

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

Off Record Remarks

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

Reading of the Journal of Tuesday, March 28, 1995.

In Senate Chamber
Thursday
March 30, 1995

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

Out of order and under suspension of the Rules, on motion by Senator KIEFFER of Aroostook, the following Joint Order:

S.P. 412

Prayer by the Reverend Ken Williamson of the Unity Church of Greater Portland in Windham.

ORDERED, the House concurring, that when the two branches of the Legislature adjourn this day, the House does so until Tuesday, April 4, 1995, at 9:00 o'clock in the morning and the Senate does so until Tuesday, April 4, 1995, at 9:30 o'clock in the morning.

REVEREND KEN WILLIAMSON: Senators, good morning. Let's take a moment and reflect. It is such an opportunity for me to come and be with you this morning. I was instructed to relax, not to be intimidated. Easier said than done. It is such a pleasure, especially for a minister, you know we love to have a captive audience. I have a long sermon prepared for you today. I think perhaps that what we want to do is open ourselves up to the presence and the power of God, right here where we are. I believe in prayer, not simply because it is my calling to be engaged in it, but I have got to tell you that this marks a special occasion for me. In 1988, around this time of the year, I was told that I had six months to live. Doctors couldn't do very much for me, all I had was prayer. So, when I do this, it isn't something that I practice, it isn't something that someone has taught me, it is something that comes from within here that I genuinely believe, and I know to be something that is effective. I looked at your agenda for today, and I know that prayer moves mountainous situations, this is a mountain of stuff that you have got to do. So let us take a moment. I invite you to relax and to turn within, for it is within that we can tap into the presence and the power of God. God speaks to us individually, and we invite that presence right here and right now.

Which was READ and PASSED.

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

We open ourselves to you, Father. We ask that we are guided and directed; that we are illumined; that we act intelligently, with compassion and love; that we do that which is ours to do; and we do so joyously.

Off Record Remarks

Let me share with you a prayer that was taken to the moon, penned by a Unity minister. It is called "A Prayer for Protection. The light of God surrounds us. The love of God enfolds us. The power of God protects us. The presence of God watches over us: wherever we are, God is, and all is well. God bless you." Amen.

SENATE PAPERS

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Fund Municipal Infrastructure Improvements"

S.P. 406 L.D. 1094

Presented by Senator MICHAUD of Penobscot

Reference to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Delete the Definition of Tanning Devices from the Laws Regulating the Board of Barbering and Cosmetology"

S.P. 394 L.D. 1082

Presented by Senator **PARADIS** of Aroostook

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.

Reference to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED**.

Which was referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

Sent down for concurrence.

Presented by Senator **HANLEY** of Oxford
Cosponsored by Senator: **MILLS** of Somerset

Reference to the Committee on **JUDICIARY** suggested and **ORDERED PRINTED**.

Which were referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act Concerning Concealed Firearms Permits"

S.P. 399 L.D. 1087

Presented by Senator **PENDEXTER** of Cumberland
Cosponsored by Senator: **HALL** of Piscataquis

Reference to the Committee on **CRIMINAL JUSTICE** suggested and **ORDERED PRINTED**.

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

Sent down for concurrence.

Bill "An Act to Require Reimbursement of Unemployment Benefits by Workers' Compensation Insurers"

S.P. 402 L.D. 1090

Presented by Senator **RAND** of Cumberland
Cosponsored by Senators: **CAREY** of Kennebec, **ESTY, JR.** of Cumberland, **FERGUSON, JR.** of Oxford, **KIEFFER** of Aroostook, **LONGLEY** of Waldo, **MCCORMICK** of Kennebec, **MICHAUD** of Penobscot, **MILLS** of Somerset, **PARADIS** of Aroostook, **PINGREE** of Knox, **RUHLIN** of Penobscot, Representatives: **ADAMS** of Portland, **CAMPBELL** of Holden, **CLARK** of Millinocket, **CLOUTIER** of South Portland, **DAGGETT** of Augusta, **HATCH** of Skowhegan, **JOY** of Crystal, **LEMAIRE** of Lewiston, **LOOK** of Jonesboro, **MCALEVEY** of Waterboro, **NASS** of Acton, **ROSEBUSH** of East Millinocket, **SAMSON** of Jay, **STEDMAN** of Hartland, **TRUMAN** of Biddeford, **WINSOR** of Norway

Reference to the Committee on **LABOR** suggested and **ORDERED PRINTED**.

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

Sent down for concurrence.

Bill "An Act to Reduce Fishing License Fees for Nonresidents Who Pay Property Taxes"

S.P. 397 L.D. 1085

Presented by Senator **BEGLEY** of Lincoln

Reference to the Committee on **INLAND FISHERIES AND WILDLIFE** suggested and **ORDERED PRINTED**.

Which was referred to the Committee on **INLAND FISHERIES AND WILDLIFE** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Allow Part-time Police Officers to Acquire Liquor Licenses"

S.P. 393 L.D. 1081

Presented by Senator **MICHAUD** of Penobscot

Bill "An Act to Increase the Number of Signatures Necessary for a Candidate to be Listed on a Ballot"

S.P. 403 L.D. 1091

Bill "An Act Relating to Hospital Medical Records"

S.P. 401 L.D. 1089

Presented by Senator **HARRIMAN** of Cumberland

Resolve, Directing the Attorney General's Office to Review the Current Definition and Judicial Interpretation of Harassment (Emergency)

S.P. 404 L.D. 1092

Presented by Senator **CIANCHETTE** of Somerset
Cosponsored by Senators: **BENOIT** of Franklin, **CAREY** of Kennebec, **FERGUSON, JR.** of Oxford, **LAWRENCE** of York, **LORD** of York, **O'DEA** of Penobscot, **PARADIS** of Aroostook, **RUHLIN** of Penobscot, Representatives: **BAILEY** of Township 27, **CAMERON** of Rumford, **CAMPBELL** of Holden, **CLOUTIER** of South Portland, **DEXTER** of Kingfield,

GOULD of Greenville, JACQUES of Waterville, LOOK of Jonesboro, MORRISON of Bangor, PLOWMAN of Hampden, SIROIS of Caribou, STROUT of Corinth, VIGUE of Winslow

Bill "An Act to Voluntarily Limit Campaign Spending"

S.P. 410 L.D. 1098

Presented by Senator LAWRENCE of York

Reference to the Committee on LEGAL AND VETERANS AFFAIRS suggested and ORDERED PRINTED.

Which were referred to the Committee on LEGAL AND VETERANS AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Resolve, Exempting Michael and Theresa Palumbo of York from Legislation Requiring the Removal of Underground Storage Tanks

S.P. 398 L.D. 1086

Presented by Senator LAWRENCE of York

Reference to the Committee on NATURAL RESOURCES suggested and ORDERED PRINTED.

Which was referred to the Committee on NATURAL RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Provide Equal Political Rights for Classified State Employees"

S.P. 407 L.D. 1095

Presented by Senator RUHLIN of Penobscot
Cosponsored by Representative HATCH of Skowhegan and Senators: HALL of Piscataquis, MILLS of Somerset, RAND of Cumberland, Representatives: CHASE of China, DAGGETT of Augusta, PENDLETON, JR. of Scarborough, ROSEBUSH of East Millinocket, STROUT of Corinth, TUTTLE, JR. of Sanford

Reference to the Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

Senator BUSTIN of Kennebec moved to refer the bill to the Committee on LABOR.

On motion by Senator AMERO of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator BUSTIN of Kennebec to refer the bill to the Committee on LABOR.

Bill "An Act to Amend the Law Governing Municipal Zoning with Respect to Community Living Arrangements"
S.P. 408 L.D. 1096

Presented by Senator BUSTIN of Kennebec
Cosponsored by Senators: MILLS of Somerset, PARADIS of Aroostook, PINGREE of Knox, RAND of Cumberland, Representatives: CHASE of China, ETNIER of Harpswell, FITZPATRICK of Durham, JOHNSON of South Portland, MADORE of Augusta, MITCHELL of Vassalboro, WATSON of Farmingdale

Reference to the Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Amend the Law Regarding Tax Exemptions for Water Pollution Control Facilities"
S.P. 392 L.D. 1080

Presented by Senator STEVENS, JR. of Androscoggin
Cosponsored by Senator: RAND of Cumberland, Representative: NICKERSON of Turner

Reference to the Committee on TAXATION suggested and ORDERED PRINTED.

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

Sent down for concurrence.

Bill "An Act to Require Consumer Information on Motorcycle Helmets"

S.P. 400 L.D. 1088

Presented by Senator BENOIT of Franklin
Cosponsored by Senators: HALL of Piscataquis, O'DEA of Penobscot, Representatives: AHEARNE of Madawaska, AIKMAN of Poland, DESMOND of Mapleton, GOOLEY of Farmington, KEANE of Old Town, KILKELLY of Wiscasset, MAYO, III of Bath, MCALEVEY of Waterboro, MERES of Norridgewock, O'GARA of Westbrook, TUFTS of Stockton Springs, WATSON of Farmingdale

Bill "An Act to Allow for Street Legal Sprint Cars"

S.P. 405 L.D. 1093

Presented by Senator HANLEY of Oxford
Cosponsored by Representative: UNDERWOOD of Oxford

Reference to the Committee on **TRANSPORTATION** suggested and **ORDERED PRINTED**.

Which were referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Combine the Sabattus Water District and the Sabattus Sanitary District"
S.P. 411 L.D. 1099

Presented by Senator **STEVENS, JR.** of Androscoggin
Cosponsored by Representative: **GREEN** of Monmouth

Reference to the Committee on **UTILITIES AND ENERGY** suggested and **ORDERED PRINTED**.

Which was referred to the Committee on **UTILITIES AND ENERGY** and **ORDERED PRINTED**.

Sent down for concurrence.

**Pursuant to Resolve
COMMISSION ON THE FUTURE OF MAINE'S PAPER INDUSTRY**

Senator **BEGLEY** for the **COMMISSION ON THE FUTURE OF MAINE'S PAPER INDUSTRY**, pursuant to Resolve 1993, chapter 75 asked leave to report that the accompanying Bill "An Act to Institute a Yearly Series Labor-Management Systems Conferences"
S.P. 395 L.D. 1083

Be referred to the Committee on **LABOR** for Public Hearing and printed pursuant to Joint Rule 20.

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

The Bill referred to the Committee on **LABOR** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

Sent down for concurrence.

**Pursuant to Resolve
COMMISSION ON THE FUTURE OF MAINE'S PAPER INDUSTRY**

Senator **CARPENTER** for the **COMMISSION ON THE FUTURE OF MAINE'S PAPER INDUSTRY**, pursuant to Resolve 1993, chapter 75 asked leave to report that the accompanying Resolve, to Require Development of Energy Plans. (EMERGENCY)

S.P. 396 L.D. 1084

Be referred to the Committee on **UTILITIES AND ENERGY** for Public Hearing and printed pursuant to Joint Rule 20.

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

The Bill referred to the Committee on **UTILITIES AND ENERGY** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

Sent down for concurrence.

**Pursuant to Resolve
COMMISSION ON THE FUTURE OF MAINE'S PAPER INDUSTRY**

Senator **LORD** for the **COMMISSION ON THE FUTURE OF MAINE'S PAPER INDUSTRY**, pursuant to Resolve 1993, chapter 75 asked leave to report that the accompanying Resolve, to Establish the Task Force to Study Environmental Regulation
S.P. 409 L.D. 1097

Be referred to the Committee on **NATURAL RESOURCES** for Public Hearing and printed pursuant to Joint Rule 20.

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

The Bill referred to the Committee on **NATURAL RESOURCES** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

Sent down for concurrence.

Joint Orders

Expressions of Legislative Sentiment recognizing:

the Cony High School Girls Basketball Team, of Augusta, who are the Eastern Class A Girls Basketball Champions, and in extending our congratulations;
SLS 60

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by: Representative **MITCHELL** of Vassalboro, Representative **MADORE** of Augusta, Representative **DAGGETT** of Augusta

Which was **READ**.

On motion by Senator **BUSTIN** of Kennebec, Tabled until Later in Today's Session, pending **PASSAGE**.

the following members of the Cony High School Girls Basketball Team, of Augusta, who are the State Class A Girls Basketball Champions: Tracey Frye, Caroline Foster, Janet Riese, Amy Vachon, Erica Pridham, Eliza Nimon, Lauren LaRochelle, Raegan LaRochelle, Kate Gardiner, Laura Lord, Mary Beth Coughlin, Christine Huber, Melanie Morin, Nikki McKenney and their Manager Andy Dore and their Coach Paul Vachon and Assistant Coaches David Hopkins, Becky Demos, Gerard LaPierre and Brian Callahan. We extend our congratulations and best wishes to them;

SLS 61

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by: Representative **MITCHELL** of Vassalboro, Representative **MADORE** of Augusta, Representative **DAGGETT** of Augusta

Which was **READ**.

On motion by Senator **BUSTIN** of Kennebec, Tabled until Later in Today's Session, pending **PASSAGE**.

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Direct the Office of Tourism to Promote All Regions of the State"

H.P. 13 L.D. 7

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

Signed:

Senators:

HARRIMAN of Cumberland
CIANCHETTE of Somerset
GOLDTHWAIT of Hancock

Representatives:

ROWE of Portland
BIRNEY of Paris
BRENNAN of Portland
DAVIDSON of Brunswick
KONTOS of Windham
LIBBY of Kennebunk
REED of Dexter

The Minority of the same Committee on the same subject reported that the same **Ought to Pass**.

Signed:

Representatives:

CAMERON of Rumford
POVICH of Ellsworth

Comes from the House with the Report **READ** and the Bill and Accompanying Papers **RECOMMITTED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

Which Reports were **READ**.

On motion by Senator **HARRIMAN** of Cumberland, the Senate **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

Sent down for concurrence.

(See Action Later Today)

Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act Relating to the Maine Health Program" (Emergency)

H.P. 271 L.D. 373

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-15)

Signed:

Senator:

PINGREE of Knox

Representatives:

FITZPATRICK of Durham
JOHNSON of South Portland
SHIAH of Bowdoinham
MITCHELL of Vassalboro
MITCHELL of Portland
ETNIER of Harpswell

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

Signed:

Senator:

BENOIT of Franklin

Representatives:

JOYNER of Hollis
MARVIN of Cape Elizabeth
WINGLASS of Auburn
LOVETT of Scarborough

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-15).

Which Reports were **READ**.

Senator **PENDEXTER** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

Senator **CAREY** of Kennebec requested a Roll Call.

On motion by Senator **LAWRENCE** of York, Tabled until Later in Today's Session, pending the motion by Senator **PENDEXTER** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

On motion by Senator **HARRIMAN** of Cumberland, the Senate **RECONSIDERED** its action of earlier in the day whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE** on:

Bill "An Act to Direct the Office of Tourism to Promote All Regions of the State"
H.P. 13 L.D. 7

Senator **HARRIMAN** of Cumberland moved to **RECOMMIT** Bill and Accompanying Papers to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, in concurrence.

On motion by Senator **LAWRENCE** of York, Tabled until Later in Today's Session, pending the motion by Senator **HARRIMAN** of Cumberland to **RECOMMIT** Bill and Accompanying Papers to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, in concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Ensure Proper Responsibility for Child Support"
H.P. 205 L.D. 264

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

Signed:

Senators:

MILLS of Somerset
FAIRCLOTH of Penobscot

Representatives:

TREAT of Gardiner
LEMKE of Westbrook
MADORE of Augusta
LAFOUNTAIN, III of Biddeford
WATSON of Farmingdale
HARTNETT of Freeport
JONES of Bar Harbor
RICHARDSON of Portland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass**.

Signed:

Senator:

PENDEXTER of Cumberland

Representatives:

NASS of Acton
PLOWMAN of Hampden

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

Which Reports were **READ**.

On motion by Senator **LAWRENCE** of York, Tabled until Later in Today's Session, pending **ACCEPTANCE** of Either Report.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Ensure Public Access to All Legislative Constituent Allowance Expenditures"
H.P. 277 L.D. 381

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

Signed:

Senators:

AMERO of Cumberland
CARPENTER of York

Representatives:

DAGGETT of Augusta
SAXL of Bangor
LANE of Enfield
SAVAGE of Union
YACKOBITZ of Hermon

The Minority of the same Committee on the same subject reported that the same **Ought to Pass** as **Amended by Committee Amendment "A" (H-40)**

Signed:

Senator:

LONGLEY of Waldo

Representatives:

AHEARNE of Madawaska
LEMKE of Westbrook
GERRY of Auburn
ROSEBUSH of East Millinocket
ROBICHAUD of Caribou

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

Which Reports were READ.

Off Record Remarks

Senator AMERO of Cumberland moved that the Senate ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence.

Senate at Ease

On motion by Senator LAWRENCE of York, Tabled until Later in Today's Session, pending the motion by Senator AMERO of Cumberland to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence.

Senate called to order by the President.

Senate
Ought to Pass

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

Off Record Remarks

Senator FERGUSON, JR. for the Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act to Clarify the Status of Certain Gifts to Legislators under the Governmental Ethics Laws"

S.P. 114 L.D. 289

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

After Recess

Senate called to order by the President.

Ought to Pass As Amended

Senator MILLS for the Committee on JUDICIARY on Bill "An Act to Increase the Limit on the Extradition Account"

S.P. 53 L.D. 82

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-33)

Which Report was READ.

On motion by Senator BUSTIN of Kennebec, Tabled until Later in Today's Session, pending ACCEPTANCE of Report.

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

Senator LORD for the Committee on NATURAL RESOURCES on Bill "An Act to Amend the Laws Pertaining to Governmentally Constructed Jetties" (Emergency)

S.P. 72 L.D. 160

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-36)

Which Report was READ.

Senator CAREY of Kennebec was granted unanimous consent to address the Senate off the Record.

On motion by Senator LAWRENCE of York, Tabled until Later in Today's Session, pending ACCEPTANCE of Report.

Senator **BENOIT** for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Give the State a Right to Appeal from the Denial of a Rule 35 Motion"
S.P. 206 L.D. 549

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-38)**

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-38) **READ** and **ADOPTED**.

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

Senator **BENOIT** for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Broaden the Crime of Criminal Mischief and to Repeal the Crime of Animal Enterprise Terrorism"
S.P. 204 L.D. 547

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-39)**

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-39) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Repeal the Prohibition on Prejudgment Attachments in Consumer Credit Cases"
S.P. 124 L.D. 299

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-35)**

Signed:

Senators:

ABROMSON of Cumberland
SMALL of Sagadahoc

Representatives:

VIGUE of Winslow
CAMPBELL of Holden
GUERRETTE of Pittston
JONES, JR. of Pittsfield
LUMBRA of Bangor
MAYO, III of Bath

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

Signed:

Senator:

MCCORMICK of Kennebec

Representatives:

CHASE of China
GATES of Rockport

Which Reports were **READ**.

Senator **ABROMSON** of Cumberland moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Senator **MCCORMICK:** Thank you Mr. President, Men and Women of the Senate. I will be brief. This bill would allow prejudgment attachments in credit transactions. A prejudgment attachment means the garnishment, or the attaching, of someone's home in an unsecured credit transaction. That means loans by banks or credit card companies against the debtor, which would be somebody like us. It is currently not allowed in Maine law, and small creditors, I should tell you, like a small printing company for instance, or any small business, are already allowed to do this. They are allowed to do prejudgment attachments. So, what we are talking about here is big lenders attaching someone's home, or someone's car, or someone's wages, before a court has ruled in favor of the credit company. Now, this is dangerous for a number of reasons. One, it upsets the balance that we have in the State of Maine currently. As I said, small companies are already allowed to do this. We do not allow large credit institutions that do unsecured loans to do this. One reason given by the Superintendent of Credit Protection, Will Lund, was that consumers are easily intimidated by this kind of notice. Can you imagine if you are currently in an argument with the furniture company, and this actually was an example given at the hearing. The furniture company, in Auburn in this case, went out of business. You felt the furniture was faulty. The furniture company had already kicked the debt to a credit card company in Texas, and all they know is that you haven't paid the debt. Were we to pass this before a judge ruled on whether you had a good case for not paying your bill, or whether the furniture really was faulty, the value of your car or home could be attached for the sum of that debt. This is a bad idea, as I said. It upsets the balance that has been established over the years. I urge you to vote ought not to pass on this. That would maintain the status quo. As I said, small companies can

already do prejudgement attachments to protect their ability to get their bills paid. To change it would be an intimidating factor for consumers. I ask for a Division, Mr. President.

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

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

Senator **GOLDTHWAIT:** Thank you Mr. President. May I pose a question through the Chair to any Senator able to answer? Am I correct in understanding that the Division of Consumer Protection supports this bill? If so, can anyone explain to me why, in light of Senator McCormick's testimony? Thank you.

THE PRESIDENT: The Senator from Hancock, Senator Goldthwait, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Cumberland, Senator Abramson.

Senator **ABROMSON:** To respond to the Senator. The Superintendent of Consumer Protection originally opposed this bill until Committee Amendment "A" was put on. Prior to Committee Amendment "A" the bill said you could attach "ex parte", meaning that the creditor would not be given notice, it would just happen by the lawyer going in, requesting it, without any notification to the creditor. Committee Amendment "A" stripped that and the Superintendent then, to tell you the truth I can't remember whether he was for it, but he may have been neither for it or against it, but he was not against it after we stripped that out.

While I'm on my feet, Mr. President, I would like to say that an attachment is not a lien. Basically what this does is it protects what could be called the debtor's property, because it hasn't yet been paid for, from being sold and the creditor leaving the state, or whatever. Basically all it does is freezes things until there is a judgement. It does not remove it, it does not take it away from the creditor.

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

Senator **McCORMICK:** Thank you Mr. President. If I might also answer that question, and with all due respect to the Chair, I have my notes here from the hearing. Under Will Lund's name I have "Ex parte is especially bad, but he opposes the entire prejudgement". So I think, in answer to the Senator from Hancock's question, the Superintendent of Consumer Credit Protection is opposed to this bill. He thinks it is a little bit better now that it doesn't have an "ex parte" clause on it, which, by the way for those of you who don't know, means that before the Committee amended this bill your property could have been attached without you being there.

While I am on my feet, I want to add that just so you know what other states are doing with this. Currently prejudgement attachments in consumer credit cases is outlawed in Colorado, Idaho, District of

Columbia, Alaska, Maine, California, Nevada, and Wisconsin. It is allowed in certain states if proof of certain things are given. Proof of fraud, proof of concealment, bond required if the plaintiff shows fraud or threat of flight - that's in North Carolina. Connecticut must allege fraud or risk of flight. In Missouri if the defendant conceals himself, bond is required in double the amount sought. In Virginia, if reason to believe flight is imminent. In other words, these states have recognized what we heard in Committee, which is the fear that if we allow this it will be usual operating procedure for creditors to do prejudgement attachments to debtors' property. The states that do allow that have asked for a burden of proof, have asked for some sign, a bond or proof that the debtor is going to flee. None of that is contained in this bill. So, again, I urge you to keep things the way they are. We have a level, balanced, playing field and I will vote ought not to pass.

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

Senator **MILLS:** Mr. President, Men and Women of the Senate. Two quick points. The policy judgement was made about twenty years ago, when this consumer protection legislation passed, that this kind of remedy should not be one that is used by creditors in consumer credit transactions. There really hasn't been anything that has changed in the last twenty years to cause a revisiting of that policy judgement that was made and deliberated many, many years ago. Secondly, there is a burden on the courts, if you pass this legislation. It means that creditors, who are not now allowed to come into court and present papers for a judge to sign, and burden the court system, can get their money collected - they can make collection efforts, by suing the creditor, bringing the creditor into court and getting judgement. Nothing is changing that. This will impose an added process that they can employ in advance of judgement. Nine times out of ten, the consumer will not be represented. It puts a real moral burden on the judge who is passing judgement on papers that are put before him, to say nothing of some extra work. To me, there really hasn't been anything that has changed in twenty years that should cause us to revisit the policy judgements that were made when this law was first enacted. I am really hesitant to burden the courts with the extra process that will be added if we pass the bill.

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

Senator **LAWRENCE:** Thank you Mr. President, Men and Women of the Senate. To give you a little background, because I know this is a confusing issue for people who aren't used to dealing with it. Prejudgement attachments are allowed in most legal cases in which damages are involved. What happens is if you sue somebody for money, you can go into court and request to have their property attached. You are not just talking about their real estate. It is called "attachment in trustee process" because you can go into a bank, or to anybody, once you get this attachment, and they are the trustee of somebody's money, and you can say "I have this attachment in trustee process". You can lock up their bank

accounts, you can lock up anything, not just their real estate involved. This is generally allowed. In Maine it used to be the standard to get these prejudgement attachments was by a preponderance of the evidence. You just had to show that it was more likely than not that you were going to win. Because it was abused so much the courts have stiffened up those standards. Now you have to show that there is a strong likelihood that you are going to win. You can go in, ex parte, which means the other side doesn't even know you are in there. The person who you say owes you money doesn't even know you are in there, and you can get an attachment ex parte, if you can show that there is a reasonable likelihood that the opposition is going to hide their money if they knew you were trying to get an attachment over them.

The Senator from Somerset, Senator Mills, is absolutely right. For years we have disallowed doing this in consumer credit transactions. Let me just explain to you what a consumer credit transaction is. It is clearly defined in law. A consumer credit transaction involves a person in the business of, not selling goods, but selling credit. So, it's like your Visa, Mastercard, bank, credit union. Somebody involved in selling credit. It is not your hospital, it is not your small business, it is not your print shops or your dry cleaners or anybody else who goes in for a small claims judgement. It is a company who is in the business of selling credit. What happens is those companies, in essence, turn all of their debts over to a single attorney, or several attorneys, to represent them in a state. These attorneys routinely go in, take x-number of cases in, and simply go ahead in and seek a prejudgement attachment to get leverage over the person who they say owes them money. Because if you can lock up somebody's bank account, if you can lock them up from writing checks, or from getting money out of their savings account, you have a substantial advantage that you are going to force them into making some kind of payment agreement with them. For years, we have felt that that was an unfair advantage to give to people who are in the business of lending credit to consumers.

I hope that you don't overturn this twenty years of stabilizing the playing field between those companies who give credit and the rest of us, who receive credit on a regular basis. So I hope that you will defeat this bill. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **ABROMSON** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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.

9 Senators having voted in the affirmative, and 19 Senators having voted in the negative, the motion of Senator **ABROMSON** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Create a Board to Hear Citizen Complaints Regarding Private Investigators"
S.P. 182 L.D. 491

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

Signed:

Senators:

BENOIT of Franklin
HALL of Piscataquis

Representatives:

CLARK of Millinocket
BUNKER, JR. of Kossuth Township
CLUKEY of Houlton
GOOLEY of Farmington
MCALEVEY of Waterboro
PEAVEY of Woolwich
THOMPSON of Naples
WATERHOUSE of Bridgton
WHEELER of Bridgewater

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-37)**

Signed:

Senator:

O'DEA of Penobscot

Representative:

JOHNSON of South Portland

Which Reports were **READ**.

On motion by Senator **BENOIT** of Franklin, the Senate **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Appropriate Funds to the Baxter State Park Authority for Road Maintenance"
H.P. 783 L.D. 1100

Bill "An Act to Enable Small Farm Owners to Process and Sell Foods They Produce"
H.P. 794 L.D. 1111

Reference to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and **ORDERED PRINTED**.

Which were referred to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in concurrence.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$100,000,000 to Encourage the Modernization of Paper Industry Facilities and Equipment"
H.P. 780 L.D. 1077

Reference to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

Which was referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

Bill "An Act to Improve Coverage for Women's Health Services"
H.P. 782 L.D. 1079

Bill "An Act to Clarify the Responsibility of an Insurance Agent in the Disclosure of Information"
H.P. 788 L.D. 1105

Reference to the Committee on **BANKING AND INSURANCE** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED**.

Which were referred to the Committee on **BANKING AND INSURANCE**, in concurrence.

Bill "An Act to Amend the Structure of the Electricians' Examining Board"
H.P. 787 L.D. 1104

Reference to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

Which was referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, in concurrence.

Bill "An Act to Make Possession of Armor-piercing Bullets a Class C Crime" (Emergency)
H.P. 796 L.D. 1113

Bill "An Act to Restore State Funding for State Expenses at County Jails" (Emergency)
H.P. 803 L.D. 1120

Reference to the Committee on **CRIMINAL JUSTICE** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **CRIMINAL JUSTICE** and **ORDERED PRINTED**.

Which were referred to the Committee on **CRIMINAL JUSTICE**, in concurrence.

Bill "An Act to Improve the Education of Exceptional Children"
H.P. 800 L.D. 1117

Bill "An Act to Establish the Education Reform Act of 1995"
H.P. 807 L.D. 1124

Reference to the Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and **ORDERED PRINTED**.

Which were referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence.

Bill "An Act to Establish Standards for Preadmission Assessments for Long-term Care Services"
H.P. 804 L.D. 1121

Reference to the Committee on **HUMAN RESOURCES** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

Which was referred to the Committee on **HUMAN RESOURCES**, in concurrence.

Bill "An Act to Exempt Bows from the Firearms Discharge Ordinances"
H.P. 785 L.D. 1102

Bill "An Act to Authorize a Multi-day Bass Tournament Permit"
H.P. 795 L.D. 1112

Bill "An Act to Increase the Formula Used for ATV's and Snowmobile Reimbursement"
H.P. 802 L.D. 1119

Reference to the Committee on **INLAND FISHERIES AND WILDLIFE** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **INLAND FISHERIES AND WILDLIFE** and **ORDERED PRINTED**.

Which were referred to the Committee on **INLAND FISHERIES AND WILDLIFE**, in concurrence.

Bill "An Act to Limit Contribution of Political Committees and Other Associations in Elections for State Legislators"
H.P. 777 L.D. 1074

Bill "An Act to Clarify the Laws Regarding the Ejection of a Person from a Boardinghouse"
H.P. 779 L.D. 1076

Resolve, Authorizing Glen Greenhalgh to Sue the State of Maine and the Department of Human Services
H.P. 786 L.D. 1103

Bill "An Act to Create a Voluntary Campaign Spending Law"
H.P. 798 L.D. 1115

Reference to the Committee on **LEGAL AND VETERANS AFFAIRS** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **LEGAL AND VETERANS AFFAIRS** and **ORDERED PRINTED**.

Which were referred to the Committee on **LEGAL AND VETERANS AFFAIRS**, in concurrence.

Bill "An Act to Impose Appropriate Fees and Restrictions to Prevent the Out-of-State Transport of Sea Cucumbers"
H.P. 784 L.D. 1101

Bill "An Act to Amend the Law Regarding the Possession of Short Lobsters"
H.P. 797 L.D. 1114

Bill "An Act to Establish an Appeals Procedure for Certain Persons Denied Handfishing Urchin Licenses"
H.P. 799 L.D. 1116

Reference to the Committee on **MARINE RESOURCES** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**.

Which were referred to the Committee on **MARINE RESOURCES**, in concurrence.

Bill "An Act to Enhance Recycling by Ensuring Raw Materials for Businesses that Recycle and to Fund Household Hazardous Waste Collection Programs"
H.P. 805 L.D. 1122

Reference to the Committee on **NATURAL RESOURCES** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **NATURAL RESOURCES** and **ORDERED PRINTED**.

Which was referred to the Committee on **NATURAL RESOURCES**, in concurrence.

Bill "An Act to Ensure That Rulemaking by Agencies Does Not Exceed the Intent of Authorizing Legislation"
H.P. 806 L.D. 1123

Reference to the Committee on **STATE AND LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED**.

Which was referred to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

Bill "An Act to Exempt Goods Sold by Scouting Organizations from the Sales Tax"
H.P. 776 L.D. 1073

Bill "An Act Eliminating Use of the Property Tax and Increasing the Sales and Cigarette Taxes to Fund Schools"
H.P. 781 L.D. 1078

Resolve, Authorizing Reimbursement of an Overpayment of Income Taxes (Emergency)
H.P. 789 L.D. 1106

Bill "An Act to Eliminate the Sales Tax Exemption on Fuel and Electricity Used in Manufacturing"
H.P. 791 L.D. 1108

Reference to the Committee on **TAXATION** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **TAXATION** and **ORDERED PRINTED**.

Which were referred to the Committee on **TAXATION**, in concurrence.

Bill "An Act to Ensure Confidentiality of Motor Vehicle Records"
H.P. 778 L.D. 1075

Bill "An Act to Allow the Erection of Certain Off-premises Signs Advertising Property"
H.P. 793 L.D. 1110

Reference to the Committee on **TRANSPORTATION** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**.

Which were referred to the Committee on **TRANSPORTATION**, in concurrence.

Bill "An Act to Modify the Kennebec Water District's Authority to Limit Swimming in a Certain Area on China Lake"

H.P. 792 L.D. 1109

Reference to the Committee on **UTILITIES AND ENERGY** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **UTILITIES AND ENERGY** and **ORDERED PRINTED**.

Which was referred to the Committee on **UTILITIES AND ENERGY**, in concurrence.

**Pursuant to Resolve
STUDY GROUP CONCERNING PARENTAL RIGHTS AND
RESPONSIBILITIES IN CASES OF DOMESTIC ABUSE**

The **STUDY GROUP CONCERNING PARENTAL RIGHTS AND RESPONSIBILITIES IN CASES OF DOMESTIC ABUSE**, pursuant to the Resolve 1993, chapter 61 asked leave to submit its findings and report that the accompanying Bill "An Act to Implement the Recommendations Resulting from the Study Concerning Parental Rights and Responsibilities When Domestic Abuse is Involved"
H.P. 808 L.D. 1125

Be referred to the Committee on **JUDICIARY** for Public Hearing and printed pursuant to Joint Rule 20.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

Which Report was **READ** and **ACCEPTED** and the Bill referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**, pursuant to Joint Rule 20, in concurrence.

Off Record Remarks

SECOND READERS

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

House

Bill "An Act to Allow Off-duty Police Officers to Work in Retail Stores That Are Licensed to Sell Alcoholic Beverages"

H.P. 69 L.D. 105

Bill "An Act to Enhance the Title to Real Estate Acquired by Municipalities for Nonpayment of Taxes"
H.P. 168 L.D. 216

Bill "An Act to Amend the Law Regarding Minimum Sentences for Class C Crimes Involving the Use of a Firearm against a Person"
H.P. 317 L.D. 438

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

Bill "An Act to Remove Restrictions on Compensation For Deputy District Attorneys"
H.P. 412 L.D. 569

Which was **READ A SECOND TIME**.

On motion by Senator **MILLS** of Somerset, Senate Amendment "A" (S-34) **READ** and **ADOPTED**.

Which was **PASSED TO BE ENGROSSED, AS AMENDED** in **NON-CONCURRENCE**.

Sent down for concurrence.

House As Amended

Bill "An Act to Allow the Maine Human Rights Commission to Request the Cooperation of the Bureau of Consumer Credit Protection in Enforcing the Fair Credit Extension Laws"
H.P. 104 L.D. 139
(C "A" H-41)

Bill "An Act Relating to the Conferral of Degrees by the Research Institute for Mathematics"
H.P. 128 L.D. 176
(C "A" H-31)

Bill "An Act to Permit Full-time Deputies To Hold Local Public Office"
H.P. 138 L.D. 186
(C "A" H-36)

Bill "An Act to Amend the Law Regarding Mandatory Insurance Coverage for Mental Illness" (Emergency)
H.P. 150 L.D. 198
(C "A" H-27)

Bill "An Act to Change the Activities Requiring a Permit from the Department of Environmental Protection"
H.P. 165 L.D. 213
(C "A" H-38)

Bill "An Act to Amend the Sewer Lien Law to Provide Clear Title"
H.P. 169 L.D. 217
(C "A" H-30)

Bill "An Act to Allow Municipal Officials to Approve the Use of Flashing Lights by Fire Department Members"
H.P. 173 L.D. 221
(C "A" H-26)

Bill "An Act to Expand the Boundaries of the Presque Isle Water District and the Presque Isle Sewer District"
H.P. 260 L.D. 362
(C "A" H-32)

Bill "An Act to Appropriate Funds for the Expansion and Renovation of the Norway Armory" (Emergency)
H.P. 270 L.D. 372
(C "A" H-24)

Bill "An Act to Credit Incineration of Used Tires as Recycling"
H.P. 278 L.D. 382
(C "A" H-37)

Bill "An Act to Make Certain Housekeeping Changes to the Banking Code Regarding Hours of Operation, Closing during Emergencies, the Publication of Reports of Financial Condition and the Maturity of Credit Lines"
H.P. 358 L.D. 478
(C "A" H-28)

Bill "An Act to Extend the Duration of Workers' Compensation Health Benefit Pilot Projects"
H.P. 375 L.D. 510
(C "A" H-42)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED As Amended**, in concurrence.

Senate

Bill "An Act to Amend Certain Powers of Hospital Administrative District No. 4" (Emergency)
S.P. 184 L.D. 493

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Increase the Fee Amount that an Unorganized Territory is Allowed to Retain as an Agent of the State Collecting Excise Taxes"
S.P. 57 L.D. 86
(C "A" S-31)

Bill "An Act to Reduce the Number of Days a Tenant May Be in Arrears for Rent Payments"
S.P. 76 L.D. 164
(C "A" S-28)

Off Record Remarks

Bill "An Act to Ensure Appropriate Resource and Referral Services for Families Needing Child Care" (Emergency)
S.P. 93 L.D. 233
(C "A" S-27)

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

Bill "An Act to Provide the Maine Legislature with Additional Financial Information" (Emergency)
S.P. 95 L.D. 235
(C "A" S-32)

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Extend the Return Period for Judgment Executions"
S.P. 123 L.D. 298
(C "A" S-29)

Bill "An Act to Establish a Mobile Home Owners' Bill of Rights"
S.P. 322 L.D. 903

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-year Terms for Senators
S.P. 155 L.D. 378
(C "A" S-25)

(Reference to the Committee on BUSINESS AND ECONOMIC DEVELOPMENT suggested and ORDERED PRINTED.)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature Following Redistricting in the Year 2003
S.P. 170 L.D. 431
(C "A" S-26)

In Senate, Tuesday, March 28, 1995, referred to the Committee on BUSINESS AND ECONOMIC DEVELOPMENT and ORDERED PRINTED.

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED As Amended.

Comes from the House referred to the LEGAL AND VETERANS AFFAIRS, in NON-CONCURRENCE.

Sent down for concurrence.

Senator HARRIMAN of Cumberland moved that the Senate INSIST.

Senate at Ease

Senate called to order by the President.

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

Senator FERGUSON: I would like to speak against that motion. It seems to me that this is a matter that should go before the Legal and Veterans Affairs Committee. Other people, in the other body, have come to that conclusion. After studying the bill a little further I come to that conclusion also. I would call for a division on this.

Off Record Remarks

Senator FERGUSON of Oxford requested a Division.

On motion by Senator BEGLEY of Lincoln, RECESSED until 4 o'clock in the afternoon.

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

After Recess

Senate called to order by the President.

Senator ESTY: Thank you Mr. President, Men and Women of the Senate. I would like to point out to the Senate that this kind of issue, that deals with manufactured housing, was addressed in earlier action of the Senate when the Senate changed the Committee responsibilities. In fact, when we reduced the amount of Committees, the Committee responsibilities in Business and Economic Development now include manufactured housing. While certainly the Legal and Veterans Affairs Committee does deal with landlord/tenant issues, the manufactured housing issues that are in this bill are a prime concern, and frankly that is why it was chosen to go to the Business and Economic Development Committee. So I would urge you to support that reference. I would

also point out that the Legal Affairs Committee has received over ninety bills, and I think the Business and Economic Development Committee has received in the area of forty. So perhaps balancing this kind of reference might make some sense as well. Both Committees, I am sure, will do an outstanding job with the bill, but I think if you like to be consistent with your past actions, the Business and Economic Development Committee makes the most sense. Thank you.

Senator FERGUSON of Oxford moved that the Senate RECEDE and CONCUR.

THE PRESIDENT: The pending question before the Senate is the motion of Senator FERGUSON of Oxford that the Senate RECEDE and CONCUR.

The Chair ordered a Division.

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

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

11 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion of Senator FERGUSON of Oxford to RECEDE and CONCUR, FAILED.

The Senate INSISTED.

Sent down for concurrence.

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 AND LOCAL GOVERNMENT on Bill "An Act Concerning the Competitive Bidding Process in Cooperative Projects between the State and the Maine Technical College System"

H.P. 151 L.D. 199

Reported that the same Ought to Pass.

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.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act Regarding the Prohibition against Restaurants with Lounges Serving Meals to Unaccompanied Minors after 9 P.M."

H.P. 38 L.D. 32

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-44)

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT A" (H-44).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-44) READ and ADOPTED, in concurrence.

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

The Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act to Require an Endorser's Authorization for a Candidate To Use an Endorsement"

H.P. 45 L.D. 39

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-54).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT A" (H-54).

Which Report was READ.

On motion by Senator BUSTIN of Kennebec, Tabled 1 Legislative Day, pending ACCEPTANCE of the Report.

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Increase the County Share and Change the Name of the Government Operations Surcharge Fund"
H.P. 74 L.D. 110

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-48).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT A"** (H-48).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-48) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Allow Municipalities to Dispose of Abandoned Bicycles"
H.P. 133 L.D. 181

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-56).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT A"** (H-56).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-56) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Clarify the Law Relating to the Licensing of Accounting Firms"
H.P. 232 L.D. 312

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-53).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT A"** (H-53).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-53) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Exempt Individual Retirement Accounts from Attachment"
H.P. 304 L.D. 408

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-55).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT A"** (H-55).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-55) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Allow Restaurants to Sell Liquor on Sunday Mornings"
H.P. 239 L.D. 341

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-45).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT A"** (H-45).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-45) READ and ADOPTED, in concurrence.

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

The Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act to Allow Election Officials to Request Identification from Prospective Voters"
H.P. 251 L.D. 353

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-43).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT A" (H-43).

Which Report was READ.

On motion by Senator BUSTIN of Kennebec, Tabled 1 Legislative Day, pending ACCEPTANCE of the Report.

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish the Maine Commission on Community Service"
H.P. 282 L.D. 386

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-57).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT A" (H-57).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-57) READ and ADOPTED, in concurrence.

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

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Require That the Dollar Value of the Employee Benefit Package Be Included in All Official Statements Concerning State and Municipal Salaries"
H.P. 378 L.D. 513

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-47).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT A" (H-47).

Which Report was READ.

On motion by Senator BUSTIN of Kennebec, Tabled 1 Legislative Day, pending ACCEPTANCE of the Report.

ENACTORS

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

An Act to Exempt Adaptive Equipment Installed in Motor Vehicles Operated by Wheelchair Users from the Motor Vehicle Excise Tax

H.P. 22 L.D. 16
C "A" (H-16)

An Act Concerning Tie Votes among Candidates in Municipal Secret Ballot Elections

H.P. 247 L.D. 349

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 Reinstate Funding for the Saco River Corridor Commission

H.P. 125 L.D. 173
C "A" (H-13)

On motion by Senator HANLEY of Oxford, placed on the Special Appropriations Table, pending ENACTMENT.

Emergency

An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1995
H.P. 119 L.D. 154

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Mandate

An Act to Increase the Debt Limit of the West Paris Water District

H.P. 29 L.D. 23
C "A" (H-17)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease

Senate called to order by the President.

Emergency Mandate

An Act to Amend the Charter of the Sewer District of the Town of Kennebunk by Expanding Its Territorial Limits

H.P. 44 L.D. 38
C "A" (H-18)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the first Tabled and Later Today Assigned (March 23, 1995) matter:

JOINT RESOLUTION relative to Memorializing the Congress of the United States to Stop Mandates that are Beyond its Constitutionally Delegated Powers

H.P. 693
(H"A" H-35)

Tabled - earlier in the day by Senator **LAWRENCE** of York.

Pending - **ADOPTION**

(In House March 23, 1995, **READ** and **ADOPTED AS AMENDED BY HOUSE AMENDMENT "A" (H-35).**)

(In Senate March 23, 1995, Joint Resolution **READ.**)

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

The Chair laid before the Senate the second Tabled and Later Today Assigned (March 28, 1995) matter:

SENATE REPORTS from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Establish the Chesuncook Soil Series as the Official State Soil"
S.P. 117 L.D. 292

Majority - **Ought to Pass** (10 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - earlier in the day by Senator **LAWRENCE** of York.

Pending - **FURTHER CONSIDERATION**

(In Senate, March 14, 1995, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**)

(In House, March 21, 1995, **PASSED TO BE ENGROSSED**, in **NON-CONCURRENCE.**)

On motion by Senator **LAWRENCE** of York, Tabled 1 Legislative Day, pending **FURTHER CONSIDERATION**.

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

SENATE REPORTS from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Prohibit Candidates from Attending the Voting Place Except to Vote"

S.P. 69 L.D. 157

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass As Amended by Committee Amendment "A" (S-30)** (3 members)

Tabled - Tuesday, March 28, 1995 by Senator **FERGUSON** of Oxford.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 28, 1995, Reports **READ**.)

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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

Bill "An Act to Provide Equal Political Rights for Classified State Employees"

S.P. 407 L.D. 1095

Tabled - earlier in the day by Senator **AMERO** of Cumberland.

Pending - the motion by Senator **BUSTIN** of Kennebec to **REFER** to the Committee on **LABOR**

(Reference to the Committee on **STATE AND LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.)

Senator **BUSTIN** of Kennebec requested and received leave of the Senate to withdraw her motion to refer to the Committee on **LABOR**.

On motion by Senator **AMERO** of Cumberland, referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED**.

Sent down for concurrence.

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

HOUSE REPORTS from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Direct the Office of Tourism to Promote All Regions of the State" H.P. 13 L.D. 7

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass** (2 members)

Tabled - earlier in the day by Senator **LAWRENCE** of York.

Pending - the motion by Senator **HARRIMAN** of Cumberland to **RECOMMIT** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, in concurrence.

(In House, March 28, 1995, Bill and Accompanying Papers **COMMITTED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.)

(In Senate, March 30, 1995, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**. Subsequently **RECONSIDERED**.)

On motion by Senator **HARRIMAN** of Cumberland, Bill and Accompanying Papers **RECOMMITTED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, in concurrence.

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

HOUSE REPORTS from the Committee on **HUMAN RESOURCES** on Bill "An Act Relating to the Maine Health Program" (EMERGENCY) H.P. 271 L.D. 373

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-15)** (7 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - earlier in the day by Senator **LAWRENCE** of York.

Pending - the motion by Senator **PENDEXTER** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

Senator **CAREY** of Kennebec requested a Roll Call.

(In House, March 28, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-15)**.)

(In Senate, March 30, 1995, Reports READ.)

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

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

Senator McCORMICK: Thank you Mr. President, Men and Women of the Senate. Before we vote on this bill I would like to remind the Senate that the issues contained in this bill are issues that we will revisit over and over again on our road, hopefully, to making health insurance available to all Maine citizens at an affordable price. That issue is how to deal with the population called the working poor. That is the population that is dealt with in the Maine Health Program. It was a pilot project. What we have learned from it has been very valuable and it is an essential building block towards universal coverage and health care reform, in general. So I urge us to vote against the Ought Not to Pass report so that we may get on with the business of proceeding down the road of covering everyone. Thank you.

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

Senator CAREY: Mr. President, I believe everything that can be said has been said on this bill, and I personally would like to thank the majority members of the Senate, who have supported us while we were attempting to salvage this program. I really see no need for any further debate. Thank you.

The President noted the absence of Senator BERUBE of Androscoggin, and Senator O'DEA of Penobscot, and excused them from today's Roll Call votes.

THE PRESIDENT: The pending question before the Senate is the motion of Senator PENDEXTER of Cumberland that the Senate ACCEPT the Minority OUGHT NOT TO PASS Report in NON-CONCURRENCE.

A vote of Yes will be in favor of ACCEPTANCE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: AMERO, BEGLEY, BENOIT, CARPENTER, CASSIDY, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LORD, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

NAYS: Senators: BUSTIN, CAREY, ESTY, FAIRCLOTH, FERGUSON, GOLDTHWAIT, LAWRENCE, LONGLEY, MCCORMICK, MICHAUD, MILLS, PARADIS, PINGREE, RAND, RUHLIN

ABSENT: Senators: ABROMSON, CIANCHETTE, CLEVELAND

EXCUSED: Senators: BERUBE, O'DEA

15 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 3 Senators being absent and 2 Senators having been excused, the motion of Senator PENDEXTER of Cumberland to ACCEPT the Minority OUGHT NOT TO PASS Report in NON-CONCURRENCE, FAILED.

THE PRESIDENT: The pending question before the Senate is ACCEPTANCE of the Majority OUGHT TO PASS AS AMENDED Report, in concurrence.

Senator KIEFFER of Aroostook requested a Division.

On motion by Senator LAWRENCE of York, Tabled 1 Legislative Day, pending ACCEPTANCE of the Majority OUGHT TO PASS AS AMENDED Report, in concurrence.

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

HOUSE REPORTS from the Committee on JUDICIARY on Bill "An Act to Ensure Proper Responsibility for Child Support"

H.P. 205 L.D. 264

Majority - Ought Not to Pass (10 members)

Minority - Ought to Pass (3 members)

Tabled - earlier in the day by Senator LAWRENCE of York.

Pending - ACCEPTANCE OF EITHER REPORT

(In House, March 28, 1995, Majority OUGHT NOT TO PASS Report READ and ACCEPTED.)

(In Senate, March 30, 1995, Reports READ.)

The Majority OUGHT NOT TO PASS Report ACCEPTED, in concurrence.

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

HOUSE REPORTS from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Ensure Public Access to All Legislative Constituent Allowance Expenditures"

H.P. 277 L.D. 381

Majority - Ought Not to Pass (7 members)

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-40) (6 members)

Tabled - earlier in the day by Senator **LAWRENCE** of York.

Pending - the motion by Senator **AMERO** to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

(In House, March 28, 1995, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, March 30, 1995, Reports **READ**.)

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

Senator **HARRIMAN:** Thank you Mr. President. Good afternoon Ladies and Gentlemen of the Senate. I rise to ask you to not support the pending motion so that we can go on to accept the majority Ought to Pass Report. This is one small piece of legislation that would have a significant effect and positive impression on our constituents. When the State of Maine enters into contracts with people, whether it is in the private sector or other government agencies, we ask them to account for the taxpayers money and how they are going to spend it, and the services they are going to generate. This is something very similar. What this piece of legislation says is that the constituent allowance that we are all offered should be accounted for. Very simple. I think it is the sort of thing that our constituents, the taxpayers of Maine, want to see more of, and will learn to appreciate where their tax dollars are going. As we all well know, we probably spend more than the constituent allowance. I think it would be helpful to prove to the people of Maine that not only are we spending it wisely, we are spending more of it than we are receiving. So I hope that you will join with me in not supporting the pending motion. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Men and Women of the Senate. I, too, share the concerns of my good Senate colleague from Cumberland, Senator Harriman. I believe that the time has come for a lot of changes throughout the entirety of state government. I believe this is one small change that the legislative branch, as a separate branch of government, can undertake. I will not be voting for the motion, I will be supporting the Ought to Pass as Amended Report and request a Division.

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

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

Senator **GOLDTHWAIT:** Thank you Mr. President. I certainly believe in fiscal accountability, but in this particular case, working as we do without much assistance in terms of trying to get an enormous workload accomplished, to spend any of my time trying to track \$1000 worth of expenditures, rather than returning constituent calls or doing work that I believe is far more important to them, is a waste of my time. Thank you.

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

Senator **MCCORMICK:** Thank you Mr. President. May I pose a question through the Chair? Was there any reason why December first was picked? The only accounting I do is for my taxes. I'm one of those people that have to keep receipts, and I try to scrounge them all together and calculate them once a year. I think all of the Senators who live more than fifty miles away don't have to keep receipts by law. I guess I am puzzled as to why this year would not be the same as a tax year. I share the Senator from Hancock's, Senator Goldthwait's, concern about time, since we don't have any staff. I was wondering if this could be amended to make it the calendar year and why it wasn't. Thank you.

THE PRESIDENT: 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 Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President. I did not serve on the committee, but I would be more than willing to present that amendment on second reading if the good Senator would join us in defeating this.

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

A Division has been requested.

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

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

23 Senators having voted in the affirmative and 7 Senators having voted in the negative, the motion by Senator **AMERO** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

SENATE REPORT from the Committee on **JUDICIARY** on Bill "An Act to Increase the Limit on the Extradition Account"

S.P. 53 L.D. 82

Report - Ought to Pass as Amended by Committee Amendment "A" (S-33)

Tabled - earlier in the day by Senator **BUSTIN** of Kennebec.

Pending - **ACCEPTANCE** of the Committee Report.

(In Senate, March 30, 1995, Report **READ**.)

Which Report was **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-33) **READ** and **ADOPTED**.

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

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

SENATE REPORT from the Committee on **NATURAL RESOURCES** on Bill "An Act to Amend the Laws Pertaining to Governmentally Constructed Jetties" (EMERGENCY)

S.P. 72 L.D. 160

Report - Ought to Pass as Amended by Committee Amendment "A" (S-36)

Tabled - earlier in the day by Senator **LAWRENCE** of York.

Pending - **ACCEPTANCE** of the Committee Report.

(In Senate, March 30, 1995, Report **READ**.)

On motion by Senator **LORD** of York, the Report **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-36) **READ** and **ADOPTED**.

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

Off Record Remarks

Senator **CAREY** of Kennebec was granted unanimous consent to address the Senate off the Record.

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

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

Senator **HANLEY** of Oxford was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **ESTY** of Cumberland, **ADJOURNED** until Tuesday, April 4, 1995, at 9:30 o'clock in the morning.