

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

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

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

The Following Communication:

In Senate Chamber
Wednesday
April 6, 1994

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

April 5, 1994

Senate called to Order by the President Pro Tem,
Gerard P. Conley, Jr. of Cumberland.

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

Prayer by the Honorable Michael D. Pearson of
Penobscot.

Dear Mr. President:

SENATOR MICHAEL D. PEARSON: Dear God, thank
you for the opportunity to serve Maine and its
people. Thank you for the freshness of a Maine
spring day. Thank you for the comradeship of those
with whom we serve and have served. For those of us
who love this chamber and are about to leave it, we
ask God that you will bless its members now and in
the future and to watch over them always. Amen.

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 State
and Local Government has had under consideration the
nomination of John B. Wootten of Blue Hill, for
reappointment to the Maine Court Facilities 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:

Reading of the Journal of Tuesday, April 5, 1994.

YEAS: Sen. 2 Berube of Androscoggin,
Butland of Cumberland
Rep. 7 Joseph of Waterville, Gray
of Sedgwick, Ahearne of
Madawaska, Rowe of Portland,
Walker of Blue Hill, Look of
Jonesboro, Bennett of Norway

COMMUNICATIONS

The Following Communication:

NAYS: 0
ABSENT: 4 Sen. Esty of Cumberland,
Rep. Kilkelly of Wiscasset,
Rep. Dutremble of Biddeford,
Rep. Young of Limestone

**STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333**

April 5, 1994

Nine members of the Committee having voted in the
affirmative and none in the negative, it was the vote
of the Committee that the nomination of John B.
Wootten of Blue Hill, for reappointment to the Maine
Court Facilities Authority be confirmed.

The Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, ME 04333

Signed:

Dear Secretary O'Brien:

S/Georgette B. Berube
Senate Chair

S/Ruth Joseph
House Chair

I am appointing Senator Gerard P. Conley, Jr. of
Cumberland, as President Pro-Tem for session on April
6, 1994.

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

Sincerely,

THE PRESIDENT PRO TEM: The Joint Standing
Committee on State & Local Government has recommended
the nomination of John B. Wootten of Blue Hill be
confirmed.

S/Dennis L. Dutremble
President of the Senate

The pending question before the Senate is:
"Shall the recommendation of the Committee on State &
Local Government be overridden?"

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators AMERO, BALDACCI, BEGLEY, BERUBE, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, DUTREMBLE, ESTY, FOSTER, GOULD, HALL, HANDY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, PARADIS, PEARSON, PINGREE, SUMMERS, VOSE, WEBSTER, PRESIDENT PRO TEM - GERARD P. CONLEY, JR.

ABSENT: Senators BRANNIGAN, HANLEY, MARDEN, MCCORMICK, O'DEA, TITCOMB

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

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

April 5, 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 State and Local Government has had under consideration the nomination of Derek P. Langhauser of Portland, for appointment to the Maine Court Facilities 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 Berube of Androscoggin,
Butland of Cumberland

Rep. 7 Joseph of Waterville, Gray
of Sedgwick, Ahearne of
Madawaska, Rowe of Portland,
Walker of Blue Hill, Look of
Jonesboro, Bennett of Norway

NAYS: 0

ABSENT: 4 Sen. Esty of Cumberland,
Rep. Kilkelly of Wiscasset,
Rep. Dutremble of Biddeford,
Rep. Young of Limestone

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Derek P. Langhauser of Portland, for appointment to the Maine Court Facilities Authority be confirmed.

Signed:

S/Georgette B. Berube
Senate Chair

S/Ruth Joseph
House Chair

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

THE PRESIDENT PRO TEM: The Joint Standing Committee on State & Local Government has recommended the nomination of Derek P. Langhauser of Portland be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on State & Local Government be overridden?"

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators AMERO, BALDACCI, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, DUTREMBLE, ESTY, FOSTER, GOULD, HALL, HANDY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, PARADIS, PEARSON, PINGREE, SUMMERS, VOSE, WEBSTER, PRESIDENT PRO TEM - GERARD P. CONLEY, JR.

ABSENT: Senators HANLEY, MARDEN, MCCORMICK, O'DEA, 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 Derek P. Langhauser, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

April 5, 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 State and Local Government has had under consideration the nomination of James S. Henderson of Orr's Island, for reappointment as the Maine State Archivist.

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	Berube of Androscoggin, Butland of Cumberland
	Rep.	8	Joseph of Waterville, Kilkelly of Wiscasset, Gray of Sedgwick, Ahearne of Madawaska, Rowe of Portland, Walker of Blue Hill, Look of Jonesboro, Bennett of Norway
NAYS:		0	
ABSENT:		3	Sen. Esty of Cumberland, Rep. Dutremble of Biddeford, Rep. Young of Limestone

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 James S. Henderson of Orr's Island, for reappointment as the Maine State Archivist be confirmed.

Signed:

S/Georgette B. Berube
Senate Chair

S/Ruth Joseph
House Chair

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

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

Off Record Remarks

SECOND READERS

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

House As Amended

Bill "An Act to Improve Access to Pharmaceuticals for Rural Health Center Patients" H.P. 558 L.D. 755 (C "A" H-986)

Which was **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.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Today Assigned 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 5, 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 until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT.**

Off Record Remarks

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

The Chair laid before the Senate the Tabled and Today Assigned 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 5, 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 **PEARSON** of Penobscot, Tabled until Later in Today's Session, pending **ACCEPTANCE OF REPORT.**

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 the Maine Banking Code as it Pertains to Service Corporation Serving Credit Unions"

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

In Senate, March 29, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-537).**

In House, March 31, 1994, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

In Senate, April 1, 1994, **INSISTED.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-537) AS AMENDED BY HOUSE AMENDMENT "B" (H-1055)** thereto, in **NON-CONCURRENCE.**

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

Non-concurrent Matter

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

H.P. 1465 L.D. 1991

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

In Senate, March 29, 1994, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1035)**, without reference to a Committee, in **NON-CONCURRENCE.**

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

Non-concurrent Matter

Resolve, to Establish a Commission on the Future of Maine's Paper Industry (Emergency)

S.P. 773 L.D. 1996

Committee on **HOUSING & ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED.**

In Senate, March 31, 1994, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1048)**, without reference to a Committee, 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 **JUDICIARY** on Bill "An Act Concerning High-speed Chases" (Emergency) H.P. 1294 L.D. 1742

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

Signed:

Senators:

CONLEY of Cumberland
BERUBE of Androscoggin

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-958).**

Signed:

Senator:

HANLEY of Oxford

Representatives:

PLOWMAN of Hampden
LIPMAN of Augusta
OTT of York

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

Which Reports were **READ**.

Senator **DUTREMBLE** of York moved that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **DUTREMBLE** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, 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:

An Act to Amend the Adoption Laws

S.P. 309 L.D. 942
(H "A" H-1014 to C
"A" S-495)

An Act to Assist in Crime Prevention

H.P. 1041 L.D. 1393
(C "A" H-855)

An Act to Make Maine Law Consistent with the Federal Law Regarding the Omnibus Budget Reconciliation Act of 1993 and to Clarify Maine Laws Regarding Underwriting and Continuity (Governor's Bill)

H.P. 1451 L.D. 1980
(C "A" H-1020)

An Act to Establish a Self-employment Assistance Program (Governor's Bill)

S.P. 752 L.D. 1981
(C "A" S-571)

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 Encourage Electric Rate Stabilization (Governor's Bill)

S.P. 774 L.D. 1997
(H "A" H-1029)

Senator **PEARSON** of Penobscot moved to place on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

The same Senator requested and received leave of the Senate to withdraw his motion to Table.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I wanted to take this opportunity because, recognizing when the Table comes back we might be proceeding quite quickly, and there would be less of an opportunity to make a comment, and I would like to have the opportunity to speak now just briefly on this very important bill. As many of you realize the concerns with electric rates and the electric industry and the costs to consumers and businesses has been a serious one in this State and I believe the bill before us for enactment is an excellent compromise on that problem. It also represents a new process of cooperative compromise in dealing with difficult issues as opposed to the adversarial approach. It provides within the bill that the parties involved, the non-utility generators and the utilities, get together voluntarily to discuss the terms of the contract between them and to find ways between the two of them, that are mutually agreeable, for the benefits of the rate payers, the residential rate payers and the business rate payers within this state. I believe that provides the best opportunity to resolve these issues in a way that is less confrontational. All other alternatives, I believe, would either have been unsuccessful or lead to lengthy and expensive litigation which will have benefitted no one. We need to address this issue immediately. This provides an immediate means of doing that, though it does not guarantee any particular outcome it does provide the best opportunity available with the greatest protections

possible for the consumer and the citizens of this State. I have enjoyed the opportunity of working cooperatively on this with other members of the executive branch and legislative branch, and I commend this solution to you as a real opportunity to help all of the rate payers in this State. Thank you.

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

Senator **VOSE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I, too, would like to echo what the good Senator from Androscoggin has said. I also want to thank Senator Dutremble, the prime sponsor of the bill, and all of the sponsors of this bill for bringing this before us, and in particular the good Senator from Androscoggin, and the good Senator from York, Senator Cleveland and Senator Carpenter, for their efforts on behalf of the Committee. They are on the subcommittee that created this bill. I think they have done a wonderful job and I would like to thank them very much. Thank you.

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

Emergency

An Act to Implement the Recommendations of the Health and Social Services Transition Team
H.P. 1330 L.D. 1793
(C "A" H-1008)

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

Emergency

An Act to Promote the Quality of Maine Dairy Products
H.P. 1384 L.D. 1883
(H "A" H-1030 to C "A" H-950)

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 Consolidate and Streamline the Functions of Maine Government in Conformity with the Provisions of the Texas Low-Level Radioactive Waste Disposal Compact (Governor's Bill)
S.P. 730 L.D. 1951
(C "A" S-567)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with 2 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 Authorizing the Kennebec County Commissioners to Issue Bonds in the Amount of \$1,500,000 for Renovation of the County Court House in Augusta
H.P. 1449 L.D. 1978
(C "A" H-1024)

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair to any Senator, preferably one from Kennebec County, who would care to answer. Sometime ago I had occasion to go on a tour of the County Courthouse here in Augusta. I was struck at the time of the beauty of that facility and the woodwork in it and the ornateness of it. It seemed to me at the time, when I saw it, that it would be a perfect movie set that anybody could use if they were going to put on a courtroom scene in a television program or whatever. I am concerned that with this bond issue, and of course I will not oppose it, but I am just concerned that that beauty that is in that courthouse will not be destroyed in the process of trying to renovate it for somebody's convenience. I don't know how many other people have had a chance to go into that courthouse but the woodwork in it is really breathtaking in its beauty. I wonder if anybody could comment on attempts to make sure, in the name of progress, that that is not destroyed. Thank you.

THE PRESIDENT PRO TEM: The Senator from Penobscot, Senator Pearson, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In answer to the good Senator's questions. It is our intent to not touch one thing that is inside there that doesn't need repairs. The area that the good Senator has visited is in fact in immaculate shape. The stone work around the building has deteriorated and we are losing records in the Registry of Deeds to dampness. They tried to put in a rug, the rug didn't work. They tried to put in dehumidifiers and those didn't work. We actually need to work around the building itself. I think all of us who are in Kennebec County appreciate the beauty of that building, just as the good Senator did, and we want to ensure that nothing happens to that. The bell tower, for instance, is in remarkably poor shape and we want to restore that. Those are the things that the bond issue will go towards. Thank you.

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

Non-concurrent Matter

Bill "An Act to Revise the Authorization of the Towns of Appleton, Camden, Hope, Lincolnville and Rockport to Form a Community School District" (Emergency)

H.P. 1474 L.D. 2002

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

In Senate, March 31, 1994, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1045)**, without reference to a Committee, in **NON-CONCURRENCE.**

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

Joint Resolution

The Following Joint Resolution: H.P. 1478

JOINT RESOLUTION RECOGNIZING THE 200TH ANNIVERSARY OF THE TOWN OF PROSPECT

WHEREAS, the Town of Prospect, which was first settled in 1759, is a charming and historic town in Waldo County on the Penobscot River; and

WHEREAS, the Town of Prospect, which was originally part of Frankfort Plantation, in 1794 became the 86th town in the State to be incorporated and the town plans to celebrate its 200th anniversary with exciting monthly events; and

WHEREAS, the Town of Prospect, named for its beautiful views, is home to historic Fort Knox, built in 1846 of Mt. Waldo granite and vital to the training of Union troops during the Civil War; and

WHEREAS, the Town of Prospect exemplifies the character that makes Waldo County and the State special and has long reflected the rich heritage of this State; and

WHEREAS, our State is known far and wide for the special quality and human scale of the small communities on the edges of our woodlands, lakes, rivers and seas; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Sixteenth Legislature now assembled in the Second Regular Session, take this occasion to recognize the bicentennial anniversary of the Town of Prospect, to commend the inhabitants and officials of the town for the success they have achieved together for 2 centuries and to extend our sincere hopes and best wishes for continued achievement over the next 200 years; and be it further

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Regarding Cable Television"
H.P. 1096 L.D. 1483
(S "A" S-577 to C
"A" H-836)

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.

In Senate, April 5, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-836) AS AMENDED BY SENATE AMENDMENT "A" (S-577)** thereto, in **NON-CONCURRENCE.**

Comes from the House, that Body **ADHERED.**

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

Senate at Ease

Senate called to order by the President.

Non-concurrent Matter

Bill "An Act to Promote Flexibility in Health Care Delivery Systems"
S.P. 592 L.D. 1651
(C "A" S-568)

In Senate, March 31, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-568)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-568) AS AMENDED BY HOUSE AMENDMENT "B" (H-1051)** thereto, in **NON-CONCURRENCE.**

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

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of this proud community in honor of the occasion.

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

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Create a Franchise Practices Act"

H.P. 1407 L.D. 1916

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-912)**.

Signed:

Senators:

CIANCHETTE of Somerset
BUSTIN of Kennebec

Representatives:

HOGLUND of Portland
CLEMENT of Clinton
CAMERON of Rumford
REED of Dexter
VIGUE of Winslow
ST. ONGE of Greene

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

Signed:

Senator:

MARDEN of Kennebec

Representatives:

WINN of Glenburn
LIBBY of Kennebunk
THOMPSON of Lincoln

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-912) AS AMENDED BY HOUSE AMENDMENT "A" (H-1005)** thereto.

Which Reports were **READ**.

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Separate Peaks Island and Certain Other Islands in Casco Bay from the City of Portland" (Emergency)

H.P. 1082 L.D. 1448

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-849)**.

Signed:

Senator:

BERUBE of Androscoggin

Representatives:

JOSEPH of Waterville
KILKELLY of Wiscasset
GRAY of Sedgwick
AHEARNE of Madawaska
LOOK of Jonesboro
BENNETT of Norway
YOUNG of Limestone

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

Signed:

Senators:

ESTY of Cumberland
BUTLAND of Cumberland

Representatives:

DUTREMBLE of Biddeford
ROWE of Portland
WALKER of Blue Hill

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-849) AS AMENDED BY HOUSE AMENDMENT "A" (H-976)** thereto.

Which Reports were **READ**.

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Define Responsibilities of the Commission on Biotechnology and Genetic Engineering"
H.P. 1015 L.D. 1361
(S "B" S-554 to C "A" H-877)

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

In Senate, March 29, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-877) AS AMENDED BY SENATE AMENDMENT "B" (S-554)** thereto, in **NON-CONCURRENCE.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-877) AS AMENDED BY SENATE AMENDMENT "B" (S-554) AND HOUSE AMENDMENT "A" (H-1058)** thereto, in **NON-CONCURRENCE.**

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

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 Establish the Maine School of Science and Mathematics and the Task Force on the Maine School of Visual and Performing Arts" (Governor's Bill)

S.P. 733 L.D. 1958
(C "A" S-511)

In Senate, March 25, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-511).**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-511) AS AMENDED BY HOUSE AMENDMENT "A" (H-1054)** 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 Commission to Study the Future of Maine's Courts"
H.P. 1008 L.D. 1354
(C "A" H-1000)

In House, April 1, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1000) AS AMENDED BY HOUSE AMENDMENT "A" (H-1015)** thereto.

In Senate, April 1, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1000)** in **NON-CONCURRENCE.**

Comes from the House, that Body **ADHERED.**

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

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

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

On motion by Senator **DUTREMBLE** of York, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act Concerning High-speed Chases" (Emergency)

H.P. 1294 L.D. 1742

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-958)**

Tabled - April 6, 1994, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **DUTREMBLE** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In Senate, April 6, 1994, Reports **READ.**)

(In House, April 5, 1994, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**)

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Although members saw the good Senator from Oxford, Senator Hanley, and I over here talking about matters, we were unable to work out this bill so we have to get up and give our respective positions to the chamber. Usually in the Judiciary Committee we tend to agree on matters involving the creation of new crimes and new offenses and I'm sure you would verify that by recalling that we have not had one divided report on a crime issue. That is pretty incredible when you consider that the good Senator from Oxford is on the Committee and myself being on the Committee. I, of course, would close of our jails and let all of my people free and he would have an electric chair in every one of them. So when you have people who are that far apart by way of a perspective who are able to agree most times it is obviously the sign that you have a good Committee at work. Unfortunately this is one of those issues that we just couldn't work out and it is a philosophical one. Essentially what the bill would do that you have before you by way of the Committee Amendment, the minority report encompasses it, and it is the report which I ask you to reject, let's take the good Senator from Lincoln, Senator Begley, since I happen to be looking at him. If his grandson borrowed his car and proceeded to get into a high speed chase with an officer and if luck was with him that night and he got away from the scene without being identified as the operator of the vehicle, but the police officer got the license plate number of that vehicle and traced it back to the good Senator from Lincoln, Senator Begley, if this bill is passed, as the minority report would like to have you do, the good Senator from Lincoln, Senator Begley could be charged with an offense which, as long as the officer was sure about the plate number, he could not escape liability for, unless, and the officer would tell him this, he gave up his grandson to the officer in sort of a gestapo type situation. If he brought the grandson in and said here is the culprit who had my car that night, I saw him drive out of the driveway, then Senator Begley would not have to worry about facing any offense. If he held his cool and decided that it was worth it to get a few points on his license and have his insurance go up but not give his grandson up then that is how things would go. We, as the majority of the Committee, did not think that was a very effective use of police powers. We did not think it was fair to put a parent in that situation where they had to fess up to their relative driving the car. We think things work well the way they are and we actually got two letters, one from the District Attorney in Kennebec County, District Attorney Crook, and District Attorney Rushlaw, the Governor's recent appointment down in Sagadahoc and Knox and Waldo Counties. He, as well as D.A. Crook, said this bill was not a good idea and asked us to reject it. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would just like to, first with all due respect to the good members of this Senate who serve on the Utilities Committee, I guess I wouldn't be supportive of an electric chair in every prison until we get the electric stabilization rate taken care of. That notwithstanding let's talk about the bill before us. Let's talk about the action of this chamber previously. We passed legislation that would have

made it an infraction for those of you who drove past a school bus with flashing red lights. Not only for the driver, but for the owner of the vehicle. That is currently law men and women of the Senate. I ask you, if it was good law for the school buses and it was good public policy for doing that, is there not similar good public policy reasons to institute this same process in the area of high speed chases. The good Senator from Cumberland, Senator Conley, used as an example the Senator from Lincoln, Senator Begley. Let's follow through on that just a little bit further. Knowing Senator Begley as I do, him wanting to be a good example and set a good example of good moral character, he in fact would turn in his grandson, showing his grandson what is right and what is wrong and what is morally correct. So there would be absolutely no traffic infraction for the good Senator from Lincoln. If in fact there was a question as far as who was driving the vehicle and Senator Begley decided not to be a good example of good moral character, then yes, Senator Begley would be charged with that infraction. This is a policy measure, one very analogous to the passing of school buses, which is one that this legislature has already given its stamp of approval on. The most onerous portion of this bill as far as making the owner of the vehicle liable for any damages which may ensue from a high speed chase has been totally removed. That is no longer an issue. The only issue, as far as whether or not that person should be held accountable for who is driving their vehicle. I would argue that if I don't know where my vehicle is and the reason why I don't know where my vehicle is is because it was stolen, that's a defense and I would not be charged with the infraction, but if I make it a standard course of conduct to just give my keys to anyone without any idea of what that person may be involved with, then yes, I guess there is some sort of accountability that I would expect of that individual. That is where the good Senator from Cumberland, Senator Conley, and I part. I feel that people should be held accountable in this area and I would encourage members of this Senate to vote along this way as well. The State Police are very supportive of this, the Chiefs of Police are very supportive of this, it gives them another tool. It has worked out well for the school buses. People have become aware of that and the more we can have people being responsible and accountable for their actions, the better of we, as a society and the citizens of the State of Maine, will be. Mr. President, I request a Division. Thank you.

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

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

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'm not sure which one I should call Solomon, because I am going to be divided I guess in some fashion. I enjoyed the byplay and I also received several notes about my grandson, of which I have none, and my grandmother and my daughter and so on and so forth. So, I'm not sure where the wisdom of Solomon is going to rise but you watch my vote. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **DUTREMBLE** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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.

18 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **DUTREMBLE** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

HOUSE REPORTS - from the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Create a Franchise Practices Act"

H.P. 1407 L.D. 1916

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-912)**

Minority - **Ought Not to Pass**

Tabled - April 6, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 6, 1994, Reports **READ**.)

(In House, April 6, 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-912) AS AMENDED BY HOUSE AMENDMENT "A" (H-1005)** thereto.)

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

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would urge you to vote against the pending motion, and accept the Ought Not to Pass report of the Committee. I know we have certainly discussed this high and low in our caucus and everyone in this chamber has been lobbied fairly extensively on this measure. I think before we just let it slide through that we should have a little bit of debate. I have strong concerns that the actions taken by this legislature, if we were to pass this bill as drafted and is presently amended, would abrogate business contracts as they currently exist here in the State of Maine. Who's to say if the Widgeit Corporation entered into a business contract and said well I'd like to get out of this, it wasn't as good as I initially thought, maybe I'll go see my local Senator or State Legislator and see if we can't get some provision here in the legislature to counter that, to help me get out of a position that I entered into freely. Men and women of the Senate, a contract, to be enforceable, has to be of your own free act and deed, you can't be coerced into it, you can't be fraudulently induced into it. In order for it to be enforceable you have got to know what you are signing, you have got to

know what is involved, and then you have got to make a business decision, do you want to sign that or don't you. Think it through, get your own legal council, talk to your nephew, talk to your dad, talk to whoever you want to but before you sign that make sure you know what is in it. If it a good deal for you and if it is a good deal for the other person, sign away. We enter into business contracts every day. I see a very dangerous precedent being set in putting this through. Yes, there are some laudable goals in this legislation allowing for survivorship, to be able to pass it on from generation to generation, that hits a spot in my heart. I think if a family has generated a business and put their heart and soul into it, I think there is something to be said for that being able to be passed on. But if that was important, before I ever signed that contract I would have made sure that it was in there. If it wasn't I wouldn't have signed. If it was that important to me I wouldn't have signed. There are some areas of the law that the legislature should allow the marketplace to set. I know I probably differ from other members of this chamber but that is how I feel. I think if we are going to allow people to enter into contracts, unless we are going to make it illegal to enter into contracts unless you have the blessing of the State Legislature, I think you have to give each individual the credit they are due to make a sound business judgement. The bottom line is either they can sign it the way the agreement is drafted or they can pass. I think this is dangerous area for this legislature to be involved in and I would urge you to vote against the pending motion. Mr. President, I request the yeas and nays when the vote is taken. Thank you.

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

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

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This majority report is again saying to business that we in the legislature seem to know best and we will protect you when you find you are not necessarily having your own way. It is a bill once again that simply allow the legislature to intrude in the business field and it is a bill that should be defeated on that basis. The number of organizations that are very concerned about it are listed as against the proposal and they are certainly much closer to it than we are. It is again an intrusion by government into the business field and I urge you to vote against the pending motion. 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. I wish that life were as simple as it used to be in Maine but it is no longer. There were serious concerns that were brought before us. It is no longer as simple as it might appear in terms of major multi-national corporations, they are taking over some of our small franchises. This is a matter of good faith, building a trust relationship. If there had not been an issue this matter would not be before us tonight. I disagree, I think this is a very pro-business stance for the people of the State of Maine. Thank you.

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

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would just like to respond to a few comments. I expect everyone in this body has their mind pretty well made up on how they are going to vote but I would just like to include a few things in the debate. I'm sure everybody knows that we are not talking about wigits, we are talking about food concessions in the State of Maine. The good Senator from Oxford, Senator Hanley, made a very important statement, he said do you want to sign this contract or not. Do you want to sign this contract or not, let's keep that in context for just a moment in that a licensee, a franchisee, has a contract with a company with all of these items in that contract that we are stating here in this bill today. That franchisor, who is the other half of that contract, sells to a larger conglomerate. The larger conglomerate comes back with a different philosophy and here this franchisee is, sitting there with his effort in building up this business, with the understanding and thought process that if he continued doing things the way he was doing them he had every right to believe that he could have the rights of survivorship, that he could have the right to associate, that he could have the right to do the venue in Maine, that they had an agreement on what 'termination' meant. Now the new owner has different ideas, and he comes back to that franchisee and he says do you want to sign or not. What option does a franchisee have? The rules have changed from everything that we was intended to do and everything that he intended when his contract was first bought. Do you want to sign this contract or not. That folks, is what we are dealing with. Let's put some fairness in this thing. I think that the four significant things this bill calls for are the right to venue, or have a court case held in the State of Maine, the right of survivorship, and again the words on that survivorship says that "a franchisor may not prohibit transfer of a franchise to another family member in the event of death or incapacitation unless there is good cause for prohibiting that transfer", the right of transfer is another item in there that we are talking about, and the termination is that it prevents on the spot termination if a franchisee happens to be doing something that is not satisfactory to the franchisor that franchisee has 60 days to correct the problem. If the problem is corrected, fine, if the problem is not corrected then he may be terminated. That is what we are dealing with folks, but I really want you to concentrate on the phrase 'do you want to sign this contract or not', that is really what we are talking about. 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. During my tenure in the other chamber I heard an expression that was used, the first time I heard it it kind of caught me by surprise but then it was used often after that. The expression was 'getting the camels nose under the tent', implying that once the nose was underneath the tent the rest of the camel came on in. That is my concern men and women of the Senate. Yes, this bill is not overly onerous as drafted, but what happens after this goes through. Do we not run the risk of abrogating all business contracts here in the State of Maine. If you are honest with yourself I think you will answer yes, you do run that risk. Let's hope you keep that in mind when the vote is taken. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **CIANCHETTE** of Somerset to **ACCEPT** the Majority **OUGHT 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 **BALDACCI, BERUBE, BUSTIN, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, KIEFFER, LUTHER, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

NAYS: Senators **AMERO, BEGLEY, BRANNIGAN, BUTLAND, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, LAWRENCE, LUDWIG, MARDEN, O'DEA, SUMMERS, WEBSTER**

ABSENT: Senator **MCCORMICK**

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **CIANCHETTE** of Somerset, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-912) **READ**.

On motion by Senator **BUTLAND** of Cumberland, Senate Amendment "A" (S-570) to Committee Amendment "A" (H-912) **READ**.

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

Senator **BUTLAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This amendment establishes a fact finding panel, something that I am usually not very much in favor of. I think there has been so much polarization on this issue that we need to get down and sort out the fact from the fiction. I know I was first approached in August or September of last year to be a cosponsor on this L.D. I had some serious reservations back then and those serious reservations persist until today. I am very hesitant to interfere with the business relationship that has been entered into freely and I would personally like to see some more of the facts surface on this issue before we make a decision. Some have characterized this battle as a battle between small business and big business, quite frankly it's a battle between the millionaires and the multimillionaires. Most of the franchisees in this State have done very well, the rate of success is much higher than it is for independent businesses. The good will, the product, the technique, and the national advertising remove a lot of this risk for the franchisees. In return for this security they surrender a certain amount of independence and quite frankly I can't imagine this

legislature jumping into the middle of this dispute without demanding more study. This amendment offers a mechanism to collect the necessary information and it is pretty straight forward if you look at the statement of fact. A nine member fact finding panel made up of four franchisors and four franchisees, with a retired justice of the Superior Court, the panel is authorized to receive information about franchise relationships, their importance to the State's economy and specifically to gather facts about jurisdiction, termination, transfer, encroachment, nonrenewable right of association and survivorship issues and any disputes between franchisors and franchisees involving these issues. They will then report their findings to the Joint Standing Committee on Business Legislation. I think that this is a prudent step to adopt this fact finding panel and I hope that you will vote in favor or it. Mr. President, I request a Division. Thank you.

Senator **BUTLAND** of Cumberland requested a Division.

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

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I guess that I have to be very outspoken, I don't know any other way to say it, if you don't like a bill you can kill it by studying it, and that is what we are talking about here. There is nothing wrong with the study, I think they have put a lot of thought into this and I think if they want to do this there is nothing to stop them from doing that. I think another bill could be introduced to study this whole process if they think they need to because we did not address all of the questions that were raised in the franchise law. This is a very marked down version of what a lot of people want. I would encourage you to vote against this method of killing the bill and then if we want to study the franchise laws let's initiate another bill, just as this says, to study the franchise laws. That's what we are talking about. I think we have decided here to accept the majority ought to pass report and this is a way to get around that so I would urge you to vote against the motion. Thank you.

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

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

Senator **BUSTIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I just want to reiterate what my good colleague from Somerset, Senator Cianchette has said about this particular amendment. What this amendment does is defeat the bill that you have just passed by a majority vote. I would hope that you would help us to defeat this amendment so it can go on to the House in its process. 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. The good Senator from Aroostook, Senator Paradis, pointed out when she rose that there is a legitimate public concern out there. I guess if we are going to be stepping into this unchartered territory, as far as potentially abrogating business contracts throughout the State,

then maybe we should in fact have a little more thorough review of this and I think that is what the good Senator from Cumberland's amendment would get at. I see it if we are going to be going forward maybe we should shine a little light into the tunnel and see where it leads first. Thank you.

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise to urge this body to support my good friend and colleague from Cumberland, Senator Butland, and his amendment. The arguments that have been put forth on either side of this issue are certainly compelling. I think there are points that have been addressed by the franchisees that are valid but, like my colleague from Oxford County, Senator Hanley, just mentioned this is a major change. I would just hope that the members of this body, especially those who support the majority report, would stop and consider what we are doing and what the ultimate fate of this legislation would probably be. If they are serious about dealing with the issues facing the franchisees I think they will come on board and support the Senator from Cumberland, Senator Butland. If they are not, and they are simply willing to use this as some sort of a benchmark as to whether someone supports small business or doesn't then they will stay with the majority report. I hope that they will look at this for the long term health and final disposition of this legislation. 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. It is interesting to note that during the discussion today that even the opponents say this is not a particularly onerous bill. In fact it contains really fair and level provisions for all those involved and, as I understand it, it is the exact kind of provisions that the franchisors currently say they conduct themselves by. So it would ask them to do no more than they are currently doing. It is also interesting to note that some members of this chamber suggest that we are letting some animal's nose under a tent. That is an interesting proposition because if we follow that line of logic it means that this body can never act to change the law because we are always afraid that some other body will change it further. That means that we don't have the confidence and trust that elected members of this chamber can act in a responsible and thoughtful way and therefore we have to be distrustful of other members constantly, because, God forbid, they might take their legitimate legislative authority and change a law. It seems to me to be a little inconsistent with the requirements of the Constitution and our responsibilities. Further, if there is really interest in the studying this proposal, this measure only really does what is fair and reasonable and let those who wish to study it further come back at some later date and introduce a bill and we can study it to death at that time. Thank you.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I voted, in the Division, with the amendment but it was because my mind was dreaming of a cheeseburger, fries and shake

and upon looking at the amendment, in fact it does replace the entire bill. It was my understanding that it would just be an addition to the bill and call for a study of the remaining issues. In reading the amendment it would, in fact, replace the entire bill so I will be voting with the Chair of the Committee during the Roll Call. 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. If I could address a couple of the points raised by my good friend from Androscoggin, Senator Cleveland, as far as some statements which were made earlier. My point as far as the level of how onerous the bill is, that was a relative term, compared to the way the bill originally was, which was very onerous, the new amended version is not as onerous. I would just clarify that for the good Senator. The issue of incrementalism is a very real one for this chamber to deal with. We can gloss over the fact that each issue has to be looked at as new and under its own terms, I for one can speak for actions of the legislature back to 1987 when I first came up here. In overhearing debates and discussions from other legislators saying the previous legislation did this, so as long as they were going to breach the dam it is not much more of an impact if we take a few more logs or bricks off the dam. That is a very real issue that this legislature has to deal with, making no affronts, or accusations to the capabilities of prior legislatures that will come years hence, but is a very real concern for each legislature as it sits as far as if we are going to open up a whole new issue and get involved in a whole new area of law which the legislature hasn't dealt with previously we should do so with great caution, with great care and not hastily by any stretch. The amendment before you, posed by the good Senator from Cumberland, Senator Butland, allows us to not run hastily into an area where we may wish we hadn't. Once a precedent is set you can't unring the bell, once it is done, it is done. This legislature should make very certain of its actions before ringing the bell the first time. Thank you.

Senator **CIANCHETTE** of Somerset moved to **INDEFINITELY POSTPONE**, Senate Amendment "A" (S-570) to Committee Amendment "A" (H-912).

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

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise to urge you to vote against the pending motion of Indefinite Postponement. I want to point out to you again that this a major change in how we do contracts in this State. I would like to point out too that there has been a lot of rhetoric that this is an issue that is for small business people, this is to protect them. What about the independent business person? What about the guy that sells french fries down in Old Orchard Beach or the guy that has a pizza shop in Biddeford or somewhere like that? Who is there to protect that person, who is there when Pizza Hut comes in across the street or when McDonalds comes in across the street? Who takes care of that person? I think that is a question that is before us today, the question is are we willing to allow the free

enterprise system to go on the way it is or are we going to come in and try to insert some sort of artificial ceiling on free enterprise. Are we going to come in and abrogate the contracts and say competition is fine but only to a certain level. We have had many issues before this body over this last session and the session before. There was an issue dealing with annuities and banks and I can remember insurance agents being up here on the third floor and in this chamber saying this is big banks coming in and they are going to take away business, what are we going to do. This body voted to let the banks in this State sell annuities. I supported that legislation. I supported it because I think we are talking about the issue of free enterprise here. Who protected the mom and pop grocery stores, who protected the grocery stores in Biddeford when Shop 'n Save came in, who was there? Who protected the pharmacy's, who protected the little hardware stores when Ace Hardware came in, who was there for those people? Who protected the little hamburger joints when McDonald's or Wendy's came in? I think what we are seeing is the natural progression of a capitalistic society. Sometimes it is not nice, sometimes it is not pretty, but either we are asking ourselves today to jump in and somehow arbitrarily put a glass ceiling in, if you will, or we are going to let it stand on its own. I just once again will urge the members of this body to reject the motion to Indefinitely Postpone and go on and adopt the amendment of the Senator from Cumberland, Senator Butland, if they are truly interested in the franchisee franchisor situation. If they are truly interested and want to see some sort of action come out of this then they will support this amendment. 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. If you recognize the success of the franchise business in the State of Maine then you will probably leave it alone. It has been quite successful and is expected to continue so.

THE PRESIDENT: The Chair would interrupt to remind the Senate that we are on Senate Amendment "A" (S-570).

Senator **BEGLEY:** Thank you Mr. President. The study will give that success a chance to prove that it can be left alone and succeed as it has in the past because I seriously believe the study will point out to all of us that business unto itself will generally do better than regulations from legislatures. If you were to ask the average person about regulations from the legislature you will find that he says there are too many. I hope you will vote against the Indefinite Postponement. Thank you.

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

Senator **BALDACCII:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Having been the Senate Chair of the Business Legislation Committee a few years ago when we did this once before as it pertained to farm equipment dealerships, and seeing the lack of hew and cry over that being done with those franchises, I am sort of perplexed because the consternation with which this is all taking place, it has already been done before. We don't have to study this issue, it is already in place. You have franchises with beer and wine wholesalers, you have franchises with automobile dealers, you have

franchise laws protecting snowmobile dealers and oil dealers, you have things in statute already to get into business and capitalism. As a matter of fact the study that is being proposed is already done. All that is being asked for is protection for the Maine businesses that are into contracts with national and multinational corporations so that they have a fair shot, so that when their father or mother passes away and they have a contract with that national or multinational corporation that they have some protections so they don't have to run down to Louisville and protect themselves. They can do it within the jurisdiction of the State of Maine. If you care at all about Maine business people and their dealing with national or multinational corporations, then you are going to be willing to give them some rights when they sit down with them so they are not completely outgunned. Frankly, the problem that we were faced with when they turned over ownership, it was just the most disheartening thing that I have ever seen. The cold calculation, that great business savvy, just running over forty years that this person put into that business and not giving a tinker's damn for that spouse that was left widowed. That's why a study is not needed and this law should go forward. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **CIANCHETTE** of Somerset to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-570) to Committee Amendment "A" (H-912).

A vote of Yes will be in favor of **INDEFINITE POSTPONEMENT**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senator **MCCORMICK**

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **CIANCHETTE** of Somerset, to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-570) to Committee Amendment "A" (H-912), **PREVAILED**.

House Amendment "A" (H-1005) to Committee Amendment "A" (H-912) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-912) as Amended by House Amendment "A" (H-1005) thereto, **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, ordered sent forthwith to the Engrossing Department.

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

HOUSE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Separate Peaks Island and Certain Other Islands in Casco Bay from the City of Portland" (Emergency)

H.P. 1082 L.D. 1448

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-849)**

Minority - **Ought Not to Pass**

Tabled - April 6, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 6, 1994, Reports **READ**.)

(In House, April 6, 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-849) AS AMENDED BY HOUSE AMENDMENT "A" (H-976)** thereto.)

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

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

Senator **BRANNIGAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I hope you will not accept this proposal. We have been dealing with the issue of secession in this session, fortunately we have dealt with it appropriately and have not allowed secession in this session. We need, as we have talked about before, a set of standards by which secession will be initiated and procedures by which it will follow. We are going to have a chance to look at that kind of procedure before we are done here this week or soon. If that is the case we should look at those and we should decide whether those procedures are correct. If they are then anyone who wishes to secede would then begin by following those procedures and the legislature would then make its decision based on those procedures and how those entities have decided to move. I personally feel, as I said before in the last debate, that we are going in the wrong direction when we are breaking municipalities apart. We really need to have less numbers of communities operating separately and more working together. Certainly for us, in the City of Portland, to have parts of our City breaking away and certainly Peak's Island is a major part of our City, to have them break away is a serious issue. Even though some feel that they have massaged this bill to a point where Portland would not lose large amounts of money, the fact is that we would be breaking up, traditions would be changed, a major

section would be gone and others would try to follow. I ask you to vote against the pending motion and to allow us to keep this part of our city and to allow anyone else who wishes to try to secede, including this part of our city, to follow some standard procedures which the legislature will adopt. 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. You will all recall that I discussed this matter earlier when the idea came up of secession of the little islands. The arguments don't change in my mind but I will review them for you in case anyone has forgotten what I said the last time this issue came up. I hope you could for one moment just pretend that you didn't already know how you were going to vote and try to just think this through again. We keep thinking about this issue as Portland's loss, a loss to the City of Portland. I think we need to think about this as a gain to a community, the gain to a community and the ability to choose whether or not to govern itself. In a sense that becomes everyone's gain I think. I have said it before and I think it is important to say it again, there used to be 300 year round island communities in the State of Maine, now there are 14. I consider those treasured resources of the State of Maine and I think that anytime an island chooses to secede and become a community again, we need to carefully consider why we should be adding back those resources we once had. Just to review some of the concerns that people tend to have on this issue, I think we need to remember that we are not making the decision for Peak's Island today, we are allowing them the opportunity to vote on this issue. If the island chooses not to secede of its own volition then that is their decision, we are giving them the opportunity to take this vote, which they now cannot decide. People say we need a criteria bill before we do this. The people on Peak's Island have worked a long time to get where they need to be in this issue. The State and Local Government Committee has worked a long time, I believe we need to have criteria in the future so we all can be convinced that we won't have wholesale secession, but in terms of Peak's Island I think they should be allowed to take this vote now given the conditions they have been operating under over the last year.

I live on an island and I think islands are phenomenal places to be. We don't lock our cars in island communities, we don't lock our doors. Our children go to schools that are small where they get the kind of attention that most children have to go to some kind of a fancy, private school to duplicate. In my daughter's graduating class there are five students, all five of them are going to college, colleges like Bowdoin, Colby and the University of Maine. It is the kind of environment you just can recreate in a lot of places because I just think there aren't a lot of ways to create a community that has the kind of bonding and geographical sort of distinction that an island does. I was trying to think about, without repeating what I said before, what makes it so important to govern yourself on an island. I went home this weekend and like a lot of you, I needed some time off, I needed to get a little perspective and a little break on all that had been going on here. I was fortunate enough to have my three kids throw me a birthday party. This was my first 39th birthday, just to clarify that issue for anyone who was misled last week. It was my 39th birthday and they had a

lot of the members of the community, my friends and neighbors all came to the house and for our entertainment we hung around in the kitchen and we talked local politics. That's what we like to do. We talked about whether we should sell part of the town park to generate some revenue to create affordable housing, we talked about whether we should put a new gym on the school and what the tax problems would be, we talked about town meeting and whether when there was a motion to close nominations it was fair or unfair and how that person got elected. Even though often, down at the boatyard or the local store, I will try to bring up things like how should I vote on casino gambling, or what about the Whitewater thing, but they don't really care, they like to talk local politics and we like to do it because it is so important to govern ourselves. It is our favorite thing to do. Out of 330 people 95 of us serve in some capacity either as a volunteer or an elected official in our town. It is critical to our survival, it is what makes living on an island such a wonderful thing to do. We govern ourselves, we make those decisions. If we were governed, for instance, by the City of Rockland, we couldn't go to City Council meetings. We couldn't take the ferry and then come home. We couldn't go to all of the meetings, we couldn't participate in politics, we wouldn't have a seat on the City Council. It wouldn't be the same kind of thing. I think we need to allow Peak's to have the opportunity to make that decision for themselves.

People often say that this breaking away is going to be a terrible thing for the City of Portland. I just need to say that islands are actually anchored into the bottom of the ocean, they do not pick up and move. These islands are not going to go anywhere. They will still be a tremendous resource to the City of Portland. People will still take the ferry and come to Portland, spend dollars in the community and Portland will always benefit from having those communities out there, I think even more from having strong healthy communities that are allowed to govern themselves and feel very good about their future. Once again, I just need to remind you that instead of deciding to vote no on this, I think you should say yes, and say thank you to Peak's Island for being willing to consider governing itself. This is a good government bill and you can all feel great about voting yes. Thank you.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I am going to vote today to allow Peak's to secede, not because it has a direct or indirect impact on me personally or on my district, but because I guess I believe that this legislature should grant anyone the right to secede as it is guaranteed in the Constitution of the State of Maine. A few years ago I sponsored legislation to allow the town of Richmond to secede from Sagadahoc County and that did impact my district and impact the towns around my district. While I was personally opposed to the secession, allowing Richmond to secede from Sagadahoc County and go into Lincoln County, I agreed to sponsor the bill because I believe it is the right of any community, any town, any county to determine their own determination and I believe that our Constitution gives us that right. Therefore I will be voting to allow Peak's to secede today. Thank you.

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

Senator **BRANNIGAN**: Thank you Mr. President, Ladies and Gentlemen of the Senate. Certainly the Senator from Knox, Senator Pingree, paints a idyllic picture of living on an island and of course her island is far out, in many ways I am sure, but it is a long way from Rockland. If any of you have been out to the islands in her area, it is much different if you want to talk about the Island of Peaks which is just a hop, skip and a jump, if you have a good arm, from our mainland. It has much closer ties to us as a group. Many of the things she said could apply not only to islands, although I know they are unique, but they could apply to other pockets, pieces or parts of your community or mine. I think, again, we have to have a certain criteria, which we do have for counties but we do not have for cities and towns. So I encourage you to vote no and then allow us to go on with criteria which will direct this issue in the future. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **BERUBE** 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.

14 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion of Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

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

THE PRESIDENT: The pending question before the Senate is **ACCEPTANCE** of the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

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 14 Senators having voted in the negative, **ACCEPTANCE** of the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**, **PREVAILED**.

Sent down 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 Future of Maine's Courts"
H.P. 1008 L.D. 1354
(C "A" H-1000)

Tabled - April 6, 1994, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In House, April 1, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1000) AS AMENDED BY HOUSE AMENDMENT "A" (H-1015)** thereto.)

(In Senate, April 1, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1000)** in **NON-CONCURRENCE**.)

(In House, April 6, 1994, that Body **ADHERED**.)

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **PINGREE** for the Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Establish Maine Quality Centers" (Governor's Bill)
S.P. 728 L.D. 1949

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-579)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-579) **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.

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

Off Record Remarks

On motion by Senator **FOSTER** of Hancock, **RECESSED** until 4:00 this afternoon.

After Recess

Senate called to order by the President.

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 Permit Collection of Public Assistance Overpayments by Administrative Process (Governor's Bill)

S.P. 471 L.D. 1463
(H "A" H-1027 to C
"A" S-532)

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 Ensure Quality Psychological Services
S.P. 580 L.D. 1624
(H "A" H-1022 to C
"A" S-504)

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. While this is certainly an issue that deserves some discussion the reason I am going to ask for a Division and vote against the bill is because it mandates on health insurance companies that they provide psychological services, a different criteria of psychological services. The amendment changes the language of quality of care to quality of service and it is fairly ambiguous. It was a divided report out of the Banking and Insurance Committee and I would ask you to vote against it. Thank you.

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Authorize Applied Technology Regions to Borrow Funds for Necessary Repairs to Existing Buildings"

H.P. 1479 L.D. 2005

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

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

Which was, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee and **ORDERED PRINTED**, 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 Mandate

An Act to Revise the Salaries of Certain County Officers

H.P. 1476 L.D. 2004

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 24 Members of the Senate, with 2 Senators having voted in the negative, and 24 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:

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **AGRICULTURE** on Bill "An Act Regarding the Inspection of Maine Potatoes"

H.P. 1273 L.D. 1717

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-1059)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1059)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1059) **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 **TAXATION** on Bill "An Act to Establish a Catastrophic Health Expense Program" (Governor's Bill)

H.P. 1473 L.D. 2001

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-1061)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1061)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1061) **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.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Resolve, Authorizing the Examination of School Finance and Taxation Proposals (Governor's Bill)
S.P. 776 L.D. 2003

In Senate, April 5, 1994, referred to the Committee on **EDUCATION** 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 PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This particular bill needs a fiscal note and I wonder if it could 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 **FURTHER CONSIDERATION**.

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

PAPERS FROM THE HOUSE

House Papers

RESOLUTION, Proposing an Amendment to the Constitution of Maine Providing for the Direct Election of the Secretary of State (Governor's Bill)
H.P. 1394 L.D. 1891

Committee on **STATE & LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.

Comes from the House, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

Senator **HANLEY** of Oxford moved to **COMMIT** Bill and Accompanying Papers to the Committee on **STATE & LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

On motion by Senator **ESTY** of Cumberland, 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 **HANLEY** of Oxford to **COMMIT** Bill and Accompanying Papers to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

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

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 BERUBE, BRANNIGAN, CAREY, CIANCHETTE, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators BALDACCI, BUSTIN, CLEVELAND, MCCORMICK

15 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 4 Senators being absent, the motion of Senator HANLEY of Oxford, to **COMMIT** Bill and Accompanying Papers to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE, FAILED.**

Senator **ESTY** of Cumberland moved to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, in concurrence.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I guess I am not put off by the vote of this chamber, but would encourage my fellow colleagues to take a look at this legislation which would provide for general election of our Constitutional Officer, the Secretary of State. For those of us in the chamber who fashion ourselves wanting to do as much to put as much in the hands of the people and to make it as democratic a state as possible, to have the people as involved as possible in all aspects of our governing structure, it is hard for me to comprehend that anyone in this chamber would be against having the popular election of the Secretary of State. Based on the last vote I guess there are some of you that do have reservations about what the dangers are of sending this out for direct election. To any member of the chamber I would pose that question, what are the dangers? Thank you.

THE PRESIDENT: The Senator from Oxford, Senator Hanley, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. One of the real fears that we have is that he becomes a corporate animal because the Secretary of State is in charge of corporate divisions in this State. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I appreciate the answer from my good colleague from Kennebec, Senator Carey. As I have often heard in this chamber we have got to trust the people and the people will be able to see through this. They will be able to see through any corporate animal and in fact, the people will put the person, the candidate, through the pressure and see whether or not they would be a corporate animal. Also, if it is a direct election,

they are directly accountable. Currently, if the Secretary of State is a corporate animal, as the Senator from Kennebec pointed out as far as that possibility, the only accountability is with the majority party here in the legislature. Although I am encouraged that there will be a change in the majority party next session I still think this is a good measure. Thank you.

THE PRESIDENT: The Chair would caution members of any party from making political statements on this floor. Such statements will be ruled out of order.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator **ESTY** of Cumberland to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, in concurrence.

A vote of Yes will be in favor of **INDEFINITE POSTPONEMENT.**

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senators BALDACCI, BUSTIN, CLEVELAND, MCCORMICK, WEBSTER

16 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 5 Senators being absent, the motion by Senator **ESTY** of Cumberland, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, in concurrence, **PREVAILED.**

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

PAPERS FROM THE HOUSE

House Papers

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require That the Attorney General Be Appointed by the Governor (Governor's Bill)
H.P. 1403 L.D. 1912

Committee on **STATE & LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.

Comes from the House, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

Senator **HANLEY** of Oxford moved to **COMMIT** Bill and Accompanying Papers to the Committee on **STATE & LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **HANLEY** of Oxford to **COMMIT** Bill and Accompanying Papers to the Committee on **STATE & LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

The Chair ordered a Division.

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

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

14 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator **HANLEY** of Oxford to **COMMIT** Bill and Accompanying Papers to the Committee on **STATE & LOCAL GOVERNMENT** in **NON-CONCURRENCE**, **FAILED**.

Which was **INDEFINITELY POSTPONED**, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Maine Legislature (Governor's Bill)

H.P. 1419 L.D. 1933

Committee on **STATE & LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.

Comes from the House, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

Senator **ESTY** of Cumberland moved to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, in concurrence.

Senator **HANLEY** of Oxford moved to **COMMIT** Bill and Accompanying Papers to the Committee on **STATE & LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. If I could just speak for a minute as far as the benefits of having this bill committed to the Committee on State and Local Government. As all of us are aware the people of this state voted overwhelmingly for term limits when it was sent out to them last November. We now have another issue which has been quite widely debated in the general stores and supermarkets across our state, as to what the values are of reducing the size of the legislature and bringing it more into conformity with other legislatures across the country. In fact, members of both political parties and Independents have embraced this concept as one that is worthy of our discussion and worthy of our consideration. For this legislative chamber to just say no, all of the gubernatorial candidates who are proffering this as an alternative, as a solution for all of those people across the state who think that this is an idea whose time has come or at least an idea which should be discussed in this public policy making body, if we are going to be here for a few more days why can we not take the time to commit this bill to the State and Local Government Committee, realizing that this bill has basically been rotting on the vine in the other chamber waiting for a ruling. I guess I state that just so no member of this chamber stands up and says it is too late in the session, we are inundated with other, more important stuff, because this has been in front of us for quite a while men and women of the Senate. It has been in front of the legislature but it has been rotting on the vine because it hasn't made it past the review and discussion that it merits here in the chamber. For that reason I hope you will go along with the motion to commit this bill to the Committee on State and Local Government. The people have spoken and I think they would like an opportunity to discuss this further. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **HANLEY** of Oxford to **COMMIT** Bill and Accompanying Papers to the Committee on **STATE & LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

The Chair ordered a Division.

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

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

13 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion of Senator **HANLEY** of Oxford to **COMMIT** Bill and Accompanying Papers to the Committee on **STATE & LOCAL GOVERNMENT** in **NON-CONCURRENCE**, **FAILED**.

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 by Senator **ESTY** of Cumberland, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, in concurrence.

A vote of Yes will be in favor of **INDEFINITE POSTPONEMENT**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BEGLEY, BERUBE, BRANNIGAN, CAREY, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

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

ABSENT: Senators BALDACCI, BUSTIN, CIANCHETTE, CLEVELAND, MCCORMICK

16 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 5 Senators being absent, the motion by Senator ESTY of Cumberland, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, in concurrence, **PREVAILED**.

Off Record Remarks

ORDERS OF THE DAY

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

Resolve, to Establish a Commission on the Future of Maine's Paper Industry (Emergency)
S.P. 773 L.D. 1996

Tabled - April 6, 1994, by Senator ESTY of Cumberland.

Pending - **FURTHER CONSIDERATION**

(Committee on **HOUSING & ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED**.)

(In Senate, March 31, 1994, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.)

(In House, April 5, 1994, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1048)**, without reference to a Committee, in **NON-CONCURRENCE**.)

On motion by Senator PINGREE of Knox, the Senate **RECEDED** from its action whereby the Bill was **PASSED TO BE ENGROSSED**, without reference to a Committee.

House Amendment "A" (H-1048) **READ** and **ADOPTED**, in concurrence.

On motion by Senator PINGREE of Knox, Senate Amendment "A" (S-582) **READ**.

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

Senator HANLEY: Thank you Mr. President, Ladies and Gentlemen of the Senate. I have not had an opportunity to review the amendment. If the good Senator could explain it very briefly I would appreciate that. Thank you.

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

Senator PINGREE: Thank you Mr. President, Ladies and Gentlemen of the Senate. This is a bill to establish a commission to study the paper industry. All this amendment does is, the original bill divided up the appointments this way, the Governor would make three appointments to the study commission, the Speaker would make two and the Senate President would make two, this now gives the Governor four appointments so there is a total of eight appointments. It specifies that two of the appointees to the study, one will be a representative of the interest of labor, and one will be a representative of the interest of environmental concerns. That is basically all this amendment does. It also, in the reporting mechanism, asks to report to the Housing and Economic Development Committee as well as the Economic Growth Council. Thank you.

On motion by Senator PINGREE of Knox, Senate Amendment "A" (S-582) **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 were ordered sent down forthwith for concurrence.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

The Chair laid before the Senate the Tabled and Later Today Assigned 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 6, 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 **TITCOMB** of Cumberland the Senate **ACCEPTED** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-948) **READ**.

House Amendment "C" (H-999) to Committee Amendment "A" (H-948) **READ**.

Senator **TITCOMB** of Cumberland moved to **INDEFINITELY POSTPONE** House Amendment "C" (H-999) to Committee Amendment "A" (H-948) in **NON-CONCURRENCE**.

The same Senator requested a Division.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **TITCOMB** of Cumberland to **INDEFINITELY POSTPONE** House Amendment "C" (H-999) to Committee Amendment "A" (H-948) in **NON-CONCURRENCE**. (Division Requested.)

Off Record Remarks

On motion by Senator **ESTY** of Cumberland, **RECESSED** until 7:00 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:

ENACTORS

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

An Act to Amend the Laws Governing the Required Qualifications to Practice Law in the State
H.P. 1153 L.D. 1552
(C "B" H-957)

Senator **CONLEY** of Cumberland requested a Division.

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

Off Record Remarks

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I just wanted to make sure that everyone knew what bill we are working on here. This is "An Act to Amend the Laws Governing the Required Qualifications to Practice Law in the State", the so called Harvey Prager bill which this chamber has debated at length and extensively and has passed on a number of occasions. I hope that we will do the same this evening. 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 don't know how this bill got named the Harvey Prager bill, it should actually be the Howard Dana, Jr. bill, since he is the person who hired Mr. Prager thereby making this matter an issue. I am hopeful that the Senate will reject this bill upon enactment for all of the reasons articulated in debate. Thank you.

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

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

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 **BEGLEY, BUTLAND, CAHILL, CAREY, CARPENTER, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, LUTHER, MARDEN, PEARSON, SUMMERS**

NAYS: Senators **BERUBE, BRANNIGAN, BUSTIN, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, O'DEA, PARADIS, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

ABSENT: Senators AMERO, BALDACCI, MCCORMICK, WEBSTER

Senator CIANCHETTE of Somerset requested and received Leave of the Senate to change his vote from YEA to NAY.

Senator TITCOMB of Cumberland requested and received Leave of the Senate to change her vote from YEA to NAY.

16 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 4 Senators being absent, the Bill 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 Increase the Jurisdiction of the Loring Development Authority of Maine

H.P. 1275 L.D. 1723
(C "A" H-974)

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

Emergency Resolve

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

S.P. 772 L.D. 1992

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Separate Cushings Island in Casco Bay from the City of Portland and to Create the Cushings Island Village Corporation as Part of the Town of Long Island"

S.P. 454 L.D. 1421
(C "A" S-569)

In Senate, March 31, 1994, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-569).

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

Sent down for concurrence.

Non-concurrent Matter

Bill "An Act to Clarify Liquor Licensing Authority"

S.P. 614 L.D. 1712
(H "A" H-933 to C
"A" S-518)

In Senate March 30, 1994, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-518) AS AMENDED BY HOUSE AMENDMENT "A" (H-933) thereto, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-518) AS AMENDED BY HOUSE AMENDMENTS "A" (H-933) AND "B" (H-1056) thereto, in NON-CONCURRENCE.

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

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 Establish a Technical College in York County

H.P. 1313 L.D. 1775
(H "A" H-989 to C
"A" H-851)

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

Non-concurrent Matter

Bill "An Act Regarding Access to Chiropractic Services"

H.P. 1461 L.D. 1986
(H "A" H-998)

In Senate, March 30, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-998)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-998) AND "B" (H-1023) 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 As Amended

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Amend the Laws Governing the Training and Certification of Law Enforcement Officers"

H.P. 828 L.D. 1114

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-969).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-969) AS AMENDED BY HOUSE AMENDMENT "B" (H-1062)** thereto.

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-969) **READ.**

House Amendment "B" (H-1062) to Committee Amendment "A" (H-969) **READ** and **ADOPTED**, in concurrence.

Senate at Ease

Senate called to order by the President.

On motion by Senator **SUMMERS** of Cumberland, Senate Amendment "B" (S-581) to Committee Amendment "A" (H-969) **READ.**

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would pose a question through the Chair. May I ask the presenter of the amendment what the amendment's intentions are? Thank you.

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Briefly what this amendment does would be to authorize the Maine Criminal Justice Academy to instruct their candidates on the necessary procedures for issuing concealed weapons permits and this would further authorize municipalities who rely upon their town fathers to issue concealed weapons permits to ask either the chief law enforcement officer of the community or the Chief of the State Police to perform a background check on the individual applying for the concealed weapons permit. Thank you.

On motion by Senator **SUMMERS** of Cumberland, Senate Amendment "B" (S-581) to Committee Amendment "A" (H-969) **ADOPTED.**

Committee Amendment "A" (H-969) as Amended by House Amendment "B" (H-1062) and Senate Amendment "B" (S-581) 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.

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 Rejuvenate the Lobster Population in the Gulf of Maine"

H.P. 1262 L.D. 1689
(H "A" H-1017; S
"A" S-576 to C "A"
H-973)

In House, April 1, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-973) AS AMENDED BY HOUSE AMENDMENT "A" (H-1017)** thereto.

In Senate, April 5, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-973) AS AMENDED BY HOUSE AMENDMENT "A" (H-1017) AND SENATE AMENDMENT "A" (S-576)** thereto, in **NON-CONCURRENCE**.

Comes from the House, that Body **ADHERED**.

Senate at Ease

Senate called to order by the President.

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

ORDERS OF THE DAY

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

An Act to Ensure Quality Psychological Services
 S.P. 580 L.D. 1624
 (H "A" H-1022 to
 C "A" S-504)

Tabled - April 6, 1994, by Senator **ESTY** of Cumberland.

Pending - **ENACTMENT** (Division Requested)

(In Senate, April 5, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-504) AS AMENDED BY HOUSE AMENDMENT "A" (H-1022)** thereto, in concurrence.)

(In House, April 6, 1994, **PASSED TO BE ENACTED**.)

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

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is a bill that I commented on the last time it was here and I would just like to have your consideration on it. I believe that this bill does not provide or encourage the type of psychological services that I would like to see developed. Whenever a servicing organization provides psychiatric services of any kind, psychological services, I believe they should try to continue to upgrade and provide absolutely the best services that they can possibly find within the State of Maine. This bill does not do that. This bill merely provides the only qualification that an individual must have is a license from the State of Maine. Many professional people over a period of years continue their education in their field, they do correspondence courses or in class courses and

every profession that I know of, C.P.A.'s, lawyers, whoever they may be, continually strive to better themselves and I believe that this bill doesn't encourage that and I think that it should. The only thing this requires is a minimum requirement of a license with the State of Maine. I don't think that that is enough. I think that when an HMO is being asked to provide these services and is paying for these services I think they should be consistently trying to hire the best people that are available. I think they should require that these people consistently upgrade their education and their training and they should try to provide everyone in the State of Maine with better and better and better service. The fact that a person receives a license and maintains that license for a period of thirty years does not indicate to me a desire to continue their education. For that reason Mr. President, I cannot support the passage of this bill. Thank you.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Just as the Senator from Aroostook, Senator Kieffer, I too am a member of the Banking and Insurance Committee and would point out to the members of this body that the majority of the Committee, after hearing testimonies, supported this bill and I would certainly hope that you would stand and support the Committee position. Thank you.

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

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 14 Senators having voted in the negative, the Bill 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:

Resolve, Authorizing the Examination of School Finance and Taxation Proposals (Governor's Bill)
 S.P. 776 L.D. 2003

Tabled - April 6, 1994, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, April 5, 1994, referred to the Committee on **EDUCATION** and **ORDERED PRINTED**.)

(In House, April 6, 1994, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in **NON-CONCURRENCE**.)

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

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

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

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

An Act to Increase the Jurisdiction of the Loring Development Authority of Maine

H.P. 1275 L.D. 1723
(C "A" H-974)

Tabled - April 6, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF REPORT**

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

Tabled - April 6, 1994, by Senator **ESTY** of Cumberland.

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

Pending - **ENACTMENT**

(In Senate, March 30, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-974)**, in concurrence.)

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

The Bill **READ ONCE.**

(In House, April 6, 1994, **PASSED TO BE ENACTED.**)

Committee Amendment "A" (H-1026) **READ.**

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

On motion by Senator **BERUBE** of Androscoggin, Senate Amendment "B" (S-585) to Committee Amendment "A" (H-1026) **READ.**

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

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

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This amendment corrects that section of the lobbying bill that we had yesterday that had caused some concern. What it does is that five days after the start of any new legislature's regular session a state employee must register with the Commission on Ethics if that employee meets two criteria. One, his or her department head designates that employee to be a department legislative designee during the session and secondly that the job description of that particular employee contains lobbying requirements. I would say also that they would be total exempt from the remainder of the lobbying regulations. Thank you.

Bill "An Act to Amend the Harness Racing Laws"

H.P. 1243 L.D. 1670

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

Tabled - April 6, 1994, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **TITCOMB** of Cumberland to **INDEFINITELY POSTPONE** House Amendment "C" (H-999) to Committee Amendment "A" (H-948) in **NON-CONCURRENCE**

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair. To any member of the chamber, maybe even specifically to the good Chair of the Judiciary Committee, would this be considered a technical amendment? Thank you.

(In Senate, April 6, 1994, House Amendment "C" (H-999) to Committee Amendment "A" (H-948) **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.)

THE PRESIDENT: The Senator from Oxford, Senator Hanley, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Oxford, Senator Hanley.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending motion by Senator **TITCOMB** of Cumberland to **INDEFINITELY POSTPONE** House Amendment "C" (H-999) to Committee Amendment "A" (H-948) in **NON-CONCURRENCE.**

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I will stall for time so the good Senate Chair could have an opportunity to review the amendment and make a determination as to whether or not this amendment is a technical one. Just for the edification of this chamber it has long been the practice of the Judiciary Committee, and having served on that for three terms with the good Senator and four terms in all, have taken a policy that only technical amendments would be germane in our own rules and

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

practice. I guess I have questions as to whether or not this is a technical amendment. I would like to hear from my good Senate Chair. Thank you.

THE PRESIDENT: The Senator from Oxford, Senator Hanley, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I assume that my good co-member of the Judiciary Committee is under the assumption that this is an amendment to the errors bill, he would be in error to think that. Thank you.

On motion by Senator **BERUBE** of Androscoggin, Senate Amendment "B" (S-585) to Committee Amendment "A" (H-1026) **ADOPTED.**

Committee Amendment "A" (H-1026) as Amended by Senate Amendment "B" (S-585) 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.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1994 (Emergency)

H.P. 1462 L.D. 1988

In Senate, March 29, 1994, **PASSED TO BE ENGROSSED**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-1066)** in **NON-CONCURRENCE.**

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

ORDERS OF THE DAY

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 5, 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 until Later in Today's Session, pending 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 5, 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.**

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

Off Record Remarks

Senator **VOSE** of Washington was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

Off Record Remarks

On motion by Senator **BRANNIGAN** of Cumberland,
ADJOURNED until Thursday, April 7, 1994, at 11:00
in the morning.