

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

## **One Hundred And Fifteenth Legislature**

OF THE

## **State Of Maine**

### **VOLUME VII**

#### **SECOND REGULAR SESSION**

Senate

March 10, 1992 to March 31, 1992

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

In Senate Chamber  
Thursday

March 19, 1992

Senate called to Order by the President.

Prayer by Reverend Roxy Moses of the  
Greenville/Shirley United Methodist Church in  
Greenville Junction.

**REVEREND ROXY MOSES:** Thank you. Realizing that you are from another world, also you have a private life, I am going to read three readings. The first comes from the Koran. Then we will have a few moments in which you will pray about your life at home. You may do that silently or out loud after I give a prayer.

By the light of the day and by the fall of night, your Lord has not forsaken you. The life to come holds a richer prize for you than the present life. You shall be gratified with what your Lord will give you for did he not find you an orphan and give you shelter? Did he not find you in error and guide you? Did he not find you poor and enrich you? Therefore, do not wrong the orphan or try to weigh the beggar but proclaim the goodness of your Lord.

Dear gracious and loving God, we started this morning hectically, brushing teeth, combing hair, and putting on clothes. We have left children and loved ones behind. Let us be mindful of those people that we have left to come here to work at this Senate. Dear gracious and loving God, help us to remember them. We now lift up our prayers concerning them. Amen.

The second prayer is going to be about your work here. Concentrate on asking for guidance. I am now reading a psalm. Praise the Lord, Praise the Lord, oh my soul. I will praise the Lord as long as I live. I will sing praises to my God all my life long. Do not put your trust in princes, and in mortals in whom there is no help. When their breath departs they return to the earth and that very day their plans perish. Happy are those whose help is in the Lord, whose help is in the Lord their God who made heaven, earth, the sea, and all that is in them. Who keeps faith forever. Who executes justice for the oppressed, who gives food to the hungry. The Lord sets the prisoners free. The Lord opens the eyes of the blind. The Lord lifts up those who are bowed down. The Lord loves the righteous. The Lord watches over the strangers. He upholds the orphans and the widows and the way of the wicked he brings ruin to them. The Lord will reign forever. Again let's be in the spirit of prayer.

Dear gracious and loving God, before us lies so many things that must be settled. Outside we hear the clamor of those that are unhappy with what goes on within these walls. Let us be mindful of all the people that are entrusted to us. We ask this in Jesus Christ's name. At this time if there is anyone who wishes to lift up a concern, let it be heard. Amen.

My final reading is taken from Matthew. In the morning when he returned to the city he was hungry and seeing a tree by the road he went to it and found nothing at all on it but leaves. He said, "May no fruit ever come from you again." The fig tree withered at once when the disciples saw it they were amazed saying, "How did the fig tree wither at once?" Jesus answered them, "Truly I tell you if you have faith and do not doubt, not only will you do what has been done to the fig tree but even if you say to this mountain be lifted up and go into the sea it will be done. Whatever you ask for in prayer with faith you will receive." Let us be in the spirit of prayer one final time.

Dear gracious and loving God, help us to move the mountains that are before us in faith and prayer. Amen. For one final thing while you are standing, I wish you to turn to your neighbor and I wish you to pass the love and peace. Please do that at this time using words. Now to show the importance of not only what you say but what you do, turn to another neighbor and without saying a word using gestures pass to that opposite person a sign of love and peace. May the love of peace be with you no matter what you say or do. Not only in these halls but all through your life. God be with you. Amen.

Reading of the Journal of Wednesday, March 18, 1992.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **DUTREMBLE** of York, the following Joint Order:

S.P. 961

**ORDERED**, the House concurring that when the House and Senate adjourn, they do so until Monday, March 23, 1992, at nine o'clock in the morning.

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

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

**PAPERS FROM THE HOUSE**  
**Non-concurrent Matter**

Bill "An Act to Make Revisions in Marine Resource Laws"

H.P. 1464 L.D. 2076  
(C "A" H-1079)

In Senate, March 12, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1079)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1079) AS AMENDED BY HOUSE AMENDMENT "A" (H-1158)** thereto, in **NON-CONCURRENCE**.

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

**Non-concurrent Matter**

Bill "An Act to Establish a Boundary between the Town of Skowhegan and the Town of Madison"

H.P. 1612 L.D. 2273

In Senate, March 12, 1992, **PASSED TO BE ENGROSSED**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1160)** in **NON-CONCURRENCE**.

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

**Non-concurrent Matter**

Bill "An Act Regarding the Purchase of Spirits at Agency Liquor Stores"

S.P. 890 L.D. 2283  
(C "A" S-636)

In Senate, March 18, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-636)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-636) AS AMENDED BY HOUSE AMENDMENT "A" (H-1146)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **WEBSTER** of Franklin, the Senate **RECEDED** and **CONCURRED**.

**Non-concurrent Matter**

Bill "An Act Relating to Legislative Confirmation Hearings"

S.P. 894 L.D. 2299

In Senate, March 10, 1992, **PASSED TO BE ENGROSSED**. Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-1148)** in **NON-CONCURRENCE**.

On motion by Senator **GAUVREAU** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

**Joint Order**

The following Joint Order:

.P. 1733

**ORDERED**, the Senate concurring, that the Joint Standing Committee on State and Local Government consider proposing an amendment to the Constitution of Maine to eliminate barriers to democracy by amending the language in Article IV, Part Third, Section 16 that requires the vote of 2/3 of the members of each House to enact an emergency measure and by amending the language in Article IV, Part Third, Section 2 that requires the vote of 2/3 of the members of each House to override the veto of a measure by the Governor, and that the committee report out such legislation as it determines necessary to eliminate or reduce the requirement for a 2/3 vote.

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

Which was **READ**.

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

**SENATE PAPERS**

Bill "An Act to Establish Economic Recovery Tax Credits" (Emergency)

S.P. 960 L.D. 2430

Presented by Senator **COLLINS** of Aroostook (GOVERNOR'S BILL)

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

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

**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

The Committee on **BANKING & INSURANCE** on Bill "An Act to Require Group Insurance Companies to Notify Covered Employees of Nonpayment of Premiums by Employers"

H.P. 1617 L.D. 2278

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1155)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1155)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1155) **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.

The Committee on **TRANSPORTATION** on Bill "An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Fiscal Year Ending December 31, 1993"

H.P. 1730 L.D. 2421

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1152)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1152)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1152) **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.

**SECOND READERS**

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

**House**

Bill "An Act to Distribute General Purpose Aid for Local Schools for Fiscal Year 1992-93"

H.P. 1740 L.D. 2427

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

**Off Record Remarks**

**House As Amended**

Bill "An Act Concerning the Renewal of Agency Liquor Store Licenses"

H.P. 1443 L.D. 2055  
(C "A" H-1121)

Bill "An Act to Repeal Increases in Concealed Weapons Permit Fees and to Increase the Fees Related to Arbitrations under the Lemon Law" (Emergency)

H.P. 1601 L.D. 2263  
(H "A" H-1147 to C "A" H-1138)

Bill "An Act to Eliminate Mandatory Minimum Sentences"

H.P. 1698 L.D. 2378  
(C "A" H-1144)

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

**Senate As Amended**

Bill "An Act to Amend Various Provisions of the Laws Governing Solid Waste Disposal Facilities" (Emergency)

S.P. 897 L.D. 2311  
(C "A" S-642)

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

S.P. 915 L.D. 2352  
(C "A" S-641)

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

Sent down for concurrence.

**ENACTORS**

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

An Act Concerning Long-term Care Recipients

S.P. 793 L.D. 1992  
(C "A" S-614)

An Act to Study the Establishment of a Statewide Voter Registration File

S.P. 811 L.D. 2010  
(C "A" S-596)

An Act to Clarify Municipal Approval of Payments of Public School Funds and Awards of Hardship Fund Assistance

H.P. 1416 L.D. 2028  
(C "A" H-1116)

An Act to Amend the Laws Regarding Licensing of Gravel Pits

H.P. 1459 L.D. 2071  
(C "A" H-1115)

An Act Concerning Tribal Courts

H.P. 1494 L.D. 2106  
(S "A" S-622 to C "A" H-1065)

An Act Regarding 24-hour Pilot Projects in Workers' Compensation Insurance

H.P. 1524 L.D. 2153  
(C "A" H-1103)

An Act to Clarify and Improve the Procedures of the Maine Health Care Finance Commission

H.P. 1537 L.D. 2170  
(C "A" H-1117)

An Act to Clarify the Law Regarding the Power of Sale Foreclosure Laws

H.P. 1556 L.D. 2194  
(C "A" H-1114)

An Act Pertaining to the Issuance of Orders in Domestic Abuse and Harassment Cases

H.P. 1574 L.D. 2221  
(C "A" H-1113)

An Act Concerning Landfill Operation on Certain Islands and to Correct an Error in the Landfill Operation Laws

H.P. 1622 L.D. 2285  
(C "A" H-1076)

An Act to Open State Government to Public View

H.P. 1627 L.D. 2290  
(C "A" H-1111)

(See action later today)

An Act to Govern Residential Propane Gas Suppliers  
S.P. 898 L.D. 2317  
(H "A" H-1099 to C "A" S-584)

An Act to Amend the Radioactive Waste Laws  
H.P. 1671 L.D. 2347  
(C "A" H-1090)

An Act Regarding a Piscataqua River Basin Council  
H.P. 1693 L.D. 2373  
(C "A" H-1081; H "A" H-1098)

An Act to Clarify the Maine Juvenile Code  
S.P. 937 L.D. 2396  
(S "B" S-634)

An Act to Permit Washington County to Establish a Budget Committee

H.P. 1727 L.D. 2418  
(S "B" S-628)

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 Clarify the Administrative Practices of the State Tax Assessor Pertaining to State-issued Licenses

H.P. 1497 L.D. 2109  
(C "A" H-1093)

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

An Act to Clarify the Sales and Use Tax Laws Regarding Items Purchased with General Assistance Vouchers or Food Stamps

H.P. 1586 L.D. 2240  
(C "A" H-1101)

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

An Act to Encourage Expansion of Certain Residency Programs Related to Primary Care Physicians

H.P. 1706 L.D. 2387  
(C "A" H-1109)

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

**Resolve**

Resolve, to Assist High-risk Students

H.P. 1457 L.D. 2069  
(C "A" H-1096)

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

**Emergency**

An Act to Prevent the Poaching of Aquaculture Products

H.P. 1562 L.D. 2200  
(H "A" H-1100 to C "A" H-1016)

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

**Emergency**

An Act to Ensure the Availability of Ferry Service in Casco Bay

H.P. 1643 L.D. 2306  
(C "A" H-1082)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency**

An Act to Ensure the Long-term Stability of Sheltered Group Homes in Maine

H.P. 1666 L.D. 2342  
(C "A" H-1084)

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

**Emergency**

An Act Concerning Water Utilities

H.P. 1683 L.D. 2363  
(C "A" H-1094)

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

**Emergency**

An Act Regarding Industrial Electrical Rates

S.P. 936 L.D. 2395  
(S "B" S-621)

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

**Emergency**

An Act Authorizing the Town of Rockport to Refinance Certain Temporary Bond Anticipation Notes Issued for Its Wastewater Project

S.P. 942 L.D. 2405

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 Authorizing Aroostook County to Raise Funds for Renovations to the Aroostook County Jail

H.P. 1728 L.D. 2419

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 Resolve**

Resolve, to Ensure Protection and Family Support for Maine's Children

H.P. 1633 L.D. 2297  
(C "A" H-1110)

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

Senator **CLEVELAND** of Androscoggin was granted unanimous consent to address the Senate on the Record.

Senator **CLEVELAND**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I want to take this opportunity as we just enacted L.D. 2395 as amended. An Act Regarding Industrial Electrical rates. I want to make comments on the record in regards to what the intent of what that Legislation is and to clarify its meaning and purpose. First the intention of the act is to explicitly establish as public policy that interruptable capacity is an important resource for meeting current and future capacity needs in the State of Maine. Second, the long term availability of interruptable resources, including interruptable options for residential, commercial and industrial customers, must be encouraged. Third, interruptable resources are a part of the load management options as delineated in the Maine Energy Policy Act. It is second only to conservation options in the order of preference in that act. Fourth, the Public Utility Commission shall determine interruptable rates but they shall do so in a way that is consistent with its determination of utility capacity cost as reflected in the consumer rate during the course of rate design hearings and at other times deemed necessary by the Commission. Fifth, interruptable rates and options should be established to encourage long term, usually up to five years, interruptable resource arrangements as opposed to shorter term arrangements.

In summary, L.D. 2395 as amended, establishes as policy in statute that interruptable resources are considered long term resources as opposed to short term market commodities. The Public Utilities Commission will establish interruptable rates and options that are consistent with its determination of utility capacity costs and or fully realize the potential of interruptable resources. This will be done at a cost over time to rate payers that is determined to be less costly or no more costly than what rates payers would have paid in rate designed determinations for utility capacity requirements. Thank you Mr. President.

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

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

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

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

Off Record Remarks

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

An Act to Open State Government to Public View  
H.P. 1622 L.D. 2290  
(C "A" H-1111)

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. Because we are going to be affected by this on a daily basis, I think it ought to be clear from the very beginning as to how this affects each and every one of us in several different circumstances. One I would like to know on the record if casual conversations are excluded from this Law. I expect that will be answered on the record. I would also like to know, if in any given committee, the Republicans could have a caucus and Democrats could have a caucus to fashion their philosophy to discuss among themselves common ground, I would like to know if that is excluded from the Law? I am sure that I can't anticipate every circumstance that might occur in conversations in the House and the Senate but I would like to know at least those two basic things for the record so I will know exactly how we can conduct ourselves. Thank you.

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

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. L.D. 2290 was submitted to the Committee on Judiciary as Legislation sponsored by Speaker Martin which was introduced largely as an aftermath of the concerns voiced by the Press and others in the private sector last summer and fall as a result of the lengthy debate and discussions we had on the issue of Workers' Compensation during the State shutdown. Concerns were expressed that Legislators should be conducting Legislative business in public and not in private meetings. The Committee on Judiciary has recommended that any Legislative meetings be held in public and any subcommittees of Committees be also open to access to the public. Our proposed Bill defines a Legislative subcommittee as three or more Legislators from a Legislative Committee appointed for the purpose of conducting Legislative business on behalf of the Committee. Therefore, a caucus of

members of a party would not fall within that definition because the Chairs of the Committee would not appoint democrats or republicans to caucus or meet on behalf of the committee. Furthermore, casual conversations between Legislators would not fall within the meaning of this language because the Committee Chairs would have to actually appoint the subcommittee to work on behalf of the Committee. Casual conversations by Legislators during lunch or work would not fall within the meaning of this language. Thank you.

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

Senator CAHILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. I apologize because I am coming in half way through the debate on this issue. I did look at the Legislation and would like to have further clarification if I may. As a member of Leadership, I am sometimes asked by the Republicans on the Appropriations Committee to meet with them to discuss strategy or discuss differences we may have as Republicans on a particular issue. Often times we meet in the little Cabinet room off the Appropriations Committee. While I think it is important to open government up to people, I think the strategy meetings are vitally important to the way we do business in this Legislature. Granted things in the last year things have not worked as well as they should have but I still think to take away the opportunity to meet as we do to discuss differences privately is very important. I would hope this Legislature would not interfere with that ability. If that question has been answered on the record, I do apologize. Thank you.

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

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. As I understand the question posed by the good Senator from Sagadahoc, Senator Cahill, relating to discussion between members of her caucus and the administration, that would clearly fall outside the definition of a Legislative subcommittee because that meeting would not be a Legislative subcommittee as defined in this Bill. The Chairs of the Appropriations and Financial Affairs Committee would not have appointed the republicans to meet with the Governor's team on financial matters. It would only be if Chairs had actually appointed a bi-partisan subcommittee which was to conduct work on a particular area. If there were three or more Legislators in that subcommittee then this Bill would apply. Thank you.

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

Senator CAHILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. I have a further question through the Chair. If the four Republican members on the Appropriations Committee got together to discuss appropriations matters outside of the Appropriations Committee, what would the status of that meeting be? Thank you.

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

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. I appreciate the spirit in which the question is being raised by our colleague from Sagadahoc, Senator Cahill. In fact, the Committee on Judiciary spent considerable time discussing this very possibility. It was argued that that meeting would not be subject to public review.

It is very clearly a caucus when members of a particular party meet to discuss strategy. It would fall outside the definition of this amendment. This only deals with a Legislative subcommittee and that committee must be appointed by the Chairs of the Committee of Jurisdiction to conduct business on behalf of the committee. Members of a party choosing to meet to discuss strategy or tactics would fall outside this definition. Thank you.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I apologize to you all but this is a huge departure from the way we have done business in this Legislature in the past. Maybe it is for the better but I think it needs to be clarified and crystal clear in each of our minds. What in the good Senator from Androscoggin, Senator Gauvreau's opinion would happen if Senator Brannigan of Cumberland, Senator Foster of Hancock, and the two House Chair and lead people, what would happen if they got together to discuss their strategy for going before the full Appropriations Committee? Thank you.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I think we would have a budget. Thank you.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I suspect that in further response to the further inquiry by the Senator from Sagadahoc, Senator Cahill, if the meeting was casual or spontaneous then it would certainly be outside this Bill. In the event that the Chairs of the Committee had specifically assigned members of the Appropriations and Financial Affairs Committee to meet on a certain area of the budget then I think that would fall within the definition of this language. 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. I agree with Senator Cahill, this is important. We have to know exactly how we are operating here. I am not Chair of Appropriations as you know but I can remember at times I would say to one of the democrats on my committee "go down and talk to the leads on the Republican party on this issue because you know more about it than we do and come back to talk to us about it." Representative Carroll or someone would go down and talk to them. I appointed him, in effect. I remember an instance that we agreed that he was the guy that ought to go because he knows. We appointed him and he goes down to talk about some issue. Would that fall within the language? Thank you.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As I understand the question, if the Chairs of the Appropriations Committee had asked one of the members of their party to confer with members of the other party to see whether a certain proposal would have some acceptance, it seems to me quite unlikely that would fall within the definition of this language. It would be more of a casual circumstance rather than actually convening a particular subcommittee for the

purpose of actually conducting Legislative business which would be engaging in formal workshop or preparing Legislation. It seems to me that at first blush that type of circumstance would fall outside this language. 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. I really do appreciate the Senator from Androscoggin, Senator Gauvreau because there are going to be instances. If we hadn't had this conversation here today people would be wondering for a long time and they would have nothing to refer back to as a guide on which to operate. Although it may be boring and time consuming it is a very important conversation. Thank you.

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

Senator **FOSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I'll be up front and tell you what happens in Appropriations a lot of the time. We have two Leads and we have two Chairmen. Very often we meet and find out what the schedule is going to be and what the problems are. That is very important because there aren't enough hours in the day to have thirteen people talking all the time. In fact we got out at 10:00 last night. I would suggest to you that under this piece of Legislation we probably can't do that. I wonder if you agree? Thank you.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Unfortunately, I can't imbue my remarks with that degree of certitude which would answer every question because we have to apply the Law with the facts as we find them. I would think that if it were a matter of practice of the Committee to have two members of each party meet for purposes of scheduling and this was a formal procedure, I think that would fall within Legislative business because that was a custom of practice in that particular committee. If, on the other hand, the two Republicans met with two Democrats to float a trial balloon note that would not fall within this definition. A lot depends upon how we define Legislative business. The members of the Committee on Judiciary believe that actual workshops on particular Bills was what we had in mind. As you recall last summer we had a mega committee of the Banking and Insurance Committee and the Labor Committee and a few adhoc players of which I was one. The Governor's Office would say they had ten issues in controversy and we would then assign subcommittees to work on the issues. Clearly those subcommittees would be conducting Legislative business because they were discussing policy matters. It seems to me that casual discussions would probably fall outside the ambit of this language. Hopefully I have addressed some of the concerns of the Senator from Hancock, Senator Foster. 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. It seems to me what the committee has tried to do and has done well is that right now the Right to Know Law says if any group who are big enough to make final decisions than



it is public. This could put our caucus at risk. What you have done is narrowed that down to say that if any group meets to do business of that committee is three or more then they are open to public scrutiny. That is the issue, not trial balloons, not sounding things out and not trying to work things here and there. The official business that is being carried out by the committee is the record that is being developed here by this discussion. We would rather do our business in public. Thank you.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would also like to add my remarks on this issue. I always thought the reason the Speaker brought this proposal and people supported it was because of what happened last year. In fact, there was a situation where we had these meetings and people came out and said they said something and other people said they did not say that. We would then go through this big argument on who said what. I don't have the same concerns that are shared by many people in this Body. Whatever is said in private should be good enough to say in public. If you are willing to fight for something in private you should be willing to fight for it in public also. I don't share the same concern about being able to break down into groups. Legislation as crafted would not prevent that from happening regardless. The only thing is whether or not the public would also be invited. I maintain if you feel strongly enough about something to fight for it in private you should be able to do it in public also. Thank you.

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As one who participated in some of those private meetings, I wanted to put on record I thought it was a bad idea to hold meetings in private then and I think it is a bad idea now. I strongly support what the Committee is offering. Thank you.

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

#### ORDERS OF THE DAY

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

Bill "An Act to Create the Fort Kent Utilities District" (Emergency)

H.P. 1736 L.D. 2424

Tabled - March 18, 1992, by Senator **CLEVELAND** of Androscoggin.

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

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

(In Senate, March 18, 1992, **READ A SECOND TIME**.)

(In House, March 17, 1992, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.)

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

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

Bill "An Act to Amend the Laws Governing Construction of Utility Lines" (Emergency)

H.P. 1726 L.D. 2417

Tabled - March 18, 1992, by Senator **CLARK** of Cumberland.

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

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

(In Senate, March 17, 1992, **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence. Subsequently, **RECONSIDERED PASSAGE TO BE ENGROSSED**.)

(In House, March 12, 1992, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.)

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

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

Bill "An Act to Certify Nonprofessionals Working in Chiropractic Offices"

S.P. 959 L.D. 2428

Tabled - March 18, 1992, by Senator **BALDACCI** of Penobscot.

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

(Committee on **BUSINESS LEGISLATION** suggested and **ORDERED PRINTED**.)

(In Senate, March 18, 1992, **READ A SECOND TIME**.)

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

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

SENATE REPORT - from the Committee on **AGRICULTURE** on Bill "An Act to Expand the Membership of the Animal Welfare Board"

S.P. 696 L.D. 1861

Report - **Ought to Pass as Amended by Committee Amendment "A" (5-639)**.

Tabled - March 18, 1992, by Senator **CLARK** of Cumberland.

Pending - **ACCEPTANCE** of Committee Report

(In Senate, March 18, 1992, Report **READ**.)

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

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

Bill "An Act to Extend the Appraisal License Effective Date" (Emergency)

H.P. 1734 L.D. 2422

Tabled - March 18, 1992, by Senator **BALDACCI** of Penobscot.

Pending - **REFERENCE**

(Committee on **BUSINESS LEGISLATION** suggested and **ORDERED PRINTED**.)

(In House, March 17, 1992, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.)

On motion by Senator CLARK of Cumberland, under suspension of the Rules, **READ TWICE**, without reference to a Committee.

On motion by Senator BALDACCI of Penobscot, Senate Amendment "A" (S-645) **READ**.

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

Senator BALDACCI: Thank you Mr. President. Ladies and Gentlemen of the Senate. This amendment on extending the appraisal license effective date has been extended to get us through this particular crunch that has been going on with a lot of refinancing people and the lack of certified real estate appraisers in the State. It also changes the hours to conform to the Appraisal Institute in Washington which is governing this nationally from the S & L Bailout Bill of a couple of years ago. It also reimburses 20% those real estate appraisers that have filed licenses that fall into a gap where they may not have had to go through that procedure. It reimburses 20% of their license fees. Thank you Mr. President.

On further motion by same Senator Senate Amendment "A" (S-645) **ADOPTED**.

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

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

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

Bill "An Act to Establish the Petroleum Market Share Act"

S.P. 844 L.D. 2148

Tabled - March 18, 1992, by Senator BALDACCI of Penobscot.

Pending - **ADOPTION** of Committee Amendment "A" (S-640)

(In Senate, March 18, 1992, Committee Amendment "A" (S-640) **READ**.)

On motion by Senator BALDACCI of Penobscot, Tabled 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (S-640).

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

Bill "An Act to Strengthen the Campaign Finance Reporting Laws"

H.P. 1679 L.D. 2356

Tabled - March 18, 1992, by Senator CLARK of Cumberland.

Pending - **ADOPTION** of Committee Amendment "A" (H-1131)

(In House, March 18, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1131) AS AMENDED BY HOUSE AMENDMENT "B" (H-1140)** thereto, **AND HOUSE AMENDMENT "A" (H-1141)**.)

(In Senate, March 18, 1992, Committee Amendment "A" (H-1131) **READ**.)

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-1131).

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:

**COMMUNICATIONS**

The Following Communication:

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

March 18, 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 **State and Local Government** on Bill "An Act to Establish a Budget Committee and Process for Cumberland County" (EMERGENCY) (H.P. 1603) (L.D. 2265).

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

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

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

Senator MATTHEWS of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator MATTHEWS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I will be very brief. I am very concerned and somewhat angry reading my local town newspaper The Central Maine Morning Sentinel. I was rather surprised to see an article concerning the Governor's effort to run a piece of legislation that deals with abortion through this Legislature the next few days as we wind down. I want to make it clear as one member of this Senate who is a Pro-Life person, that I would sincerely hope that any Bill that comes before the Legislature have an opportunity for discussion and debate and go to the Committee to be reviewed. We have seen no legislation on either side of this issue steam rolled over the membership. I will resist and I know the President and others will resist and this Senate will not allow it. We have a right to discuss all issues no matter how vital or controversial. That is why we are here. We are not South Africa, we are the United State. Thank you.

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

On motion by Senator MCCORMICK of Kennebec, **RECESSED** until 10:45 in the morning.

After Recess  
Senate called to order by the President.

**THE PRESIDENT:** The Chair would also note that today is Agriculture Day, customary that the Legislature pause to reflect upon the significance of the Agriculture Community in our State.

The Chair is pleased to recognize the Maine Blueberry Queen, Christina Hanson of Washington, escorted by the Senator from Lincoln, Senator Brawn.

The Chair is pleased to recognize the Maine Potato Blossom Queen, Darcy Mackley of Caribou, escorted by the Senator from Aroostook, Senator Collins. The Chair is pleased to recognize the State Grange Queen, Renae Ballenger of Topsham, escorted by the Senator from Sagadahoc, Senator Cahill.

The Chair would like to welcome the Maine Potato Blossom Queen, Darcy Mackley, to make remarks to the Senate in reference to today's recognition of the significance and importance of agriculture.

**DARCY MACKLEY:** Good morning. As Senator Pray has said my name is Darcy Mackley and I am reigning Maine Potato Queen. On behalf of all the commodity representatives I would like to thank you for having us here today. We are delighted to be sharing with you the celebration of Maine Agriculture.

Each of us knows the importance of our particular industry and it's individual affect on agriculture as a whole. I know I can speak for all of us here today when I say that representing our relative industries is an honor. From potatoes to blueberries and from apples to broccoli, agriculture plays a vital role in our State. According to the Maine Farm Bureau Association, Maine agriculture is one of the bright spots in an ailing economy. Not only does the agriculture industry provide profit and employment but a certain uniqueness attracts tourists to our respective festivals. Maine's open land provides us with relief from tax burdens and the demand of services as well. Yet, these qualities are often forgotten. The contribution agriculture makes to our State is something we should all be proud of. Not only is it representative of our heritage and tradition but it also offers us a promising future. We, as commodity representatives, have taken our first step in becoming involved in the future of agriculture in the State of Maine. This industry, in its entirety, is one of the key elements in Maine's economic formula. With support and optimism this can only continue to grow. Thank you.

**THE PRESIDENT:** The Chair would like to express on behalf of all of the Senators, our appreciation and gratitude for the representation that you do for your industries, as well as the Agriculture Industry as a whole, and particularly, the fact that we get to share in so many of the goodies today in the Rotunda. The Chair would like to extend his appreciation on behalf of all the members of the Legislature, and particularly, the Maine Senate. Thank you.

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

**COMMITTEE REPORTS**

**House**

**Ought to Pass**

The Committee on **STATE & LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1992 (Emergency)

H.P. 1742 L.D. 2431

Reported that the same **Ought to Pass**, pursuant to Joint Order H.P. 1507.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **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.

**ORDERS OF THE DAY**

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

Bill "An Act to Make Revisions in Marine Resource Laws"

H.P. 1464 L.D. 2076

(C "A" H-1079)

Tabled - March 19, 1992, by Senator **VOSE** of Washington.

Pending - **FURTHER CONSIDERATION**

(In Senate, March 12, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1079)**, in concurrence.)

(In House, March 18, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1079) AS AMENDED BY HOUSE AMENDMENT "A" (H-1158)** thereto, in **NON-CONCURRENCE**.)

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

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

**JOINT ORDER** - regarding the Joint Standing Committee on State and Local Government considering proposing an amendment to the Constitution of Maine to eliminate barriers to democracy.

H.P. 1733

Tabled - March 19, 1992, by Senator **BERUBE** of Androscoggin.

Pending - **PASSAGE**

(In House, March 18, 1992, **READ** and **PASSED**.)

(In Senate, March 19, 1992, **READ**.)

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

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is a Joint Order that is being presented, I believe rather late in the Session. I feel if it were presented as an L.D. next year as it was last year the next Legislature could deal with this issue. It is an issue that talks about changing the method of the number of people necessary to sustain or reject a Governor's veto. It was rejected last year by the Committee by a vote of 10-3 and unanimously by this Body. I am not belittling the Bill. I think it is well intended. I think it is rather late in this Session for our Committee to deal with this. I move for Indefinite Postponement and next year we can address this issue again. Thank you.

On motion by Senator **BERUBE** of Androscoggin, **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

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

Bill "An Act to Create the Fort Kent Utilities District" (Emergency)

H.P. 1736 L.D. 2424

Tabled - March 19, 1992, by Senator **CLARK** of Cumberland.

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

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

(In Senate, March 18, 1992, **READ A SECOND TIME.**)

(In House, March 17, 1992, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.)

On motion by Senator **CLEVELAND** of Androscoggin, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED**, without reference to a Committee, in concurrence.

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

Bill "An Act to Amend the Laws Governing Construction of Utility Lines" (Emergency)

H.P. 1726 L.D. 2417

Tabled - March 19, 1992, by Senator **VOSE** of Washington.

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

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

(In Senate, March 17, 1992, **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence. Subsequently, **RECONSIDERED PASSAGE TO BE ENGROSSED.**)

(In House, March 12, 1992, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.)

On motion by Senator **CLEVELAND** of Androscoggin, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED**, without reference to a Committee, in concurrence.

**Senate at Ease**

Senate called to order by the President.

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

Bill "An Act to Certify Nonprofessionals Working in Chiropractic Offices"

S.P. 959 L.D. 2428

Tabled - March 19, 1992, by Senator **CLARK** of Cumberland.

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

(Committee on **BUSINESS LEGISLATION** suggested and **ORDERED PRINTED.**)

(In Senate, March 18, 1992, **READ A SECOND TIME.**)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED**, without reference to a Committee.

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

**SENATE REPORT** - from the Committee on **AGRICULTURE** on Bill "An Act to Expand the Membership of the Animal Welfare Board"

S.P. 696 L.D. 1861

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-639).**

Tabled - March 19, 1992, by Senator **CLARK** of Cumberland.

Pending - **ACCEPTANCE** of Committee Report

(In Senate, March 18, 1992, Report **READ.**)

Which Report was **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-639) **READ.**

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (S-639).

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

Bill "An Act to Strengthen the Campaign Finance Reporting Laws"

H.P. 1679 L.D. 2356

Tabled - March 19, 1992, by Senator **CLARK** of Cumberland.

Pending - **ADOPTION** of Committee Amendment "A" (H-1131)

(In House, March 18, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1131) AS AMENDED BY HOUSE AMENDMENT "B" (H-1140)** thereto, **AND HOUSE AMENDMENT "A" (H-1141).**)

(In Senate, March 18, 1992, Committee Amendment "A" (H-1131) **READ.**)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (H-1131).

**Off Record Remarks**

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

The Chair appointed Senator **COLLINS** of Aroostook to serve as President Pro Tem for the Session on March 23, 1992.

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **CONLEY** of Cumberland, **ADJOURNED** until Monday, March 23, 1992, at 9:00 in the morning.