

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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HOUSE AND SENATE LEGISLATIVE SENTIMENTS

December 5, 1990 to December 1, 1992

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

In Senate Chamber

Monday

March 23, 1992

Senate called to Order by the President Pro Tem,
Donald F. Collins of Aroostook.

Prayer by the Honorable Nancy Randall Clark of
Cumberland.

SENATOR NANCY RANDALL CLARK: Let us be in the
spirit of prayer. Almighty God, keep our faith
strong and our minds searching your mysteries as we
attempt this day to follow your command and do what
is right. Grant us thy grace today and help us not
only to hear you, but to live as you require. Amen.

Reading of the Journal of Thursday, March 19, 1992.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Impose a Sales Tax on All Items
Sold at Flea Markets Except Those Sold by Nonprofit
Organizations"

H.P. 1651 L.D. 2314

In House, March 17, 1992, **PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1137).**

In Senate, March 18, 1992, Bill and Accompanying
Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

Comes from the House, that Body **ADHERED.**

On motion by Senator **CLARK** of Cumberland, the
Senate **ADHERED.**

The Secretary has so informed the Speaker of the
House.

House Papers

Bill "An Act to Authorize a General Fund Bond
Issue in the Amount of \$10,000,000 for Capital
Repairs to State Facilities"

H.P. 1743 L.D. 2432

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

Which was referred to the Committee on
APPROPRIATIONS & FINANCIAL AFFAIRS and **ORDERED
PRINTED,** in concurrence.

Bill "An Act to Authorize Construction on a Wharf
in Long Lake at Naples"

H.P. 1741 L.D. 2429

Committee on **STATE & LOCAL GOVERNMENT** suggested
and **ORDERED PRINTED.**

Comes from the House, under suspension of the
Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS
AMENDED BY HOUSE AMENDMENT "A" (H-1165),** without
reference to a Committee.

Which was, under suspension of the Rules, **READ
ONCE,** without reference to a Committee.

House Amendment "A" (H-1165) **READ** and **ADOPTED,** in
concurrence.

Which was under suspension of the Rules, **READ A
SECOND TIME,** without reference to a Committee.

The Bill **PASSED TO BE ENGROSSED, As Amended,**
without reference to a Committee, in concurrence.

SENATE PAPERS

Bill "An Act to Authorize a General Fund Bond
Issue in the Amount of \$18,500,000 for Water
Pollution Control Facilities Construction"

S.P. 962 L.D. 2434

Presented by Senator **WEBSTER** of Franklin
(**GOVERNOR'S BILL**)

Cosponsored by Representative **BAILEY** of Farmington

Committee on **HOUSING AND ECONOMIC DEVELOPMENT**
suggested and **ORDERED PRINTED.**

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **AGRICULTURE** on Bill "An Act
Concerning the Structure and Operation of the Seed
Potato Board"

H.P. 1712 L.D. 2397

Reported that the same **Ought to Pass as Amended
by Committee Amendment "A" (H-1150).**

Comes from the House with the Report **READ** and
ACCEPTED and the Bill **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-1150) AS
AMENDED BY HOUSE AMENDMENT "A" (H-1159)** thereto.

Which Report was **READ.**

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

The Committee on **EDUCATION** on Bill "An Act to
Implement the Recommendations of the Advisory
Committee on Medical Education"

H.P. 1722 L.D. 2408

Reported that the same **Ought to Pass as Amended
by Committee Amendment "A" (H-1167).**

Comes from the House with the Report **READ** and
ACCEPTED and the Bill **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-1167).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-1167) **READ** and
ADOPTED, in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on
Bill "An Act to Amend the Date for Compliance with
the State's River Color Standards"

H.P. 1721 L.D. 2407

Reported that the same **Ought to Pass as Amended
by Committee Amendment "A" (H-1162).**

Comes from the House with the Report **READ** and
ACCEPTED and the Bill **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-1162).**

Which Report was **READ.**

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This Legislation has aroused the interest of all the Legislators from Androscoggin County. As you may recall a few years ago there was a major effort on the part of members of the Representatives from the communities in the Androscoggin River Water shed that concerted efforts be undertaken to significantly improve the color, odor, and foam discharges from Maine's pulp and paper industries operating plants adjacent to or abutting the Androscoggin River. It was a great political achievement and an environmental victory when Governor McKernan did sign Legislation two years ago which had been hotly debated over the course of two or three years. You may recall further before that happy occasion the Governor had vetoed and earlier Bill. All of us in the Lewiston/Auburn area were quite pleased that at last we were on a path to meaningful upgrade of the quality of the water in the Androscoggin River. With that as background you can appreciate our concern when there was an after deadline Bill offered and introduced into this Session which would, in fact, defer the implementation date of the standards governing the discharge of color, odor, and foam into the Rivers of our State.

I have had occasion to meet with certain members on the Joint Standing Committee on Energy & Natural Resources but I would like to inquire of members of that committee what would the actual affect of this Legislation be? I understand that this Bill, if enacted, would defer the implementation date of those discharge standards pending future action by the Federal Environmental Protection Agency. My concern is that we move forward at all deliberate speed to assure that we will have clean water in the Androscoggin River and we do not falter in our efforts to improve the quality of the waters of our State. I would like to ask the question to anyone is on the Committee on Energy & Natural Resources to what extent will this Bill defer the standards governing the discharge of color, odor, and foam into our rivers. Thank you.

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

Senator **TITCOMB:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to preface my comments by telling you that it was only after a great deal of serious thought and consideration that the Committee agreed to the conditions in this Bill simply because so many members in the Committee had also. Many community members have been committed to the odor, color, and foam Legislation that passed. We came to a point and time when it was brought to our attention that Federal standards are for effluence from pulp and paper manufacturing were going to be changed. In some cases the cost of these changes would be in the tens of millions of dollars range. There was no clear indication that the odor, color, and foam Bill that went through this Committee, and through this Legislature and the ensuing cost that would follow in the wake of those changes would be consistent with the changes that would be taking place on the Federal level. In other words, we could ask industry to put in tens of millions of dollars in odor, color, and foam equipment and then within a period of a couple of years maybe contradictory equipment for the same amount of money would have to be put in.

The attempt of the Committee was to put off the compliance date of the odor, color, and foam to allow that when Federal standards come through we could better determine if what we are asking of industry is consistent with good environmental and economic sense. There is no sense in asking companies to invest tens of millions of dollars if what they are going to be asked in a couple of years is going to contradict what we are asking them. One of the primary concerns the committee had was that no matter what the Federal Government ask the standards of odor, color, and foam will have to be maintained in this State. We are hoping that the Federal mandates are going to deal with the odor, color, and foam issue. If the Commissioner determines that the Federal proposals will not result in compliance with State color pollution standards State pulp mills in Maine must comply with State standards by December 1, 1996. This is also the compliance date in the event that the Commissioner makes no determination or the Federal Government issues no proposed revisions towards pollution standards for pulp and paper mills.

We are trying to, during a time of very difficult economics, to use some common sense in some of the mandates we are laying on the industry. We are also setting a very strict standard for the odor, color, and foam standard that was put into law just two years ago. Although the Committee was not thrilled with the idea of setting the date off, we felt it was economically responsible to do so during this economic climate. Thank you.

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It is my understanding there was not a public hearing on this measure and I am concerned about that. That is too bad. Clearly there was a great deal of interest throughout the State on this issue. I do plan to vote for it. I do understand that these are dire times in our economy and the paper industry is facing great competition internationally. I can see postponing it and I go along with the Committee's decision. I am sorry there was not a public hearing.

I rose to say I thought there was a great deal of confusion at the time we enacted the odor, color, and foam Legislation. First of all I would like to make it clear to this Body that prior to our hard fought enactment of that Legislation there was already a prohibition in any discharge of odor, color, and foam in Maine Law. The problem was that there was no standard and no time frame. What we enacted had to do with the standard and time frame. Second, I remember hearing there was criticism that we were just talking about aesthetics when we were talking about odor, color, and foam. Nothing could be further from the truth. Primarily we were talking about a way to measure the discharges of that pollution and in so measuring we were able to reduce the dioxin and other toxics that were being spewed into our rivers and entering the fish we eat. We were dealing with far more than aesthetics. We were talking about dioxin reduction. The dioxin levels have already been reduced since the paper industry has tried to address the issue of odor, color, and foam even without the deadlines in place. I wanted to make that clear. We were trying to implant a reasonable standard and a workable timetable. I do

sympathize with the Committee on Energy & Natural Resources. I know they are overwhelmed with Legislation this year and I will be voting for adoption. Thank you.

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

Senator **TITCOMB:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I, too, would like to state on the record there was a good deal of concern that there was not a public hearing on this L.D. It certainly was not the intent of the Committee or anyone else involved to limit public input. Unfortunately, when we are cutting back on cost in the Legislature and we are all strapped for time, we had a deadline on when we could get the Bills out. The Bill was in our Committee and we had to have it out by Friday and there was no way to have a public hearing. There was a good deal of conversation within the committee and there was a good deal of outside input of members who were concerned about this issue. It did not go without some public involvement. I regret that we could not have a public hearing. Thank you.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. My district also surrounds a major river in this State, the Kennebec River. I am very concerned with this Legislation and I ask for a Division. I don't know why we are hanging our hat on any kind of Federal standards and environmental regulation when we know that Federal standards are weaker than State standards. I think we no longer can pit economic development against environmental quality. We must have both. The era for choosing one over the other is over. I ask for a Division. Thank you.

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

THE PRESIDENT PRO TEM: The pending question before the Senate is **ACCEPTANCE** of Committee Report, in concurrence.

A Division has been requested.

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

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

22 Senators having voted in the affirmative and 5 Senators having voted in the negative the motion to **ACCEPT** the Committee Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-1162) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Provide Regulatory and Permitting Assistance to Businesses" (Emergency)

H.P. 1673 L.D. 2349

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (H-1164).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1164)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1164) **READ**.

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (H-1164), in concurrence.

The Committee on **TRANSPORTATION** on Bill "An Act to Amend Certain Motor Vehicle Laws"

H.P. 1477 L.D. 2089

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (H-1163).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1163)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1163) **READ**.

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-1163), in concurrence.

Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act to Prohibit the State from Entering into Residential Treatment Facility Contracts That Give Preference to Former Patients of State Mental Health Institutes"

H.P. 1637 L.D. 2300

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

Signed:

Senators:

CONLEY of Cumberland
GILL of Cumberland

Representatives:

SIMONDS of Cape Elizabeth
MANNING of Portland
GOODRIDGE of Cornville
TREAT of Gardiner
WENTWORTH of Arundel
PENDLETON of Scarborough
DUPLESSIS of Old Town
PENDEXTER of Scarborough

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1149)**.

Signed:

Senator:

BOST of Penobscot

Representatives:

GEAN of Alfred
CLARK of Brunswick

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

Which Reports were **READ**.

On motion by Senator **CONLEY** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Allow Municipalities to Appeal the New State Valuation" (Emergency)

H.P. 1692 L.D. 2372

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

Signed:

Senators:

BOST of Penobscot
ESTY of Cumberland
COLLINS of Aroostook

Representatives:

NADEAU of Saco
DORE of Auburn
DIPIETRO of South Portland
BUTLAND of Cumberland
DUFFY of Bangor
CASHMAN of Old Town

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1136)**.

Signed:

Representatives:

HEPBURN of Skowhegan
MURPHY of Berwick
MAHANY of Easton
TARDY of Palmyra

Comes from the House with the Minority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1136) AS AMENDED BY HOUSE AMENDMENT "A" (H-1168)** thereto.

Which Reports were **READ**.

On motion by Senator **BOST** of Penobscot, Tabled until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

**Senate
Ought Not to Pass**

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

Reported by Senator **MATTHEWS** for the Committee on **HOUSING & ECONOMIC DEVELOPMENT** Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Provide for Job Retention and Job Creation"

S.P. 948 L.D. 2414

Reported by Senator **MATTHEWS** for the Committee on **HOUSING & ECONOMIC DEVELOPMENT** Bill "An Act to Adopt the Recommendations of the Maine Jobs Commission" (Emergency)

S.P. 949 L.D. 2415

Reported by Senator **BERUBE** for the Committee on **STATE & LOCAL GOVERNMENT** Resolve, to Establish a Mechanism for Assessing the Potential for Privatization of State Services (Emergency)

S.P. 909 L.D. 2329

Ought to Pass As Amended

Senator **KANY** for the Committee on **BANKING & INSURANCE** on Bill "An Act to Ensure Financial Solvency of Insurers through Accreditation"

S.P. 957 L.D. 2425

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-649)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-649) **READ**.

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-649).

Senator **GILL** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Facilitate Cooperative Agreements among Maine Hospitals"

S.P. 882 L.D. 2254

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-648)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-648) **READ**.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator **PRAY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Just a brief question. I happen to be reading the amendment and due to the fact that is several pages I had a question. I note that the Statement of Fact is broken into subsections of what the Bill does. Number 3 says a hospital assessment is created to pay for the services required under the Hospital Cooperation Act of 1992. Could somebody explain what the assessment is and what it is based upon? Thank you.

On motion by Senator **CONLEY** of Cumberland, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-648).

Senator **CONLEY** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Require Insurance Companies to Honor Assignment of Medical Benefits for Clients of the Department of Human Services"

S.P. 889 L.D. 2282

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-653)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-653) **READ** and **ADOPTED**.

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

Senator **BERUBE** for the Committee on **JUDICIARY** on Bill "An Act to Provide for Periodic Review and Modification of Child Support Orders"

S.P. 893 L.D. 2293

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-654)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-654) **READ** and **ADOPTED**.

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

Senator **BERUBE** for the Committee on **JUDICIARY** on Bill "An Act to Amend the Maine Civil Rights Law Regarding Violations of Constitutional Rights"

S.P. 899 L.D. 2318

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-651)**.

(Representative Hanley of Paris Abstained.)

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-651) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Ensure that Certain Sales by Boy Scouting and Girl Scouting Organizations Are Exempt from the Sales Tax"

S.P. 806 L.D. 2005

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

Signed:

Senators:

BOST of Penobscot
COLLINS of Aroostook

Representatives:

NADEAU of Saco
MAHANY of Easton
DORE of Auburn
BUTLAND of Cumberland
CASHMAN of Old Town

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-650).**

Signed:

Senator:

ESTY of Cumberland

Representatives:

DUFFY of Bangor
TARDY of Palmyra
DIPIETRO of South

Portland

MURPHY of Berwick
HEPBURN of Skowhegan

Which Reports were **READ.**

On motion by Senator **CLARK** of Cumberland, Tabled Unassigned, pending **ACCEPTANCE OF EITHER REPORT.**

ENACTORS

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

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect Revenues Raised By the Department of Inland Fisheries and Wildlife

H.P. 1686 L.D. 2366
(C "A" H-1102)

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

Senate at Ease

Senate called to order by the President Pro Tem.

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

Senator **CAHILL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

On motion by the President Pro Tem, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President Pro Tem.

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

PAPERS FROM THE HOUSE

Non-concurrent 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

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

In Senate, March 19, 1992, **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

Comes from the House, that Body **ADHERED.**

The Senate **ADHERED.**

The Secretary has so informed the Speaker of the House.

House Papers

Bill "An Act to Clarify the Boundaries between the Towns of Howland and LaGrange and the Towns of Howland and Edinburg" (Emergency)

H.P. 1745 L.D. 2433

Committee on **STATE & 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.

Off Record Remarks

COMMITTEE REPORTS

House

Ought Not to Pass

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

From the Committee on **STATE & LOCAL GOVERNMENT** Bill "An Act to Require Economic Impact Criteria on State Procurement Procedure"

H.P. 1650 L.D. 2313

From the Committee on **STATE & LOCAL GOVERNMENT** Resolve, to Reorganize Health, Social and Developmental Services (Emergency)

H.P. 1662 L.D. 2339

From the Committee on **STATE & LOCAL GOVERNMENT** Bill "An Act Concerning Economic Impact Analysis in Agency Rulemaking"

H.P. 1674 L.D. 2350

From the Committee on **STATE & LOCAL GOVERNMENT** Bill "An Act to Create an Independent Office of Advocacy for the Purpose of Administrative Efficiency"

H.P. 1709 L.D. 2390

From the Committee on **TRANSPORTATION** Bill "An Act to Create the Maine Transportation Authority as the Successor Agency to the Maine Turnpike Authority"

H.P. 1739 L.D. 2426

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act to Prevent Procurement of Controlled Substances through Fraud"

H.P. 1582 L.D. 2232

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1170).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1170)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1170) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LABOR** on Bill "An Act to Abolish the Second Injury Fund and the Employment Rehabilitation Fund" (Emergency)

H.P. 1648 L.D. 2310

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1171)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1171)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1171) **READ** and **ADOPTED**, in concurrence.

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

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 **BERUBE** for the Committee on **STATE & LOCAL GOVERNMENT** Resolve, to Establish Regional Boundaries for Health and Social Services (Emergency)

S.P. 904 L.D. 2324

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Provide Necessary Funding for the Maine Emergency Management Agency" (Emergency)

H.P. 1657 L.D. 2334

Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

Comes from the House Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

On motion by Senator **BRANNIGAN** of Cumberland, Bill and Accompanying Papers **INDEFINITELY POSTPONED**, in concurrence.

The President Pro Tem requested that the Sergeant-at-Arms escort the Senator from Penobscot, Senator **PRAY** to the Rostrum where he resumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Aroostook, Senator **COLLINS** to his seat on the Floor.

Senate called to Order by the President.

Off Record Remarks

ENACTORS

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

An Act Related to the Planning and Delivery of Mental Health Services

S.P. 721 L.D. 1911
(C "A" S-626)

An Act Concerning the Renewal of Agency Liquor Store Licenses

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

An Act to Make Revisions in Marine Resource Laws

H.P. 1464 L.D. 2076
(H "A" H-1158 to C "A" H-1079)

An Act to Revise the Maine Horticultural Laws

H.P. 1498 L.D. 2110
(H "A" H-1092; H "B" H-1124 to C "A" H-986)

An Act to Clarify and Make Technical Changes in the Hospital Care Financing System

H.P. 1535 L.D. 2168
(C "A" H-1122)

An Act Regarding Retail Liquor Sales

S.P. 863 L.D. 2207
(C "A" S-625)

An Act to Clarify Maine's Rent-to-own Laws

H.P. 1594 L.D. 2248
(H "A" H-1132 to C "A" H-1033)

An Act Regarding County Contingent Account Limits

S.P. 884 L.D. 2256
(H "A" H-1133)

An Act Concerning the Registration of Truck Campers

H.P. 1598 L.D. 2260
(C "A" H-1072)

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

H.P. 1612 L.D. 2273
(H "A" H-1160)

An Act to Broaden and Specify Conduct for Which the Certificate of a Law Enforcement Officer May Be Suspended or Revoked

H.P. 1616 L.D. 2277
(C "A" H-1118)

An Act Regarding the Purchase of Spirits at Agency Liquor Stores

S.P. 890 L.D. 2283
(H "A" H-1146 to C "A" S-636)

An Act to Provide Accountability for Certain Purchased Services Related to Substance Abuse

H.P. 1630 L.D. 2294
(C "A" H-1041)

An Act to Grant Immunity for Directors of Rural Electrification Cooperatives

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

An Act to Eliminate Mandatory Minimum Sentences

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

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
(C "A" H-1152)

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

H.P. 1740 L.D. 2427

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 Concerning Indian Territory under the Maine Indian Claims Settlement Laws

H.P. 1218 L.D. 1776
(C "A" H-1125)

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Holloway.

Senator **HOLLOWAY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Once again I ask you to please listen to some of the procedure by which the Indian Lands Claim issue is going to be. The procedure for the municipalities is currently already in Law. It was in Law twelve years ago when the Lands Claim Act was ratified. LURC has been doing this for twenty years and during that twenty years ten municipalities have separated and become new towns. I am telling you now this procedure is already in place. We do not need this Law to be able to do this.

What is new in this particular Law is a ratification language. If the comprehensive plan is made by the tribes and brought here to the Legislature to the Energy & Natural Resources Committee that Committee must hold a public hearing very similar to the APA procedure. At that time if the Committee passes it, it then must come to the Legislature. If we approve the plan, it then becomes a resolve to be signed by the Governor. It will be ratified by the Indian Tribe. After that time there is a possibility of maybe 300,000 acres of land in Maine that will no longer come under any State jurisdiction whatsoever. Forever and ever Maine will never have an opportunity to have any jurisdiction within that 300,000 acres. Indeed, this is a very serious Bill and it is one I hope you will consider. I would move that we indefinitely postpone this Bill and all its accompanying papers. I ask for a Roll Call. Thank you.

Senator **HOLLOWAY** of Lincoln moved that Bill and Accompanying Papers be **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As you will recall we had some extensive debate on this issue a day or two ago. I don't intend to repeat all the discussion. I do want to call to your attention the high points of this Legislation and respond briefly to the comments to my good colleague from Lincoln, Senator Holloway.

This Legislation, L.D. 1776, if enacted would set forth a procedure which the Indian Nations could use to secure that the Lands they currently hold in trust would be outside LURC jurisdiction for purposes of land use planning. Let me emphasize that in the event that this were to come to fruition, this would not exempt most activities which occur on the Trust Lands from State control. We are talking simply about the area of land use planning. Only in the area of land use planning would the trust lands be outside LURC or State control. For all other activities controlling behavior on those lands the State interests would not be affected.

What is important to stress here is the policy question on whether we as a Legislature agree that the Indian Nations have the requisite expertise to provide appropriate stewardship in the land use management of the land currently within the Tribal trust lands. We have set forth a carefully detailed procedure by which the nations could make application to have those lands clearly outside LURC jurisdiction. Only in the event that the Joint Standing Committee on Energy & Natural Resources believe the comprehensive land use plan, authored by the Nations, would be responsible and only in the event the next Legislature and Governor approved those land use plans would the nations be extricated from potential LURC jurisdiction. It seems to me the issue comes down not to one of little complexities because clearly we have the authority as a Legislature to make a policy decision on whether or not the nations should be entrusted with stewardship of their own land. This matter has been very carefully reviewed this session and last session not just by the Committee on Judiciary but also by the Committee on Energy & Natural Resources. A strong majority of the members of those committees believe this is appropriate, sound policy. For those reasons I would urge the Body to vote in opposition to the pending motion to postpone in order so we can go on to enact this Legislation. Thank you Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **HOLLOWAY** of Lincoln to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

A vote of Yes will be in favor of the motion of Senator **HOLLOWAY** of Lincoln that Bill and Accompanying Papers be **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BRAWN, CAHILL, CARPENTER, COLLINS, EMERSON, FOSTER, GOULD, HOLLOWAY, LUDWIG, RICH, THE PRESIDENT - CHARLES P. PRAY**

NAYS: Senators **BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, CLEVELAND, CONLEY, DUTREMBLE, ESTES, ESTY, GAUVREAU, GILL, KANY, MATTHEWS, MCCORMICK, MILLS, PEARSON, THERIAULT, TITCOMB, TWITCHELL, VOSE**

ABSENT: Senators **SUMMERS, WEBSTER**

11 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 2 Senators being absent, the motion of Senator **HOLLOWAY** of Lincoln, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**, **FAILED**.

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

An Act Relating to Legislative Confirmation Hearings

S.P. 894 L.D. 2299

(H "B" H-1148)

On motion by Senator **GAUVREAU** of Androscoggin, Tabled 1 Legislative Day, pending **ENACTMENT**.

An Act to Reestablish the Mining Excise Tax Trust Fund Board of Trustees

H.P. 1714 L.D. 2399
(C "A" H-1128)

In accordance with Article 5, Part 1, Section 8 of the Constitution, an affirmative vote of two-thirds of the members present and voting is required for enactment. 31 Senators having voted in the affirmative and No Senators having voted in the negative, and 31 being more than two-thirds of the members present and voting, the Bill 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 Concerning the Freedom of Access Laws as They Relate to Disclosure of Public Employee Personnel Records

S.P. 819 L.D. 2018
(C "A" S-635)

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 Make Electronic Monitoring and Substance Testing Programs Economically Feasible

H.P. 1451 L.D. 2063
(C "A" H-1126)

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 Regarding Concealed Weapons Permit Fees

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

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

Emergency

An Act to Allow the Separation of Certain Islands in Casco Bay from the City of Portland

H.P. 1634 L.D. 2298
(H "A" H-1135 to C "A" H-1095)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with 1 Senator 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 to Clarify the Definition of Certain Vehicles for Insurance Purposes

H.P. 1644 L.D. 2307
(H "B" H-1139; H "A" H-1088; S "A" S-623 to C "A" H-1070)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Amend Various Provisions of the Laws Governing Solid Waste Disposal Facilities

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

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 Relating to Gambling

H.P. 1685 L.D. 2365
(S "A" S-620 to C "A" H-1056)

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.

Emergency

An Act to Amend the Process for Collecting for Costs of Services of the Maine Labor Relations Board, the Panel of Mediators and the State Board of Arbitration and Conciliation

S.P. 930 L.D. 2385
(C "A" S-637)

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.

Emergency

An Act to Implement the Recommendations of the Motorcycle Driver Education Study Committee
H.P. 1723 L.D. 2412
(S "A" S-630)

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 to Extend the Appraisal License Effective Date
H.P. 1734 L.D. 2422
(S "A" S-645)

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, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1992

H.P. 1742 L.D. 2431

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

Off Record Remarks

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator LUDWIG for the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Amend the Underground Oil Storage Facilities and Ground Water Protection Laws and the Uncontrolled Hazardous Substance Sites Laws"

S.P. 919 L.D. 2358

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-665)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-665) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

SENATE PAPERS

Bill "An Act to Amend the Charter of the Rangeley Water District" (Emergency)

S.P. 964 L.D. 2437

Presented by Senator **MILLS** of Oxford

Cosponsored by Representative **BARTH** of Bethel

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

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

Which was, under suspension of the Rules, **READ ONCE**, without reference to a Committee.

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

ORDERS OF THE DAY

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

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$18,500,000 for Water Pollution Control Facilities Construction"

S.P. 962 L.D. 2434

Tabled - March 23, 1992, by Senator **BRANNIGAN** of Cumberland.

Pending - **REFERENCE**

(Committee on **HOUSING AND ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED**.)

On motion by Senator **BRANNIGAN** of Cumberland, **REFERRED** to the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS**.

Sent down for concurrence.

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

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

HOUSE REPORT - from the Committee on **AGRICULTURE** on Bill "An Act Concerning the Structure and Operation of the Seed Potato Board"

H.P. 1712 L.D. 2397

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-1150)**.

Tabled - March 23, 1992, by Senator **CLARK** of Cumberland.

Pending - **ACCEPTANCE OF COMMITTEE REPORT**, in concurrence

(In House, March 19, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1150) AS AMENDED BY HOUSE AMENDMENT "A" (H-1159)** thereto.)

(In Senate, March 23, 1992, Report **READ**.)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Committee Report, in concurrence.

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

Bill "An Act to Amend Certain Motor Vehicle Laws"

H.P. 1477 L.D. 2089

Tabled - March 23, 1992, by Senator **CLARK** of Cumberland.

Pending - **ADOPTION** of Committee Amendment "A" (H-1163), in concurrence

(In House, March 19, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1163)**.)

(In Senate, March 23, 1992, Committee Amendment "A" (H-1163) **READ**.)

On motion by Senator **TWITCHELL** of Oxford, Senate Amendment "A" (S-655) to Committee Amendment "A" (H-1163) **READ** and **ADOPTED**.

Committee Amendment "A" (H-1163) As Amended by Senate Amendment "A" (S-655) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Allow Municipalities to Appeal the New State Valuation" (Emergency)

H.P. 1692 L.D. 2372

Majority - **Ought Not to Pass**.

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-1136)**.

Tabled - March 23, 1992, by Senator **BOST** of Penobscot.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 19, 1992, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1136) AS AMENDED BY HOUSE AMENDMENT "A" (H-1168)** thereto.)

(In Senate, March 23, 1992, Reports **READ**.)

On motion by Senator **BOST** of Penobscot, Tabled 1 Legislative Day, pending **ACCEPTANCE OF EITHER REPORT**.

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

Bill "An Act to Ensure Financial Solvency of Insurers through Accreditation"

S.P. 957 L.D. 2425

Tabled - March 23, 1992, by Senator **CLARK** of Cumberland.

Pending - **ADOPTION** of Committee Amendment "A" (S-649)

(In Senate, March 23, 1992, Committee Amendment "A" (S-649) **READ**.)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (S-649).

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

Bill "An Act to Facilitate Cooperative Agreements among Maine Hospitals"

S.P. 882 L.D. 2254

Tabled - March 23, 1992, by Senator **CONLEY** of Cumberland.

Pending - **ADOPTION** of Committee Amendment "A" (S-648).

(In Senate, March 23, 1992, Committee Amendment "A" (S-648) **READ**.)

Committee Amendment "A" (S-648) **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.

Senate at Ease
Senate called to order by the President.

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

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)

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

Pending - **ENACTMENT**

(In Senate, March 16, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1093)**, in concurrence.)

(In House, March 18, 1992, **PASSED TO BE ENACTED**.)

On motion by Senator **BOST** of Penobscot, Tabled 1 Legislative Day, pending **ENACTMENT**.

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

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

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

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

Pending - **ENACTMENT**

(In Senate, March 16, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1109)**, in concurrence.)

(In House, March 18, 1992, **PASSED TO BE ENACTED**.)

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

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 19, 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, Senate Amendment "B" (S-657) to Committee Amendment "A" (S-640) **READ**.

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

Senator **BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I hope to be very brief in explaining to you the differences between the Committee Amendment and the amendment that is before you today. On page 3 of the Committee Amendment it is calling for a report by a retailer and that has been eliminated. Those reports, as I stated before, are available if they are needed. The most important reports are those of the refiners and the wholesalers. That has been eliminated. On page 4 of the amendment it talks about the geographic radius restrictions, on line 48 my amendment eliminates will increase to not decrease. On page 5 of the Committee Amendment the duration of home heating oil contracts has been eliminated and there

is an allowance for Attorney General rulemaking in that particular section if, in fact, the Advisory Commission determines there is a problem. On page 6 where it talks about the private right of action on line 37 it says where threatened and that has been eliminated so that it has to be actual damages that suffers injury to business or property or is threatened with such injury. Those are the proposals in my amendment and I move for their adoption. Thank you Mr. President.

On motion by Senator **BALDACCI** of Penobscot, Senate Amendment "B" (S-657) to Committee Amendment "A" (S-640) **ADOPTED**.

Committee Amendment "A" (S-640) As Amended by Senate Amendment "B" (S-657) thereto, **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.

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 19, 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 Later Today Assigned matter:

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

H.P. 1736 L.D. 2424

Tabled - March 23, 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, Senate Amendment "A" (S-663) **READ**.

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

Senator **CLEVELAND**: Thank you Mr. President. Ladies and Gentlemen of the Senate. Originally L.D. 2424 was before us without the opportunity of being referred to Committee. The Committee did take the opportunity to hold a public meeting on the proposed L.D. There were some drafting changes to put it in the proper format for Utilities District. This includes both a water and a sewage district that are combined under one utility. It is a little more

unusual format. The drafting of the charter needs to reflect the requirements of both the sewage and water utilities. What you have before you is the appropriate language we adopt traditionally in the Committee for this kind of utility. The Committee has unanimously supported that kind of language and we have spoken with the municipality and the attorneys and everyone is concurrent with the language. Thank you.

On motion by Senator **CLEVELAND** of Androscoggin, Senate Amendment "A" (S-663) **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 Amend the Laws Governing Construction of Utility Lines" (Emergency)

H.P. 1726 L.D. 2417

Tabled - March 19, 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 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, Senate Amendment "A" (S-668) **READ**.

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

Senator **CLEVELAND**: Thank you Mr. President. Ladies and Gentlemen of the Senate. L.D. 2417 was also a Legislative Document that had the opportunity to go to engrossment without public hearing. The Committee took the opportunity during the time it was tabled to have a public meeting on this. We invited the supporters to present it to us. What we discovered was there was a need for some amendments to clarify its intent. Essentially the Bill removed the requirement for assurity bond for long term maintenance and repair to utility lines installed by private owners on the public way. There is no bonding out to issue those kinds of bonds. We have maintained the intent of the sponsor which is to remove that and added some language that allows the filing of any agreement between the owner and the utility with the County Registry of Deeds so that would be known to any perspective buyer. We have also provided a lien process through the usual process for any items that may fall to the public municipality should future issues of maintenance and repair come up they may have some recourse to the owner for the recapture of those. I think you will find this in a more proper form for enactment.

On motion by Senator **CLEVELAND** of Androscoggin, Senate Amendment "A" (S-668) **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 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 BALDACCI of Penobscot, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED**, without reference to a Committee.

Tabled - March 23, 1992, by Senator PEARSON of Penobscot.

Pending - **ADOPTION** of Committee Amendment "A" (S-639)

(In Senate, March 19, 1992, Committee Amendment "A" (S-639) **READ.**)

On motion by Senator TWITCHELL of Oxford, Senate Amendment "A" (S-647) to Committee Amendment "A" (S-639) **READ** and **ADOPTED.**

On motion by Senator PEARSON of Penobscot, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-639) As Amended by Senate Amendment "A" (S-647) thereto.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

On motion by Senator PEARSON of Penobscot, **ADJOURNED** until Tuesday, March 24, 1992, at 9:30 in the morning.

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

Bill "An Act to Expand the Membership of the Animal Welfare Board"

S.P. 696 L.D. 1861

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

Pending - **ADOPTION** of Committee Amendment "A" (S-639)

(In Senate, March 19, 1992, Committee Amendment "A" (S-639) **READ.**)

On motion by Senator PEARSON of Penobscot, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-639).

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 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 MILLS of Oxford, Senate Amendment "B" (S-659) to Committee Amendment "A" (H-1131) **READ** and **ADOPTED.**

House Amendment "B" (H-1140) to Committee Amendment "A" (H-1131) **READ.**

On motion by Senator MILLS of Oxford, House Amendment "B" (H-1140) to Committee Amendment "A" (H-1131) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

On motion by Senator MILLS of Oxford, Tabled 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (H-1131) As Amended by Senate Amendment "B" (S-659) thereto, in **NON-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 Expand the Membership of the Animal Welfare Board"

S.P. 696 L.D. 1861