

MAINE STATE LEGISLATURE

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

VOLUME VI

SECOND REGULAR SESSION

Senate
January 5, 1994 to April 6, 1994

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

In Senate Chamber
Tuesday
April 5, 1994

The Senate RECEDED and CONCURRED.

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

Prayer by the Honorable Pamela L. Cahill of Sagadahoc.

SENATOR PAMELA L. CAHILL: For our meditation today I would like to read a prayer by Frank L. Staten entitled "Keep A Goin'".

"If you strike a thorn or rose, keep a goin'.
If it hails, or if it snows, keep a goin'.
T'ain't no use to sit and whine when the fish
ain't on your line. Bait your hook and keep
a tryin', keep a goin'.
When the weather kills your crops, keep a goin'.
Though tis work to reach the top, keep a goin'.
Suppose you're out of every dime, getting broke
ain't no crime, tell the world you're feeling
fine, keep a goin'.
When it looks like all is up, keep a goin'.
Bring the sweetness from the cup, keep a goin'.
See the wild birds on the wing, hear the bells
that sweetly ring. When you feel like
surging, sing, keep a goin'.

Amen.

Reading of the Journal of Friday, April 1, 1994.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Permit Collection of Public Assistance Overpayments by Administrative Process" (Governor's Bill)

S.P. 471 L.D. 1463
(C "A" S-532)

In Senate, March 28, 1994, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-532).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-532) AS AMENDED BY HOUSE AMENDMENT "A" (H-1027) thereto, in NON-CONCURRENCE.

Non-concurrent Matter

Bill "An Act to Ensure Quality Psychological Services"

S.P. 580 L.D. 1624
(C "A" S-504)

In Senate, March 24, 1994, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-504).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-504) AS AMENDED BY HOUSE AMENDMENT "A" (H-1022) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

April 1, 1994

Honorable Joy J. O'Brien
Secretary of the Senate
116th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Encourage Municipal Investment in Local Economic Development Projects" (EMERGENCY) (S.P. 647) (L.D. 1806):

Representative DORE of Auburn
Representative TARDY of Palmyra
Representative SPEAR of Nobleboro

Sincerely,

S/Joseph W. Mayo
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Resolve, Authorizing the Examination of School Finance and Taxation Proposals

S.P. 776 L.D. 2003

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

Cosponsored by Senators: **O'DEA** of Penobscot, **PEARSON** of Penobscot, Representatives: **CLOUTIER** of South Portland, **MITCHELL** of Vassalboro, **SMALL** of Bath

Committee on **EDUCATION** suggested and **ORDERED PRINTED**.

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

Sent down forthwith for concurrence.

ENACTORS

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

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

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

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

(See Action Later Today)

Off Record Remarks

On motion by Senator **BRANNIGAN** of Cumberland, the Senate **RECONSIDERED** its action whereby it **PASSED TO BE ENACTED**:

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

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

(In House, April 1, 1994, **PASSED TO BE ENACTED**.)

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

Senator **BRANNIGAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is a recodification and a revision of Title 29, the Motor Vehicle Laws. It has been brought to our attention that one provision of the bill is unclear, which is not bad given that there are 370 pages to this bill, and it has been worked on for a long, long time. Rather than amend the bill and have to reprint the 370 pages I want to make a statement to clarify that provision. It has to do with trucks that exceed the axle weight limit and whether the fine for exceeding the limit can be forgiven or reduced if shifting the load brings the truck into compliance with weight limits. The Committee intent is that the fine reduction or forgiveness does not apply when the truck is travelling on the interstate highway system. That is the understanding of the Department of Transportation and of the Maine Motor Transport Association. This statement just clarifies what might be viewed as an ambiguity in language. Thank you.

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

Mandate

An Act Creating the York County Budget Committee
H.P. 1351 L.D. 1817
(H "A" H-924 to C
"A" H-872)

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 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 Concerning the 1993 Apportionment of Legislative Districts

H.P. 1372 L.D. 1856
(H "A" H-889)

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

Emergency Mandate

An Act to Expand the Powers of the Great Salt Bay Sanitary District

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

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **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:

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

April 4, 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 Marine Resources has had under consideration the nomination of Brad Burns of Falmouth, for reappointment to the Marine Resources Advisory Council.

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	Vose of Washington, Gould of Waldo
	Rep.	8	Mitchell of Freeport, Skoglund of St. George, Swazey of Bucksport, Look of Jonesboro, Heino of Boothbay, Farren of Cherryfield, Lemont of Kittery
NAYS:		0	
ABSENT:		3	Sen. Pingree of Knox, Rep. Coles of Harpswell, Rep. Constantine of Bar Harbor

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 Brad Burns of Falmouth, for reappointment to the Marine Resources Advisory Council be confirmed.

Signed:

S/Harry L. Vose
Senate Chair

S/James Mitchell
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Marine Resources has recommended the nomination of Brad Burns of Falmouth be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Marine Resources 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, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LUDWIG, LUTHER, MARDEN, O'DEA, PARADIS, PEARSON, PINGREE, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators BALDACCI, BUSTIN, LAWRENCE, MCCORMICK, SUMMERS, TITCOMB

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

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

April 4, 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 Marine Resources has had under consideration the nomination of Arthur Odlin of South Portland, for reappointment to the Marine Resources Advisory Council.

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	Vose of Washington, Gould of Waldo
	Rep.	8	Mitchell of Freeport, Skoglund of St. George, Swazey of Bucksport, Look of Jonesboro, Heino of Boothbay, Farren of Cherryfield, Lemont of Kittery
NAYS:		0	
ABSENT:		3	Sen. Pingree of Knox, Rep. Coles of Harpswell, Rep. Constantine of Bar Harbor

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Arthur Odlin of South Portland, for reappointment to the Marine Resources Advisory Council be confirmed.

Signed:

S/Harry L. Vose
Senate Chair

S/James Mitchell
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Marine Resources has recommended the nomination of Arthur Odlin of South Portland be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Marine Resources 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, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LUDWIG, LUTHER, MARDEN, O'DEA, PARADIS, PEARSON, PINGREE, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators BALDACCI, BUSTIN, GOULD, LAWRENCE, MCCORMICK, SUMMERS, TITCOMB

No Senators having voted in the affirmative and 28 Senators having voted in the negative, with 7 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 Odlin, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

ORDERS OF THE DAY

On motion by Senator **BRANNIGAN** of Cumberland, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

Emergency

An Act to Amend Certain Motor Vehicle Laws
H.P. 1270 L.D. 1697

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

Pending - **ENACTMENT**

(In Senate, March 24, 1994, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

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

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose a question. Could I please have a brief description of the pending question? Thank you.

THE PRESIDENT: The Chair would answer that the pending question is Enactment on L.D. 1697, "An Act to Amend Certain Motor Vehicle Laws". The Chair recognizes the Senator from Cumberland, Senator Harriman.

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I was wondering if some member of the body could give a little better description of the pending question. Thank you.

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

The Following Communication:

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

April 4, 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 Marine Resources has had under consideration the nomination of Burton H. Blanch of Eastport, for reappointment to the Marine Resources Advisory Council.

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	Vose of Washington, Gould of Waldo
	Rep.	8	Mitchell of Freeport, Skoglund of St. George, Swazey of Bucksport, Look of Jonesboro, Heino of Boothbay, Farren of Cherryfield, Lemont of Kittery
NAYS:		0	
ABSENT:		3	Sen. Pingree of Knox, Rep. Coles of Harpswell, Rep. Constantine of Bar Harbor

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 Burton H. Blanch of Eastport, for reappointment to the Marine Resources Advisory Council be confirmed.

Signed:

S/Harry L. Vose
Senate Chair

S/James Mitchell
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Marine Resources has recommended the nomination of Burton H. Blanch of Eastport be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Marine Resources 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, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LUDWIG, LUTHER, MARDEN, O'DEA, PEARSON, PINGREE, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators BALDACCI, BUSTIN, LAWRENCE, MCCORMICK, PARADIS, SUMMERS, TITCOMB

No Senators having voted in the affirmative and 28 Senators having voted in the negative, with 7 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 Burton H. Blanch, was **CONFIRMED.**

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

April 4, 1994

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

ROLL CALL

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 Marine Resources has had under consideration the nomination of Robert J. Peacock of East Machias, for appointment to the Marine Resources Advisory Council.

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 Vose of Washington, Gould of Waldo
 Rep. 8 Mitchell of Freeport, Skoglund of St. George, Swazey of Bucksport, Look of Jonesboro, Heino of Boothbay, Farren of Cherryfield, Lemont of Kittery

NAYS: 0

ABSENT: 3 Sen. Pingree of Knox, Rep. Coles of Harpswell, Rep. Constantine of Bar Harbor

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 Robert J. Peacock of East Machias, for appointment to the Marine Resources Advisory Council be confirmed.

Signed:

S/Harry L. Vose
 Senate Chair

S/James Mitchell
 House Chair

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

THE PRESIDENT: The Joint Standing Committee on Marine Resources has recommended the nomination of Robert J. Peacock of East Machias be confirmed.

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

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, O'DEA, PARADIS, PEARSON, PINGREE, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators BALDACCI, BUSTIN, MCCORMICK, SUMMERS, TITCOMB

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 5 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 Robert J. Peacock, 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**

April 4, 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 Jane Roundy of Manchester, for appointment to 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. 2 Brannigan of Cumberland, Harriman of Cumberland

Rep. 7 Plourde of Biddeford, Rowe of Portland, Sullivan of Bangor, Kontos of Windham, Dexter of Kingfield, Marshall of Eliot, Birney of Paris

NAYS: 1 Rep. Melendy of Rockland
 ABSENT: 3 Sen. Pingree of Knox, Rep. Heeschen of Wilton, Rep. Kneeland of Easton

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

Nine members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Jane Roundy of Manchester, for appointment to the Maine State Housing Authority be confirmed.

COMMUNICATIONS

The Following Communication:

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

Signed:

S/Rochelle M. Pingree
 Senate Chair

S/Rita B. Melendy
 House Chair

April 5, 1994

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

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

THE PRESIDENT: The Joint Standing Committee on Housing and Economic Development has recommended the nomination of Jane Roundy of Manchester be confirmed.

Dear Mr. President:

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 Maine Legislature, the Joint Standing Committee on Banking and Insurance has had under consideration the nomination of H. Donald DeMatteis of Litchfield, for reappointment as the Superintendent of the Maine Bureau of Banking.

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.

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:

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?

YEAS: Sen. 1 Carey of Kennebec
 Rep. 6 Pineau of Jay, Erwin of Rumford, Tracy of Rome, Joseph of Waterville, Rand of Portland, Hale of Sanford

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

NAYS: 0

YEAS: Senators None

ABSENT: 6 Sen. McCormick of Kennebec, Sen. Kieffer of Aroostook, Rep. Townsend of Canaan, Rep. Carleton of Wells, Rep. Kutasi of Bridgton, Rep. Campbell of Holden

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, O'DEA, PARADIS, PEARSON, PINGREE, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators BALDACCI, BUSTIN, MCCORMICK, SUMMERS, TITCOMB

Seven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of H. Donald DeMatteis of Litchfield, for reappointment as the Superintendent of the Maine Bureau of Banking be confirmed.

Signed:

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 5 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 Jane Roundy, was **CONFIRMED**.

S/Dale McCormick
 Senate Chair

S/Edward L. Pineau
 House Chair

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

The Secretary has so informed the Speaker of the House.

THE PRESIDENT: The Joint Standing Committee on Banking and Insurance has recommended the nomination of H. Donald DeMatteis of Litchfield be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Banking and Insurance 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, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, O'DEA, PARADIS, PEARSON, PINGREE, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators BALDACCI, BUSTIN, MCCORMICK, SUMMERS, TITCOMB

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 5 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 H. Donald DeMatteis, 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:

ENACTORS

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

An Act Regarding the Rights of Grandparents in Child Protection Proceedings

H.P. 1352 L.D. 1818
(S "A" S-544 to C "A" H-938)

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

S.P. 720 L.D. 1942
(S "B" S-558 to C "A" S-490)

An Act to Amend the Public Smoking Laws

S.P. 724 L.D. 1945
(S "D" S-560 to C "A" S-488)

An Act Regarding the Department of Corrections

H.P. 1454 L.D. 1982
(C "A" H-993)

An Act to Correct the Purchasing Laws to Delegate Small Purchases (Governor's Bill)

H.P. 1468 L.D. 1994

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 Bring the Department of the Attorney General into Conformity with the Criminal History Record Information Laws

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

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

An Act to Extend Penalty Sanctions to Employee Health Benefit Plans

S.P. 671 L.D. 1843
(C "B" S-563)

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

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In regards to the penalty sanctions to Employee benefit plans, it has been amended down to eliminate the major concern of doubling the penalty but it is still a bill that is going to possibly eliminate some health plans in small employer systems. Once again it is a plan where you may be going against the better wishes of health care. Thank you.

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

H.P. 1387 L.D. 1886
(H "A" H-978 to C
"A" H-853)

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

An Act to Conserve Sea Urchin Resources

H.P. 1459 L.D. 1984
(H "B" H-983)

On motion by Senator **BEGLEY** of Lincoln, the Senate **SUSPENDED THE RULES**.

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

On further motion by same Senator, Senate Amendment "B" (S-566) **READ**.

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

Senator **VOSE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The good Senator from Lincoln, Senator Begley, and I discussed this particular amendment preceding his presentation. Actually what I am going to ask this Senate to do is to Indefinitely Postpone this amendment. The reason is that the Marine Resources Committee was asked to pass a bill to conserve the urchin resources. We worked long and hard on that bill. The Committee finally couldn't agree on the six months that the urchin harvesters and processors wanted closed so finally I said look, those of you in the west pick out the times that you think you can live with and we, in the east, will do the same. We did so and we did not concur with the same dates. Therefore there were four and a half months in the eastern and four and a half months in the western that we agreed upon and therefore created two zones. Under the set up that we have now we believe we have done a great job in creating the two zones and allowing licenses only for one zone per year to be issued. If this bill fails and this limit doesn't pass it will destroy about six weeks of hard work in our Committee. The reason for the zones and the one license is we did not want anyone from zone one to come over and dive for urchins in zone two when their zone one is closed and visa versa. Therefore I would hope that you would join me and Indefinitely Postpone this amendment. Thank you.

Senator **VOSE** of Washington moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-566).

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

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The amendment was requested by the urchin harvesters organization that I was contacted by. It is absolutely true that what the Committee has done, they have worked arduously and conscientiously for the betterment of

the urchin industry. The amendment is simply asking that where you have the two zones for conservation is an absolute necessity, but the amendment says that the diver should have one license from the State which would allow him to dive in either of the two zones for that particular time when those two zones are open. The diver's association felt it was important to them because of the background of the industry itself to be able to, at least for the first year of this conservation measure, dive within the confines of the State. They have been used to this, there is little or no doubt that like many of the earlier clam diggers before the town ordinances came, they went from the southern tip to the northern tip of the State to ply their trade. The urchin divers do not think that they will, in any way, harm the conservation measures for this one year of an attempt across the State. The divers in my area, when the section of zone one closes, many of them will then be prepared to go dig clams and that is what many of them do and do not necessarily travel to the other zone. It is also true that there are some people in other areas of the state that might do so. Again, their wish was to have the one license for the two zones for the beginning of this bill and then see whether or not it happens to be of any importance or detriment to the plan itself. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator **VOSE** of Washington to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-566)

A Division has been requested.

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

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

16 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **VOSE** of Washington to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-566), **PREVAILED**.

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

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

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. 1475

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government report out a bill establishing secession and annexation procedures and standards to the House.

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

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

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

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1477

JOINT RESOLUTION RECOGNIZING THE MAINE STATE GRANGE

WHEREAS, the State of Iowa has a long and proud history as the "Nation's Breadbasket," ranking second in agricultural production; and

WHEREAS, in 1993, most of the rain sorely needed by the farmers of Maine was deposited in the fields of Iowa; and

WHEREAS, the devastating floods that followed have caused loss of life, property damage in excess of \$1,000,000,000 and the flooding of over 2,000,000 acres of farmland, with crop damage exceeding \$750,000,000; and

WHEREAS, Iowa farmers are experiencing a tremendous shortage of hay to feed their cattle, thus tragically compounding their losses; and

WHEREAS, the Members of the Maine State Grange, Patrons of Husbandry, now celebrating 120 years of service to and support of the life and spirit of farming in America, have recognized the tragedy of Iowa's farmers and, in the great helping spirit of the Grange, have chosen to act; and

WHEREAS, in recognition of their special kinship with the farmers of Iowa, which easily transcends the 1,500 miles between their homes, Grange Members from all parts of Maine have responded to the crisis by donating their own hay to Iowa farmers; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Sixteenth Legislature, now assembled in the Second Regular Session, in perfect accord with the sentiments of those members of our body who identify themselves as the "Corn Caucus," take this occasion to recognize the Maine State Grange for its generosity and its commendable representation of Maine and its citizens; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Master of the Maine State Grange and the Master of the Iowa State Grange.

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act to Improve Access to Pharmaceuticals for Rural Health Center Patients" H.P. 558 L.D. 755

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-986)**.

Signed:

Senators:

PARADIS of Aroostook
HARRIMAN of Cumberland

Representatives:

TREAT of Gardiner
BRENNAN of Portland
CARR of Sanford
PENDLETON of Scarborough
TOWNSEND of Portland
FITZPATRICK of Durham
JOHNSON of South Portland
GEAN of Alfred
BRUNO of Raymond

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-987)**.

Signed:

Representative:

PENDEXTER of Scarborough

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-986)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-986)**.

Which Reports were **READ**.

The Chair moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-986)** Report, in concurrence.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Point of order please. I would like to pose a question of the germaneness of Committee Amendment "A" (H-986).

Tabled pending **RULING OF THE CHAIR.**

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Revise the Salaries of Certain County Officers" (Emergency)

H.P. 1476 L.D. 2004

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

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

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

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

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:

Emergency

An Act to Prohibit Discrimination in the Assignment of School Attendance Areas

H.P. 1155 L.D. 1554
(H "A" H-1002 to C "A" H-966)

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

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:

Emergency

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

H.P. 1329 L.D. 1792
(S "A" S-559 to C "A" H-864)

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

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:

Emergency

An Act to Correct Errors and Inconsistencies in the Laws of Maine

S.P. 676 L.D. 1852
(C "A" S-531; H "A" H-985)

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.

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:

Emergency

An Act to Make Supplemental Allocations from the Highway Fund, Other Funds and Make Other Necessary Changes for the Proper Operation of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995 (Governor's Bill)

S.P. 699 L.D. 1897
(C "A" S-562)

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

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.

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 Provide for Greater Efficiency within the Department of Agriculture, Food and Rural Resources

H.P. 1191 L.D. 1588
(H "A" H-981 to C
"A" H-944)

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

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:

Emergency

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

Tabled - April 5, 1994, by Senator **BRANNIGAN** of Cumberland.

Pending - **ENACTMENT**

(In Senate, March 24, 1994, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

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

ENACTORS

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

Emergency

An Act to Establish Fairness in the Placement of On-line Lottery Machines

H.P. 1469 L.D. 1995

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

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.

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

Emergency

An Act to Make Supplemental Allocations from the Highway Fund, Other Funds and Make Other Necessary Changes for the Proper Operation of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995 (Governor's Bill)

S.P. 699 L.D. 1897
(C "A" S-562)

Tabled - April 5, 1994, by Senator **BRANNIGAN** of Cumberland.

Pending - **ENACTMENT**

(In Senate, March 31, 1994, **PASSED TO BE ENGROSSED AS AMENDED.**)

(In House, April 5, 1994, **PASSED TO BE ENACTED.**)

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is the Highway budget and the Transportation Committee and the Appropriations Committee are always friendly rivals. Sometimes our money overlaps and sometimes we fight for our money between the two of us. The former Representative from Thomaston, Representative Mayo, used to tell me after we had gone for weeks and sometimes months doing our budget that the Transportation Committee spent one grueling hour dealing with their budget. Seriously, the Senator from Cumberland, Senator Brannigan, who has had the unique position of having been the Chair of Appropriations and Transportation and Business Legislation, I think has done an outstanding job in the Transportation Committee and I wanted to make these remarks as his budget was passing and thank him for what he has done. Thank you.

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.

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 to Improve Access to Pharmaceuticals for Rural Health Center Patients"
H.P. 558 L.D. 755

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-986)**

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-987)**

Tabled - April 5, 1994, by the Chair.

Pending - **RULING OF THE CHAIR**

(In Senate, April 5, 1994, Reports **READ.**)

(In House, April 5, 1994, Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-986)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-986).**)

THE PRESIDENT: The Chair has reviewed Committee Amendment "A" (H-986) and would rule that Committee Amendment "A" (H-986) is germane to the bill.

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-986)** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE.**

Committee Amendment "A" (H-986) **READ** and **ADOPTED.**

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

Senate at Ease

Senate called to order by the President.

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 (4/1/94) matter:

HOUSE REPORTS - from the Committee on **AGRICULTURE** on Bill "An Act to Amend the Harness Racing Laws"
H.P. 1243 L.D. 1670

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-948)**

Minority - **Ought Not to Pass**

Tabled - April 1, 1994, by Senator ESTY of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 31, 1994, Reports **READ**.)

(In House, March 30, 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-948) AS AMENDED BY HOUSE AMENDMENTS "C" (H-999), "D" (H-1003), AND "E" (H-1007)** thereto.)

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

The Chair laid before the Senate the Tabled and Later Assigned (4/1/94) matter:

HOUSE REPORT - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Correct Certain Inconsistencies in the Laws Relating to the Commission on Governmental Ethics and Election Practices"

H.P. 1380 L.D. 1867

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-1026)**.

Tabled - April 1, 1994, by Senator ESTY of Cumberland.

Pending - **ACCEPTANCE OF REPORT**

(In Senate, April 1, 1994, Report **READ**.)

(In House, April 1, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1026)**.)

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

The Chair laid before the Senate the Tabled and Later Assigned (4/1/94) matter:

HOUSE REPORTS - from the Committee on **MARINE RESOURCES** on Bill "An Act to Rejuvenate the Lobster Population in the Gulf of Maine"

H.P. 1262 L.D. 1689

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-973)**

Minority - **Ought Not to Pass**

Tabled - April 1, 1994, by Senator ESTY of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 1, 1994, Reports **READ**.)

(In House, April 1, 1994, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-973) AS AMENDED BY HOUSE AMENDMENT "A" (H-1017)** thereto.)

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-973) **READ**.

On motion by Senator PINGREE of Knox, Senate Amendment "A" (S-576) to Committee Amendment "A" (H-973) **READ** and **ADOPTED**.

House Amendment "A" (H-1017) to Committee Amendment "A" (H-973) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-973) as Amended by Senate Amendment "A" (S-576) and House Amendment "A" (H-1017) 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 were ordered sent down forthwith for concurrence.

The Chair laid before the Senate the Tabled and Later Assigned (4/1/94) matter:

Bill "An Act Regarding Cable Television" H.P. 1096 L.D. 1483

Tabled - April 1, 1994, by Senator ESTY of Cumberland.

Pending - **ADOPTION** of Committee Amendment "A" (H-836)

(In Senate, April 1, 1994, Committee Amendment "A" (H-836) **READ**.)

(In House, March 31, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-836) AS AMENDED BY HOUSE AMENDMENT "B" (H-982)** thereto.)

House Amendment "B" (H-982) to Committee Amendment "A" (H-836) **READ**.

On motion by Senator GOULD of Waldo, House Amendment "B" (H-982) to Committee Amendment "A" (H-836) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "A" (S-577) to Committee Amendment "A" (H-836) **READ** and **ADOPTED**.

Committee Amendment "A" (H-836) As Amended by Senate Amendment "A" (S-577) 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**.

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

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

Bill "An Act to Create Retirement Alternatives" (Emergency)

H.P. 1362 L.D. 1841
(C "A" H-867; H "A" H-972)

Tabled - April 1, 1994, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **AMERO** of Cumberland to **ADOPT** Senate Amendment "A" (S-573)

(In Senate, March 23, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-867)**, in concurrence.)

(In House, March 31, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-867) AND HOUSE AMENDMENT "A" (H-972)** in **NON-CONCURRENCE**.)

(In Senate, April 1, 1994, **RECEDED** from **PASSAGE TO BE ENGROSSED AS AMENDED**. House Amendment "A" (H-972) **READ** and **ADOPTED**, in concurrence. Senate Amendment "A" (S-573) **READ**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending the motion by Senator **AMERO** of Cumberland to **ADOPT** Senate Amendment "A" (S-573).

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

Emergency

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
(C "A" H-995)

Tabled - April 1, 1994, by Senator **ESTY** of Cumberland.

Pending - **ENACTMENT**

(In Senate, March 30, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-995)**, in concurrence.)

(In House, April 1, 1994, **PASSED TO BE ENACTED**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **ENACTMENT**.

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 Agency Relationships in Real Estate Transactions"

S.P. 616 L.D. 1714
(C "A" S-551)

In Senate, March 29, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-551)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-551) AS AMENDED BY HOUSE AMENDMENT "A" (H-1036)** thereto, in **NON-CONCURRENCE**.

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **ADJOURNED** until Wednesday, April 6, 1994, at 12:00 in the afternoon.