

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**One Hundred And Seventeenth Legislature**

OF THE

**State Of Maine**

**VOLUME III**

**FIRST REGULAR SESSION**

**Senate**

December 7, 1994 to April 27, 1995

STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
FIRST REGULAR SESSION  
JOURNAL OF THE SENATE

In Senate Chamber  
Tuesday  
January 10, 1995

Senate called to Order by the President, Jeffery H. Butland of Cumberland.

Prayer by Reverend Bruce Felt of the Augusta Baptist Church.

**REVEREND BRUCE FELT:** Let us pray. Our Father in heaven we thank you for this recently-elected body of men and women who commit themselves to service to the State of Maine. Give them wisdom and courage to make right decisions. Give them the grace to work harmoniously with one another. In the inevitable disagreements and conflicts which occur, may a spirit of charity and forgiveness prevail. You have said that the integrity of the upright guides them. May it be true among Senate members today. To that end we pray for your blessing and guidance on all deliberations and counsel taking. Through Jesus Christ, our Lord, Amen.

Pledge of Allegiance was led by SENATOR RUHLIN of Penobscot.

Reading of the Journal of Thursday, January 5, 1995.

**COMMUNICATIONS**

The Following Communication: (S.C. 32)

**MARGARET CHASE SMITH CENTER FOR PUBLIC POLICY  
UNIVERSITY OF MAINE  
15 COBURN HALL  
ORONO, MAINE 04469**

January 6, 1995

Ms. May Ross  
Secretary of the Senate  
State House Station #3  
Augusta, Maine 04333

Dear Ms. Ross:

In accordance with 1967 Public Law, Chapter 493, I am enclosing copies of the report for the 1994 Maine State Government Internship Program for the members of the Maine Senate.

I would appreciate your assistance in distributing a copy to each Senator.

If you have any questions or need more than the enclosed 160 copies, please let me know.

Thank you for your assistance.

Sincerely,

S/Kathryn H. Godwin, Ed.D.  
Staff Associate and  
Director, Maine State  
Government Internship Program

Which was READ and ORDERED PLACED ON FILE.

The Following Communication: S.P. 26

**PUBLIC UTILITIES COMMISSION  
242 STATE STREET  
AUGUSTA, MAINE 04333**

December 29, 1994

Hon. Jeffrey H. Butland  
President of the Senate  
117th Legislature  
State House Station 3  
Augusta, ME 04333-0003

Hon. Dan A. Gwadosky  
Speaker of the House  
117th Legislature  
State House Station 2  
Augusta, ME 04333-0002

Re: AN ACT to Establish a Study Group on Energy and the Environment, P & S Law 1993, Chapter 80

Dear President Butland and Speaker Gwadosky:

In 1994, the Legislature enacted P & S Law 1993, Chapter 80 that established a study group on energy and the environment. The study group consisted of the Chair of the Public Utilities Commission, the Director of the State Planning Office and the Commissioner of Environmental Protection. Chapter 80 required this study group to provide, by January 1, 1995, an interim report to the joint standing committee having jurisdiction over utility matters outlining its progress in completing its study on energy and the environment. On behalf of the study group, I am sending to you a copy of our interim report because committee assignments have not been made to date. In addition, I have sent a copy of the interim report to

the Chairs of the Utilities Committee for the 116th Legislature and 15 copies of the interim report to the Utilities Committee's OPLA analyst, Jon Clark, so that he can distribute them after assignments have been made.

Sincerely,  
S/Thomas L. Welch  
Chairman

Which was READ and, with accompanying report, REFERRED TO THE JOINT STANDING COMMITTEE ON UTILITIES AND ENERGY.

Sent down for concurrence.

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Off Record Remarks

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SENATE ORDERS

On motion by Senator CAREY of Kennebec, the following Senate Order: (S.O. 10)

ORDERED, that Senate Rule 25-A be enacted to read:

25-A. Unless by consent of 3/5 of those members present and voting, no item may be removed from the unassigned table without one legislative day's notice being given in the calendar.

Which was READ.

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

Senator CAREY: Thank you Mr. President, Ladies and Gentlemen of the Senate. This is an effort to give people a notice, and I don't care whether they are Democrats, Republicans, or Independents, to give them a notice so they can prepare for something coming off the Table on the following day. I know that Leadership has always reserved for itself the privilege of tabling matters unassigned, but many times the message doesn't get back to those of in the trenches that it is, in fact, coming off the next day; and therefore, many times we will either not be prepared or will have been involved in an absence from the Senate. This will at least give us the notice that I believe we really all deserve. Thank you.

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

Senator KIEFFER: Thank you Mr. President, Ladies and Gentlemen of the Senate. I have had a little problem trying to understand the purpose of this Order in light of the cooperation that has existed here for the past two years. During that period of time I

really saw no abuse of this privilege that has been granted to leadership and certainly there wasn't any abuse of it in the last two years and I would not anticipate that there would be any this year. I guess I don't see any real reason for this. I would like to pose a question through the Chair, is there something here that I am missing? I would pose that question to anyone who would care to answer it. Thank you.

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

Senator CAREY: Thank you Mr. President, Ladies and Gentlemen of the Senate. I can understand the hesitation that the Majority Leader has in possibly supporting this measure. However, there are some of us who are not as healthy as others are, number one. Secondly, there are some of us, myself included, who are not always prepared to present arguments for or against something if, in fact, it comes off the Table on a moment's notice, which it obviously can. Therefore, I would be much more comfortable and I know that the new members of the Legislature, the Senate in particular, would be a little more forewarned as to what is coming up. Therefore, I would sincerely ask that we pass this Order on the Senate Rules. Thank you.

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

Senator HANLEY: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose a question to my good friend from Kennebec, Senator Carey. I, too, am a firm believer in reforming rules and having them fit in where applicable. My question to the good Senator would be, why is this limited to just the Senate Rules? Wouldn't this also be appropriate to place into the Joint Rules? If so, why wasn't it? Thank you.

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

Senator CAREY: Thank you Mr. President, Ladies and Gentlemen of the Senate. I have absolutely no objections. I am concerned with what may be happening in this body but if we could get support for this in the Joint Rules I would have absolutely no problem and would support such a move. Thank you.

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

Senator HANLEY: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would encourage my good friend from Kennebec, Senator Carey, to then pursue another avenue, as far as to the Joint Rules, rather than to the Senate Rules. 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. Sensing a feeling of support in this matter, I would ask to withdraw the

Order; and I will present one which addresses the Joint Rules. Thank you.

Senator CAREY of Kennebec requested leave of the Senate to withdraw Senate Order.

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

Senator LAWRENCE: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would simply point out that the purpose of the Joint Rules is to cover the flow of legislation between the two bodies. It is my understanding the Senate Rules apply strictly to the procedure and the control of legislation within this body. Thank you.

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Senate at Ease

Senate called to order by the President.

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

Senator CAREY: Thank you Mr. President, Ladies and Gentlemen of the Senate. Realizing there may or may not be a place for this in the Joint Rules, I will now withdraw my motion which would withdraw the Order and ask for support for passage of the order. Thank you.

Senator CAREY of Kennebec requested and received leave of the Senate to withdraw his motion to withdraw Senate Order.

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator CAREY of Kennebec on **PASSAGE** of Senate Order.

The Chair ordered a Division.

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

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

13 Senators having voted in the affirmative and 19 Senators having voted in the negative, **PASSAGE** of Senate Order, **FAILED**.

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Senator GOLDTHAIT of Hancock was granted unanimous consent to address the Senate off the Record.

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

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Off Record Remarks

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

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On motion by **THE PRESIDENT**, **RECESSED** until the sound of the bell.

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After Recess

Senate called to order by the President.

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On motion by **THE PRESIDENT**, **RECESSED** until 1:30 o'clock in the afternoon.

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After Recess

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order: H.P. 55

**ORDERED**, the Senate concurring, that Joint Rule 13 be amended in that part designated "Legislative Committees" by striking out all of the 3rd paragraph and inserting in its place the following:

There shall be no more than 17 Joint Standing Committees which shall be appointed as follows at the commencement of the first regular session, viz:

On Agriculture  
On Appropriations and Financial Affairs  
On Banking and Insurance  
On Business and Economic Development  
On Criminal Justice  
On Education and Cultural Affairs  
On Human Resources  
On Inland Fisheries and Wildlife  
On Judiciary  
On Labor  
On Legal and Veterans Affairs  
On Marine Resources  
On Natural Resources, Conservation and Forestry  
On State and Local Government  
On Taxation  
On Transportation  
On Utilities and Energy

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

On motion by Senator **HALL** of Piscataquis, Joint Order **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Sent down for concurrence.

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Senate at Ease

Senate called to order by the President.

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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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On motion by Senator **FERGUSON** of Oxford, **ADJOURNED** until Thursday, January 12, 1995, at 10 o'clock in the morning.