee on **LABOR** on Bill "An Act to Extend Penalty Sanctions to Employee Health Benefit Plans"

S.P. 671 L.D. 1843

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "B" (S-563)**.

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

The Bill **READ ONCE**.

Committee Amendment "B" (S-563) **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.

Off Record Remarks

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 Expedite the Establishment of Administrative Child Support Orders (Governor's Bill)
S.P. 488 L.D. 1499
(C "A" S-501)

An Act to Provide for Consistent Data Collection
S.P. 562 L.D. 1597
(C "A" S-503)

An Act to Amend the Probate Code with Respect to Powers of Fiduciaries
S.P. 598 L.D. 1657
(C "A" S-500)

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

An Act to Clarify Maine Corporate Laws
S.P. 615 L.D. 1713
(C "A" S-499)

An Act Concerning Registered Apprenticeship Programs
S.P. 681 L.D. 1861
(C "A" S-489)

An Act to Improve Methods of Dispute Resolution of the Maine Human Rights Commission
S.P. 692 L.D. 1878
(C "A" S-497)

An Act to Enhance the Effectiveness of the Office of the Public Advocate
S.P. 693 L.D. 1879
(C "A" S-445; S "A" S-514)

An Act to Establish an Alternative Form of Telecommunications Regulation in the State (Governor's Bill)
S.P. 726 L.D. 1947
(C "A" S-492)

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 Facilitate Collection of Tolls on the Maine Turnpike
S.P. 687 L.D. 1873
(C "A" S-494)

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

An Act to Clarify and Make Technical Changes to Various Professional Licensing Board Laws (Governor's Bill)
S.P. 720 L.D. 1942
(C "A" S-490)

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

Resolve

Resolve, Concerning Reauthorization of the \$6,500,000 Unissued Balance of the \$9,520,000 Bond Issue for Construction and Renovation of Juvenile Correctional Facilities
S.P. 673 L.D. 1845
(C "A" S-522)

Which was **FINALLY PASSED**, in concurrence.

On motion by Senator **PEARSON** of Penobscot, the Senate **RECONSIDERED** its action whereby this Resolve was **FINALLY PASSED**.

On further motion by same Senator, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**.

Emergency

An Act to Promote Managed Care and to Otherwise Facilitate the Cost-effective Delivery of Health Care in the State
S.P. 560 L.D. 1596
(S "A" S-517 to C "A" S-502)

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

Emergency

An Act to Encourage Effective Use of State Resources

H.P. 1354 L.D. 1820
(C "A" H-818)

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

Emergency

An Act Regarding Maine's Comprehensive Early Intervention System for Infants and Children, from Birth to under Age Six

S.P. 663 L.D. 1831
(C "A" S-510)

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 Related to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act

H.P. 1368 L.D. 1851
(H "A" H-817 to C "A" H-801; S "A" S-506)

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 Amend the Law Pertaining to the Appointment of a Guardian Ad Litem in Contested Proceedings

S.P. 680 L.D. 1860
(C "A" S-498)

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.

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 Clarify Liquor Licensing Authority"

S.P. 614 L.D. 1712
(C "A" S-518)

In Senate, March 25, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-518)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-518) AS AMENDED BY HOUSE AMENDMENT "A" (H-933)** thereto, in **NON-CONCURRENCE**.

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

Non-concurrent Matter

Resolve, Authorizing Aroostook County to Issue Bonds for the Northern Maine Development Commission, Inc. (Emergency) (Governor's Bill)

S.P. 772 L.D. 1992

In Senate, March 29, 1994, referred to the Committee on **STATE & LOCAL GOVERNMENT** and **ORDERED PRINTED**.

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

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

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **BANKING & INSURANCE** on Bill "An Act Regarding Access to Chiropractic Services" H.P. 1461 L.D. 1986

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 1456).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-998)**.

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

The Bill **READ ONCE**.

House Amendment "A" (H-998) **READ** and **ADOPTED**, in concurrence.

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

Ought to Pass As Amended

The Committee on **AGRICULTURE** on Bill "An Act to Provide for Greater Efficiency within the Department of Agriculture, Food and Rural Resources" H.P. 1191 L.D. 1588

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-944)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-944) AS AMENDED BY HOUSE AMENDMENT "A" (H-981)** thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-944) **READ**.

House Amendment "A" (H-981) to Committee Amendment "A" (H-944) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-944) as Amended by House Amendment "A" (H-981) thereto, **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION** on Bill "An Act to Prohibit Discrimination in the Assignment of School Attendance Areas" (Emergency) H.P. 1155 L.D. 1554

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-966)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-966) AS AMENDED BY HOUSE AMENDMENT "A" (H-1002)** thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-966) **READ**.

House Amendment "A" (H-1002) to Committee Amendment "A" (H-966) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-966) as Amended by House Amendment "A" (H-1002) thereto, **ADOPTED**, in concurrence.

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

The Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Increase the Jurisdiction of the Loring Development Authority of Maine" H.P. 1275 L.D. 1723

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-974)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-974)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-974) **READ** and **ADOPTED**, in concurrence.

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

Off Record Remarks

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

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

An Act to Clarify and Make Technical Changes to Various Professional Licensing Board Laws (Governor's Bill)

S.P. 720 L.D. 1942
(C "A" S-490)

Tabled - March 30, 1994, by Senator **ESTY** of Cumberland.

Pending - **ENACTMENT**

(In Senate, March 24, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-490)**, in concurrence.)

(In House, March 30, 1994, **PASSED TO BE ENACTED.**)

On motion by Senator **SUMMERS** of Cumberland, the Senate **SUSPENDED THE RULES.**

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

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-490).

On further motion by same Senator, Senate Amendment "B" (S-558) to Committee Amendment "A" (S-490) **READ** and **ADOPTED.**

Committee Amendment "A" (S-490) as Amended by Senate Amendment "B" (S-558) 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 were ordered sent down forthwith for concurrence.

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

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"
H.P. 665 L.D. 903
(C "A" H-953)

Tabled - March 30, 1994, by Senator **ESTY** of Cumberland.

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

(In Senate, March 30, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-953)**, in concurrence. Subsequently, **RECONSIDERED.**)

(In House, March 29, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-953).**)

On motion by Senator **HANLEY** of Oxford, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-953), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-564) to Committee Amendment "A" (H-953) **READ.**

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The amendment before you would make some minor modifications to a bill that came out of the Judiciary Committee. It would conform the Attorney General's Office to the same classifications that the Department of Public Safety and the Drug Enforcement Agency has as far as retroactivity and not just proactive. That section of the bill is removed and the appropriation is changed. There is no fiscal impact. Thank you.

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending the motion by Senator **HANLEY** of Oxford to **ADOPT** Senate Amendment "A" (S-564) to Committee Amendment "A" (H-953).

Senate at Ease

Senate called to order by the President.

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

Bill "An Act to Implement the Recommendations of the Commission to Study the Statutory Procedures for Local Property Tax Abatement"

H.P. 1387 L.D. 1886
(C "A" H-853)

Tabled - March 30, 1994, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, March 23, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-853)**, in concurrence.)

(In House, March 30, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-853) AS AMENDED BY HOUSE AMENDMENT "A" (H-978)** thereto in **NON-CONCURRENCE**.)

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

Off Record Remarks

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

Off Record Remarks

On motion by Senator **SUMMERS** of Cumberland, **ADJOURNED** until Thursday, March 31, 1994, at 9:00 in the morning.