

# MAINE STATE LEGISLATURE

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

**VOLUME VII**

**SECOND REGULAR SESSION**

**Senate**  
April 7, 1994 to April 14, 1994

**SECOND CONFIRMATION SESSION**  
May 11, 1994

**THIRD CONFIRMATION SESSION**  
July 29, 1994

**FOURTH CONFIRMATION SESSION**  
November 14, 1994

**Index to 116<sup>th</sup> Legislative Record**

**HOUSE AND SENATE LEGISLATIVE SENTIMENTS**

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

In Senate Chamber  
Thursday  
April 7, 1994

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

Prayer by the Honorable Beverly Miner Bustin of Kennebec.

**SENATOR BEVERLY MINER BUSTIN:** Let us pray. God, we are thankful for every quiet voice that raises itself against the opposition of the majority, not in stormy protest, but simply and quietly, saying the thing it believes, doing the thing it knows to be right. We are thankful for these voices. Give us the grace that in our day we may be, each in our own way, a still small voice of delight. Amen.

Reading of the Journal of Wednesday, April 6, 1994.

**ORDERS OF THE DAY**

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

**NOMINATION** - of James S. Henderson of Orr's Island for reappointment as the Maine State Archivist

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

Pending - **CONSIDERATION**

(In Senate, April 6, 1994, Communication from the Committee on **STATE & LOCAL GOVERNMENT READ** and **ORDERED PLACED ON FILE.**)

**THE PRESIDENT:** The Joint Standing Committee on State & Local Government has recommended the nomination of James S. Henderson of Orr's Island 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, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

**ABSENT:** Senators BALDACCI, HANLEY, MCCORMICK, VOSE

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

The Secretary has so informed the Speaker of the House.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Authorize a Department of Inland Fisheries and Wildlife Bond Issue of \$10,000,000 for Fish Hatcheries"

H.P. 1301 L.D. 1756  
(C "A" H-962)

In Senate, March 30, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-962)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-962) AS AMENDED BY HOUSE AMENDMENT "A" (H-1037)** thereto, in **NON-CONCURRENCE**.

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

**Non-concurrent Matter**

SENATE REPORTS - from the Committee on **HUMAN RESOURCES** on Bill "An Act to Strengthen the Coordinated Delivery of Substance Abuse Services in the State"

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

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-508)

Minority - Ought to Pass as Amended by Committee Amendment "B" (S-509)

In Senate, March 29, 1994, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-509)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-509)**.

Comes from the House the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-508)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-508)** in **NON-CONCURRENCE**.

Senator **ESTY** of Cumberland moved that the Senate **RECEDE** and **CONCUR**.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Because there seems to be some discussion about this particular issue I would be hoping that we could have a little debate and talk about why there is a need to Recede and Concur on this issue. Perhaps we could have some discussion right now. Thank you.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. As you may recall this body accepted the minority ought to pass report out of the Committee. This is the bill that deals with the Office of Substance Abuse and in the last session this office absorbed a \$500,000 cut in their budget without one state employee losing their job. The main part of this bill completes the journey of consolidating different areas of substance abuse. For example, in the National Guard area, in the Education Department, and so forth. Second, and perhaps most important, at least to me, is that this bill allows the Office of Substance Abuse to continue their pioneering journey on entering into contracts with providers based on performance. The bill that we are considering receding and concurring on, with the motion of the good Senator from Cumberland, Senator Esty, tells the Office of Substance Abuse to get into the request for proposal process. Ladies and Gentlemen, this is the sort of activity where the State develops a proposal, providers submit a bid on what they can do for the money that the State is willing to enter into a contract for, usually there is one or more bidders. If there is only one, which

has been an effort in futility, the State has spent time, money and resources to develop the requested proposal, the provider has done the same, with only one bidder. When there is more than one bidder someone wins and someone loses. The loser generally appeals, requiring more administrative costs, delays and frustration. None of this, I might add, is to benefit the people who need our help in the area of substance abuse. What is ironic to me is that another bill that came through here from my Committee, in the area of mental health and mental retardation and the Bureau of Children with Special Needs, that were already doing requests for proposals were told by this legislature in that bill to stop doing it, to gradually phase out of it and get into performance based contracting like OSA does. If you vote for the pending motion we are going to tell OSA to get into the same sorts of activities that we just told Mental Health and Mental Retardation to get away from. I would submit to you that there is some compromise available between the minority and the majority report and an opportunity to defeat the pending motion. I move that the Senate Insist and ask for a Committee of Conference. This will enable us to produce some legislation that will assure that the people who elect you to come here and make some sense of all of this believe that we are doing just that. Thank you.

Senator **HARRIMAN** of Cumberland moved that the Senate **INSIST AND ASK FOR A COMMITTEE OF CONFERENCE**.

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

Senator **PARADIS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Indeed I urge you to vote for the pending motion. We are moving forward in new and progressive ways of doing business in this State. This will actually not hinder this progress at all. Last year the legislature voted to do what we are going to be continuing, to try it out, and we haven't completed one phase of this try out yet. There are areas in the State that have virtual monopolies in terms of providing this type of service. It is a very very expensive part of our budget and that is the point of view that I am approaching it with. Let the process be open. We have now started to really move into doing more and more providing services at local levels and therefore the demand is going to be going up. Leave the process open, let the performance based contracts keep progressing as they are going. This will not delay progress at all, it will just keep it on the track that the legislature in its wisdom has decided to put it on. Thank you.

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. Subsequently, the Same Senator requested and received leave of the Senate to withdraw his motion for a Roll Call.

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

Senator **BALDACCI:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Having been a member of the Human Resources Committee and working with the good Senator from Aroostook, Senator Paradis, on this particular issue I think that Senator Paradis' presentation of the issue is one that this body ought to stick with. The issue before us is trying to move in the right direction. We have a big budget in this particular area and as Senator

Harriman from Cumberland has pointed out a proposal to get to that particular point. I think the way that this particular proposal is structured it is better to go in the direction and with the small step as proposed by the report Senator Paradis from Aroostook is suggesting. I think a lot of time has been spent on this and if people are interested in the issue and not wanting to see it die then they will support that position. I think we ought to be willing to take a half a loaf of bread instead of trying to have it all our own way. I would hope that the members of the Senate would go in the right direction because we really do need a handle on this budget. Thank you.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In addition to my remarks of a few minutes ago it might be helpful to know that the minority report, which this body passed, doesn't completely take the request for proposal process and eliminate it. What the minority report, which this body supported, said was that if you are already doing performance based contracting with the Office of Substance Abuse you will not have to go through this request for proposal process so long as you are creating a measurable and identifiable result that the department is looking for, that public policy goals have not changed, if they do we will begin on a request for proposal. The minority report went on to say that if the department is not satisfied with the working relationship they can do this. The other part of the minority report said that if you are not on a performance based contract, and your contract is more than \$250,000 you will have to go through this request for proposal process. The minority report is not a wide sweeping over night change for the Office of Substance Abuse, what it is saying is we want to get onto performance based contracting, and if you are on it we are going to work with you so we can get to the next generation of delivering services, which is by voucher. I ask you not to support the pending motion. Thank you.

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

The Chair ordered a Division.

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

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

11 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion of Senator **ESTY** of Cumberland to **RECEDE** and **CONCUR**, **FAILED**.

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

Sent down for concurrence.

**Non-concurrent Matter**

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$14,000,000 to Construct Environmental Protection Facilities and to Investigate, Abate, Clean up and Mitigate Threats to the Public Health and Environment from Uncontrolled Hazardous Substances Sites" (Governor's Bill)  
H.P. 1392 L.D. 1890  
(C "A" H-963)

In Senate, March 30, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-963)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-963) AS AMENDED BY HOUSE AMENDMENTS "A" (H-1006) AND "B" (H-1042)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **PEARSON** of Penobscot the Senate **INSISTED**.

Sent down for concurrence.

**Non-concurrent Matter**

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 for the Remediation and Closure of Municipal Solid Waste Landfills" (Governor's Bill)  
S.P. 696 L.D. 1894  
(C "A" S-535)

In Senate, March 29, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-535)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-535) AS AMENDED BY HOUSE AMENDMENT "B" (H-1043)** thereto, in **NON-CONCURRENCE**.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. On these bond issues it is apparent that they have all been amended to change the date that they go out to referendum from the June Primary until the November elections. I guess I don't have any objection to that but would hope that if we send these out in November that we would send everything out in November, if we finally vote for it, so I will vote to send these out in November as long as everything is sent in November. That is going to be the stand that I take. Thank you.

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

**Non-concurrent Matter**

Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$19,800,000 to Improve Passenger and Freight Rail Facilities and Make Improvements at State and Municipal Transportation Facilities" (Governor's Bill) S.P. 697 L.D. 1895 (S "A" S-540)

In Senate, March 31, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-540)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-540) AS AMENDED BY HOUSE AMENDMENT "A" (H-1068)** thereto, in **NON-CONCURRENCE**.

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

**COMMUNICATIONS**

The Following Communication:

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

April 6, 1994

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

Dear President Dutremble and Speaker Gwadosky:

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

- L.D. 116 An Act to Amend the Maine Health Security Act
- L.D. 1819 An Act to Clarify the Sentencing Laws in Maine

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

Sincerely,

S/Sen. Gerard P. Conley, Jr. S/Rep. Constance D. Cote  
Senate Chair House Chair

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

**COMMITTEE REPORTS**

**House**

**Divided Report**

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Impose Term Limits on Members of the United States Congress" I.B. 2 L.D. 1983

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

Signed:

Senator:  
BERUBE of Androscoggin

Representatives:  
KILKELLY of Wiscasset  
AHEARNE of Madawaska  
WALKER of Blue Hill  
BENNETT of Norway  
YOUNG of Limestone  
JOSEPH of Waterville

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  
LOOK of Jonesboro  
GRAY of Sedgwick

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

Which Reports were **READ**.

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

(See Action Later Today)

**ENACTORS**

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

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$2,000,000 for Safety Improvements at the Baxter School for the Deaf (Governor's Bill) S.P. 700 L.D. 1898 (C "A" S-538)

Off Record Remarks

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

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Training Equipment for the Maine Technical College System

H.P. 1442 L.D. 1968  
(C "A" H-970)

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

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

Off Record Remarks

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Amend the Laws Governing the Training and Certification of Law Enforcement Officers"

H.P. 828 L.D. 1114  
(H "B" H-1062; S  
"B" S-581 to C "A"  
H-969)

In House, April 6, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-969) AS AMENDED BY HOUSE AMENDMENT "B" (H-1062)** thereto.

In Senate, April 6, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-969) AS AMENDED BY HOUSE AMENDMENT "B" (H-1062) AND SENATE AMENDMENT "B" (S-581)** thereto, in **NON-CONCURRENCE**.

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

Senator **BERUBE** of Androscoggin moved that the Senate **RECEDE** and **CONCUR**.

On motion by Senator **SUMMERS** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **BERUBE** of Androscoggin to **RECEDE** and **CONCUR**.

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

The Following Communication:

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333**

April 7, 1994

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

Dear Madam Secretary:

The House voted today to adhere to its former action whereby the Bill and accompanying papers were indefinitely postponed on 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).

Sincerely,

S/Joseph W. Mayo  
Clerk of the House

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

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

**ORDERS OF THE DAY**

**Unfinished Business**

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

The Chair laid before the Senate the Tabled and Later Assigned (4/6/94) 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 6, 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**.)

Senator **TITCOMB** of Cumberland moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-573).

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The indefinite postponement of this question will remove the opportunity for the study committee to explore whether or not it is good public policy to amend the Constitution of Maine to preserve retirement benefits for state employees. I don't understand why we would want to indefinitely postpone that opportunity to give the people that we are going to bring together, who are interested in restoring confidence and morale to the retirement system. Why would we want to indefinitely postpone the chance to debate that question? Please defeat the pending question. Thank you.

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

Senator **TITCOMB:** Thank you Mr. President, Ladies and Gentlemen of the Senate. These issues were very extensively discussed in the Retirement Committee and it was the opinion of the majority of that Committee that the forum for making that decision as to the quality of the contract between the state and its employees should be determined by

the people of Maine. There would be a very basic standard of agreement that will be honored and kept and the people of Maine should be the ones who decide. The majority of the Committee felt that decision was appropriate. Thank you.

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

Senator **AMERO:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is an amendment to the bill that creates the commission to implement the recommendations of the Monks Commission. It adds one charge to that commission's work and that is that it requires the committee to review whether teacher or state employee membership in a pension or retirement system of the state should be an enforceable contractual relationship. It then asks that committee to bring forward to the legislature recommendations for changes in legislation. I think it is a very appropriate assignment to give to that commission which will be represented by both members of the retirement system and members of the executive branch with a public member also sitting on that board. I would ask that you vote against the pending motion to indefinitely postpone. Thank you.

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

Senator **TITCOMB:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The statement is correct that this bill does enable a Monks Commission to implement and act on recommendations of the Monks Commission. It was very clear after reviewing the Monks Commission report extensively that one of the primary findings was that the legislature had deteriorated benefits of retirees and potential retirees to such an extent that it was eroding faith and trust in the retirement system. Therefore, by insuring the most basic minimal standards of benefits seems to be very consistent with the goals of the Monks Commission. Thank you.

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

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I just would like to clarify in my own mind, and hopefully for my distinguished colleagues here, that there was testimony on this issue several days ago and the good Senator from Cumberland, Senator Amero, explained to this body that having spoken personally with a member of the so called Monks Commission that it was his opinion that the Monks Commission suggested that we not amend the Constitution. I personally spoke to another member of that so called Monks Commission, Mr. Ginn, who told me the same thing. My understanding was the Monks Commission had an opportunity to discuss and make recommendations if they so chose and decided not to. That is my understanding. Thank you.

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

Senator **TITCOMB:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I concur that at least one individual who was on the Monks Commission has stated that he is opposed to a Constitutional amendment but in fact that opposition does not come



from the matter that would be put into the Constitution, but in the idea of amending the Constitution at all. Having spoken to a whole broad variety of people who attended every Monks Commission meeting it was consistent that this issue was not discussed as an official issue by the Monks Commission in all of their meetings. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **TITCOMB** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-573).

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, BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, PARADIS, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

**NAYS:** Senators AMERO, BEGLEY, CAHILL, CARPENTER, FOSTER, GOULD, HALL, HARRIMAN, KIEFFER, LUDWIG, MARDEN, PEARSON, SUMMERS, WEBSTER

**ABSENT:** Senators BUTLAND, HANLEY, MCCORMICK, O'DEA

17 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator **TITCOMB** of Cumberland, to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-573), **PREVAILED**.

The Senate **CONCURRED**.

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

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

Off Record Remarks

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

Off Record Remarks

On motion by Senator **ESTY** of Cumberland, **RECESSED** until 3:00 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 Clarify the Maine Banking Code as it Pertains to Service Corporations Serving Credit Unions  
S.P. 555 L.D. 1591  
(H "B" H-1055 to C "A" S-537)

An Act to Promote Flexibility in Health Care Delivery Systems  
S.P. 592 L.D. 1651  
(H "B" H-1051 to C "A" S-568)

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 Improve Access to Pharmaceuticals  
H.P. 558 L.D. 755  
(C "A" H-986)

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I understand that this was a 12 - 1 report out of the Human Resources Committee and I appreciate the relationship of a 12 - 1 report out of a Committee but this bill has been zooming along in the legislative process for the last couple of days and has had no debate in the Senate. I want to take this opportunity on enactment to talk about it. I was to preface my remarks by saying I am debating today as the Senator from Sagadahoc, not as the Minority Leader of the Senate.

This bill, and I am not even going to talk about the merits of this particular piece of legislation because quite frankly I am not sure of the pros and cons of this bill. We are on the bill "An Act to Improve Access to Pharmaceuticals". I have heard so many conflicting viewpoints in the last 24 hours on this bill. I am not exactly sure where the facts are. I am going to oppose the enactment of this bill today for a couple of very basic reasons. One, as a business person I oppose the legislation on business principals because I believe that as a Christmas tree grower if I want to sell 100 Christmas trees to the Senator from Cumberland, Senator Amero, at \$10 each, and then if I wanted to sell 100 Christmas trees to the Senator from Lincoln, Senator Begley, at \$15 each, I believe that I should have the right to do that. What I think this legislation does is prohibit pharmaceutical manufacturers from having that competitive advantage. The reason I am opposing the legislation today is because this bill has been presented in 24 other states this year, and it hasn't passed in any of those states. 11 of those states have killed the bill outright and the other 13 states have either committed the bill to study or they are in the process of being killed. There is only 1 state that has legislation like this and it is the State of Wisconsin. It was enacted several years ago and because of its vagueness and unenforcability it remains unenforced in the State of Wisconsin. I am told by both sides, the pharmacy side as well as the manufacturer side, that currently in Maine we have no problem with pharmaceutical pricing. There is no problem so we are passing a piece of legislation in anticipation of a future problem and that bothers me a little bit. What bothers me most about this particular piece of legislation is the fact that this was put on a bill and there was never a public hearing. This is a huge policy change with the amendment that was added and I think in large part it is responsible for the confusion that exists today because both sides were not able to present their viewpoints at a public hearing. I am going to ask for a Division and I ask that you not pass this bill to be enacted because I believe it is bad public policy for the State of Maine and I think this is a huge public policy issue that we are doing today with very little debate and it worries me. Thank you.

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

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The Senator from Sagadahoc mentioned her profession of selling Christmas trees and I would point out to her that if I don't buy a Christmas tree my life is not threatened, however if I cannot afford a prescription drug then my life is in trouble. 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 think the good Senator from Kennebec, Senator Carey, makes an excellent point and one that needs to be raised before we pass this legislation and that is how does this bill impact the consumer? How does it protect the consumer? Some of the arguments I have heard today is that we need this bill to protect the consumer. This bill doesn't do anything for the consumer, absolutely zero. What it does, in my

opinion and I don't know this for sure because I don't have all of the facts yet because this bill never went to public hearing and all I seem to get is one side or the other presented to me in the hallways on the run, what this bill does is say that the pharmaceutical manufacturers must sell their product at the same price to everyone, but what does that do for the consumer? That means that the pharmacy, and I would love to protect the small individual pharmacies, it says that the pharmacy can buy this from the pharmaceutical manufacturer at the same price, but there is no provision in the bill to say that that cost savings will be passed on to the consumer. There is no provision in the bill, in fact there was an attempt to do that and that attempt was defeated 136 to 1. I'm not saying that normally the pharmacies as a rule of thumb would not pass that cost savings onto the consumer but there is nothing in this legislation that says they must. Thank you.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. As a member of the Human Resources Committee on the majority ought to pass report I think it might be helpful for you to fully understand the rationale that went into this bill and its amendment in hopes of shedding some light on the issue as I understand it. This bill started off as a bill to allow rural health centers access to prescribed pharmaceuticals. It was billed as an opportunity for rural health centers to provide prescriptions, presumably to save the consumer money. In fact it was proven that if we allowed that that there was no assurance that those facilities would be able to offer prescription drugs at a lower cost. A member of the Human Resources Committee very familiar with these issues offered an amendment that created the opportunity to get prescription medications to our citizens at a lower cost. What we learned was that the pharmaceutical companies go to HMO's, hospitals and the like and say to them if you agree to prescribe only our medicine, our brand of medicine, we will agree to give you this deep discount. The rural pharmacists, the small business person, says gee if I buy the same amounts, the same quantities of your prescription medicine can I get the same price. The answer is no. What this amendment did on the bill was to allow for the rural pharmacists, the city pharmacists, the independent pharmacists, the mail order drug company or what have you, if they are going to buy the same quantity of medication, to be able to buy it at the same price. It doesn't say that you have to pay the same price regardless of how many units you buy. You would have the opportunity to. As the good Senator from Sagadahoc, Senator Cahill, has mentioned there has been a tremendous interest in this issue in the waning days of the session. I have tried my best to listen to both sides of the issue and ladies and gentlemen of the Senate I have shared all of the information that I have received to reach my decision and no one has been able to give me concrete information that proves that this bill isn't going to potentially help the Maine consumer. It certainly is going to help the small business pharmacy and if there is information I will be more than happy to reconsider but I haven't seen it yet. 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.

29 Senators having voted in the affirmative and 2 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.

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An Act Regarding Cable Television

H.P. 1096 L.D. 1483  
(H "B" H-982 to C  
"A" H-836)

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-836) as Amended by House Amendment "B" (H-982) thereto, in concurrence.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** House Amendment "B" (H-982) to Committee Amendment "A" (H-836), in concurrence.

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

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

Committee Amendment "A" (H-836) as Amended by Senate Amendment "A" (S-577) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

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

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An Act to Protect the Rights of Employees and to Ensure the Proper Expenditure of Public Funds  
H.P. 1303 L.D. 1758  
(S "B" S-575 to C  
"A" H-865)

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

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An Act to Establish Maine Quality Centers (Governor's Bill)

S.P. 728 L.D. 1949  
(C "A" S-579)

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

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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  
(H "A" H-1054 to C  
"A" S-511)

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

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An Act to Establish a Catastrophic Health Expense Program (Governor's Bill)

H.P. 1473 L.D. 2001  
(C "A" H-1061)

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

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**Resolve**

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

H.P. 1465 L.D. 1991  
(H "A" H-1035)

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

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

**ENACTORS**

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

**Emergency**

An Act to Amend the Laws Relating to Potatoes  
H.P. 1273 L.D. 1717  
(C "A" H-1059)

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

**Emergency Resolve**

Resolve, Establishing the Commission to Study Biotechnology and Genetic Engineering  
H.P. 1015 L.D. 1361  
(H "A" H-1058; S "B" S-554 to C "A" H-877)

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

**Emergency Resolve**

Resolve, to Establish a Commission on the Future of Maine's Paper Industry  
S.P. 773 L.D. 1996  
(H "A" H-1048; S "A" S-582)

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

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

**HELD BILL**

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

Senator **ESTY:** Thank you Mr. President, is the Senate in possession of L.D. 1983?

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

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

(In Senate, April 7, 1994, Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in concurrence.)

On motion by Senator **ESTY** of Cumberland, the Senate **RECONSIDERED** its action whereby it **ACCEPTED** the Minority **OUGHT NOT TO PASS** 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 first would like to extend my thanks to this chamber for allowing this bill to be held and allowing me to take just a moment to speak to this issue. It is no secret to the members of this chamber that the issue of term limits is near and dear to my heart. In fact there is probably no one who had more of a smile on their face last November when the term limits bill passed through. I am very happy that at this point it was a win win situation out of the Committee on State and Local Government. Either to pass it through now into law or to send it out to referendum and once again let the citizens of the State of Maine engage in an interactive debate on the merits of term limits and exactly what term limits will do to bolster our current government. Can people respect an impression for our form of government. My support for term limits has been matched as far as to restore peoples confidence in the process. Too many people that I ran into campaigning door to door throughout Oxford County informed me that it didn't matter who they voted for because the same person would get elected over and over again, the power of the incumbency was so great. Men and women of the Senate we have had a dramatic change in the political landscape here in the last few months. With Senator George Mitchell stepping down that log jam has broken and you can see now all of the interest that has existed here in the State of Maine, existed in this chamber and existed in the other chamber with people waiting for an opportunity to serve. I think that is what is important, that people are willing to serve and they do want that opportunity but they are very reticent because of the incredible hurdle and the incredible advantage that incumbents currently have. As I said in my remarks, whether or not this bill is to be passed by this legislature now or to be sent out to referendum I think the people of the State of Maine in the end will have won. I will look forward this November when the people of the State of Maine once again have the opportunity to make their imprint and make their impression as far as what they think is a positive way to go to restore their faith in our process. I'll be looking forward to the debate that will be going on this summer and this fall as we once again discuss the merits of this issue and we once again discuss how we are going to turn around the public impression of not only our State government but our national government. I look forward to that debate and I hope the members of this chamber look forward to that debate as well. Thank you.

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

**ORDERS OF THE DAY**

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Laws Relating to Potatoes  
H.P. 1273 L.D. 1717  
(C "A" H-1059)

Tabled - April 7, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, April 6, 1994, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

(In House, April 7, 1994, **PASSED TO BE ENACTED.**)

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I acted a little hastily. The good Senator from the St. John Valley wanted to amend this and I put it on the Table before she had a chance to do that. Thank you.

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-1059).

On further motion by same Senator, Senate Amendment "A" (S-589) to Committee Amendment "A" (H-1059) **READ** and **ADOPTED**.

Committee Amendment "A" (H-1059) as Amended by Senate Amendment "A" (S-589) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. On this bill there is a utility issue related to potato laws which I was unfamiliar with. I was wondering if anyone in the chamber could explain what the requirement of the Public Utilities Commission would be in regard to this potato bill. 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. This amendment is strictly a commission to study the management and operations of the Maine State Quality Control Board. Indeed there is a utilities piece on it and they will be studying the whole idea of the cost of electricity in the processing of potatoes as one of the pieces of this study. Thank you.

Which was, under suspension of the Rules, ordered sent down forthwith for concurrence.

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

Off Record Remarks

**Unfinished Business**

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

The Chair laid before the Senate the Tabled and Later Assigned (4/6/94) matter:

Bill "An Act to Amend the Harness Racing Laws"  
H.P. 1243 L.D. 1670

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**

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

(In House, March 30, 1994, **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, House Amendment "C" (H-999) to Committee Amendment "A" (H-948) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

House Amendment "D" (H-1003) to Committee Amendment "A" (H-948) **READ.**

Senator **HANLEY** of Oxford moved to **INDEFINITELY POSTPONE** House Amendment "D" (H-1003) to Committee Amendment "A" (H-948) in **NON-CONCURRENCE**.

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

Senator **TITCOMB:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to have this tabled very briefly if I could. Thank you.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending motion by Senator **HANLEY** of Oxford to **INDEFINITELY POSTPONE** House Amendment "D" (H-1003) to Committee Amendment "A" (H-948) in **NON-CONCURRENCE**.

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 6, 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 **LAWRENCE** of York, the Senate **SUSPENDED THE RULES.**

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

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-995), in concurrence.

On further motion by same Senator, Senate Amendment "B" (S-588) to Committee Amendment "A" (H-995) **READ** and **ADOPTED.**

Committee Amendment "A" (H-995) as Amended by Senate Amendment "B" (S-588) thereto, **ADOPTED** in **NON-CONCURRENCE.**

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

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

The Chair laid before the Senate the Tabled and Later Assigned (4/6/94) matter:

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 - **ENACTMENT**

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

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

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

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

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-974), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-586) to Committee Amendment "A" (H-974) **READ** and **ADOPTED.**

Committee Amendment "A" (H-974) as Amended by Senate Amendment "A" (S-586) thereto, **ADOPTED** in **NON-CONCURRENCE.**

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

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

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

Off Record Remarks

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

Off Record Remarks

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

After Recess

Senate called to order by the President.

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

**COMMUNICATIONS**

The Following Communication:

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

April 7, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Sally G. Vamvakias of Falmouth, for reappointment to the University of Maine Board of Trustees.

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

YEAS:	Sen.	3	O'Dea of Penobscot, Lawrence of York, Amero of Cumberland
	Rep.	10	Mitchell of Vassalboro, Oliver of Portland, Pfeiffer of Brunswick, Simonds of Cape Elizabeth, Cloutier of South Portland, Pinette of Fort Kent, Stevens of Orono, Norton of Winthrop, Ault of Wayne, Small of Bath
NAYS:		0	
ABSENT:		0	

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Sally G. Vamvakias of Falmouth, for reappointment to the University of Maine Board of Trustees be confirmed.

Signed:

S/John J. O'Dea  
Senate Chair

S/Elizabeth H. Mitchell  
House Chair

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

**THE PRESIDENT:** The Joint Standing Committee on Education has recommended the nomination of Sally G. Vamvakias of Falmouth be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEAS: Senators None

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

ABSENT: Senator MCCORMICK

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator 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 Sally G. Vamvakias, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

The Following Communication:

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

April 7, 1994

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

The Secretary will call the Roll.

**ROLL CALL**

Dear Mr. President:

YEAS: Senators None

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Ralph L. Hodgkins, Jr. of Wiscasset, for reappointment to the University of Maine Board of Trustees.

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

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:

ABSENT: Senators MCCORMICK, O'DEA

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

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

The Secretary has so informed the Speaker of the House.

NAYS: 0

ABSENT: 0

The Following Communication:

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

April 7, 1994

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Ralph L. Hodgkins, Jr. of Wiscasset, for reappointment to the University of Maine Board of Trustees be confirmed.

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

Signed:

S/John J. O'Dea  
 Senate Chair

S/Elizabeth H. Mitchell  
 House Chair

Dear Mr. President:

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

**THE PRESIDENT:** The Joint Standing Committee on Education has recommended the nomination of Ralph L. Hodgkins, Jr. of Wiscasset be confirmed.

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Albert B. Glickman of Cape Elizabeth, for appointment to the University of Maine Board of Trustees.

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

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:

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.

YEAS: Sen. 3 O'Dea of Penobscot, Lawrence of York, Amero of Cumberland

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.



Rep. 10 Mitchell of Vassalboro,  
Oliver of Portland, Pfeiffer  
of Brunswick, Simonds of  
Cape Elizabeth, Cloutier of  
South Portland, Pinette of  
Fort Kent, Stevens of Orono,  
Norton of Winthrop, Ault of  
Wayne, Small of Bath

NAYS: 0

ABSENT: 0

No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No 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 Albert B. Glickman, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Albert B. Glickman of Cape Elizabeth, for appointment to the University of Maine Board of Trustees be confirmed.

Signed:

S/John J. O'Dea Senate Chair  
S/Elizabeth H. Mitchell House Chair

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

**THE PRESIDENT:** The Joint Standing Committee on Education has recommended the nomination of Albert B. Glickman of Cape Elizabeth be confirmed.

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

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

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

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

Is the Senate ready for the question?  
The Doorkeepers will secure the Chamber.  
The Secretary will call the Roll.

**ROLL CALL**

YEAS: Senators None

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

ABSENT: Senators None

The Following Communication:

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

April 7, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Erin O'Brien of Scarborough, for appointment to the University of Maine Board of Trustees.

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

YEAS: Sen. 3 O'Dea of Penobscot, Lawrence of York, Amero of Cumberland

Rep. 10 Mitchell of Vassalboro, Oliver of Portland, Pfeiffer of Brunswick, Simonds of Cape Elizabeth, Cloutier of South Portland, Pinette of Fort Kent, Stevens of Orono, Norton of Winthrop, Ault of Wayne, Small of Bath

NAYS: 0

ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Erin O'Brien of Scarborough, for appointment to the University of Maine Board of Trustees be confirmed.

Signed:

S/John J. O'Dea Senate Chair  
S/Elizabeth H. Mitchell House Chair

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

**THE PRESIDENT:** The Joint Standing Committee on Education has recommended the nomination of Erin O'Brien of Scarborough be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEAS: Senators None

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

ABSENT: Senators None

No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No 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 Erin O'Brien, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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

**COMMITTEE REPORTS**

**House**

**Divided Report**

Six Members of the Committee on **JUDICIARY** on Bill "An Act Authorizing a Tribally Owned Casino in the City of Calais"

H.P. 1470 L.D. 1998

Reported in Report "A" that the same **Ought to Pass** pursuant to Joint Order (H.P. 1416).

Signed:  
Senator:  
CONLEY of Cumberland

Representatives:  
FARNSWORTH of Hallowell  
CATHCART of Orono  
KETTERER of Madison  
CARON of Biddeford  
COTE of Auburn

Four Members of the Committee on **JUDICIARY** reported in Report "B" that the same **Ought Not to Pass** pursuant to Joint Order (H.P. 1416).

Signed:  
Senator:  
HANLEY of Oxford

Representatives:  
OTT of York  
PLOWMAN of Hampden  
SAXL of Bangor

Two Members of the Committee on **JUDICIARY** on Bill "An Act Authorizing a Tribally Owned Casino in the City of Calais"  
H.P. 1471 L.D. 1999

Reported in Report "C" that the same **Ought to Pass** pursuant to Joint Order (H.P. 1416).

Signed:  
Senator:  
BERUBE of Androscoggin

Representative:  
FAIRCLOTH of Bangor

One Member of the Committee on **JUDICIARY** on Bill "An Act Authorizing a Tribally Owned Casino in the City of Calais" (Emergency)  
H.P. 1472 L.D. 2000

Reported in Report "D" that the same **Ought to Pass** pursuant to Joint Order (H.P. 1416).

Signed:  
Representative:  
LIPMAN of Augusta

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

Which Reports were **READ**.

Senator **CONLEY** of Cumberland moved that the Senate **ACCEPT** Report "A" **OUGHT TO PASS** in **NON-CONCURRENCE**.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Cognizant of the Senate rules in reference to disbaring of repeating debate conducted in the other body I want to say thank God for that. I think that a repeat of five hours of such debate would be the equivalent of making the good Senator from Washington County, Senator Vose, sit through a Greatful Dead concert and

I don't think that would be very appropriate. Also realizing that the length of such debate confirms the theory that there is nothing quite so intoxicating as the sound of one's own voice. I will indicate to the chamber that my preference would be to take my voice to a cozier location and imbibe in other types of things. So I will be brief here tonight. We have debated this in our respective caucuses. Things get stranger and stranger around here as I approach my exit. Today I find myself on the same side of an issue as the Governor of this State, that is very rare indeed and very rarer that I would be on the same side of an issue of that great northern paper the Bangor Daily News. Thank God for one constant in this constellation, the good Senator from Oxford, Senator Hanley, my north star, the one who lets me know that things are still alright and I am on the planet and do have some bearings. I want to just say to the body first that I believe that this body has conducted itself with the appropriateness that one would expect of this body in debating this issue. The good Senator from Washington County, Senator Vose, I don't think has worked harder on an issue in his many years of service to the people of his county and the people of this state and I think he deserves to be commended as the true gentleman that he is, as people have told him what their positions are he has been a gentleman. I think that that speaks well of this body and continues to reinforce my impression that this body is back on its way to gaining the respect that it has always had until recent times.

In reference to the issue I would say a number of things. First, this whole idea of gambling, I think the crux of this matter has come down in the question which people have posed to me, people who have seriously considered this matter, should the State of Maine rely on gambling in order to bring about economic development in this State? I don't think anybody here seriously questions whether or not this bill would create jobs in Washington County, whether or not there would be positive economic development there, or whether or not the State, through the Attorney General's Office and the State Police, would regulate this activity in an appropriate fashion. I think most people agree that would all happen. I think what people are concerned with is whether or not we ought to be using gambling to bring about that type of a positive sort of an impact in an area that is fairly desolate and in fairly tough times. I would ask the body to remember that we are, as a State, as a matter of fact the last thing we talked about in our caucus was harness racing, which we will have an opportunity to visit tonight. Harness racing obviously is gambling and we are lucky to have an activity that helps agriculture in this State so much and also something that brings money into the general fund to help the people of this state. We have Megabucks, those commercials even entice me once in a while. I, too, like to buy the tickets on Wednesday, Saturday, and just about any other day of the week. We get about \$35 million a year that we put into the general fund from that activity. Beano, Bingo, Lucky Sevens, they are everywhere. The state is up to its wallet in gaming and gambling of some sort. In talking to the good Senator from Androscoggin, Senator Berube, who I went through to see if I recall the film correctly and I think I do now, it reminds me for those who protest that they do want to see the state involved in gambling of that famous scene in Cassablanca where Monsieur Rick, Humphrey Bogart, is in his cafe and Louis, the French Commandant, comes up and tells him, after getting orders from the German Colonel, this place is closed until further notice. Humphrey Bogart says why, how could that possibly be. The Commandant says "I'm shocked,

shocked to see that gambling is going on in this place" and the maitre'd comes up right at the appropriate second and says "Your winnings sir", which he pockets and says thank you very much as he closes the door. That argument I do not think works in reference to being opposed to the bill but I can accept the moral argument that people do not want to see this state become further embroiled. That is something that each and every one of us has to contend with.

The one last thing I want to say for the record, because I am going to pull this out some day for my child to see and say see, your father really is a lawyer who was right once in his life anyways, is in reference to the IGRA issue. The Indian Gaming Regulation Act which people have heard some reference to. It is no joke that the Indians came to us and wanted to sit down and negotiate this issue rather than take the state to court, which if this bill does not pass they really have no other choice. It has not been their choice, they have been as forthright on this issue as any partner could hope to be. They have given in on every single concession, reasonable concession, that we have asked for. The Attorney General put out a letter a couple of days ago or maybe a week ago saying that this decision that just came down in reference to the Narragansett Tribe, which sued the State of Rhode Island on this Indian Gaming Act seeking to set up its own casinos. There was a 55 page decision which came down that found the Narragansett tribe to be right in a 2 - 1 decision from the First Circuit Court of Appeals here on the coast. Now I guess the party is going to appeal to the Supreme Court of this land. The Attorney General of this state put out a one page letter, after the 55 page decision came down, citing one sentence on page 37. Though he had filed an amicus brief in which the court did not adopt his position, he declared victory and that we will be successful in any challenge which the Indians bring in court. I just want the 34 other members who are sitting in this chamber to remember you heard it here first, we are going to lose that case. As sure as I am standing here we are going to lose that case and the Indians will be able to set up a casino on any trust land which they seek to do so and we will not be able to regulate them in any fashion whatsoever. That is the risk the state runs. We got some advice a few years ago in reference to an Indian issue, some little thing about a land claims issue, I recall it vaguely, the Indians said will you negotiate with us, we don't want to go to court. This is much ado about nothing was the Attorney General's opinion at that time. \$81 million later we sit here looking at a lot of land which the Indians have invested their money in wisely and done very well. I am glad for that but that should have been a lesson which we should learn here today. I wish we would but I don't know if we will.

The bill is a good bill, it has been worked on hard by this Committee and I am hopeful that you will give it your consideration. 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 too will try and be uncharacteristically brief this evening as we debate an issue that has consumed much of this legislature's time, as well as much of the Judiciary Committee's time. I was prepared this evening to pull out editorial after editorial that would make you think about exactly what is at stake here. I was prepared to pull out letters from Passamaquoddy

women, citizens of Calais, citizens of Washington County, that would probably have made some of you cry they were so emotional and so concerned about what the impact of a casino would have, not only on their life, but in the lives of their families and the lives of their grandkids and the lives of their grandkid's grandkids. I don't think anyone in this chamber was not moved by the argument for positive economic growth for Washington County. Coming from Oxford County, which rival Washington County for unemployment, having lost manufacturing plant after manufacturing plant, many within just the last few months, I wanted to grab onto that brass ring and say yes this is an answer for the people of Washington County, this is a positive economic development. Then I thought to myself what other industry in this state in attracting them in did it create 23 new crimes? What industry that we have attracted into this state have we had to expend \$1.5 million on additional law enforcement just to keep out those unlawful elements? Many of us in this chamber in wrestling with these questions had to decide if this was going to be a fix for Washington County or if it was going to be a fix for the Passamaquoddy tribe or the Penobscot tribe, or if it was just going to be a placebo to make them feel good now and make them feel good while the casino is being built and the other resorts start going up, but ten years from now will the positive value added to the economy be in their grasp or will we have frittered away more of our time and efforts that would be better placed in attracting manufacturing businesses that can compete with Canada and our other neighbors in value added products. I think we will say it was a wise move by the 116th Legislature when they defeated casino gambling. For that reason, and without going into it any further as far as the reports that have been done, and there are plenty of reports on both sides, I urge you to vote against the pending motion so that we can accept Report B out of the Judiciary Committee, the ought not to pass report. Thank you.

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

**Senator VOSE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. You talk about economic development, you talk about tourism which is a part of it. I left my hometown in 1947 because there were no jobs. Since that time I have come back home on vacations and I wouldn't see much development, I would see what has been torn down or what has been boarded up. I retired in 1975, came home and worked very hard for the people of my district. They need jobs badly. I have watched the young people from high school graduate and leave, not get married in their home town, not raise their children there for us grandparents to spoil, which we all do. We are talking about 700 jobs in the casino, and a 700 jobs spinoff. We just once had a chance to help ourselves rather than ask you to help us but the decision apparently has been pretty well made in the other body. It is difficult to swallow and I feel pretty bad about it. Thank you.

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

**Senator FOSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I was born in Washington County, a county that I love deeply. I think the message that is coming from this Legislature is that we do not want Casino gambling in Maine, that is the message. I would hope that our friends, the Indian tribes, would respect us for that decision and would let this issue die because on

December 2, 1980, the United States Senate tied a final knot in Maine's Indian Lands Claims Settlement Act voting passage of \$81.5 million dollars which will fund the agreement. Passage of this bill will establish a \$27 million dollar trust fund to the State's 4,500 Indians and allocate an additional \$54.5 million to the Penobscot and Passamaquoddy tribes to purchase 300,000 acres of timberland. Wayne Nordwall, Chief of the Department of Interior's Indian Acquisition, said that the Maine claim is the largest in U.S. history in terms of land acquired for the Indian tribes, and Tom Tureen, the attorney who pressed the suit, said the Maine tribes will benefit more in the long run than in the immediate future from the Settlement bill. The benefits will not come overnight. In time the timber resources will be very valuable. I think if they are wise and conservative in the use of the cash, they can develop an industry which could alleviate unemployment and improve the lives of members of the tribes. It will not happen overnight but in the long run this agreement will make them economically independent. That situation gives the tribes a more positive attitude toward the outside world while still making them feel special about their own communities. Ladies and gentlemen of the Senate, what went wrong. Where did that Trust Fund money go? I am concerned. The tribes, it said, had planned to operate lumber mills and businesses and invest their money wisely. Under the Indian Lands Claims Settlement Act, the laws of this state do apply to Indian lands. This is what they agreed to, men and women of the Senate, except if otherwise provided in this pact, all Indians, Indian nations and tribes and lands of Indians in the State, in any lands or other natural resources owned by them, held in trust for them by the United States or any other person, shall be subject to the laws of the State and to the civil and criminal jurisdictions of the courts of the State, to same extent as any other person, or lands, or other natural resources therein. They agreed to that language. I would hope that fourteen years later they would respect the wishes of those of us that say "no" to Casino gambling. I would hope that they would not pursue Casino gambling in the State of Maine and I have great empathy. If this \$81.5 million dollar settlement of only fourteen years ago is not giving them economic benefits, something must be amiss. I have great respect for the Indian nations. I wish them well and the only message is not to the tribes, the message is that we in this Legislature do not want Casino gambling in our State. Thank you.

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

**Senator VOSE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I have got myself a little bit more composed now and I do want to say a couple of things in defense of the Passamaquoddy Indians and the people of my area. Let's talk about the numbers game. When I was in Maryland I went to work as a rodman on a survey party and went down and picked a truck up in the morning. There was a guy there named Skip. Skip had a carpenter's shirt on and inside that was money and papers and you could go up and say "Hey Skip, give me 1-6-5 today" and give him a buck. If you win it was \$700. That's the numbers game, that was operated by the mafia. I'm sure glad that we don't have the mafia anymore we have the State lottery. If that isn't a numbers game I'd like to know what is. You can go and play Bingo at night at the churches, you can go into the store and put your buck up for the lottery, you can go out to the racetracks that are operating, that's gambling. You can make a bet anywhere on the Super

Bowl, you can make a bet anywhere on the basketball games, you can play poker and you can play Bingo anytime you want to. There is nothing wrong with gaming, people like to do that. What are the odds. If you play the slots there is a 90% to 93% kickback, in other words 93% is going to come back to the person playing the slots. That's what it is geared to. On the other games there is an 85% kickback on those. When you ask the question how much income are you going to spend, which was asked and rightfully so, you couldn't really answer that question because when you ante up you may win a game and then you may lose the next, but at the end of the whole night there is approximately \$135,000 that is net profit. There is going to be part of it that is going to go, \$17 million of it would go into Calais and the economy of Washington County and then there is going to be a \$20 million trust fund set up for economic development in Washington County for a period of five years. After that five years the state was going to get their share. I think that is admirable, I think it is right. If you think that we, the people who have been through tough times in our lifetime, trying to find jobs and promote economic development, we are able to shift for ourselves. I have a PhD in the College of Hard Knocks and I think probably a lot of you have the same degree. I'm not afraid to make a decision and I am not afraid to work and neither are the people in Washington County but there is no place for them to work, no jobs. That is the reason why this bill is before us. If only it had been something else. If it had been a movie set up or something there would have been no argument, everyone would have said how sweet it is, we have somebody who is going to invest \$30 to \$40 million in the most depressed county in the State of Maine. That is where I am coming from. I have a great deal of compassion for those people there.

I don't have to work, I retired when I was 47 years old because I worked hard and I planned that. When I came home I saw people walking downtown with expressions on their faces of despair, just making it and not knowing where the next buck was going to come from. They have a good work ethic and everyone of them could have been hired out of town, out of the state where the jobs are, and then of course come home. There is some kind of a pull to bring you back here, I don't know what it is, corny as it may sound but it's the people. You knew the people you grew up with and when you come back you want them to have the same thing. I don't want those kids leaving, I want them to stay. We will be back, I don't know when but we will be back somehow and I agree, it may be a casino, I don't know if it will be in Calais, it may very well be somewhere else in the state. I would like to hope that it will be in Calais one of these days and maybe it will and we will prove to you that it is fun. You can come up there and see a good show, you can have a nice dinner inexpensively, you can go down and maybe spend \$10 on the gaming tables and watch the people. I love to watch people. Then you could go home or to the cottage on the lake that you rented and you can do some fishing or swimming, the kids can play and we will make you very happy when you come to Washington County. We don't want people going through, and that is what they are doing, 800,000 cars are going through Washington County. I have said enough and I understand and however you feel that is fine, I understand that because in no way will I lose friends because someone voted the other way, no way. This is something we all try for, you win a few you lose a few. 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. It is not often that I hear my good friend from Cumberland County, Senator Conley, mention that he is voting on the same side as the Governor of this State, and it is not often that I differ with my friend from Cumberland County on matters of personal enjoyment, whether they be adult beverages or tobacco products, but I have to differ with him tonight because I think the issue that we are dealing with as far as it being portrayed as economic development, is a cruel hoax. Senator Conley mentioned the Humphrey Bogart movie a few minutes ago called Cassablanca, and he talked about Monsieur Rick handing the winnings to Claude Rains. I would like to talk about another Humphrey Bogart movie, that movie is Sahara. Sahara is about World War II and they have just a few G.I.'s who are trying to hold off Rommell and his desert rats. They are in the desert and they are dehydrated, they don't have any water, and suddenly they see a mirage and they go to the mirage looking for water and when they get there of course they come up empty. I would like to submit to the members of this chamber tonight that this is that same mirage. Economic development of this nature is not that, if you look across the country at what is going on Las Vegas today, casinos are being torn down, demolished, detonated to make room for full entertainment centers with shows and so forth. You ask yourself why, and I think the reason is pretty apparent, it is because they are not as profitable as they once were. The proliferation of casino gambling across this country today in some 28 states has made it less and less of a good deal. So I think we have to ask ourselves if we are trying to hop on a train that has already left the station. In the northeast we have the megaplex in Boston, they are talking about one of the largest casino operations on the east coast. We have Pease Air Force Base that is talking about a casino. If those two areas do bring casino gambling into the northeast can you tell me why somebody would drive from Portland to Calais in January? I think the prudent move would be to drive about 60 miles down to Boston or 10 or 15 minutes to Portsmouth to frequent those establishments. The economic development that this state needs I think has been addressed time and time again in this legislature, we have tried in the Taxation Committee to offer industrial development zones, to offer income tax cuts, to offer things which spur true long term investment in this state. Some have worked and some haven't but I think we are trying to address the issue forthrightly and fairly. To play a cruel hoax on the people of the Indian Nations like this I think is unfair and I urge this body to reject the majority report. Thank you.

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

**Senator WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. First I would like to say that I appreciate the comments from the good Senator from Washington County, Senator Vose. I have spent more time in Washington County in the last six months than nearly anybody in this chamber except for the good Senator. There is a lot of legitimate concern in Washington County about the need for jobs, in fact there is a lot of concern throughout Maine for the need for jobs. The people of this State are indeed desperate, the people in Washington County, the people in Waldo County and people throughout the State want to have jobs and deserve those jobs. I think what concerns me about this bill is that I think the question that we need to ask each of us before we vote for this proposal is would this bill

even be under serious consideration at all if this legislature had not created one of the worst places in the country to do business. Would we even be considering this, would it even have made it out of Committee if this legislature had not had one of the most anti-business pro-spending legislatures in the country? I doubt it. If we want to create jobs there are all kinds of ways to do it. We all know the answers. This legislature has consistently refused to do those things that need to be done. Workers' Compensation, mandates on business, we can go on and on and on about all of the things that have happened here in fifteen years in the legislature that has caused the lack of job opportunities for the people of Maine. It seems to me that this is a gimmick, I wish that there was a way that we could help, I wish we could create 700 jobs with a snap of the fingers like this would do, the problem for me with this issue is how do you stop it once it has started? That's the problem. It's a problem that nobody can answer. I have been here a long time and I have seen every year the legislature pass some law and the next year we amend it again and the year after that we amend it again. Trust me, if we pass this law and we open the door, next year and the year after and the year after the same arguments will be made, we need to have jobs in Waldo County, we need to have jobs in Franklin County. Several years ago when I was first serving in this body nearly every factory in Franklin County closed. All of the shoe factories moved, many of them did, and it would have been the same kind of argument that was made back then, close the shoe factories, put people out of work, we had high unemployment and the answer is not a quick fix the answer is to look at why business is not growing in Maine, why they are not expanding.

As I talk to people I always use the story that some people in this chamber, particularly Senator Cahill, have heard. What has happened in Maine, the problem with our State, the problem is Mary Smith and the fact that Mary Smith cannot grow and expand. It used to be that in this State Mary Smith could wake up, she could be in a dead end job and decide that she wanted to have a better job.. She wanted to start her own business, she could go out and go to the hardware store and buy the gallon of paint and a paintbrush. 30 years ago many Mary Smiths did this and what did she do, she bought the gallon of paint and the paintbrush and she hung a shingle out "Mary Smith's Painting". Five years later Mary Smith had three employees, ten years later she had 15 employees, twenty years later she had a business on the main street and a fleet of trucks and Smith's Painting Company, Mary Smith, can't even hire the first person in Maine, that's the problem. A quick fix is not the answer, this is a gimmick. It is not the way to create jobs, we need to look at the laws in Maine and make some tough decisions. This legislature hasn't done it and I am not going to participate in this kind of a sham. Thank you.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Let me begin by saying that regardless of the outcome of this vote, much will be written in the aftermath about the intense lobbying effort on this bill. As I am sure you will agree it was intense. Let me just say for the record and to those of you in the chamber who were a part of that effort, how much I respect and appreciate your style, your professionalism and your approach in the way you have dealt with this issue. To my good colleague from Washington County, Senator

Vose, a man I have grown to admire and enjoy spending time with I commend you, you have worked hard, you haven't given up. You have been a true supporter of your district and Washington County has been well served. As many of you know from private conversations I have spent a lot of time in Calais. Nash's Lake is a place that I like to fish. My family has roots in Calais so the decision that I had to make on this vote was not an easy one simply because I don't live in Washington County or in Calais but rather have a deep fundamental belief that the citizens of Maine, all of us, Native Americans and others, don't want the way of life in Maine to be based on casino gambling. When I took my public position against this bill I received letters from literally all over the State thanking me for having the courage to stand up against this idea. I heard from people from the Indian nation, I heard from people who have been the recipient of their concerns about casino gambling. In one letter in particular I received from an Attorney in Portland who represents a retired gentleman who has lost \$100,000 illegally gambling in Portland, Maine with video gambling and has ruined his life. He wrote to me urging me to vote against this pending motion. The message I got was Senator Harriman you are right, we cannot gamble our way back into economic prosperity.

While I could go through elements of the bill that trouble me, two in particular if you will allow me to indulge, the recognition that some of the social ills that come from casino gambling, alcoholics, gamblers addictions, the trials and tribulations that it may impose on families, \$50,000 was put into this bill as a contribution to address those ills. As the good Senator from Aroostook, Senator Paradis, and I well know the money needed to hire one substance abuse counselor and the necessary facility to operate from cannot be covered by \$50,000. The Rising Tide Corporation that is mentioned in the bill as an economic development for downtown Calais is money that will be funneled back into a Board made up by the tribe. Not that there is anything wrong with that but if this was economic development for Washington County and Calais why not an economic development commission made up of the county or the Town of Calais. One could go on and on looking at the details of the bill but I am not going to do that because I think the message is clear as to how the citizens of Maine feel. I would be remiss if I didn't conclude my remarks by saying that Washington County and Calais and the Indian Nation, we have heard your message. We understand and I am committed if I am fortunate enough to serve in the next session of the legislature to getting back to work to you. Let's find a solution, a better solution, because there is one and I am determined that we can find it. 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 feel as if there has been an activity that has brought a lot of company to town and neighbors have been bringing food over and I just feel that in a few moments the company will all be leaving and we will be alone again. If there is one thing that this debate has generated it is the fact that in Aroostook County and in Washington County there are big time troubles. You haven't heard about it too often because we try to deal with our own problems by ourselves but there is the reality that there are some areas, like in the Limestone area right now, that has 40% unemployed. I have heard the same numbers said about Washington

County. People who are no longer showing up, they have given up hope they are lost in terms of our even counting their presence. I hope that indeed the commitment that I have heard here today, that we will not take our eyes off this issue, it is not an anti anything but an anti-people situation that has existed. I have seen half of Aroostook county leave in my lifetime. I don't see that changing, I don't see it abating but I hope that we are sincere when we say that we are shining a spotlight on those counties and that we will try to be a little bit more proactive. 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. Out of respect for members of the Senate I am not rising to debate the bill, I think you all know how you want to vote, but I would like to comment on some remarks that were made by the Senator from Hancock, Senator Foster, when questioned. Something is amiss, where did the \$81 million go? I don't think there are any secrets about where the \$81 million went. The answers are right here in this chamber and I would welcome anybody here who is concerned about where that \$81 million went to ask some of the people who are here that know. I have a vague idea and I am very comfortable that that \$81 million is being handled in a most respectful and responsible manner, every nickel of it. There was a comment about Tom Tureen. I happen to be a friend of Tom Tureen and I know something about that man. If those comments were taken in any way, if not meant, but if they were taken to mean that maybe there is something amiss with Tom Tureen I want you to know that that man has dedicated his life to helping the Indians around this country and in the State of Maine. I know that for a fact and I know him well. He has dedicated his life to helping Indians and I don't want anyone in this chamber or anyone who may be listening to this debate have any feeling about there being something amiss with Tom Tureen or the way the tribes have handled the money and the way they are managing their affairs because it is being well done. I guarantee that if you want to know the real answers you can ask Tom Tureen who is sitting in the back of the chamber. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator **CONLEY** of Cumberland to **ACCEPT** Report **"A" OUGHT TO PASS** 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.

11 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion of Senator **CONLEY** of Cumberland to **ACCEPT** Report **"A" OUGHT TO PASS** in **NON-CONCURRENCE**, **FAILED**.

Report **"B" OUGHT NOT TO PASS** **ACCEPTED**, in concurrence.

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

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**ORDERS OF THE DAY**

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

Bill "An Act to Amend the Harness Racing Laws"  
H.P. 1243 L.D. 1670

Tabled - April 7, 1994, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **HANLEY** of Oxford to **INDEFINITELY POSTPONE** House Amendment "D" (H-1003) to Committee Amendment "A" (H-948) in **NON-CONCURRENCE**

(In Senate, April 7, 1994, House Amendment "C" (H-999) to Committee Amendment "A" (H-948) **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**. House Amendment "D" (H-1003) to Committee Amendment "A" (H-948) **READ**.)

(In House, March 30, 1994, **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.)

Senator **HANLEY** of Oxford requested and received leave of the Senate to withdraw his motion to **INDEFINITELY POSTPONE** House Amendment "D" (H-1003) to Committee Amendment "A" (H-948) in **NON-CONCURRENCE**.

House Amendment "D" (H-1003) to Committee Amendment "A" (H-948) **ADOPTED**, in concurrence.

House Amendment "E" (H-1007) to Committee Amendment "A" (H-948) **READ**.

Senator **HANDY** of Androscoggin moved to **INDEFINITELY POSTPONE** House Amendment "E" (H-1007) to Committee Amendment "A" (H-948) in **NON-CONCURRENCE**.

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

Senator **TITCOMB:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I will not belabor the issue. I will tell you that House Amendment "E" is very strongly supported by the fans, by the commercial race tracks, and the harness horsemen have come forward in very strong support of this amendment. I think that it is a fairness issue that has to do with the radius around off track betting facilities and commercial racetracks and looks out for the interest of the harness racing industry as the number one priority versus the off track betting facilities as the number one priority. Thank you.

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

Senator **HANDY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. If I am successful in the Indefinite Postponement of House Amendment "E" the position that I would advance would be to support most of what is in House Amendment "E" except for one provision and that one provision, which I have a great problem with as do the constituents I represent, would be the changing of the radius that is currently in state law. Currently there is a radius of 35 miles which has existed for considerably less than a year's time. People in my community have invested a great deal of money in the off track betting establishment there and hope to expand that. It does a lot for our community in terms of jobs and infusing money into our community in terms of property taxes. Whereas the radius has only been in place for a short period of time it does not seem at all logical to go ahead and start manipulating that radius clause in the current statute and bring that down to a 15 mile radius. We have the same issue that legislators before us have dealt with with respect to the placement of liquor stores. When we started moving that radius around no one who wanted to open up an agency store could make a sound business decision because the target kept moving and moving. What I am attempting to do here today men and women of the Senate is to avoid that kind of situation. To maintain the status quo I have conceded some of the concerns I had with another amendment and have seen my way clear to concede that on the previous amendments and allow that to be adopted. All I am asking this body to do is to maintain the status quo as it relates to the radius so we can instill a little bit of stability into the OTB industry as it relates number one, and number two not create this 15 mile radius which would have the effect of placing more OTB parlors nearer live racing. I submit that that would be detrimental to the live harness racing industry in the State of Maine so I would urge your support of the motion to Indefinitely Postpone House Amendment "E". Thank you.

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

Senator **TITCOMB**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would tell you that it is almost impossible to make this very confusing issue easy to understand because it has been confusing for all of us who have been working with it for several years but I will try to make it as simple and easy to understand as possible. Early on when off track betting facilities were legislated, as I have said before I was involved in that legislation, it was with the intent to provide a feeder program to flood more money into the harness racing industry because the industry itself was drowning. By having the off track betting facilities you could have live betting, live racing that was on television within the off track betting facilities and they could show what was going on and our commercial facilities in the state and our people could participate in betting. There was great concern that we not have too many off track betting facilities springing up all over the state too close to each other so that we lost the ability of one of them to survive economically. So there were radius' put in that would protect not only the off track betting facilities but as well the commercial race tracks. I would remind you that all along the intention was to provide a program that could bring more money into the industry itself and into the pockets of the harness horsemen so they could survive some very difficult times. What has happened is an unusual but probably will be repeated phenomenon and that is that around the commercial race track is a

radius of 50 miles that says that no one can put in an off track betting facility within that 50 miles without permission from the racetrack. When the particular racetrack that my good friend from Androscoggin is referring to, when the off track betting facility wanted to open it was given clearance by the commercial racetrack to do that. It was within the 50 miles and was given clearance. That off track betting facility had a protection zone around it of 35 miles. What has happened is that the two rings of protection zones have come together and the protection zone around the off track betting facility comes just several miles from the commercial race track and renders that whole side of the racetrack unusable for them in putting in an off track betting facility for themselves. What the Committee determined was that there would be a neutral ground reached and that is when these protection zones come together rather than having a 35 mile protection zone they would reduce it to 15 miles so that the commercial facility would be able to put in its own off track betting facility. What that means is that more money goes directly to the harness horsemen. This is an issue that could well be looked at as a parochial issue, I see it far more as building the harness racing industry. It is very complicated, I don't expect you all to understand it with what I think was a very confusing explanation. I would simply tell you that this amendment is supported by the harness horsemen, by all of the fairs and by the two commercial race tracks that we have in this State. It serves the horsemen well and I would ask you to vote against the motion to Indefinitely Postpone House Amendment "E". Thank you.

**THE PRESIDENT**: The pending question before the Senate is the motion of Senator **HANDY** of Androscoggin to **INDEFINITELY POSTPONE** House Amendment "E" (H-1007) to Committee Amendment "A" (H-948) 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.

5 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion of Senator **HANDY** of Androscoggin to **INDEFINITELY POSTPONE** House Amendment "E" (H-1007) to Committee Amendment "A" (H-948) in **NON-CONCURRENCE, FAILED**.

House Amendment "E" (H-1007) to Committee Amendment "A" (H-948) **ADOPTED**, in concurrence.

Committee Amendment "A" (H-948) as Amended by House Amendments "D" (H-1003) and "E" (H-1007) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

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Off Record Remarks

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

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

April 7, 1994

An Act to Establish a Catastrophic Health Expense Program (Governor's Bill)

H.P. 1473 L.D. 2001  
(C "A" H-1061)

Tabled - April 7, 1994, by Senator **CLEVELAND** of Androscoggin.

Pending - **ENACTMENT**

(In Senate, April 6, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1061)**, in concurrence.)

(In House, April 7, 1994, **PASSED TO BE ENACTED.**)

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

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

**COMMITTEE REPORTS**

**House**

**Pursuant to Joint Rule 13**

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

H.P. 1238 L.D. 1665

being reported to the House pursuant to Joint Rule 13.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1075)**.

The Bill **READ ONCE**.

House Amendment "A" (H-1075) **READ** and **ADOPTED**.

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

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

**COMMUNICATIONS**

The Following Communication:

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of J. Michael Orenduff of Bangor, for reappointment to the Maine Education Assistance Board.

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

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

NAYS: 0

ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of J. Michael Orenduff of Bangor, for reappointment to the Maine Education Assistance Board be confirmed.

Signed:

S/John J. O'Dea  
Senate Chair

S/Elizabeth H. Mitchell  
House Chair

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

**THE PRESIDENT:** The Joint Standing Committee on Education has recommended the nomination of J. Michael Orenduff of Bangor be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

Rep. 10 Mitchell of Vassalboro, Oliver of Portland, Pfeiffer of Brunswick, Simonds of Cape Elizabeth, Cloutier of South Portland, Pinette of Fort Kent, Stevens of Orono, Norton of Winthrop, Ault of Wayne, Small of Bath

**ROLL CALL**

NAYS: 0

ABSENT: 0

YEAS: Senators None

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

ABSENT: Senator CAHILL

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Donald A. Kopp of West Buxton, for reappointment to the Maine Education Assistance Board be confirmed.

Signed:

S/John J. O'Dea  
Senate Chair

S/Elizabeth H. Mitchell  
House Chair

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

**THE PRESIDENT:** The Joint Standing Committee on Education has recommended the nomination of Donald A. Kopp of West Buxton be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEAS: Senators None

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

ABSENT: Senators BALDACCI, CAHILL, LUTHER

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator 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 J. Michael Orenduff, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

April 7, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Donald A. Kopp of West Buxton, for reappointment to the Maine Education Assistance Board.

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

YEAS: Sen. 3 O'Dea of Penobscot, Lawrence of York, Amero of Cumberland

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

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

April 7, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Denison Gallaudet of Cumberland, for appointment to the Maine Technical College System Board of Trustees.

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

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

NAYS: 0

ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Denison Gallaudet of Cumberland, for appointment to the Maine Technical College System Board of Trustees be confirmed.

Signed:

S/John J. O'Dea  
Senate Chair

S/Elizabeth H. Mitchell  
House Chair

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

**THE PRESIDENT:** The Joint Standing Committee on Education has recommended the nomination of Denison Gallaudet of Cumberland be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEAS: Senators None

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

ABSENT: Senators BALDACCI, CAHILL, LUTHER,  
MARDEN, PARADIS

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 Denison Gallaudet, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

April 7, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Walter H. Moulton of Brunswick, for reappointment to the Maine Educational Loan Authority.

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

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

NAYS: 0  
 ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Walter H. Moulton of Brunswick, for reappointment to the Maine Educational Loan Authority be confirmed.

Signed:

S/John J. O'Dea Senate Chair	S/Elizabeth H. Mitchell House Chair
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Which was **READ** and **ORDERED PLACED ON FILE**.

**THE PRESIDENT:** The Joint Standing Committee on Education has recommended the nomination of Walter H. Moulton of Brunswick be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEAS: Senators None

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

ABSENT: Senators BALDACCI, LUTHER, MARDEN

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

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

April 7, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Natalie Graceffa of Augusta, for reappointment to the Maine Educational Loan Authority.

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

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

NAYS: 0  
 ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Natalie Graceffa of Augusta, for reappointment to the Maine Educational Loan Authority be confirmed.

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

April 7, 1994

Signed:

S/John J. O'Dea  
Senate Chair

S/Elizabeth H. Mitchell  
House Chair

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

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

**THE PRESIDENT:** The Joint Standing Committee on Education has recommended the nomination of Natalie Graceffa of Augusta be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEAS: Senators None

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

ABSENT: Senators BALDACCI, LUTHER, MARDEN

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

The Secretary has so informed the Speaker of the House.

The Following Communication:

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of David W. Brown of Bar Harbor, for reappointment to the Maine Educational Loan Authority.

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

YEAS: Sen. 3 O'Dea of Penobscot, Lawrence of York, Amero of Cumberland

Rep. 10 Mitchell of Vassalboro, Oliver of Portland, Pfeiffer of Brunswick, Simonds of Cape Elizabeth, Cloutier of South Portland, Pinette of Fort Kent, Stevens of Orono, Norton of Winthrop, Ault of Wayne, Small of Bath

NAYS: 0

ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of David W. Brown of Bar Harbor, for reappointment to the Maine Educational Loan Authority be confirmed.

Signed:

S/John J. O'Dea  
Senate Chair

S/Elizabeth H. Mitchell  
House Chair

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

**THE PRESIDENT:** The Joint Standing Committee on Education has recommended the nomination of David W. Brown of Bar Harbor be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

Rep. 10 Mitchell of Vassalboro, Oliver of Portland, Pfeiffer of Brunswick, Simonds of Cape Elizabeth, Cloutier of South Portland, Pinette of Fort Kent, Stevens of Orono, Norton of Winthrop, Ault of Wayne, Small of Bath

**ROLL CALL**

YEAS: Senators None

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

ABSENT: Senators BALDACCI, CARPENTER, LUTHER, MARDEN

NAYS: 0

ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Ronald P. Milliken of Farmington, for reappointment to the Maine Educational Loan Authority be confirmed.

Signed:

S/John J. O'Dea  
Senate Chair

S/Elizabeth H. Mitchell  
House Chair

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

The Secretary has so informed the Speaker of the House.

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

**THE PRESIDENT:** The Joint Standing Committee on Education has recommended the nomination of Ronald P. Milliken of Farmington be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

The Following Communication:

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

April 7, 1994

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Ronald P. Milliken of Farmington, for reappointment to the Maine Educational Loan Authority.

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

YEAS: Sen. 3 O'Dea of Penobscot, Lawrence of York, Amero of Cumberland

**ROLL CALL**

YEAS: Senators None

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

ABSENT: Senators BALDACCI, CARPENTER, LUTHER

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

The Secretary has so informed the Speaker of the House.

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

**HELD BILL**

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

Senator **GOULD:** Thank you Mr. President. Is the Senate in possession of L.D. 1483?

**THE PRESIDENT:** The Chair would answer in the affirmative, the Bill having been held at the Senators request.

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

(In Senate, April 7, 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**.)

(In House, April 7, 1994, **PASSED TO BE ENACTED**.)

On motion by Senator **GOULD** of Waldo, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-836) as Amended by Senate Amendment "A" (S-577) thereto, in **NON-CONCURRENCE**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Senate Amendment "A" (S-577) to Committee Amendment "A" (H-836).

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

Senator **GOULD:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I just want to give an explanation that the last amendment that we tried to put on to the bill was the wrong number. This is the right number and so I would like to continue on. Thank you.

The Chair Ruled Senate Amendment "A" (S-577) to Committee Amendment "A" (H-836) **NOT PROPERLY BEFORE THE BODY**.

On motion by Senator **GOULD** of Waldo, Senate Amendment "B" (S-592) to Committee Amendment "A" (H-836) **READ** and **ADOPTED**.

Committee Amendment "A" (H-836) as Amended by Senate Amendment "B" (S-592) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

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 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  
 (H "A" H-1045)

In Senate, April 6, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1045)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1045) AS AMENDED BY HOUSE AMENDMENT "A" (H-1065)** thereto, in **NON-CONCURRENCE**.

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

**ORDERS OF THE DAY**

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

Bill "An Act to Amend the Laws Governing the Training and Certification of Law Enforcement Officers"

H.P. 828 L.D. 1114  
 (H "B" H-1062; S "B"  
 S-581 to C "A"  
 H-969)

Tabled - April 7, 1994, by Senator **SUMMERS** of Cumberland.

Pending - Motion by Senator **BERUBE** of Androscoggin to **RECEDE** and **CONCUR**

(In House, April 6, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-969) AS AMENDED BY HOUSE AMENDMENT "B" (H-1062)** thereto.)

(In Senate, April 6, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-969) AS AMENDED BY HOUSE AMENDMENT "B" (H-1062) AND SENATE AMENDMENT "B" (S-581)** thereto, in **NON-CONCURRENCE.**)

(In House, April 7, 1994, that Body **INSISTED.**)

On motion by Senator **SUMMERS** of Cumberland, the Senate **RECEDED** from its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE.**

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Committee Amendment "A" (H-969) as Amended by House Amendment "B" (H-1062) and Senate Amendment "B" (S-581) thereto, in **NON-CONCURRENCE.**

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** House Amendment "B" (H-1062) to Committee Amendment "A" (H-969), in concurrence.

On further motion by same Senator, House Amendment "B" (H-1062) to Committee Amendment "A" (H-969) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

On further motion by same Senator, Senate Amendment "C" (S-591) to Committee Amendment "A" (H-969) **READ** and **ADOPTED.**

Committee Amendment "A" (H-969) as Amended by Senate Amendments "B" (S-581) and "C" (S-591) thereto, **ADOPTED** in **NON-CONCURRENCE.**

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

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

Senate at Ease

Senate called to order by the President.

The Chair laid before the Senate the Tabled and 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 **PEARSON** of Penobscot, the Senate **RECEDED** from its action whereby the Bill was referred to the Committee on **EDUCATION.**

Which was, under suspension of the Rules, **READ TWICE** without reference to a Committee.

On motion by Senator **PEARSON** of Penobscot, Senate Amendment "A" (S-590) **READ.**

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

Off Record Remarks

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I hope no one will ask me what is in this amendment because I don't know why I have it. It is an Education amendment and I would assume they would have given it to the Chair of the Education Committee but I found it on my desk and I will back it because I am assuming he wants it. If anybody would like an explanation, and I would urge them to do so, they should ask the Senator from Penobscot, Senator O'Dea. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-590) **ADOPTED.**

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

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

Off Record Remarks

On motion by Senator **CAHILL** of Sagadahoc, **RECESSED** until 8:15 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:

**ORDERS OF THE DAY**

**ENACTORS**

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

An Act to Create a Law Governing Prepared Food Franchise Practices  
 H.P. 1407 L.D. 1916  
 (H "A" H-1005 to C  
 "A" H-912)

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The bill in front of you is "An Act to Create a Law Governing Prepared Food Franchise Practices", a bill that had a lot of debate here in this chamber in the last few days. My position continues to be the same, that if this bill were to be enacted a very dangerous precedent would be set, a precedent that would allow business contracts to be abrogated whenever a single interest or multiple interest were raised high enough that they felt it appropriate to bring legislation before us. The argument would be well the foot was already in the door, this was already on the books, you have done it once why don't you do it twice. You helped out this group now help out that group. That is one thing that this legislature has been, as I have noticed over my four terms, very helpful. If someone is in trouble or has a concern we rise to address it. There are points in time as public policy makers we have to rise above the interest of a few and concentrate on the interest of the entire state. I am very concerned as far as what the prospects are that may lie ahead if this bill were to be enacted. For that point I would ask that this bill and all of its accompanying papers be indefinitely postponed and I would also request a roll call. Thank you.

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

On further motion by same Senator, 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. As I had indicated to the presiding officer at our last recess I have an amendment prepared for this piece of legislation and I would respectfully request that we might delay this matter for a few more moments. Thank you.

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

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

An Act to Create a Law Governing Prepared Food Franchise Practices  
 H.P. 1407 L.D. 1916  
 (H "A" H-1005 to  
 C "A" H-912)

Tabled - April 7, 1994, by Senator **SUMMERS** of Cumberland.

Pending - Motion by Senator **HANLEY** of Oxford to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE** (Roll Call ordered)

(In Senate, April 6, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-912) AS AMENDED BY HOUSE AMENDMENT "A" (H-1005)** thereto, in concurrence.)

(In House, April 7, 1994, **PASSED TO BE ENACTED.**)

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator **HANLEY** of Oxford to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-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 AMERO, BEGLEY, BRANNIGAN, BUTLAND, ESTY, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, LAWRENCE, LUDWIG, MARDEN, SUMMERS, WEBSTER

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

**ABSENT:** Senator MCCORMICK

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator **HANLEY** of Oxford, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**, **FAILED**.

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Once again I would respectfully ask that this body spend a few more moments while an amendment is being proofread.

Senator **CAHILL** of Sagadahoc moved to Table until Later in Today's Session, pending **ENACTMENT**.

Senate at Ease

Senate called to order by the President.

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. Subsequently, the Same Senator requested and received Leave of the Senate to withdraw her motion for a Roll Call.

Senator **BUSTIN** of Kennebec requested a Division.

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 pending question before the Senate is the motion of Senator **CAHILL** of Sagadahoc to **TABLE UNTIL LATER IN TODAY'S SESSION PENDING ENACTMENT**.

**A vote of Yes will be in favor of TABLING UNTIL LATER IN TODAY'S SESSION.**

**A vote of No will be opposed.**

**Is the Senate ready for the question?**

**The Doorkeepers will secure the Chamber.**

**The Secretary will call the Roll.**

**ROLL CALL**

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

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

**ABSENT:** Senator **MCCORMICK**

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator **CAHILL** of Sagadahoc, to **TABLE UNTIL LATER IN TODAY'S SESSION PENDING ENACTMENT, FAILED**.

Senator **HANLEY** of Oxford moved to Table 1 Legislative Day, pending **ENACTMENT**.

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

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 pending question before the Senate is the motion of Senator **HANLEY** of Oxford to **TABLE 1 LEGISLATIVE DAY PENDING ENACTMENT**.

**A vote of Yes will be in favor of TABLING 1 LEGISLATIVE DAY.**

**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, CAREY, CARPENTER, CIANCHETTE, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, SUMMERS, WEBSTER**

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

**ABSENT:** Senator **MCCORMICK**

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator **HANLEY** of Oxford, to **TABLE 1 LEGISLATIVE DAY PENDING ENACTMENT, FAILED**.

**Off Record Remarks**

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

Senator **SUMMERS:** Thank you Mr. President. Apparently the goodwill we afford fellow Senators in this body has dissipated.

**THE PRESIDENT:** Pursuant to Joint Rules 12, the affirmative vote of two-thirds of the members present and voting is necessary to transact business after 9:00 p.m. 17 Senators having voted in the affirmative, and 12 Senators in the negative, and 17 being less than two-thirds of the membership present and voting, suspension of Joint Rule 12 **FAILED**.

On motion by Senator **ESTY** of Cumberland, **ADJOURNED** until Friday, April 8, 1994, at 9:00 in the morning.