

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fifteenth Legislature
OF THE
State Of Maine

VOLUME VI

SECOND REGULAR SESSION

House of Representatives
March 10, 1992 to March 31, 1992

Senate
January 8, 1992 to March 9, 1992

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

In Senate Chamber

Tuesday

February 18, 1992

Senate called to Order by the President.

Prayer by Reverend Bruce Felt of the Augusta Baptist Church.

REVEREND BRUCE FELT: Let us pray. Our Father we thank you that we have a fine group of men and women who serve in this Senate. We ask for the difficult task that they face, that you would give them guidance and strength. Since your word teaches us that pride only brings quarrels, we pray for a spirit of humility and cooperation. We pray that as they work for the welfare of our people and for those who are in financial trouble and other distress they might turn to you and know your Grace and supply. Give clear thinking and guidance to President Pray and all who assist him. We pray in the name of our Lord and Saviour, Jesus Christ. Amen.

Reading of the Journal of Thursday, February 13, 1992.

Off Record Remarks

PAPERS FROM THE HOUSE
Non-concurrent Matter

SENATE REPORTS - from the Committee on TRANSPORTATION on Bill "An Act to Modify Weight Limits for Farm Trucks"

S.P. 189 L.D. 498

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-525)

Minority - Ought Not to Pass

In Senate, January 28, 1992, the Minority OUGHT NOT TO PASS Report READ and ACCEPTED.

Comes from the House the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-525) in NON-CONCURRENCE.

Senator TWITCHELL of Oxford moved that the Senate ADHERE.

Senator THERIAULT of Aroostook moved that the Senate RECEDE and CONCUR.

Senator TWITCHELL requested a Division.

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

Senator THERIAULT: Thank you Mr. President. Ladies and Gentlemen of the Senate. Just to reiterate some of the major points of this Bill. This Bill pertains strictly and only for potato trucks. There are forty or so such trucks in the whole state. As far as I know most of them are from Northern Aroostook. These trucks are especially designed to haul potatoes from the storage area to a processing plant. For some of those trucks they would have to travel a distance of fifty miles to the plant. They are also arranged in a way that potatoes are protected from the cold during the winter. All

that we are asking for, in this particular Bill, is that potato trucks be granted the same privilege that our logging trucks are granted. Under the present system now, the potato trucks have to pay for a certain amount of weight. Because of the way the vehicle is configured they can not carry that weight legally. If this Bill would be passed they could carry the weight legally, just like we have allowed our loggers to do. I would urge you to vote to Recede and Concur. Thank you.

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

Senator TWITCHELL: Thank you Mr. President. Ladies and Gentlemen of the Senate. We had this Bill a couple of weeks ago and it was finally defeated then. I hope you will stay with me now. What this Bill does is add approximately 10,000 more pounds on a triaxial and it is going to damage the highways a lot more than they are now. I checked with the Highway Department this morning and we are over almost \$4,000,000 in the red on the Highway Department. All this extra 10,000 pounds is going to do is pound the roads, make more potholes, and I don't think it is needed. If you let this Bill in I have a whole list of other Bills will want to come in next Session. I urge that you stick with my motion. Thank you.

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

Senator COLLINS: Thank you Mr. President. Ladies and Gentlemen of the Senate. We have, indeed, debated this Bill and I am sure most of you understand it. Let me just reiterate one more time the small amount, if any, type of damage we expect may occur to Maine Highways as a result of passage of this Bill. My good friend the Senator from Aroostook, Senator Theriault has indicated to you there are perhaps forty vehicles that fall in this particular category. If you assume maybe thirty or thirty five of them would be the optimum amount that would take advantage of this, it seems to me we are talking about a relatively small number of vehicles affecting relatively few pieces of the Highway system. We are talking about the distance from the farm storage facility to the processing plant in Aroostook County. You are not going to be talking about I-95 or any of the major highways because we don't have any of the major highways in the North Country. This is something that is going to help farmers carry the appropriate amount of product at a time when they need all the help they can get. I might remind you, once more, that we have done this for the people engaged in the Woods Products division and they do a lot more trucking all over the State than a few potato farmers in Aroostook County. If you are concerned about the highways, let me assure you that for most of you there is going to be no affect on your highways. Since this is done in the winter time over frozen roads, most of us that live in Aroostook County are not really concerned that it is going to do damage to our highway. I would hope that you would vote in favor of the pending motion which is to Recede and Concur. Thank you Mr. President.

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

Senator TITCOMB: Thank you Mr. President. Ladies and Gentlemen of the Senate. We discussed this issue a couple of weeks ago when we talked about the sand & gravel Bill. This Bill, unfortunately is

an open door. I think that is a concern we need to talk about. Whether it is in Aroostook County it ultimately comes back home to Cumberland County, when you begin to make exceptions that will allow additional costs to be trickled down to our communities it will ultimately end up in the form of property taxes. We have got to begin to look with a little more vision than we have in the past. We have made commitments to our towns that we are not going to impact them economically with more trickle downs. This is one of them. It may start in Aroostook County but is surely going to work its way southward. It was already tried in Sand & Gravel and I am sure there are other exceptions coming down the road. What is the Bill going to cost? Who is going to pay for the increased damage? Why now, with all the many unfunded needs at the community level? We have got to stop sending Bills to our communities that they cannot pay. Thank you.

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

A Division has been requested.

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

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

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

On motion by Senator **TWITCHELL** of Oxford, the Senate **ADHERED**.

The Secretary has so informed the Speaker of the House.

Non-concurrent Matter

Bill "An Act to Amend and Improve the Laws Relating to Education"

S.P. 469 L.D. 1252

In House, July 10, 1991, Bill and Accompanying Papers **INDEFINITELY POSTPONED**, in concurrence.

RECALLED from the Legislative Files pursuant to Joint Order H.P. 1647, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-918)** in **NON-CONCURRENCE**.

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

Joint Order

The following Joint Order: H
.P. 1665

ORDERED, the Senate concurring, that the Joint Standing Committee on Transportation report out a bill regarding the Maine Turnpike Authority budget for fiscal year 1992-93 in accordance with I.B. 1991, c. 1.

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

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

COMMUNICATIONS

The Following Communication:
P. 917

115TH MAINE LEGISLATURE
February 13, 1992

Senator Bonnie L. Titcomb
Rep. Paul F. Jacques
Chairpersons
Joint Standing Committee on Energy and Natural Resources
115th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated the Honorable Orland McPherson of Eliot for appointment to the Low-Level Radioactive Waste Authority.

Pursuant to Title 38, MRSA Section 1512, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources 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 **ENERGY AND NATURAL RESOURCES**.
Sent down for concurrence.

The Following Communication:
ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE
February 12, 1992

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 Agriculture has had under consideration the nomination of Charles F. Davis of Gouldsboro, for reappointment to the Maine Milk 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 1
Representatives 9

NAYS: 0

ABSENT: 3 Sen. Twitchell of Oxford, Sen. Titcomb of Cumberland, Rep. Parent of Benton

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 Charles F. Davis of Gouldsboro, for reappointment to the Maine Milk Commission be confirmed.

Sincerely,
S/Senator R. Donald Twitchell S/Rep. Robert J. Tardy
Senate Chair House Chair

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

THE PRESIDENT: The Joint Standing Committee on **AGRICULTURE** has recommended the nomination of Charles F. Davis of Gouldsboro be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on **AGRICULTURE** 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, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTES, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MCCORMICK, PEARSON, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BRAWN, MILLS

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 Charles F. Davis, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:
STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

February 13, 1992

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 indefinitely postponed **JOINT ORDER (S.P. 841)** Relative to Establishing a Joint Select Committee on Governmental Restructuring.

Sincerely,
S/Edwin H. Pert
Clerk of the House

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

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

Senator **PEARSON:** Mr. President, is the Senate in possession of the Joint Order relating to the Adjunct Members to the Joint Standing Committee on State and Local Government? The Bills concerning Governmental Restructuring Joint Order SP 913.

THE PRESIDENT: The Chair would answer in the affirmative. The Bill having been held.

On motion by Senator **PEARSON** of Penobscot, the Senate **RECONSIDERED** its action whereby it **PASSED**:

JOINT ORDER - relating to adjunct members to the Joint Standing Committee on State and Local Government for bills concerning governmental restructuring.

SP 913

(In Senate, February 13, 1992, READ and PASSED.)
On further motion by same Senator, INDEFINITELY POSTPONED.

The Following Communication:
STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

February 13, 1992

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 Majority "Ought Not to Pass" Report of the Committee on Judiciary on Bill "An Act to Establish a Limit on Noneconomic Damages in Medical Liability Actions" (H.P. 253) (L.D. 344).

Sincerely,
S/Edwin H. Pert
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Establish a Supervised Community Confinement Program for Certain Prisoners of the Department of Corrections"

S.P. 916 L.D. 2353

Presented by Senator GILL of Cumberland (GOVERNOR'S BILL)
Cosponsored by Representative MANNING of Portland, Representative HANLEY of Paris and Senator BUSTIN of Kennebec

Which was referred to the Joint Select Committee on CORRECTIONS and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Grant Immunity for Directors of Rural Electrification Cooperatives"

S.P. 915 L.D. 2352

Presented by Senator VOSE of Washington
Cosponsored by Senator GAUVREAU of Androscoggin, Representative TAMMARO of Baileyville and Senator FOSTER of Hancock

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Which was referred to the Committee on JUDICIARY and ORDERED PRINTED.
Sent down for concurrence.

COMMITTEE REPORTS

House

Ought Not to Pass

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

From the Committee on AGRICULTURE Bill "An Act to Establish a Controlled Medication Program in the Harness Racing Industry"

H.P. 1548 L.D. 2186

From the Committee on JUDICIARY Bill "An Act Authorizing Court Clerks to Sign Abstracts of Certain Proceedings Involving Real Estate"

H.P. 1425 L.D. 2037

From the Committee on LEGAL AFFAIRS Resolve, Authorizing Elizabeth Penney to Sue the State

H.P. 1442 L.D. 2054

From the Committee on TRANSPORTATION Bill "An Act Making Revisions to the Laws Concerning Special Veterans' Registration Plates and Emblems"

H.P. 1487 L.D. 2099

Ought to Pass

The Committee on ENERGY & NATURAL RESOURCES on Bill "An Act to Clarify the Subdivision Definition under Maine Land Use Regulation Commission Laws"

H.P. 1588 L.D. 2242

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-913).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

House Amendment "A" (H-913) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on ENERGY & NATURAL RESOURCES on Bill "An Act to Promote Comprehensive and Consistent Statewide Environmental Policy and Regulation"

H.P. 892 L.D. 1289

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-900).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-900).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-900) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on ENERGY & NATURAL RESOURCES on Bill "An Act Relating to Best Practicable Treatment Determinations in Air Emission Licensing"

H.P. 1040 L.D. 1513

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-907).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-907).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-907) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act Allowing Zoning Boards of Appeal to Grant Dimensional Variances Based On Practical Difficulty"

H.P. 1263 L.D. 1832

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-901)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-901) AS AMENDED BY HOUSE AMENDMENT "A" (H-909)** thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-901) **READ**.

House Amendment "A" (H-909) to Committee Amendment "A" (H-901) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-901) as Amended by House Amendment "A" (H-909) thereto, **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Provide More Effective Recovery of Child Support"

H.P. 1222 L.D. 1780

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-899)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-899)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-899) **READ** and **ADOPTED**, in concurrence.

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

Off Record Remarks

The Committee on **TRANSPORTATION** on Bill "An Act to Amend the Charter of the Casco Bay Island Transit District"

H.P. 1414 L.D. 2026

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-908)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-908)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-908) **READ** and **ADOPTED**, in concurrence.

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

Senate
Leave to Withdraw

The following **Leave to Withdraw** Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Reported by Senator **CARPENTER** for the Committee on **LABOR** Bill "An Act to Clarify Certain Classifications under the Prevailing Wage Laws"
S.P. 883 L.D. 2255

Ought to Pass As Amended

Senator **BUSTIN** for the Joint Select Committee on **CORRECTIONS** on Bill "An Act to Establish the Maine Correctional Institution - Warren"

S.P. 518 L.D. 1396

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-549)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-549) **READ** and **ADOPTED**.

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

SECOND READERS

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

House

Bill "An Act to Clarify the Zoning Provisions Administered by the Maine Land Use Regulation Commission" (Emergency)

H.P. 1589 L.D. 2243

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

Bill "An Act to Amend the Secret Voting Provision Governing School Administrative District Budget Proceedings"

H.P. 1440 L.D. 2052

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

(See action later today)

House As Amended

Bill "An Act to Provide Equitable Insurance Reimbursement for Acupuncture Services Provided by Licensed Acupuncturists"

H.P. 683 L.D. 982

(C "A" H-878)

Bill "An Act to Penalize the Department of Human Services for Failing to Make Prompt Child Support Payments to Obligees"

H.P. 1054 L.D. 1543

(C "A" H-892)

Bill "An Act to Provide Equitable Insurance Coverage for Mental Illness"

H.P. 1064 L.D. 1553

(C "A" H-883)

Bill "An Act to Protect Telephone Customer Privacy"

H.P. 1118 L.D. 1643

(H "A" H-912)

Bill "An Act to Clarify the Laws Related to Credit Cards"

H.P. 1410 L.D. 2022

(C "A" H-895)

Bill "An Act to Achieve Parity between the Authority of Loan Officers of State-chartered Credit Unions and the Authority of Loan Officers of Federally Chartered Credit Unions"

H.P. 1441 L.D. 2053

(C "A" H-896)

Bill "An Act to Replace Criminal Penalties with Civil Penalties for Violations of Weights and Measures Laws"

H.P. 1483 L.D. 2095
(C "A" H-893)

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

On motion by Senator **WEBSTER** of Franklin, the Senate **RECONSIDERED** its action whereby it **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**:

Bill "An Act to Amend the Secret Voting Provision Governing School Administrative District Budget Proceedings"

H.P. 1440 L.D. 2052

On motion by Senator **ESTES** of York, Senate Amendment "A" (S-548) **READ**.

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

Senator **ESTES**: Thank you Mr. President. Ladies and Gentlemen of the Senate. This is the amendment I mentioned I would be offering when this Bill came to Second Readers. This amendment repeals the provision in the law that designates the necessary percentage of persons present and voting at the School Administrative District Budget meeting to approve the procedure of voting on the Budget by secret ballot. That means that at the School Administrative District Budget meeting they would set the percentage necessary in order for a secret ballot to take place. This is the exactly the same as the statute dealing town meetings. It is left up to the individual town meeting to set the percentage requirement for secret ballot. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-548) **ADOPTED**.

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

Sent down for concurrence.

ENACTORS

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

An Act to Clarify Relevant Information in Administrative Rule-making Procedures

H.P. 1235 L.D. 1799
(C "A" H-873)

An Act to Amend the Disability Laws Applicable to Members of the Maine Judicial Retirement System

S.P. 742 L.D. 1937
(C "A" S-529)

An Act to Establish a Forest Service Bureau in Each Division of the District Court

H.P. 1482 L.D. 2094

An Act to Authorize Transfer of Venue for Multiple Cases by the Chief Justice of the Superior Court

H.P. 1511 L.D. 2123

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 Regarding the Relocation of Utility Facilities as a Result of State Highway Construction

H.P. 508 L.D. 702
(C "A" H-871)

On motion by Senator **TWITCHELL** of Oxford placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**.

Emergency Resolve

Resolve, That the Reporting Deadline for the Commission on Comprehensive Energy Planning Be Extended

S.P. 794 L.D. 1993
(C "A" S-530)

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

ORDERS OF THE DAY

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

Bill "An Act to Regulate Incineration Plants"
H.P. 1059 L.D. 1548

Tabled - February 13, 1992 by Senator **CLARK** of Cumberland.

Pending - **ADOPTION** of Committee Amendment "A" (H-879)

(In Senate, February 11, 1992, Committee Amendment "A" (H-879) **READ**.)

(In House, February 6, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-879)**.)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (H-879).

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide State Funding of any Mandate Imposed on Municipalities

S.P. 42 L.D. 66

Tabled - February 13, 1992 by Senator **CLARK** of Cumberland.

Pending - the motion by Senator **GAUVREAU** of Androscoggin to **ADOPT** Senate Amendment "C" (S-547) to Committee Amendment "B" (S-527)

(In Senate, February 13, 1992, Committee Amendment "B" (S-527) **READ**. Senate Amendment "A" (S-535) to Committee Amendment "B" (S-527) **READ** and **ADOPTED**. Senate Amendment "C" (S-547) to Committee Amendment "B" (S-527) **READ**.)

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

Senator **CLARK**: Thank you Mr. President. Ladies and Gentlemen of the Senate. Mr. President, if we remember the debate of our last Session, we remember the good Senator from Androscoggin, Senator Gauvreau explained the impact of Senate Amendment "C" to Committee Amendment "B" on L.D. 66. He explained very clearly his rationale for seeking a 60% vote rather than the 2/3 vote required in the Committee Amendment. It is not that I am opposed to the concept of the 60% vote but I do express my sincere reservations about the necessity for a 60% vote which would place it out of sync with all the other percentages that we deal with. The most consistent

percentage is 2/3 vote. For that reason and because everybody understands 2/3, I would resist adoption of Senate Amendment "C" (S-547) and would move this amendment be indefinitely postponed.

Senator CLARK of Cumberland moved to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-547) to Committee Amendment "B" (S-527).

Senator GAUVREAU of Androscoggin requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator CLARK of Cumberland, to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-547) to Committee Amendment "B" (S-527).

A Division has been requested.

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

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

28 Senators having voted in the affirmative and 3 Senators having voted in the negative, the motion by Senator CLARK of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-547) to Committee Amendment "B" (S-527), **PREVAILED**.

Senate at Ease

Senate called to order by the President.

Committee Amendment "B" (S-527) as Amended by Senate Amendment "A" (S-535) thereto, **ADOPTED**.

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

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

COMMUNICATIONS

The Following Communication: S
.P. 918

115TH MAINE LEGISLATURE

February 14, 1992

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 nominated Peter Bell of Northeast Harbor for appointment to the Maine Maritime Academy Board of Trustees.

Pursuant to P.L. 1975, Chapter 771, Section 428, this nomination will require review by the Joint Standing Committee on Education 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 **EDUCATION**.

Sent down for concurrence.

COMMITTEE REPORTS

Senate

Ought Not to Pass

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

Reported by Senator **BALDACCI** for the Committee on **BUSINESS LEGISLATION** Bill "An Act to Exempt Novelty Beverage Containers from the Deposit Laws"

S.P. 867 L.D. 2214

Reported by Senator **ESTY** for the Committee on **LABOR** Bill "An Act to Amend the Child Labor Laws Related to Specified Hours of Employment" (Emergency)

S.P. 796 L.D. 1995

Reported by Senator **ESTY** for the Committee on **LABOR** Bill "An Act to Provide Certain Exemptions to the Limitations on Students Hours of Work" (Emergency)

S.P. 832 L.D. 2136

Leave to Withdraw

The following **Leave to Withdraw** Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Reported by Senator **VOSE** for the Committee on **MARINE RESOURCES** Bill "An Act Regarding Dragging for Scallops in the Swan's Island Cable Area" (Emergency)

S.P. 886 L.D. 2271

Ought to Pass

Senator **MATTHEWS** for the Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Provide for the 1992 and 1993 Allocations of the State Ceiling on Private Activity Bonds" (Emergency)

S.P. 874 L.D. 2235

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

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

The Bill **READ ONCE**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

On motion by Senator **CLEVELAND** of Androscoggin, **ADJOURNED** until Thursday, February 20, 1992, at 4:00 in the afternoon.