

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

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HOUSE AND SENATE LEGISLATIVE SENTIMENTS

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

In Senate Chamber
Friday
April 8, 1994

Senate called to Order by the President Pro Tem,
Michael D. Pearson of Penobscot.

Prayer by the Honorable Judy A. Paradis of Aroostook.

SENATOR JUDY PARADIS: Good morning men and women of the Senate. Dear God, we greet you this morning grateful that we are winding up to wind down the 1994 legislative session. We are grateful for our families who allow us to be here. We are especially grateful for the staff people who make sure that we do our job well. Dear God, I am especially grateful that it has finally stopped snowing in Aroostook County last evening. Amen.

Reading of the Journal of Thursday, April 7, 1994.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Relating to Access for People with Disabilities"

H.P. 1321 L.D. 1783
(C "A" H-894)

In Senate, March 25, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-894)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-894) AS AMENDED BY HOUSE AMENDMENT "A" (H-1074)** thereto, in **NON-CONCURRENCE**.

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

Non-concurrent Matter

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

S.P. 718 L.D. 1940
(H "A" H-1012 to C
"A" S-539)

In Senate, April 1, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-539) AS AMENDED BY HOUSE AMENDMENT "A" (H-1012)** thereto, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-539) AS AMENDED BY HOUSE AMENDMENT "B" (H-1069)** thereto, in **NON-CONCURRENCE**.

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

House Papers

Resolve, to Provide the Secretary of State with Additional Time to Validate Petitions for Initiated Legislation (Emergency)

H.P. 1433 L.D. 1959

Committee on **LEGAL AFFAIRS** suggested and **ORDERED PRINTED**.

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

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

Bill "An Act to Clarify the Process for Filling Unexpired Terms for School Board Members"

H.P. 1482 L.D. 2007

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

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

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

Joint Orders

The following Joint Order: H.P. 1483

ORDERED, the Senate concurring, that Bill, "An Act to Implement the Recommendations of the Maine Dairy and Nutrition Council and the Maine Dairy Promotion Board," H.P. 1434, L.D. 1961, and all its accompanying papers, be recalled from the Governor's desk to the House.

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

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

Joint Resolution

The Following Joint Resolution: H.P. 1481

JOINT RESOLUTION MEMORIALIZING THE ATTORNEY GENERAL OF THE STATE OF MAINE TO INITIATE A LAWSUIT AGAINST THE FEDERAL GOVERNMENT DUE TO ITS CONTINUING PRACTICE OF ENACTING UNFUNDED FEDERAL MANDATES THAT HAVE BEEN IMPOSED ON THE SEVERAL STATES AND THEIR POLITICAL SUBDIVISIONS

WE, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine, now assembled in the Second Regular Session, most respectfully present and petition the Attorney General of the State of Maine, as follows:

WHEREAS, the Federal Government has mandated new programs and transferred the responsibility of funding these programs to the several states and their political subdivisions; and

WHEREAS, the Federal Government has also reduced or eliminated funding for certain programs administered at the state or local government level; and

WHEREAS, the several states and their political subdivisions, as a result of economic recession and the substantial costs of these programs, are experiencing severe revenue shortfalls and budget imbalances, which are further exacerbated by the need to fund these unfunded federal mandates; and

WHEREAS, the several states, unlike the Federal Government, are required by their constitutions to balance their budgets, which further reduces their ability to absorb unfunded federal mandates; and

WHEREAS, the State of Maine, recognizing the inequity of passing unfunded mandates on to its political subdivisions, amended its Constitution in November of 1992 to prohibit state legislation or state administrative rules that require additional local government expenditures unless the Maine State Legislature funds those mandates; and

WHEREAS, the federal practice of deferring program costs to the states is inherently unfair because many states, such as Maine, lack the resources to fund these programs; and

WHEREAS, the Brady Handgun Violence Prevention Act, enacted recently by the United States Congress and effective on February 28, 1994, although laudable in its goals, represents yet another unfunded federal mandate that is leading the State of Maine and its municipalities to incur new expenses related to conducting criminal background checks; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend that the Attorney General of the State of Maine initiate a lawsuit as soon as possible that specifically challenges the continuing practice of enacting unfunded federal mandates as evidenced by the Brady Handgun Violence Prevention Act; and be it further

RESOLVED: That the Attorney General of the State of Maine, to the extent possible, work in concert with any other state that is filing or is contemplating the filing of a similar lawsuit; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to the Governor of each state, to the Attorney General of the State of Maine, to the Speaker of the Lower House and the President of the Senate in each state and to each Member of the Maine Congressional Delegation.

Comes from the House **READ** and **ADOPTED AS AMENDED BY HOUSE AMENDMENT "A" (H-1080)**.

Which was **READ**.

House Amendment "A" (H-1080) **READ** and **ADOPTED**, in concurrence.

Senator **HANDY** of Androscoggin moved to **INDEFINITELY POSTPONE** Joint Resolution and Accompanying Papers in **NON-CONCURRENCE**.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I was hoping that some member of the body may tell us why we should Indefinitely Postpone this Joint Resolution. Thank you.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I think it is a very simple reason. I think we have reached the point of total absurdity with these Resolutions. I voted for many of the resolutions that have come before this body and the other body as a member there that deal specifically with matters of policy. We have had resolutions that deal with the passing of mandates and the funding thereof and I have voted for many of those resolutions but here we are getting into very specific pieces of legislation. If we are going to start doing this on every large amendment that is passed or being considered by the United States Congress I think that that is totally absurd. We certainly have a great deal of business that we need

to conduct and draw our attention to. Furthermore let me just say that the members of the Legal Affairs Committee have made efforts to pass legislation with the funding on them when it relates to mandates. I think this is absolutely ridiculous to start getting into looking at every possible piece of legislation that is being handed down by the federal government and if we are going to do that I hope that the good Senator from Sagadahoc and every other member of this body will keep an eagle eye out and watch for every other amendment that the U.S. Congress proposes that might result in some additional cost to the state. So although I support the funding of mandates, I don't support knipicking away at every piece of legislation that is being considered at the federal level. Thank you.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Perhaps this resolution is knipicking, perhaps it is also a frustration that some of us have with the federal government. The State legislature has gone the extra mile because we have gotten the message from our constituencies, particularly the municipalities, that we can't continue to go on and fund underfunded mandates. We have cleaned our house up but it seems that the federal government has not listened to their constituencies back home and they continually pass unfunded mandates onto the states which we in turn have to pass on to the citizens of the State of Maine. Maybe it is knipicking but I think it is a frustration with the federal government and I would ask for a Division on the motion to Indefinitely Postpone. Thank you.

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

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. You all know that I certainly did not sponsor this Joint Resolution. I took the occasion yesterday to contact the Office of Program and Fiscal Review because a question was raised in my mind and that is on every other bill and resolve that we receive there is fiscal note that is attached so that we may know what is the impact to the taxpayers of this State for the actions that we take, so that we can then in full knowledge make a decision if we wish to proceed or not proceed. There is no fiscal note on this and under our rules they are not required to put a fiscal note so you will note that there is not any on it. Further I asked if this would be an appropriate matter to be put on the Appropriations Table. The answer was no because only bills and resolves are appropriate to be put on the Appropriations Table so this would not go on the Appropriations Table so we would not even get a review by the very distinguished Appropriations Committee to see what the impact would be. My objection, besides the fact that it is probably a frivolous idea, is that we ought to, when we are directing a department or agency to take some major action like this, have some knowledge of the cost and resources that it will take. When you go forward to sue, if that is what we really want them to do, the federal government pursuant to its ultimate end is going to cost hundreds of thousands of dollars out of resources where we currently don't have enough Attorney Generals and Assistant Attorney Generals to do the business that we have today. Is

that what we want to spend our money on, is that what the people want back home? I don't think so. I was a sponsor of the bill that became a Constitutional law that said that State government can't pass mandates on to local governments so I don't support mandates, but let's act in a responsible way. Do we want to spend hundreds of thousands of dollars directing the Attorney General to sue the federal government over this issue with no knowledge of whether we can even succeed? I think we ought to do the responsible thing and support the motion to Indefinitely Postpone. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I surely agree with the fact that we should be conservative with where and when we spend our money. Listening it comes to me that perhaps a few dollars, or even a few thousand dollars, spent in the right place could return us millions of dollars worth of savings. Definitely Washington has to get the idea that we are not going to put up with any more mandates. I'm not sure if this particular piece of legislation will do it or not. I would like to inform you that presently I am aware of four other states that are now joining together to sue over this issue. If we decide to join with them then our cost will be smaller for sure. Somehow, someday, whether it is through new members that we send to Washington or where ever, we have to stop the flood of mandates. Obviously as we have learned giving mandates to our municipalities the federal government has to learn that we can survive. That is a big part of our problem, it is a big part of our budget here in Maine. Whatever it takes it has to stop and if this is the way to do it then let's do it. Thank you.

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

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. First of all I don't consider unfunded federal mandates as knipicking, I think it is a very real and serious concern and it has concerned most of us for some time. While I agree that these Joint Resolutions probably don't carry a whole lot of weight it is also not true that this resolution requires our Attorney General to pursue a lawsuit against the federal government. It reads that we respectively recommend that the Attorney General of the State initiate a lawsuit. That gives him the option. It also recommends to the extent possible to work in concert with any other state that is filing or contemplating the filing of a similar lawsuit. I think there is strength in numbers, I think that if we do join with some other states then perhaps we can send a message to Washington. Certainly being silent leads to absolutely nothing in resolving these unfunded federal mandates. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator **HANDY** of Androscoggin to **INDEFINITELY POSTPONE** Joint Resolution and Accompanying Papers in **NON-CONCURRENCE**.

A Division has been requested.

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

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

11 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion of Senator **HANDY** of Androscoggin to **INDEFINITELY POSTPONE** Joint Resolution and Accompanying Papers in **NON-CONCURRENCE, FAILED.**

THE PRESIDENT PRO TEM: The pending question before the Senate is **ADOPTION** of the Joint Resolution, as Amended, in Concurrence. The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair. The bill that has caused this whole hullaballo here with this Joint Resolution was going to put a fee on gun owners as I understand it. As I understand, from my seatmate during my absence, we failed to pass that bill. If that is correct I would like anyone here to tell me how much money will the taxpayers of the State of Maine have to pay in order that gun owners not have to pay a \$15 fee? Thank you.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I am please to answer my colleague from Kennebec, Senator McCormick's question. The legislation that failed of acceptance of the Committee report in this body would have not placed a fee on gun owners but would have placed that fee upon the background check being initiated by the gun dealer. Gun dealers have testified that that cost would be passed on to the potential gun owner. There is quite a bit of background that I could go into to make a very short story very long but suffice it to say that that bill was killed. The Department of Public Safety did not, in my view and I was a supporter of that legislation that would provide for the administration the Brady Bill at the State level, follow through on supporting this Governor's bill to get it through the legislative process to ensure that the Brady Bill Handgun Act was effectively administered in the State of Maine. Now what has happened because of that is the Department of Public Safety is forced to administer the Brady Bill in terms of doing the background check, we were to be able to provide some of the funds that were in that bill to the local level for their cost associated with doing the Brady Bill handgun check. Now it is all going to be absorbed at the State level. I hope that answers your question, if it doesn't I would be happy to pursue it further for you. Thank you.

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

THE PRESIDENT PRO TEM: The pending question before the Senate is the **ADOPTION** of the Joint Resolution, as Amended, in concurrence.

A Division has been requested.

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

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

15 Senators having voted in the affirmative and 10 Senators having voted in the negative, **ADOPTION** of the Joint Resolution, as Amended, in concurrence, **PREVAILED.**

COMMUNICATIONS

The Following Communication:

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

April 7, 1994

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

Dear Secretary O'Brien:

I am appointing Senator Michael D. Pearson of Penobscot, as President Pro-Tem for session on April 8, 1994.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

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

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 Insist and Join in a Committee of Conference on Bill "An Act to Strengthen the Coordinated Delivery of Substance Abuse Services in the State" (S.P. 655) (L.D. 1824).

Sincerely,

S/Joseph W. Mayo
Clerk of the House

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

Sent down for concurrence.

SENATE PAPERS

Bill "An Act to Clarify the Jobs and Investment Tax Credit"

S.P. 778 L.D. 2008

Presented by Senator **BALDACCI** of Penobscot (GOVERNOR'S BILL)
Cosponsored by Representative **MURPHY** of Berwick and Senators: **CAHILL** of Sagadahoc, **CARPENTER** of York, **ESTY** of Cumberland, Representatives: **CARR** of Sanford, **CLARK** of Millinocket, **DIPIETRO** of South Portland, **FAIRCLOTH** of Bangor, **GWADOSKY** of Fairfield, **JACQUES** of Waterville, **MORRISON** of Bangor, **PARADIS** of Augusta, **PLOURDE** of Biddeford, **RUHLIN** of Brewer, **SAXL** of Bangor, **SIMONEAU** of Thomaston, **SULLIVAN** of Bangor, **TARDY** of Palmyra, **WHITCOMB** of Waldo, **WINN** of Glenburn, **ZIRNKILTON** of Mount Desert

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

Which was, under suspension of the Rules, **READ TWICE**.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I have a procedural question. My calendar says that we are supposed to be referencing this to the Committee on Taxation. Could somebody please explain to me what this bill is please before we do anything with it. Thank you.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**, without reference to a Committee.

ORDERS

Joint Orders

On motion by Senator **VOSE** of Washington the following Joint Order:

S.P. 779

ORDERED, the House concurring, that Bill, "An Act to Revise the Authorization of the Towns of Appleton, Camden, Hope, Lincolnville and Rockport to Form a Community School District," H.P. 1474, L.D. 2002, and all its accompanying papers be recalled from Engrossing to the Senate.

Which was **READ** and **PASSED**.

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Establish an Ambient Water Toxins Program"

H.P. 1080 L.D. 1446

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1072)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1072)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1072) **READ** and **ADOPTED**, in concurrence.

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

Committee of Conference

The **Committee of Conference** on the disagreeing action between the two branches of the Legislature, on Bill "An Act to Reestablish a Mechanism for Review of Disputed Elections"

H.P. 1418 L.D. 1932

Have had the same under consideration and ask leave to report that the House **Recede** from its action whereby it accepted the Minority **Ought Not to Pass** Report of the Committee on Legal Affairs; **Accept** the Majority **Ought to Pass as Amended** Report; **Read** the Bill once; **Read** Committee Amendment "A" (H-885) and **Indefinitely Postpone** the same; under suspension of the Rules, **Read** the Bill a second time; **Read** and **Adopt** Conference Committee Amendment "A" (H-1079). Pass the Bill to be **Engrossed as Amended by Conference Committee Amendment "A" (H-1079)** in **Non-Concurrence**.

That the Senate **Recede** and **Concur** with the House.

Signed on the part of the House:

Representative **DAGGETT** of Augusta
Representative **BOWERS** of Washington
Representative **GAMACHE** of Lewiston

Signed on the part of the Senate:

Senator LAWRENCE of York
Senator CAREY of Kennebec
Senator HALL of Piscataquis

Comes from the House with the Conference Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (H-1079)** in **NON-CONCURRENCE**.

Which Report was **READ**.

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

ENACTORS

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

Constitutional Amendment

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

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

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

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

Senate at Ease .

Senate called to order by the President.

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
(S "B" S-581; S "C"
S-591 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**.

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

In Senate, April 7, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-969) AS AMENDED BY SENATE AMENDMENTS "B" (S-581) AND "C" (S-591)** thereto, in **NON-CONCURRENCE**.

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

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

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

COMMITTEE REPORTS

House

Ought to Pass Pursuant to Public Law

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act Concerning Plastic Holding Devices"
H.P. 1484 L.D. 2009

Reported that the same **Ought to Pass**, pursuant to Public Law 1993, Chapter 341, Section 7.

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

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

Which was, under suspension of the Rules, **READ TWICE**.

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

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **MCCORMICK**: Thank you Mr. President, Ladies and Gentlemen of the Senate. To my understanding this is the fourth time that we have put off the ban on plastic holding devices. I think it is now up to 1998 or something, I can't conscience that and that is why I am asking for a Division. Thank you.

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

Senator **CIANCHETTE**: Thank you Mr. President, Ladies and Gentlemen of the Senate. As many of you know this item has been bounced around a lot and finally after a lot of discussion the Energy and Natural Resources Committee got together and voted on a compromise unanimously to accept this bill and I would urge you all to vote in favor of this bill. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Lawrence.

Senator **LAWRENCE**: Thank you Mr. President, Ladies and Gentlemen of the Senate. The bill you have before you is part of a compromise that was worked out a year ago to allow for time for a device similar to the plastic holding device. It is similar in the fact that it was made out of cardboard. The compromise was to give that product time to develop before making the decision to remove the ban. That product seems to be developing fairly nicely and needs more time to develop. The Committee unanimously decided to give two additional years to allow this product to develop before dealing with the ban issue. It was even supported by Representative Herb Adams who has been so adamant on this issue. No one is in disagreement on this bill. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is **PASSAGE TO BE ENGROSSED**, in concurrence.

A Division has been requested.

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

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

26 Senators having voted in the affirmative and 4 Senators having voted in the negative the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

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

The President Pro Tem requested that the Sergeant-at-Arms escort the Senator from York, Senator **DUTREMBLE** to the Rostrum where he resumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Penobscot, Senator **PEARSON**, to his seat on the floor.

Senate called to order by the President.

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:

RECALLED FROM ENGROSSING

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-1065 to H
"A" H-1045)

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

(In Senate, April 7, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1045) AS AMENDED BY HOUSE AMENDMENT "A" (H-1065)** thereto, without reference to a Committee, in concurrence.)

(**RECALLED** from Engrossing, pursuant to Joint Order S.P. 779.)

On motion by Senator **VOSE** of Washington, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, without reference to a Committee, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-595) **READ** and **ADOPTED**.

Which was **PASSED TO BE ENGROSSED, As Amended**, without reference to a Committee, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication:

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

April 8, 1994

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

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Strengthen the Coordinated Delivery of Substance Abuse Services in the State" (S.P. 655) (L.D. 1824):

Representative GEAN of Alfred
Representative JOHNSON of South Portland
Representative BRUNO of Raymond

Sincerely,

S/Joseph W. Mayo
Clerk of the House

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

Senate at Ease

Senate called to order by the President.

THE PRESIDENT: In reference to the action of the Senate on April 7, 1994, whereby it **INSISTED AND ASKED FOR A COMMITTEE OF CONFERENCE** on Bill, "An Act to Strengthen the Coordinated Delivery of Substance Abuse Services in the State" (S.P. 655) (L.D. 1824).

The Chair appointed as conferees on the part of the Senate:

Senator **BRANNIGAN** of Cumberland.
Senator **HARRIMAN** of Cumberland.
Senator **HANDY** of Androscoggin.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Establish Procedures for Secession and Annexation"

H.P. 1480 L.D. 2006

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 1475).

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

Which Report was **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

Which was, 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 Increase Access to Primary Care by Redefining the Practice of Advanced Nursing"

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

In Senate, March 29, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-454) AS AMENDED BY SENATE AMENDMENT "B" (S-513)** thereto.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-454) AS AMENDED BY HOUSE AMENDMENTS "C" (H-1049) AND "F" (H-1057)** thereto, in **NON-CONCURRENCE**.

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

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

ORDERS OF THE DAY

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

Bill "An Act Relating to Access for People with Disabilities"

H.P. 1321 L.D. 1783
(C "A" H-894)

Tabled - April 8, 1994, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, March 25, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-894)**, in concurrence.)

(In House, April 7, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-894) AS AMENDED BY HOUSE AMENDMENT "A" (H-1074)** thereto, in **NON-CONCURRENCE**.)

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

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

COMMITTEE OF CONFERENCE REPORT - on Bill "An Act to Reestablish a Mechanism for Review of Disputed Elections"

H.P. 1418 L.D. 1932

Report: Senate **Recede** and **Concur** with the House.

Tabled - April 8, 1994, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE OF REPORT**

(In Senate, April 8, 1994, Report **READ**.)

(In House, April 7, 1994, Committee of Conference Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (H-1079)** in **NON-CONCURRENCE**.)

Senator **HALL** of Piscataquis moved that the Senate **REJECT** the Committee of Conference Report in **NON-CONCURRENCE**.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. With not fully understanding exactly what was transpiring in a short period of time with people coming and going I found myself signing a report that was different with what I thought had been agreed upon. I find myself on the opposite side of what my signature shows. This particular amendment puts us back to the procedure

that we were following two years ago. Last year this legislature passed what we felt was a reform measure on disputed elections whereas all elections, except for the House and the Senate, would go to the courts to decide. Not exactly what a lot of people wanted but I think it was a start in the right direction. This particular amendment eliminates what we passed for a bill last year and puts us back to where we were so that all elections will go back to the Ethics and Elections Commission. I'm not sure that everybody understood that and I'm not sure that everybody was in favor of taking a step backwards from what many felt was a step forward last year. Thank you.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. There is a slight error in here. On page seven of the report it seems to indicate that Senator Hall was a member who signed in the majority and the good Senator was not, Senator Lawrence and I, representing the Senate, were, and the three House members were. What this does is take the stuff away from the court where there has been an effort already to do away with the administrative court and overburden the courts and send all of the elections, even the minor county elections, to the courts. We felt that somewhere along the line we should either make use of the Ethics Commission practices or do away with them. We prefer to keep them in place and give them something to do. I would hope that you will defeat the motion to reject. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **HALL** of Piscataquis to **REJECT** the Committee of Conference Report 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.

15 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator **HALL** of Piscataquis to **REJECT** the Committee of Conference Report in **NON-CONCURRENCE**, **FAILED**.

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

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

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

Senate at Ease

Senate called to order by the President.

Unfinished Business

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

The Chair laid before the Senate the following Enactor:

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)

(In Senate, April 7, 1994, Motion to **INDEFINITELY POSTPONE** Bill and Accompanying Papers **FAILED.**)

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

(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.)

On motion by Senator **SUMMERS** of Cumberland, 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-912) as Amended by House Amendment "A" (H-1005) thereto, 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** House Amendment "A" (H-1005) to Committee Amendment "A" (H-912), in concurrence.

On further motion by same Senator, House Amendment "A" (H-1005) to Committee Amendment "A" (H-912) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

On further motion by same Senator, Senate Amendment "B" (S-596) to Committee Amendment "A" (H-912) **READ.**

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I will be very brief, I don't think I need to delve into the activities leading up to this and I will simply say that the final disposition of this bill is becoming more and more clear. However, in the spirit of compromise I offer this amendment which would allow franchisees to sue the franchisors in the State of Maine. This may not be a situation of a half a loaf, it may not be a situation of a quarter of a loaf, it

may only be one slice, but I do believe that the individuals who have supported this bill, who have taken their time and spent their money on lobbying efforts up here, I think it is fair to at least offer them an opportunity to take something with them. Having said that I would hope that you would support the adoption of this amendment. 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. It is my understanding as I think the Senator from Cumberland, Senator Summers, pointed out that this guts the bill and I don't think the Senate ought to accept the amendment. Mr. President, I would move to keep my standing with the Senator from Lincoln, Senator Begley, to Indefinitely Postpone this amendment. Thank you.

Senator **CIANCHETTE** of Somerset moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-596) to Committee Amendment "A" (H-912).

THE PRESIDENT: The pending question before the Senate is the motion by Senator **CIANCHETTE** of Somerset to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-596) to Committee Amendment "A" (H-912).

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.

19 Senators having voted in the affirmative, and 14 Senators having voted in the negative, the motion by Senator **CIANCHETTE** of Somerset to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-596) to Committee Amendment "A" (H-912), **PREVAILED.**

On motion by Senator **SUMMERS** of Cumberland, the Senate **RECONSIDERED** its action whereby it **INDEFINITELY POSTPONED** House Amendment "A" (H-1005) to Committee Amendment "A" (H-912) in **NON-CONCURRENCE.**

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

Committee Amendment "A" (H-912) as Amended by House Amendment "A" (H-1005) thereto, **ADOPTED**, in concurrence.

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

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

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 **ENACTMENT.**

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

Senate at Ease

The Secretary will call the Roll.

Senate called to order by the President.

ROLL CALL

YEAS: Senators BALDACCI, BERUBE, BUSTIN, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, ESTY, HANDY, KIEFFER, LUTHER, MARDEN, PARADIS, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

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

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

Off Record Remarks

ABSENT: Senator CONLEY

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

Senate at Ease

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

Senate called to order by the President.

On motion by Senator **BERUBE** of Androscoggin, **RECESSED** until the sound of the bell.

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

After Recess

Bill "An Act to Clarify the Jobs and Investment Tax Credit" (Governor's Bill)
S.P. 778 L.D. 2008

Senate called to order by the President.

Tabled - April 8, 1994, by Senator **ESTY** of Cumberland.

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

Pending - **PASSAGE TO BE ENGROSSED, without reference to a Committee**

Constitutional Amendment

(Committee on **TAXATION** suggested and **ORDERED PRINTED.**)

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

(In Senate, April 8, 1994, **UNDER SUSPENSION OF THE RULES READ TWICE, without reference to a Committee.**)

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

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

Tabled - April 8, 1994, by Senator **ESTY** of Cumberland.

Sent down for concurrence.

Pending - **FINAL PASSAGE**

(In Senate, March 29, 1994, **PASSED TO BE ENGROSSED AS AMENDED.**)

(In House, April 7, 1994, **FINALLY PASSED.**)

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

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

Bill "An Act Relating to Access for People with Disabilities"

H.P. 1321 L.D. 1783
(C "A" H-894)

Tabled - April 8, 1994, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, March 25, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-894)**, in concurrence.)

(In House, April 7, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-894) AS AMENDED BY HOUSE AMENDMENT "A" (H-1074)** thereto, in **NON-CONCURRENCE**.)

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

Senate at Ease

Senate called to order by the President.

THE PRESIDENT: In reference to the action of the Senate on April 8, 1994, whereby it **INSISTED AND ASKED FOR A COMMITTEE OF CONFERENCE** on Bill, "An Act to Increase Access to Primary Care by Redefining the Practice of Advanced Nursing" (S.P. 390) (L.D. 1185) (S "B" S-513 to C "A" S-454).

The Chair appointed as conferees on the part of the Senate:

Senator **MCCORMICK** of Kennebec.
Senator **CIANCHETTE** of Somerset.
Senator **HARRIMAN** of Cumberland.

On motion by Senator **ESTY** of Cumberland, **RECEDED** until 5:00 this evening.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

H.P. 1479 L.D. 2005

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

In Senate, April 6, 1994, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-1082)**, without reference to a Committee, in **NON-CONCURRENCE**.

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

H.P. 1434 L.D. 1961
(H "A" H-965 to C "A" H-861)

In Senate, April 1, 1994, **PASSED TO BE ENACTED**, in concurrence.

RECALLED from the Governor's Desk pursuant to Joint Order H.P. 1483, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-861) AS AMENDED BY HOUSE AMENDMENT "B" (H-1084)** thereto, in **NON-CONCURRENCE**.

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

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

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

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

ENACTORS

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

An Act to Implement the Recommendations of the Commission to Study the Future of Maine's Courts
H.P. 1008 L.D. 1354
(H "A" H-1015 to C
"A" H-1000)

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

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

Off Record Remarks

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

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

COMMUNICATIONS

The Following Communication:

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

April 8, 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 Establish Procedures for Secession and Annexation" (H.P. 1480) (L.D. 2006).

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

Off Record Remarks

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

On motion by Senator **CAHILL** of Sagadahoc, **RECESSED** until 7:30 this evening.

After Recess

Senate called to order by the President.

Sincerely,

S/Joseph W. Mayo
Clerk of the House

THE PRESIDENT: Pursuant to Joint Rule 12, the affirmative vote of two-thirds of the members present and voting is necessary to transact business after 9:00 p.m. 16 Senators having voted to extend to 10:00 p.m. and 1 Senator having voted in the negative, and 16 being more than two-thirds of the membership present and voting, the Rules were suspended and the following proceedings were conducted after 9:00 p.m. to 10:00 p.m.

COMMUNICATIONS

The Following Communication:

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

April 8, 1994

Off Record Remarks

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

Dear Madam Secretary:

The House voted today to Insist and Join in a Committee of Conference on Bill "An Act to Increase Access to Primary Care by Redefining the Practice of Advanced Nursing" (S.P. 390) (L.D. 1185).

The Speaker appointed the following members of the House to the Committee:

Representative KETTERER of Madison
Representative ST. ONGE of Greene
Representative CAMERON of Rumford

Sincerely,

S/Joseph W. Mayo
Clerk of the House

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Off Record Remarks

Senate at Ease

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:

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 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.

In House, April 6, 1994, **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**.

In Senate, April 7, 1994, **INSISTED**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-963) AS AMENDED BY HOUSE AMENDMENT "C" (H-1086)** thereto, in **NON-CONCURRENCE**.

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

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

Bond Issue

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
(H "A" H-1037 to C
"A" H-962)

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

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

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 \$20,000,000 for the Remediation and Capping of Municipal Solid Waste Landfills (Governor's Bill)

S.P. 696 L.D. 1894
(H "B" H-1043 to C
"A" S-535)

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

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

ENACTORS

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

Bond Issue

An Act to Authorize Department of Transportation Bond Issues in the Amount of \$21,300,000 to Improve Rail and Port Facilities and Make Improvements at State and Municipal Transportation Facilities (Governor's Bill)

S.P. 697 L.D. 1895
(H "A" H-1068 to S
"A" S-540)

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

Senate at Ease

Senate called to order by the President.

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

After Recess

Senate called to order by the President.

Off Record Remarks

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

ENACTORS

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

An Act Regarding Access to Property via Abandoned Roads

H.P. 1238 L.D. 1665
(H "A" H-1075)

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

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

ENACTORS

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

An Act Requiring the Use of Logbooks by Lobster Harvesters

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

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

Senator **CIANCHETTE** of Somerset was granted unanimous consent to address the Senate off the Record.

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

Off Record Remarks

ENACTORS

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

An Act Regarding Access to Chiropractic Services
 H.P. 1461 L.D. 1986
 (H "A" H-998; H "B"
 H-1023)

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

COMMITTEE REPORTS

House

Committee of Conference

The **Committee of Conference** on the disagreeing action between the two branches of the Legislature, on Bill "An Act to Encourage Municipal Investment in Local Economic Development Projects" (Emergency) S.P. 647 L.D. 1806

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

Have had the same under consideration and ask leave to report that the House **Recede** from its action whereby it **Accepted** the Minority **Ought Not to Pass** Report of the Committee on Taxation; **Accept** the Majority **Ought to Pass As Amended** Report; **Read** the Bill once; **Read** and **Adopt** Committee Amendment "A" (S-468); under suspension of the rules, **Read** the Bill a **Second Time**; **Read** and **Adopt** House Amendment "A" (H-1077) and Pass the Bill to be **Engrossed As Amended** by Committee Amendment "A" (S-468) and House Amendment "A" (H-1077) in **Non-Concurrence**.

ENACTORS

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

Emergency Resolve Mandate

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

H.P. 1462 L.D. 1988
 (H "B" H-1066)

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

That the Senate **Recede** and **Concur** with the House.

Signed on the part of the House:

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

Signed on the part of the Senate:

Senator DUTREMBLE of York
 Senator SUMMERS of Cumberland
 Senator CAREY of Kennebec

Comes from the House with the Conference Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-468) AND HOUSE AMENDMENT "A" (H-1077) in NON-CONCURRENCE.**

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

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

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

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

ENACTORS

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

Emergency

An Act to Create Retirement Alternatives
H.P. 1362 L.D. 1841
(C "A" H-867; H "A" H-972)

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

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 Revise the Authorization of the Towns of Appleton, Camden, Hope, Lincolnville and Rockport to Form a Community School District
H.P. 1474 L.D. 2002
(H "A" H-1065 to H "A" H-1045; S "A" S-595)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Emergency

An Act to Amend Certain Laws Pertaining to the Department of Environmental Protection, Bureau of Hazardous Materials and Solid Waste Control
H.P. 1302 L.D. 1757
(S "B" S-588 to C "A" H-995)

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

ORDERS OF THE DAY

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the Later Today Assigned Tabled the following:

Emergency

An Act to Create Retirement Alternatives
H.P. 1362 L.D. 1841
(C "A" H-867; H "A" H-972)

Tabled - April 8, 1994, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, April 7, 1994, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

(In House, April 8, 1994, **PASSED TO BE ENACTED**.)

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

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

ENACTORS

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

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

Mandate

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 to C
 "A" H-969)

ENACTORS

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

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

Emergency

Resolve, Establishing the People with Disabilities Access Commission
 H.P. 1321 L.D. 1783
 (H "A" H-1074 to C
 "A" H-894)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

On motion by Senator **PEARSON** of Penobscot, the Senate removed from the Later Today Assigned Table the following:

An Act to Amend Certain Laws Pertaining to the Department of Environmental Protection, Bureau of Hazardous Materials and Solid Waste Control (Emergency)
 H.P. 1302 L.D. 1757
 (S "B" S-588 to
 C "A" H-995)

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

Tabled - April 8, 1994, by Senator **PEARSON** of Penobscot.

ENACTORS

Pending - **ENACTMENT**

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

(In Senate, April 7, 1994, **PASSED TO BE ENGROSSED AS AMENDED**.)

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Academic Improvements at the University of Maine System, Including the Enhancement of Instructional Technology and Distance Learning (Governor's Bill)
 S.P. 718 L.D. 1940
 (H "B" H-1069 to C
 "A" S-539)

(In House, April 8, 1994, **PASSED TO BE ENACTED**.)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

Off Record Remarks

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

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

An Act to Establish a Financial Assistance Program for Utilities Burdened as a Result of State Highway Construction

H.P. 1223 L.D. 1642
(C "A" H-759)

Tabled - March 22, 1994, by Senator **BRANNIGAN** of Cumberland.

Pending - **ENACTMENT**

(In Senate, March 4, 1994, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

(In House, March 10, 1994, **PASSED TO BE ENACTED.**)

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

Off Record Remarks

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

Off Record Remarks

Senator **HALL** of Piscataquis was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

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

Senator **WEBSTER** of Franklin was granted unanimous consent to address the Senate off the Record.

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

ENACTORS

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

An Act to Clarify Maine Election Laws
H.P. 1201 L.D. 1609
(S "A" S-557 to C "A" H-947)

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Clarify Agency Relationships in Real Estate Transactions"
S.P. 616 L.D. 1714
(H "A" H-1036 to C "A" S-551)

In Senate, April 5, 1994, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (A-551) AS AMENDED BY HOUSE AMENDMENT "A" (H-1036)** thereto, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-551) AS AMENDED BY HOUSE AMENDMENTS "A" (H-1036) AND "C" (H-1087) in NON-CONCURRENCE.**

The Chair moved that the Senate **RECEDE** and **CONCUR**.

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

Senator **BUSTIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I want to make the body aware of the item that is before you. It is "An Act to Clarify Agency Relationships in Real Estate Transactions". I didn't think I was going to get another bite at this particular apple but here it is. I believe there was some amendment that was put on in the House to try to make the bill better. What that says to me is my fears about this bill are reconfirmed, that this is a bill that we ought to be very careful of what we are passing at this

particular point in time. I think that it should be studied, I think that there should be a disclosure requirement but what this bill that is before you right now does is to allow dual agency for real estate transactions in this state. Be very clear that what that means is that right now you go into an agency and you have a little disclaimer there that is required that reminds you that unless you are the one who is selling the property that agent is probably not representing you, they are representing the seller. If they want to represent both the seller and the buyer they must disclose that under common law. What this bill would do is give you a form that would say, for instance if you are a large real estate agency and you have 20 agents you could designate 10 agents as buyer agents and 10 agents as seller agents. When you go in to buy or sell that house, depending on what action you are taking, you will be assigned one of those people and you will be told that if there is going to be a buyer agent for your particular piece of property you will get a disclosure form and if you believe, as I don't, that you can be well represented as either a seller or a buyer by the same firm who is doing the opposite for the other person then I've got a couple of bridges I want to sell you because I can make lots of money that way. That is basically the real problem with this bill, plus the other very important fact is that it is putting in a state law on top of a common law, or superceding the common law. So now what you are looking at when you are selling or buying a piece of real estate is does anybody have any knowledge that something is wrong. In other words, I'll use a septic system as an example, I don't know if it is a good example but it is an example. If I, as the person who wants to sell the house, have not told the real estate agent who is selling the house for me that I have a faulty septic system and the agent has no way of knowing that I have that faulty septic system and nobody asks the question, you are stuck as the buyer, then you find out that you have that faulty septic system. Under common law it is the responsibility of the selling agent or the buying agent to know that, even if they don't know it is their responsibility. That is basically exactly the reason why they want this law passed. This is not a consumer law, it is a law to try to make it easier for real estate agents to buy and sell those pieces of property. If this law passes I will be putting out information to my constituents to warn them that from now on they ought not to go to a dual agency to do their business. They ought to choose somebody who is either a buyer agent or a seller agent but ought not to be going to a dual agent, that is how strongly I feel about it. Mr. President, I ask for a Division. Thank you.

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

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

Senator **CARPENTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This bill is not the bill that allows dual agencies, dual agencies are allowed now. This is the bill that puts the laws that they must abide by into effect. It is a consumers bill, it was worked on and agreed upon between the Maine Real Estate Commission and the Maine Board of Realtors. It is a necessary bill to protect consumers when they are doing business in dual agencies which are already here. Please support the bill. Thank you.

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I want to agree with what the Senator from York, Senator Carpenter, has just said. Also the amendment that the Senator from Kennebec, Senator Bustin, is talking about simply establishes a set of guidelines that realtors would have to follow, which is exactly what this bill does. The point is that we should defeat this amendment. Thank you.

Off Record Remarks

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

Off Record Remarks

THE PRESIDENT: Pursuant to the vote taken earlier tonight to extend, pursuant to Joint Rule 12, to 10:00 p.m., the Chair ordered another vote to extend beyond 10:00 p.m. 24 Senators having voted in the affirmative, and 5 Senators in the negative, and 24 being more than two-thirds of the membership present and voting, the Rules were suspended and the following proceedings were conducted after 10:00.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I will be brief. I just want to say for the record that first of all I am not a real estate agent and I have no special knowledge of this legislation from a business point of view but I do want to say that one of my constituents is a member of the Real Estate Commission and in his duties of looking out for consumers he took me aside and explained to me what this legislation seeks to accomplish. I am assured that the Real Estate Commission has worked long and hard to assure that your constituents and mine, who buy real estate, are clearly notified in writing of the various types of relationships, whether it is the buyers relationship or the sellers relationship or a dual agency relationship. I am satisfied that the consumers in Maine will be well protected by this bill. Thank you.

THE PRESIDENT: The pending question before the Senate is to **RECEDE** and **CONCUR**.

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.

21 Senators having voted in the affirmative and 7 Senators having voted in the negative, the Senate **RECEDED** and **CONCURRED**.

Senate at Ease

Senate called to order by the President.

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

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

ENACTORS

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

An Act Regarding Cable Television
H.P. 1096 L.D. 1483
(S "B" S-592 to C
"A" H-836)

An Act to Clarify the Process for Filling Unexpired Terms for School Board Members
H.P. 1482 L.D. 2007

An Act Concerning Plastic Holding Devices
H.P. 1484 L.D. 2009

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 Increase the Jurisdiction of the Loring Development Authority of Maine
H.P. 1275 L.D. 1723
(S "A" S-586 to C
"A" H-974)

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

An Act to Correct Certain Inconsistencies in the Laws Relating to the Commission on Governmental Ethics and Election Practices
H.P. 1380 L.D. 1867
(S "B" S-585 to C
"A" H-1026)

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Clarify the Jobs and Investment Tax Credit" (Governor's Bill)
S.P. 778 L.D. 2008

In Senate, April 8, 1994, referred to the Committee on **TAXATION** and **ORDERED PRINTED**.

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

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Me of all people would hate to get into this tonight but I notice that this bill was just printed today, the 8th, and it has been voted out of Committee. It seems to be a fairly major piece of legislation. I really would like to have an explanation from someone on the Taxation Committee what this is going to cost and what the intent is behind this bill. Thank you.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I appreciate the question from the gentleman from Cumberland. Senator Summers and I, both of whom are on the Taxation Committee, are not familiar that this bill was ready to be sent out. I just checked with the legislative finance people and they say that there is an amendment. We make no reference of an amendment here. There is a fiscal note apparently on the amendment so I would suggest that if you are going to do anything, and it doesn't have a fiscal note, you may want to try to pre-engross it but I would assume that that is as far as it would go. It really ought to be set aside. Thank you.

On motion by Senator **BUSTIN** of Kennebec, Tabled 1 Legislative Day, pending **FURTHER CONSIDERATION**.

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 Reestablish a Mechanism for Review of Disputed Elections

H.P. 1418 L.D. 1932
(CC "A" H-1079)

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

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.

18 Senators having voted in the affirmative and 13 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.

Senate at Ease

Senate called to order by the President.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Ensure Proper Funding of the Department of Environmental Protection" H.P. 1385 L.D. 1884

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1076)**.

Signed:

Senators:

LAWRENCE of York
CIANCHETTE of Somerset
LUDWIG of Aroostook

Representatives:

MARTIN of Eagle Lake
MITCHELL of Freeport
COLES of Harpswell
GOULD of Greenville
CONSTANTINE of Bar Harbor
POULIN of Oakland
WENTWORTH of Kennebunkport
ANDERSON of Woodland
MARSH of West Gardiner

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

Signed:

Representative:

LORD of Waterboro

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1076) AS AMENDED BY HOUSE AMENDMENTS "A" (H-1088), "B" (H-1089) AND "C" (H-1090)** thereto.

Which Reports were **READ**.

On motion by Senator **HARRIMAN** of Cumberland, the Senate **ACCEPTED** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to pose a question through the Chair. I would be very interested to know an explanation of how the funding of this is going to occur to anyone who can answer. I know there are three amendments before us and I haven't had a chance to read them. I am told from a sewer district in my district that is this bill passes then their fee would go from \$700 to \$6000. If someone could share with me how the funding of this is going to work I would appreciate it. Thank you.

The Bill **READ ONCE**.

Committee Amendment "A" (H-1076) **READ**.

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I will answer as best I can. The bill, as originally drafted, was to fund several positions in water and land use and as I understand it it was all to be done with fees. That was objected to by the Committee, nothing is being done with fees. Fees are staying where they are currently at. We were lucky enough to get \$300,000 from the Appropriations Committee, that does not fund it all, it still leaves \$184,000 and my understanding is that one of the amendments in the House says that if a surplus occurs it will come from surplus, if not then those positions remain unfunded. I believe that is what happens. To answer the question specifically there are no increases in fees as I understand it. Thank you.

House Amendment "A" (H-1088) to Committee Amendment "A" (H-1076) **READ** and **ADOPTED**, in concurrence.

House Amendment "B" (H-1089) to Committee Amendment "A" (H-1076) **READ** and **ADOPTED**, in concurrence.

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

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

House Amendment "C" (H-1090) to Committee Amendment "A" (H-1076) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

Committee Amendment "A" (H-1076) as Amended by House Amendments "A" (H-1088), "B" (H-1089) and "C" (H-1090) thereto, **ADOPTED**, in concurrence.

Off Record Remarks

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

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

On motion by Senator **BERUBE** of Androscoggin, **ADJOURNED** until Monday, April 11, 1994, at 9:00 in the morning.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

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

COMMITTEE REPORTS

Senate

Committee of Conference

The **Committee of Conference** on the disagreeing action between the two branches of the Legislature, on Bill "An Act to Strengthen the Coordinated Delivery of Substance Abuse Services in the State" S.P. 655 L.D. 1824

Have had the same under consideration and ask leave to report that the Senate **Recede** from **Passage As Amended** by Committee Amendment "B" (S-509) and **Concur** with **Passage to be Engrossed As Amended** by Committee Amendment "A" (S-508).

That the House **Read** and **Accept** the Report.

Signed on the part of the Senate:

Senator Senator BRANNIGAN of Cumberland
Senator HARRIMAN of Cumberland
Senator HANDY of Androscoggin

Signed on the part of the House:

Representative GEAN of Alfred
Representative JOHNSON of South Portland
Representative BRUNO of Raymond