

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate

May 22, 1991 to July 10, 1991

Index

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

In Senate Chamber
Wednesday
June 19, 1991

Senate called to Order by the President.

Prayer by the Honorable Margaret G. Ludwig of Aroostook.

SENATOR MARGARET G. LUDWIG: I have a fable to offer for your consideration this morning called "The Weight of Nothing".

"Tell me the weight of a snowflake", a coal mouse asked a wild dove.

"Nothing more than nothing", was the answer.

"In that case, I must tell you a marvelous story," the coal mouse said. "I sat on a fir branch close to the trunk when it began to snow. Not heavily, not in a raging blizzard, no, just like in a dream without any violence.

Since I didn't have anything better to do, I counted the snowflakes settling on the twigs and needles of my branch. Their number was exactly 3,471,952. When the next snowflake dropped onto the branch, nothing more than nothing, as you say, the branch broke off."

Having said that, the coal mouse fled away.

The dove, ever since Noah's time, an authority on the matter, thought about the story for a while and finally said to herself:

"Perhaps there is only one person's voice lacking for peace to come about in the world."

Lord, help us to find that special snowflake, that special voice that may bring peace and stability to the Legislature and the State of Maine. Amen.

Reading of the Journal of Wednesday, June 12, 1991.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Clarify the Authority of Law Enforcement Officers to Release Certain Arrested Individuals on Their Personal Recognizance"
H.P. 896 L.D. 1293

In Senate, May 7, 1991, **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in concurrence.

RECALLED from the Legislative Files pursuant to Joint Order H.P. 1361, in concurrence.

Comes from the House, Bill substituted for Report, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

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

Non-concurrent Matter

Emergency Resolve

Resolve, to Establish the Commission to Study the Feasibility of a Capital Cultural Center
H.P. 1164 L.D. 1705
(C "A" H-453)

In Senate, June 6, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-453)**, in concurrence.

In House, June 10, 1991, **FAILED OF FINAL PASSAGE**.

In Senate, June 12, 1991, **FINALLY PASSED** in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-453) AS AMENDED BY HOUSE AMENDMENT "A" (H-624)** thereto, in **NON-CONCURRENCE**.

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

Non-concurrent Matter

An Act to Amend the Maine Uniform Accounting and Auditing Practices Act for Community Agencies
H.P. 1166 L.D. 1707
(C "A" H-498)

In Senate, June 10, 1991, **PASSED TO BE ENACTED**, in concurrence.

RECALLED from the Governor's Desk pursuant to Joint Order H.P. 1359, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-498) AS AMENDED BY HOUSE AMENDMENT "A" (H-676)** thereto, in **NON-CONCURRENCE**.

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

The Following Communication: S.P. 758

115TH MAINE LEGISLATURE

June 13, 1991

Senator R. Donald Twitchell
Rep. Robert J. Tardy
Chairpersons
Joint Standing Committee on Agriculture
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Paul A. Murphy of Windham for appointment to the Animal Welfare Board.

Pursuant to Public Law 1991, Chapter 267, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Which was **READ** and **REFERRED** to the Committee on **AGRICULTURE**.

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

Off Record Remarks

The Following Communication:

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

June 12, 1991

Honorable Joy J. O'Brien
Secretary of the Senate
115th 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 **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Provide for the Recall of State Elective Officials (H.P. 1202) (L.D. 1758):

Representative LEMKE of Westbrook
Representative MAYO of Thomaston
Representative MORRISON of Bangor

Sincerely,

S/Edwin H. Pert
Clerk of the House

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

The Following Communication:

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

June 12, 1991

Honorable Joy J. O'Brien
Secretary of the Senate
115th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it accepted the Minority "**Ought Not to Pass**" Report of the Committee on **State and Local Government** on Bill "An Act to Promote Fully Informed Legislation and Rulemaking" (H.P. 913) (L.D. 1310).

Sincerely,

S/Edwin H. Pert
Clerk of the House

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

The Following Communication:

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

June 17, 1991

To The Honorable Members of the 115th Legislature:

I am returning, without my signature or approval, S.P. 84, L.D. 157, "An Act to Amend the Severance Pay Laws." Although the goal of increasing access to severance benefits during these difficult economic times is laudable, I remain concerned for the deterrence that such an increase would present to the sale of a business and the continued employment of its workers.

Unlike the vast majority of states which leave severance pay to be negotiated between an employer and its employees, Maine requires employers of more than 100 employees to pay severance to its displaced workers. The purpose of this mandatory law, which I support, is to alleviate the adverse economic impact on employees and communities that face a large plant closure.

Recognizing, however, that such an adverse impact cannot only be alleviated but completely avoided if the failing plant is acquired by a new owner, and recognizing the deterrence that a significant mandatory severance liability may pose to such an acquisition, our law has since 1975 specifically exempted liability if a business should close in its first three years. This three-year window of opportunity is provided to enhance the likelihood that otherwise displaced workers will have a new employer and, therefrom, receive wages and benefits that will certainly exceed any payment of severance.

The purpose of the bill before you now is to remove that window of opportunity. Although this would ensure a short-term benefit to the affected workers, it will, at the same time, impede the employees' access to the more valuable long-term benefit of continued employment. Indeed, as the Maine Supreme Court noted in the particular case that gave rise to this legislation, some employees received more than five times in wages than what they would have received in severance had the company never been acquired and continued its operation for two years. These benefits were in addition to pension accruals, health and other benefits that severance would also not have provided to these employees whose numbers, it is important to note, increased from 200 to as many as 300 during that two-year period.

It should also be noted that at least three other laws currently mitigate the need for this bill. First, displaced workers who do not receive severance may qualify for unemployment compensation as a means of lessening their economic burden. Second, for those legitimately concerned with protecting employees from transactions undertaken with a fraudulent intent to circumvent existing severance benefits, the Attorney General is already empowered to provide that protection. Finally, the State has recently received \$2 million in federal money to bolster our RETI and STAR efforts to help dislocated workers.

As I have already stated, I do support our severance pay law. As evidence of that support, I approved legislation last session that extended employer liability from the direct owner or operator of a facility to its indirect owner or operator as a means of further protecting employees under our law. Yet I also recognize that because Maine is unique in having a mandatory severance law, and because our law applies only to large plant closings, severance liability in the transaction of Maine businesses is always a factor and should not be a deal-breaker. Given this bill's effect, undesired by all, of discouraging corporations both in and out of Maine from purchasing Maine companies that are in financial decline, I urge you to sustain my veto.

Thank you for your consideration.

Sincerely,

S/John R. McKernan, Jr.
Governor

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

The Accompanying Bill:

Bill "An Act to Amend the Severance Pay Laws"
S.P. 84 L.D. 157
(C "A" S-159)

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

The Following Communication:

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

June 18, 1991

To the Honorable Members of the 115th Legislature:

I am returning without my signature or my approval S.P. 500, L.D. 1338, "An Act Concerning Teacher Employment."

This bill mandates that local school units provide probationary teachers with written reasons in the event that their contracts are not renewed. As such, L.D. 1338 constitutes a significant step towards the erosion of the probationary teacher status.

Under current law, teachers are maintained on probationary status for the first two years of employment. During these two years, they receive periodic observation and evaluation designed not only to determine their ability to carry out the tasks to which they have been assigned, but also to communicate how their work is perceived and how it can be improved.

I believe that the quality of our schools rests on the quality of the people that we attract to the teaching profession. But it is not enough to simply find good people — we must also ensure that they are properly trained. As in any profession, new teachers must learn from their more-experienced peers, and they must be able to take direction from management. It should go without saying that management in the schools needs the flexibility to determine which new teachers have the proper "fit" to adequately perform the tasks to which they are assigned, and which do not.

L.D. 1338 eliminates this flexibility by requiring that management provide written reasons for the non-renewal of contracts for probationary teachers. The experience of other states shows that this requirement will soon become the fulcrum of litigation that will drive up local education costs, and tie the hands of our school managers. As the Bangor Daily News pointed out in its editorial of June 11, 1991 "school boards will be faced with the choice of buying their way out of litigation with big settlements or paying tens of thousands of dollars to go to court....For financially strapped school boards across the State, this means renewing probationary-teacher contracts, rather than risk the consequences of denying one." We should not allow our schools to be hobbled in this manner.

Throughout Maine and across the nation there is a growing recognition of the need to reform our educational system. If that reform movement is to succeed, we must free up the people on the front lines — our teachers and our principals and other administrators — to do their jobs the best way they know how, not as Augusta or Washington tell them to do it. L.D. 1338 goes directly against this trend. Instead of freeing-up the managers of our local schools, it imposes a new directive and issues yet another mandate. It should not become law.

I do not take lightly the step of vetoing this, or any other, bill. In reaching the conclusion that this bill should be returned to you without my approval, I was persuaded by the overwhelming opposition to L.D. 1338 expressed by the Maine School Superintendents Association, the Maine Secondary School Principals Association, the Maine Elementary Principals Association, and the Maine School Boards Association. The members of these associations would have to live with the consequences of L.D. 1338 if it became law. No one knows better than they how seriously debilitating to the management of our schools this bill would be. I hope and trust that you will weigh their views heavily in consideration of this bill.

For all of these reasons, I urge you to sustain my veto of L.D. 1338.

Sincerely,
S/John R. McKernan, Jr.
Governor

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

The Accompanying Bill:

Bill "An Act Concerning Teacher Employment"
S.P. 500 L.D. 1338
(C "A" S-147)

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

Senate at Ease

Senate called to order by the President.

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:

SENATE PAPERS

Bill "An Act Correcting Errors and Inconsistencies in the Laws of Maine" (Emergency)
S.P. 760 L.D. 1954

Presented by Senator **GAUVREAU** of Androscoggin
Cosponsored by Representative **PARADIS** of Augusta
Submitted by the Joint Standing Committee on
Judiciary pursuant to Joint Rule 21.

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

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

ORDERS

Joint Order

On motion by Senator **DUTREMBLE** of York the following Joint Order:

S.P. 759

ORDERED, the House concurring, that in accordance with emergency authority granted under the Revised Statutes, Title 3, section 2, the First Regular Session of the 115th Legislature shall be extended in accordance with the provisions of said section, to the call of the President of the Senate and the Speaker of the House.

Which was **READ**.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like some clarification on what we are doing here, because we have some new members in the Senate. Is it the intent of us to exercise our right to extend the Legislature for one-five day extension? Is this what the intent of this order is?

THE PRESIDENT: The Chair would answer in the affirmative. Pursuant to Title 3, Section 2, the Legislature has the authority, by a two-thirds vote, to extend up to five legislative days.

Pursuant to 3 M.R.S.A. Section 2, this Joint Order requires the affirmative vote of two-thirds of the members present and voting. 26 Senators having voted in the affirmative and No Senators having voted in the negative, and 26 being more than two-thirds of the members present and voting, the Joint Order was **PASSED**.

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

COMMITTEE REPORTS

Senate

Ought Not to Pass

The following **Ought Not to Pass** Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Reported by Senator **BRANNIGAN** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** Bill "An Act to Increase the Borrowing Authority of the University of Maine System" (Emergency) S.P. 406 L.D. 1082

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

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

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

On motion by Senator **BOST** of Penobscot, **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:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Regarding the Crime of Prostitution" (Emergency) H.P. 1364 L.D. 1952

Committee on **JUDICIARY** 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.

On motion by Senator **CLARK** of Cumberland, **REFERRED** to the Committee on **JUDICIARY** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

Sent down for concurrence.

Resolve, Authorizing the Commissioner of Corrections to Enter into an Agreement with the Town of Thomaston for the Maine State Prison's Share of Upgrading the Town of Thomaston Sewer System (Emergency) H.P. 1367 L.D. 1953

Committee on **STATE AND 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.

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

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1365

JOINT RESOLUTION RECOGNIZING ROBERT CAMMACK ON THE OCCASION OF HIS RETIREMENT

WHEREAS, Robert "Bob" Cammack of Augusta, recently retired after 20 years of service to this State as the official tour guide for the State House; and

WHEREAS, Bob was a valued resource whose special talent was the ability to communicate his deep knowledge of this building and of those public officials who have served within it to out-of-state visitors, visitors from foreign countries and the people of the State; and

WHEREAS, his skills were especially appreciated by the tens of thousands of students that he guided through these halls, always helping them to appreciate the unique greatness of our democratic system and to acquire a sense of pride in our history; and

WHEREAS, Bob is a friend to many of us and has been a friend to many legislators and governors of all political parties since he began his work in the 105th Legislature; and

WHEREAS, Bob's retirement has made us all more aware of the value of his contributions to the Legislature; now, therefore, be it

RESOLVED: That We, the members of the 115th Legislature, now assembled in the First Regular Session, pause in our deliberations to express our appreciation to Robert Cammack for 20 years of unique service; and be it further

RESOLVED: That a suitable copy of this joint resolution, duly authenticated by the Secretary of State, be transmitted to Robert Cammack as a token of our respect and esteem.

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

Which was **READ**.

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I can't let this moment go by without bringing to the attention that this is a Joint Resolution recognizing Robert Cammack. He is retiring, and he is that guy that used to come around and bring all our kids around and tell them all about the history of this building, and now we have to do it. I am very sorry that he is retiring, because I find myself having to come out of Committee work in order to do the work that Bob Cammack had been doing. He did an excellent job. He is a wonderful person and I wish him well in his retirement. Thank you.

Which was **ADOPTED**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Orders

The following Joint Order: H.P. 1366

ORDERED, the Senate concurring, that Bill, "An Act to Regulate Sales of Malt Liquor in Kegs," H.P. 1142, L.D. 1667, 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.

The following Joint Order: H.P. 1368

ORDERED, the Senate concurring, that the following specified matters be held over to any special or regular session of the 115th Legislature:

Committee: State and Local Government

S.P. 516, L.D. 1377
An Act to Create a State Municipalities Investment Pool

H.P. 1274, L.D. 1845
An Act to Require the Use of People First Language in the Maine Revised Statutes and to Authorize Administrative Implementation of Associated Changes in Terminology

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

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

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Additional Funds for Debt Service Payments for the Fiscal Year Ending June 30, 1991" (Emergency)

H.P. 1363 L.D. 1951

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 51).

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** and **PASSED TO BE ENGROSSED**, in concurrence.

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

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Concerning the State's Escrow Accounts"

H.P. 1139 L.D. 1664

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-679).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-679).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-679) **READ** and **ADOPTED**, in concurrence.

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

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

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Funds from the General Fund for Search and Rescue Activities"

H.P. 1343 L.D. 1934

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.

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

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

The Committee on **TRANSPORTATION** on Bill "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)

H.P. 650 L.D. 924

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**.

On motion by the Chair, **RECOMMITTED** to the Committee on **TRANSPORTATION** in **NON-CONCURRENCE**.

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Make Allocations from the Public Utilities Commission Regulatory Fund and the Public Utilities Commission Reimbursement Fund for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)

H.P. 648 L.D. 922

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-678)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-678)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-678) **READ** and **ADOPTED**, in concurrence.

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

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

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Making Additional Allocations for the Expenditure of Funds Received by the State as a Result of the Federal Court Order in the Stripper Well Oil Overcharge Case and the Exxon Oil Overcharge Case" (Emergency)

H.P. 1295 L.D. 1872

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-680)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-680)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-680) **READ** and **ADOPTED**, in concurrence.

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

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **TRANSPORTATION** on Bill "An Act Making Additional Allocations from the Highway Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991" (Emergency)

H.P. 1349 L.D. 1942

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-681)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-681)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-681) **READ** and **ADOPTED**, in concurrence.

On motion by the Chair, **RECOMMITTED** to the Committee on **TRANSPORTATION** in **NON-CONCURRENCE**.

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

On motion by Senator **DUTREMBLE** of York the following Joint Order:

S.P. 759

ORDERED, the House concurring, that in accordance with emergency authority granted under the Revised Statutes, Title 3, section 2, the First Regular Session of the 115th Legislature shall be extended in accordance with the provisions of said section, to the call of the President of the Senate and the Speaker of the House.

In Senate, June 19, 1991, **READ** and **PASSED**.

Comes from the House, **READ** and **FAILED OF PASSAGE**.

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

The pending question before the Senate is: "Shall the recommendation of the Committee on Energy and Natural Resources be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 115th Legislature, the vote will be taken by the Yeas and Nays.

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

The Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON ENERGY AND NATURAL RESOURCES**

June 17, 1991

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of John F. Gibbons, M.D. of Cape Elizabeth, for reappointment to the Low-Level Radioactive Waste Authority.

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

YEAS: Senators 2
Representatives 9
NAYS: 0
ABSENT: 2 Sen. Baldacci of Penobscot, Rep. Powers of Coplin Plantation

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of John F. Gibbons, M.D. of Cape Elizabeth, for reappointment to the Low-Level Radioactive Waste Authority be confirmed.

Sincerely,

S/Senator Bonnie L. Titcomb S/Rep. Paul F. Jacques
Senate Chair House Chair

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

THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of John F. Gibbons, M.D. of Cape Elizabeth, be confirmed.

ROLL CALL

YEAS: Senators None

NAYS: Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTES, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MCCORMICK, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senator TITCOMB

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of John F. Gibbons, M.D. was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON ENERGY AND NATURAL RESOURCES**

June 17, 1991

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of E. Christopher Livesay of Brunswick, for reappointment to the Board of Environmental Protection.

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

YEAS: Senators 3
Representatives 9

NAYS: 0

ABSENT: 1 Rep. Powers of Coplin Plantation

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of E. Christopher Livesay of Brunswick, for reappointment to the Board of Environmental Protection be confirmed.

Sincerely,

S/Senator Bonnie L. Titcomb S/Rep. Paul F. Jacques
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

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

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. This particular nomination is a renomination of the current share of the Board of Environmental Protection. I certainly do plan to vote in favor of the nomination, but I thought it was an appropriate time to speak to the issue of the Board of Environmental Protection. It is now statutorily drawn. It is a part-time Board made up of lay people. It meets about every two weeks and the issues are extremely complex. They are very, very technical, and I simply believe that we must change from this system to a full-time Board of Environmental Protection similar to the PUC to address the very real problems that exist with the Board of Environmental Protection. The Board has been accused of delaying and being inconsistent. We have heard of extreme delays with decisions from the Department of Environmental Protection, and although we attempted to change the laws regarding the Board to allow the Commissioner to make most decisions, and the Board only to make the policy decisions, and to act basically as an appeals Board, and we did do that within the last two years. But, we still have a serious problem, we are asking part-time citizens, many with full-time jobs to make these extremely important policy decisions of the most complex environmental applications that come to the State of Maine, and do it with a Board meeting every couple of weeks. Even here in the Citizen Legislature we are meeting full-time when the Legislature is in Session. No wonder we have serious problems over

there! I just felt the need to raise this issue to you today. I am not critical of any of the members or of any of the nominations of the Governor. I expect to support them all, but we do have a problem. That problem is here in the Legislature, in that we need to understand that there could be a more appropriate drawing of such a Board, and that it should be full-time people who can completely understand, unlike the situation that we have today. Thank you.

THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of E. Christopher Livesay of Brunswick, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Energy and Natural Resources be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 115th Legislature, the vote will be taken by the Yeas and Nays.

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTES, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MCCORMICK, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senator TITCOMB

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of E. Christopher Livesay was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON ENERGY AND NATURAL RESOURCES**

June 17, 1991

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of James McBreairty of Caribou, for appointment to the Low-Level Radioactive Waste Authority.

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

YEAS: Senators 2
Representatives 9

NAYS: 0

ABSENT: 2 Sen. Baldacci of Penobscot, Rep. Powers of Coplin Plantation

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of James McBreairty of Caribou, for appointment to the Low-Level Radioactive Waste Authority be confirmed.

Sincerely,

S/Senator Bonnie L. Titcomb S/Rep. Paul F. Jacques
Senate Chair House Chair

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

THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of James McBreairty of Caribou, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Energy and Natural Resources be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 115th Legislature, the vote will be taken by the Yeas and Nays.

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTES, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MCCORMICK, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senator TITCOMB

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of James McBreairty was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON ENERGY AND NATURAL RESOURCES**

June 17, 1991

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of James A. Sherburne of Winterport, for reappointment to the Land Use Regulation Commission.

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

YEAS: Senators 2
Representatives 9
NAYS: 0

ABSENT: 2 Sen. Baldacci of Penobscot, Rep. Powers of Coplin Plantation

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of James A. Sherburne of Winterport, for reappointment to the Land Use Regulation Commission be confirmed.

Sincerely,

S/Senator Bonnie L. Titcomb S/Rep. Paul F. Jacques
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of James A. Sherburne of Winterport, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Energy and Natural Resources be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 115th Legislature, the vote will be taken by the Yeas and Nays.

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senator WEBSTER

NAYS: Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTES, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MCCORMICK, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TWITCHELL, VOSE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senator TITCOMB

1 Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent, and 1 being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of James A. Sherburne was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON ENERGY AND NATURAL RESOURCES**

June 17, 1991

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of L. Philip Soucy of Fort Kent, for reappointment to the Board of Environmental Protection.

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

YEAS: Senators 3
Representatives 8

NAYS: 1

ABSENT: 1 Rep. Powers of Coplin Plantation

Eleven members of the Committee having voted in the affirmative and One in the negative, it was the vote of the Committee that the nomination of L. Philip Soucy of Fort Kent, for reappointment to the Board of Environmental Protection be confirmed.

Sincerely,

S/Senator Bonnie L. Titcomb S/Rep. Paul F. Jacques
Senate Chair House Chair

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

June 17, 1991

THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of L. Philip Soucy of Fort Kent, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Energy and Natural Resources be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 115th Legislature, the vote will be taken by the Yeas and Nays.

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTES, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MCCORMICK, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT – CHARLES P. PRAY

ABSENT: Senator TITCOMB

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of L. Philip Soucy was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON ENERGY AND NATURAL RESOURCES**

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of Charles E. Stickney, Jr. of Yarmouth, for appointment to the Board of Environmental Protection.

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

YEAS: Senators 2
Representatives 8

NAYS: 2

ABSENT: 1 Rep. Powers of Coplin Plantation

Ten members of the Committee having voted in the affirmative and Two in the negative, it was the vote of the Committee that the nomination of Charles E. Stickney, Jr. of Yarmouth, for appointment to the Board of Environmental Protection be confirmed.

Sincerely,

S/Senator Bonnie L. Titcomb S/Rep. Paul F. Jacques
Senate Chair House Chair

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

THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of Charles E. Stickney, Jr. of Yarmouth, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Energy and Natural Resources be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 115th Legislature, the vote will be taken by the Yeas and Nays.

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BOST, BUSTIN, CONLEY,
GAUVREAU, MCCORMICK

NAYS: Senators BALDACCI, BERUBE, BRANNIGAN,
BRAWN, CAHILL, CARPENTER, CLARK,
CLEVELAND, COLLINS, DUTREMBLE, EMERSON,
ESTES, ESTY, FOSTER, GILL, GOULD,
HOLLOWAY, KANY, LUDWIG, MATTHEWS,
MILLS, PEARSON, RICH, SUMMERS,
THERIAULT, TWITCHELL, VOSE, WEBSTER,
THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senator TITCOMB

YEAS: Senators 3
Representatives 7

NAYS: 2

ABSENT: 1 Rep. Powers of Coplin Plantation

Ten members of the Committee having voted in the affirmative and Two in the negative, it was the vote of the Committee that the nomination of Carol A. Tracy of Lewiston, for reappointment to the Board of Environmental Protection be confirmed.

Sincerely,

S/Senator Bonnie L. Titcomb S/Rep. Paul F. Jacques
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of Carol A. Tracy of Lewiston, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Energy and Natural Resources be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 115th Legislature, the vote will be taken by the Yeas and Nays.

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators BALDACCI, BERUBE, BOST,
BRANNIGAN, BRAWN, BUSTIN, CAHILL,
CARPENTER, CLARK, CLEVELAND, COLLINS,
CONLEY, DUTREMBLE, EMERSON, ESTES,
ESTY, FOSTER, GAUVREAU, GILL, GOULD,
HOLLOWAY, KANY, LUDWIG, MATTHEWS,
MCCORMICK, MILLS, PEARSON, RICH,
SUMMERS, THERIAULT, TWITCHELL, VOSE,
WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senator TITCOMB

5 Senators having voted in the affirmative and 29 Senators having voted in the negative, with 1 Senator being absent, and 5 being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Charles E. Stickney, Jr. was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON ENERGY AND NATURAL RESOURCES**

June 17, 1991

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of Carol A. Tracy of Lewiston, for reappointment to the Board of Environmental Protection.

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

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Carol A. Tracy was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT**

June 18, 1991

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Housing and Economic Development has had under consideration the nomination of Helen S. Dudman of Ellsworth, for appointment to the Finance Authority of Maine.

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

YEAS: Senators 1
Representatives 10
NAYS: 0
ABSENT: 2 Sen. Dutremble of York, Sen. Cahill of Sagadahoc

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Helen S. Dudman of Ellsworth, for appointment to the Finance Authority of Maine be confirmed.

Sincerely,

S/Senator Joseph C. Brannigan S/Rep. Rita B. Melendy
Senate Chair House Chair

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

THE PRESIDENT: The Joint Standing Committee on Housing and Economic Development has recommended the nomination of Helen S. Dudman of Ellsworth, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Housing and Economic Development be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 115th Legislature, the vote will be taken by the Yeas and Nays.

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, CONLEY, DUTREMBLE, EMERSON, ESTES, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MCCORMICK, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators COLLINS, TITCOMB

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

The Secretary has so informed the Speaker of the House.

Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT**

June 18, 1991

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Housing and Economic Development has had under consideration the nomination of Laura K. Emack of Stockton Springs, for appointment to the Finance Authority of Maine.

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

YEAS: Senators 1
Representatives 10

NAYS: 0

ABSENT: 2 Sen. Dutremble of York, Sen. Cahill of Sagadahoc

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Laura K. Emack of Stockton Springs, for appointment to the Finance Authority of Maine be confirmed.

Sincerely,

S/Senator Joseph C. Brannigan S/Rep. Rita B. Melendy
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Housing and Economic Development has recommended the nomination of Laura K. Emack of Stockton Springs, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Housing and Economic Development be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 115th Legislature, the vote will be taken by the Yeas and Nays.

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, CONLEY, DUTREMBLE, EMERSON, ESTES, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MCCORMICK, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators COLLINS, TITCOMB

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

The Secretary has so informed the Speaker of the House.

Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON LEGAL AFFAIRS**

June 18, 1991

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Legal Affairs has had under consideration the nomination of Robert R. Cooper, Jr. of Falmouth, for appointment to the Maine State Lottery Commission.

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

YEAS: Senators 2
Representatives 8

NAYS: 0

ABSENT: 3 Sen. Kany of Kennebec, Rep. Tupper of Orrington, Rep. Richardson of Portland

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Robert R. Cooper, Jr. of Falmouth, for appointment to the Maine State Lottery Commission be confirmed.

Sincerely,

S/Senator Jeffery N. Mills
Senate Chair

S/Rep. Mark W. Lawrence
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Legal Affairs has recommended the nomination of Robert R. Cooper, Jr. of Falmouth, be confirmed.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 115th Legislature, the vote will be taken by the Yeas and Nays.

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTES, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MCCORMICK, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senator TITCOMB

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Robert R. Cooper, Jr. was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

ORDERS OF THE DAY

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

JOINT ORDER - relative to extending the First Regular Session of the 115th Legislature, pursuant to 3 MRSA, Section 2.

S.P. 759

Tabled - June 19, 1991, by Senator **DUTREMBLE** of York.

Pending - **FURTHER CONSIDERATION**

(In Senate, June 19, 1991, **READ** and **PASSED**.)

(In House, June 19, 1991, **READ** and **FAILED OF PASSAGE**.)

The Senate **ADHERED**.

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

Off Record Remarks

ENACTORS

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

An Act Allowing the Operation of Video Lottery Terminals

S.P. 423 L.D. 1135
(C "A" S-351)

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

Emergency

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1991

H.P. 1355 L.D. 1947

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.

(In House, June 11, 1991, **PASSED TO BE ENACTED.**)

On motion by Senator **BUSTIN** of Kennebec, the Senate **SUSPENDED THE RULES.**

The same Senator moved that the Senate **RECONSIDER** its action whereby the Bill was **PASSED TO BE ENACTED.**

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending the motion by Senator **BUSTIN** of Kennebec to **RECONSIDER ENACTMENT.**

ORDERS OF THE DAY

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

An Act to Place Certain Lands Recommended by the Special Committee on the New Capitol Area Master Plan under the Jurisdiction of the Capitol Planning Commission

S.P. 508 L.D. 1346
(C "A" S-281)

Tabled - June 12, 1991, by Senator **BUSTIN** of Kennebec.

Pending - **ENACTMENT**

(In Senate, June 12, 1991, **RECONSIDERED ENACTMENT.**)

(In House, June 12, 1991, **PASSED TO BE ENACTED.**)

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

HELD BILL

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

Senator **BUSTIN:** Thank you Mr. President. Is the Senate in possession of L.D. 802?

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

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,500,000 for Construction, Purchasing and Renovation of Correctional Facilities

H.P. 559 L.D. 802
(C "A" H-611)

(In Senate, June 12, 1991, **PASSED TO BE ENACTED,** in concurrence.)

HELD BILL

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

Senator **BALDACCI:** Thank you Mr. President. Is the Senate in possession of L.D. 1119?

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

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Help Municipalities with the Purchase of Equipment and Construction Costs for Solid Waste Disposal and Recycling Facilities

H.P. 787 L.D. 1119
(H "A" H-623 to C
"A" H-609)

(In Senate, June 12, 1991, **PASSED TO BE ENACTED,** in concurrence.)

(In House, June 12, 1991, **PASSED TO BE ENACTED.**)

On motion by Senator **BALDACCI** of Penobscot, the Senate **SUSPENDED THE RULES.**

The same Senator moved that the Senate **RECONSIDER** its action whereby the Bill was **PASSED TO BE ENACTED.**

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending the motion by Senator **BALDACCI** of Penobscot to **RECONSIDER ENACTMENT.**

HELD BILL

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

Senator **BALDACCI:** Thank you Mr. President. Is the Senate in possession of L.D. 1340?

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

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$16,500,000 for Capital Construction to Protect Public Water Supplies and Capital Construction of Water Pollution Control Facilities
S.P. 502 L.D. 1340
(C "A" S-326)

(In Senate, June 12, 1991, **PASSED TO BE ENACTED**, in concurrence.)

(In House, June 11, 1991, **PASSED TO BE ENACTED**.)

On motion by Senator **BALDACCI** of Penobscot, the Senate **SUSPENDED THE RULES**.

The same Senator moved that the Senate **RECONSIDER** its action whereby the Bill was **PASSED TO BE ENACTED**.

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending the motion by Senator **BALDACCI** of Penobscot to **RECONSIDER ENACTMENT**.

HELD BILL

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

Senator **THERIAULT:** Thank you Mr. President. Is the Senate in possession of L.D. 1870?

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

Bond Issue

An Act to Authorize Department of Transportation Bond Issues in the Amount of \$27,500,000 to Match Available Federal Funds for Improvements to Highways, State and Local Bridges and Airports
S.P. 700 L.D. 1870
(C "A" S-342)

(In Senate, June 12, 1991, **PASSED TO BE ENACTED**, in concurrence.)

(In House, June 12, 1991, **PASSED TO BE ENACTED**.)

On motion by Senator **THERIAULT** of Aroostook, the Senate **SUSPENDED THE RULES**.

The same Senator moved that the Senate **RECONSIDER** its action whereby the Bill was **PASSED TO BE ENACTED**.

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending the motion by Senator **THERIAULT** of Aroostook to **RECONSIDER ENACTMENT**.

HELD BILL

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

Senator **PEARSON:** Thank you Mr. President. Is the Senate in possession of L.D. 1876?

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

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Major Improvements and Renovations at State Park Facilities and the Restoration and Preservation of Historic Buildings
S.P. 705 L.D. 1876
(C "A" S-325)

(In Senate, June 12, 1991, **PASSED TO BE ENACTED**, in concurrence.)

(In House, June 11, 1991, **PASSED TO BE ENACTED**.)

On motion by Senator **PEARSON** of Penobscot, the Senate **SUSPENDED THE RULES**.

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending the motion by Senator **PEARSON** of Penobscot to **RECONSIDER ENACTMENT**.

On motion by Senator **CLARK** of Cumberland, the Senate removed from the Unassigned Table the following matter:

JOINT ORDER - Establishing the Joint Select Committee on Family and Children
S.P. 243

Tabled - February 21, 1991, by Senator **CLARK** of Cumberland.

Pending - **PASSAGE**

(In Senate, February 14, 1991, **READ**.) (Division Requested.)

On further motion by same Senator, **INDEFINITELY POSTPONED**.

On motion by Senator **CLARK** of Cumberland, the Senate removed from the Unassigned Table the following matter:

Bill "An Act to Review the Kennebec County Budget Committee" (Emergency)

S.P. 640 L.D. 1688

Tabled - April 29, 1991, by Senator **CLARK** of Cumberland.

Pending - **REFERENCE**

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

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

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

On motion by Senator **CLARK** of Cumberland, the Senate removed from the Unassigned Table the following matter:

Bill "An Act to Promote the Marketing of Fresh Produce Grown Within the State"

H.P. 827 L.D. 1193

Tabled - March 28, 1991, by Senator **CLARK** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In House, March 21, 1991, referred to the Committee on **AGRICULTURE** and **ORDERED PRINTED**.)

(In Senate, March 21, 1991, referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED** in **NON-CONCURRENCE**.)

(In House, March 25, 1991, that Body **ADHERED**.)

On further motion by same Senator, the Senate **ADHERED**.

The Secretary has so informed the Speaker of the House.

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 Affecting the Department of Environmental Protection

H.P. 1083 L.D. 1577
(H "A" H-666 to C
"A" H-630)

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

Emergency

An Act to Increase Fees for Licenses Issued by the Department of Marine Resources

H.P. 1148 L.D. 1673
(H "B" H-669 to C
"A" H-567)

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.

Emergency

An Act Concerning the Low-income Home Energy Assistance Program

H.P. 1333 L.D. 1924
(S "B" S-362 to C
"A" H-652)

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is "An Act Concerning the Low-income Home Energy Assistance Program". We had a fairly extensive debate last time we met on this particular issue. It is the issue that takes money to go to weatherization programs, and therefore, takes money away from home fuel assistance. While in a perfect world we all agree that probably we should weatherize these houses first, in this day and age, with unsettled economy and oil prices in flux, I think that it is appropriate that we have that money and give people fuel assistance in the upcoming year. I would ask you to vote against this emergency measure. Thank you.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I agree with the former speaker that we did have extensive debate. I however, do not agree with her conclusion. I would ask that we support this Bill as we did last time. It does not take away a great amount of fuel assistance. It just pegs fuel assistance at what we have always set aside. We have set aside 15% for weatherization rather than the 10% that had been proposed in the alternative piece that we were voting on. I hope we will vote to pass this Bill so that we will get some amount of weatherization. Thank you.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Times change and positions change, but it has been since I have been on the Appropriations Committee, and we have had to deal with this particular allocation of the Stripper Oil Well money. We have always had the philosophy on the Committee, and I might say that my predecessor, Senator Huber always had the philosophy that if you help poor people insulate their homes that you not only help save oil for them and cost for them that year, you also do for every single year after that that they live in that house. We have done an enormous amount of insulating in the state, not only for homes, but public buildings. We are starting to reap the benefits of that. As a matter of fact, the turn around time on that is very rapid. It is just a matter of a couple of years and you have your insulation paid for and then it is good forever. I feel like it is like a trust fund that you always help people with. We were not mindful of the fact that we also need to put oil in the tank. That is why we moved the money up for insulation just a little bit from 10 to 15%. A good deal of the remainder of the money goes to fill the tank. I think it is a responsible, far sighted thing that we did. Consequently, I hope you will vote for it. Thank you.

This being an Emergency Measure and having received the affirmative vote of 20 Members of the Senate, with 11 Senators having voted in the negative, and 20 being less than two-thirds of the entire elected Membership of the Senate, this Bill **FAILED FINAL PASSAGE** in **NON-CONCURRENCE**.

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

Emergency

An Act to Correct a Conflict in the Law Relating to Sentencing Considerations and Appellate Review
H.P. 1340 L.D. 1932
(C "A" H-662)

This being an Emergency Measure 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 **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Change the State Payment for Health Insurance Benefits for New State Employees with Less than 10 Years of Service and Provide for a Study of Retirement Benefits Provided to New Employees
S.P. 743 L.D. 1935
(H "A" H-648)

On motion by Senator **CLARK** of Cumberland, Tabled Unassigned pending **ENACTMENT**.

Emergency Resolve

Resolve, to Study the Feasibility of a Statewide Health Insurance Program
H.P. 1184 L.D. 1727
(H "A" H-640 to C
"A" H-406)

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

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1991
H.P. 1356 L.D. 1948

This being an Emergency Measure 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.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Revise the Salaries of Certain County Officers" (Emergency)
H.P. 1357 L.D. 1949

In House, June 12, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-670).**

In Senate, June 12, 1991, **PASSED TO BE ENGROSSED, in NON-CONCURRENCE.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-682) in NON-CONCURRENCE.**

The Senate **RECEDED and CONCURRED.**

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

ENACTORS

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

An Act to Establish a Fund to Promote Lobster Marketing
H.P. 818 L.D. 1172
(S "A" S-355)

An Act to Improve Motorcycle Driver Education
H.P. 1026 L.D. 1499
(S "A" S-364 to C
"A" H-457; H "A"
H-582)

An Act to Protect Consumers from Unfair and Deceptive Telephone Practices
H.P. 1134 L.D. 1659
(S "A" S-348 to C
"A" H-410)

An Act to Clarify and Revise the Adult and Secondary Vocational Education Laws
H.P. 1152 L.D. 1677
(C "A" H-658)

An Act to Clarify the Solid Waste Landfill Remediation and Closure Program
S.P. 639 L.D. 1687
(S "A" S-309 to C
"A" S-296; H "A"
H-668)

An Act to Clarify Provisions of and Provide Funding for Toxics Use, Toxics Release and Hazardous Waste Reduction Programs
H.P. 1171 L.D. 1712
(S "A" S-322 to C
"A" H-580)

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 Permit Off-track Betting and to Revise the Harness Racing Laws
H.P. 665 L.D. 944
(H "D" H-672 to C
"A" H-541)

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

An Act Establishing a Lobster Management Task Force
S.P. 365 L.D. 967
(H "A" H-647 to C
"A" S-290)

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

An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland
S.P. 446 L.D. 1190
(S "A" S-358)

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

An Act to Establish a Higher Education Loan Program and Make Certain Amendments to the Laws Affecting Educations Programs of the Finance Authority of Maine:

S.P. 642 L.D. 1690
(S "A" S-352 to C
"A" S-308)

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

An Act to Establish the Maine Revised Uniform Limited Partnership Act

H.P. 1276 L.D. 1847
(C "A" H-651)

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

Resolve

Resolve, to Allow the Department of Marine Resources to Convey Land

S.P. 691 L.D. 1837
(H "A" H-673)

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Correct Errors and Clarify Provisions in the Solid Waste Laws" (Emergency)
H.P. 1296 L.D. 1873
(C "A" H-667)

In Senate, June 12, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-667), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-667) AS AMENDED BY HOUSE AMENDMENT "A" (H-677) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Amend the Laws Regarding Enhanced 9-1-1" (Emergency)
H.P. 702 L.D. 1006

In House, April 17, 1991, PASSED TO BE ENGROSSED.

In Senate, June 10, 1991, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

The Senate ADHERED.

The Secretary has so informed the Speaker of the House.

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

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

COMMUNICATIONS

The Following Communication: S.P. 761

115TH MAINE LEGISLATURE

June 19, 1991

Senator Stephen C. Estes
Rep. Nathaniel J. Crowley, Sr.
Chairpersons
Joint Standing Committee on Education
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nominations of Peter Bell of Northeast Harbor for appointment to the Maine Maritime Academy Board of Trustees and Margaret C. Duncan of Presque Isle for appointment to the Maine Technical College System Board of Trustees.

Pursuant to P.L. 1975, Chapter 771, Section 428 and Title 20-A, MRSA Section 12705, respectively, these nominations are currently pending before the Joint Standing Committee on Education.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Which was **READ** and **REFERRED** to the Committee on **EDUCATION**.

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

The Following Communication: S.P. 762

115TH MAINE LEGISLATURE

June 19, 1991

Senator Georgette B. Berube
Representative Ruth Joseph
Chairpersons
Joint Standing Committee on
State & Local Government
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nominations of Howard Goldenfarb of Portland and Colin C. Hampton of Cape Elizabeth for reappointment to the Maine Court Facilities Authority.

Pursuant to Title 4, MRSA Section 1602, these nominations are currently pending before the Joint Standing Committee on State & Local Government.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Which was **READ** and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

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:

ORDERS

Joint Resolution

On motion by President **PRAY** of Penobscot (Cosponsored by: Representative **MERRILL** of Dover-Foxcroft, Representative **HUSSEY** of Milo, Representative **GOULD** of Greenville) the following Joint Resolution:

S.P. 763

JOINT RESOLUTION RECOGNIZING THE 175TH ANNIVERSARY OF THE TOWN OF GUILFORD

WHEREAS, in the generation after the American Revolution, an ancient and unbroken wilderness in the District of Maine extended north of the Waldo Patent to the Citadel of Quebec; and

WHEREAS, in the year 1796, 5 years after the ratification of the United States Constitution brought the promise of democracy to a world worn weary in the service of tyrants, 92,160 acres of the wilderness on the north shore of the Piscataquis River were granted by the Commonwealth of Massachusetts for the endowment and support of Bowdoin College; and

WHEREAS, in the year 1804, Elder Robert Low, Deacon Robert Herring and Michael Webber of New Gloucester purchased tracts from Bowdoin College in Township 6, Range 7 and traveled north that summer to survey their metes and bounds; and

WHEREAS, the eldest sons of Low and Herring, with axes, hope and the spirit of cooperation, opened the first clearing that summer, just west of the spot where Low's bridge would soon stand, as its successor stands today; and

WHEREAS, in 1805, Low and Herring planted the first crop and built the first cabins, to make ready the homes in which their families would settle the next year; and

WHEREAS, by the end of the decade, with 10 families in residence and a sawmill erected, a town meeting was held and self government begun; and

WHEREAS, in 1812, the settlement of "Lowstown" was organized as Plantation 6, Range 7; and

WHEREAS, in the year 1816, the settlers petitioned the General Court of Massachusetts to be incorporated as the Town of Fluvanna; and

WHEREAS, on February 8, 1816, the Town of Guilford was incorporated by an Act of the General Court; and

WHEREAS, the year 1991 is the 175th anniversary of the incorporation of the Town of Guilford; now, therefore, be it

RESOLVED: That We, the Members of the 115th Legislature of the State of Maine now assembled in the First Regular Session, express our congratulations and best wishes to the people of our 215th town; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Robert Littlefield, Town Manager of Guilford, to each member of the Town Council, to the Guilford Historical Society and to the Guilford Public Library as an expression of our warmest regards on this historic occasion.

Which was **READ** and **ADOPTED**.

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:

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 \$7,500,000 to Provide for the Maine Street Investment Program

H.P. 1358 L.D. 1950

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Allow the Risk Management Division to Provide Insurance Services for Elementary and Secondary Schools in the State"

H.P. 1354 L.D. 1946

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 1348).

Signed:

Senator:

KANY of Kennebec

Representatives:

MITCHELL of Vassalboro

ERWIN of Rumford

TRACY of Rome

KETOVER of Portland

RAND of Portland

HASTINGS of Fryeburg

JOSEPH of Waterville

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

Signed:

Senators:

THERIAULT of Aroostook

BRAWN of Knox

Representatives:

GARLAND of Bangor

CARLETON of Wells

PINEAU of Jay

Comes from the House with Bill and Accompanying Papers **RECOMMENDED** to the Committee on **BANKING AND INSURANCE**.

Which Reports were **READ**.

On motion by Senator **KANY** of Kennebec, Bill and Accompanying Papers **RECOMMENDED** to the Committee on **BANKING AND INSURANCE**, in concurrence.

ORDERS OF THE DAY

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

An Act to Amend the Maine Uniform Accounting and Auditing Practices Act for Community Agencies
H.P. 1166 L.D. 1707
(C "A" H-498)

Tabled - June 19, 1991, by Senator **CLARK** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, June 10, 1991, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk pursuant to Joint Order H.P. 1359, in concurrence.)

(In House, June 13, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-498) AS AMENDED BY HOUSE AMENDMENT "A" (H-676)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator PEARSON of Penobscot, the Senate RECEDED from ENACTMENT.

On further motion by same Senator, the Senate RECEDED from PASSAGE TO BE ENGROSSED AS AMENDED.

On further motion by same Senator, the Senate RECEDED from ADOPTION of Committee Amendment "A" (H-498).

House Amendment "A" (H-676) to Committee Amendment "A" (H-498) READ.

Off Record Remarks

On further motion by same Senator, House Amendment "A" (H-676) to Committee Amendment "A" (H-498) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "A" (S-367) to Committee Amendment "A" (H-498) READ and ADOPTED.

Committee Amendment "A" (H-498) as Amended by Senate Amendment "A" (S-367) thereto, ADOPTED in NON-CONCURRENCE.

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

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

Off Record Remarks

Under suspension of the Rules, L.D. 1667 was ordered sent down forthwith for concurrence.

On motion by Senator MILLS of Oxford, the Senate removed from the Unassigned Table the following matter:

SENATE REPORTS - from the Committee on LEGAL AFFAIRS on Bill "An Act to Preserve the Integrity of the Maine State Lottery"

S.P. 80 L.D. 143

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-187)

Minority - Ought Not to Pass.

Tabled - May 22, 1991, by Senator MILLS of Oxford.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, May 22, 1991, Reports READ.)

The same Senator moved that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

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

Senator SUMMERS: I rise in opposition to that motion. This piece of legislation would make it illegal to further privatize lottery operations in the state, and in affect, would bind the hands of the Director of the Maine State Lottery in his ability to run his program as efficiently as possible, and in light of the current economic situation in this State, I would recommend that we do not bind the Director's hands, and therefore, I would recommend that you vote against the pending motion. Thank you.

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

Senator MILLS: Thank you Mr. President. Men and women of the Senate, the Senator from Cumberland, Senator Summers, mentioned some good points. I think that what I, and other members of the Committee would like to see happen is we accept the Majority Report, and this eventually be placed on the Appropriations Table, and when we all come down to deciding what items will be included in the Budget, and not in the Budget, that this will be one of those items that will be on the Appropriations Table, and that it needs to be decided at some point, and that we hope that this will be placed there, and that when we come back and decide on the final Budget, that this will be one of the items that Appropriations Committee will bring to us as part of the Budget. So I hope that you will accept the Majority Report. Thank you.

Senator SUMMERS of Cumberland requested a Division.

Off Record Remarks

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

Senator MCCORMICK: Thank you Mr. President. Men and women of the Senate, I just want to urge you to vote in favor of the Majority Report on this Bill. The privatization of the Maine State Lottery that was proposed by the Governor is not a money maker at all. In fact, it will give away the store. It will use up the percentage of profit and give that away to private vendors in return for services, and if you know anything about math, if our sales go up, if our per capita, they measure it bby per capita, how many tickets per capita, if that goes up then the profits

of those private vendors go up. This is not good business. It's good business the way we're doing it now, and it's not going to save the state any money to privatize the lottery. In fact, it's going to cost us money if we continue to do well in the lottery the way we have, and we continue to administer it and market it the way we have, and there is no view that this lottery will not continue to grow. So I urge you to vote for the Majority Ought to Pass Report. It saves money, it makes money for the State and we need money. Thank you very much.

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate, I, too, support the Majority Report, and wish to speak to the thrust of the reason why, and that is that if we are to continue to allow gambling in lottery form, then I believe the people of Maine want us to have control over that, and there needs to be accountability that could be lost if it were privatized.

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

A Division has been requested.

Will all those in favor of the motion by Senator **HILLS** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, please rise in their places and remain standing until counted.

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

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **HILLS** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-56) **READ** and **ADOPTED**.

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

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

Off Record Remarks

On motion by Senator **CLARK** of Cumberland, the Senate removed from the Unassigned Table the following matter:

An Act to Change the Process of Selecting the Commissioner of Education

S.P. 51 L.D. 81
(C "A" S-56)

Tabled - May 22, 1991, by Senator **CLARK** of Cumberland.

Pending - **ENACTMENT**

(In House, May 20, 1991, Bill and Accompanying Papers **RECOMMITTED** to the Committee on **EDUCATION**.)

(In Senate, May 1, 1991, **PASSED TO BE ENGROSSED BY COMMITTEE AMENDMENT "A" (S-56)**.)

On further motion by same Senator, Bill and Accompanying Papers **RECOMMITTED** to the Committee on **EDUCATION**, in concurrence.

On motion by Senator **DUTREMBLE** of York, the Senate removed from the Unassigned Table the following matter:

Emergency

An Act to Prohibit the Charging of Rent in Advance by Landlords

H.P. 370 L.D. 524
(C "A" H-245)

Tabled - May 28, 1991, by Senator **DUTREMBLE** of York.

Pending - **ENACTMENT**

(In Senate, May 13, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-245)**, in concurrence.)

(In House, May 20, 1991, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.)

(In Senate, May 28, 1991, Motion to suspend the Rules **FAILED**.)

On further motion by same Senator, Bill and Accompanying Papers **INDEFINITELY POSTPONED**, in concurrence.

On motion by Senator **CLARK** of Cumberland, the Senate removed from the Unassigned Table the following matter:

Bill "An Act to Amend the Maine Human Rights Act Regarding Pregnancy"

H.P. 486 L.D. 680

Tabled - May 28, 1991, by Senator **CLARK** of Cumberland.

Pending - Motion by Senator **WEBSTER** of Franklin to **INDEFINITELY POSTPONE** Bill and Accompanying Papers (Roll Call Ordered)

(In Senate, May 23, 1991, Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence. Bill **READ ONCE**.)

(In House, May 16, 1991, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-224)**.)

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As you may recall, this Bill received extensive debate both here and in the other Body. L.D. 680 sought to clarify in statutory form current policy which provides that a paid employee who is temporarily disabled by pregnancy be protected under the Human Rights Act to the extent that any termination of that employee on account of her pregnancy would constitute illegal discrimination in the event the employer did not provide sufficient or adequate leave policy. As you know, the legislation did not seek, and would not have required that any employer actually provide paid leave to that female employee, but simply not terminate the employee so that she could accrue other benefits during her period of employment. Now, subsequent to the extensive debate in this Chamber, I have had a chance to review this matter in some detail with the Executive Director of the Maine Human Rights Commission, and it is now my understanding that the Human Rights Commission already interprets our statute, our Human Rights Act, Title V in such a fashion as to prohibit the discrimination which was referred to in L.D. 680, that is to say, my understanding is that the Maine Human Rights Commission already does not allow employers to terminate a woman during the course of her pregnancy simply because of that pregnancy, if, in fact, there is no adequate leave policy available. In my view, it would have been preferable for us to put into statutory form such a prohibition, but clearly my understanding is, as I said earlier, our Human Rights Commission already interprets our Title V, Human Rights Act, in this fashion. Therefore, I do not believe, technically, there is a need for legislation. Therefore, I will no longer oppose the pending motion which is the motion to Indefinitely Postpone. Thank you Mr. President.

Senator **WEBSTER** of Franklin requested and received leave of the Senate to withdraw his motion for a Roll Call.

On further motion by same Senator, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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 to Clarify the Authority of Law Enforcement Officers to Release Certain Arrested Individuals on Their Personal Recognizance
H.P. 896 L.D. 1293

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

Emergency

An Act to Ensure Adequate Resources for Energy Assistance Programs for Low-income Households
S.P. 319 L.D. 857
(C "A" S-174)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED**.

(See Action Later Today)

Senate at Ease

Senate called to order by the President.

Emergency Resolve

Resolve, to Adjust the Amounts of Money Allocated to Certain Projects for Site Acquisition, Construction, Repair and Renovation of Public Safety Facilities

S.P. 710 L.D. 1893
(C "A" S-321)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** 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, the Senate **RECONSIDERED** its action whereby the following was **PASSED TO BE ENACTED**:

An Act to Ensure Adequate Resources for Energy Assistance Programs for Low-income Households
S.P. 319 L.D. 857
(C "A" S-174)

(In House, June 19, 1991, **PASSED TO BE ENACTED**.)

On further motion by same Senator, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

Off Record Remarks

On motion by Senator **TWITCHELL** of Oxford, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **MILLS** of Oxford, **ADJOURNED** to the call of the President of the Senate and the Speaker of the House.