

# 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

Index

#### **SECOND CONFIRMATION SESSION**

May 20, 1992

Index

#### **THIRD CONFIRMATION SESSION**

August 19, 1992

Index

#### **THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

Index

#### **FOURTH SPECIAL SESSION**

October 16, 1992

Index

#### **FOURTH CONFIRMATION SESSION**

November 19, 1992

Index

#### **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

MAINE WASTE MANAGEMENT AGENCY  
STATE HOUSE STATION 154  
AUGUSTA, MAINE 04333

March 19, 1992.

In Senate Chamber

Tuesday

March 24, 1992

Senate called to Order by the President.

Prayer by the Honorable Linda Curtis Brawn of Knox.  
**SENATOR LINDA CURTIS BRAUN:** Good morning. Shall we be in the spirit of prayer? Lord bless this day we are about to begin. Bless the work we will do in this place. That it may be productive for us and for others. Guide us that we may use our time wisely. Direct our energies that we may use them productively. Don't let us drive ourselves so hard that we don't enjoy this day you have given to us. Grant us your strength, courage, and love for all mankind. At the end of this Session, when we finally adjourn sine die, Lord show each of us your will for our lives. Thank you God for the marvel and challenge of this new day. Amen.

Reading of the Journal of Monday, March 23, 1992.

Off Record Remarks

The Following Communication: S  
.P. 963

115TH MAINE LEGISLATURE  
March 23, 1992

Senator N. Paul Gauvreau  
Rep. Patrick E. Paradis  
Chairpersons  
Joint Standing Committee on Judiciary  
115th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of Denise D. Whitley of Farmington for appointment to the Maine Human Rights Commission.

Pursuant to Title 5, MRSA Section 4561, this nomination is currently pending before the Joint Standing Committee on Judiciary.

Sincerely,  
S/Charles P. Pray  
President of the Senate  
S/John L. Martin  
Speaker of the House

Which was READ and REFERRED to the Committee on JUDICIARY.  
Sent down for concurrence.

The Following Communication:

Senate President Charles Pray  
Speaker of the House John Martin  
State House  
Augusta, Maine 04333  
Dear President Pray and Speaker Martin:  
On behalf of the 12 members of the Waste Management Advisory Council, I am submitting this annual report, as required by PL 585.

The Council has continued to meet monthly this past year. The format of our meetings is a brief report from the Agency on current activities, followed by a lengthy discussion of topics relevant to the Agency's policy making responsibility. We have also used this portion of the meeting to discuss topics of concern to members of the Council and the constituencies they represent, such as market conditions, the public-private relationship in the waste management system and concern for the continued funding of Agency incentive programs for public and private investments.

The emphasis in our earlier meetings this year was the Agency's development of new initiatives, as required by law. These included the household hazardous waste initiative, labeling, packaging, measuring recycling progress and an education program.

During the latter part of the year our discussions have focused on cooperative marketing, flow control and other topics relevant to the update of the two year State of Maine Waste Management and Recycling Plan. We have also spent several meetings on the results of the initial efforts at siting a special waste landfill, and where to proceed from here.

The softness of markets for recyclables has been of great concern, and methods of improving the marketability of Maine's recyclables, is a high priority for the Agency and Council at present. Other priorities are the reduction and management of packaging, education, and assistance for businesses, industries and municipalities to further develop Maine's comprehensive waste management infrastructure.

We view the Council as an important forum for all public and private segments of the waste management system to come together on a regular basis to discuss issues of mutual concern. It is a chance for us to have early input into the policies that will affect us all.

Respectfully submitted,  
S/Karen Stram, Chairperson

Which was READ and ORDERED PLACED ON FILE.

COMMITTEE REPORTS  
Senate

Ought to Pass As Amended

Senator ESTES for the Committee on EDUCATION on Bill "An Act to Improve Educational Public Broadcasting Statewide" (Emergency)

S.P. 945 L.D. 2409

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-666).

Which Report was READ and ACCEPTED.  
The Bill READ ONCE.

Committee Amendment "A" (S-666) **READ.**

On motion by Senator **DUTREMBLE** of York, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-666).

**SECOND READERS**

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

**House As Amended**

Bill "An Act to Prevent Procurement of Controlled Substances through Fraud"

H.P. 1582 L.D. 2232  
(C "A" H-1170)

Bill "An Act to Abolish the Second Injury Fund and the Employment Rehabilitation Fund" (Emergency)

H.P. 1648 L.D. 2310  
(C "A" H-1171)

Bill "An Act to Amend the Date for Compliance with the State's River Color Standards"

H.P. 1721 L.D. 2407  
(C "A" H-1162)

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

H.P. 1722 L.D. 2408  
(C "A" H-1167)

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

**Senate**

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

S.P. 964 L.D. 2437

Which was **READ A SECOND TIME.**

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

**Senate As Amended**

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  
(C "A" S-653)

Bill "An Act to Provide for Periodic Review and Modification of Child Support Orders"

S.P. 893 L.D. 2293  
(C "A" S-654)

Bill "An Act to Amend the Maine Civil Rights Law Regarding Violations of Constitutional Rights"

S.P. 899 L.D. 2318  
(C "A" S-651)

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

Sent down for concurrence.

**ORDERS OF THE DAY  
Unfinished Business**

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

The Chair laid before the Senate the Tabled and Later Assigned (3/23/92) matter:

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

S.P. 696 L.D. 1861

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

Pending - **ADOPTION** of Committee Amendment "A" (S-639) As Amended by Senate Amendment "A" (S-647) thereto

(In Senate, March 19, 1992, Senate Amendment "A" (S-647) to Committee Amendment "A" (S-639) **READ** and **ADOPTED.**)

**Senate at Ease**

Senate called to order by the President.

On motion by Senator **PEARSON** of Penobscot, Senate Amendment "B" (S-667) to Committee Amendment "A" (S-639) **READ.**

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The Bill we have before us deals with animal welfare. You might wonder why I am interested in animal welfare. I am only interested in one section of the Bill and that has to do with the euthanizing of dogs. Currently, if a stray dog is found and taken to the shelter he has eight days for the owner to show up. If the owner doesn't show up they murder the dog. Now they are planning to do it in six days. My amendment would make it eleven days. I'd like to tell you why.

The first thing I'd like to tell you is the reason I arrived at eleven days is because if you are going on vacation chances are you leave on a Friday afternoon. On the way down the road you drop your dog off at someone's house to have him taken care of while you are gone. The dog, being an extremely loyal dog, goes into a frenzy and runs away because it is the first time he is away from his owners. Meanwhile you are on your way for your vacation. You leave on a Friday and get back a week later on a Sunday. That is a typical vacation. The dog pound is not open on Sunday. You have to wait until Monday to get to the dog pound. This is how I arrived at the eleven days.

It is not uncommon for dogs from time to time to wonder off. A friend of mine in Presque Isle has a dog named Bandy. Bandy lives on Parkhurst Siding Road in Presque Isle. That is right near the Caribou line. Bandy was about seven years old and had never been into the big city and decided he would take a walk into Presque Isle and see the bright lights. Bandy went into town and got caught by the dog catcher and was put into the dog pound. I must say that the master, I think her name was Donna Lisnik, had been neglectful in registering the dog. She was at fault but they loved their dog an awful lot. They spent a lot of time looking for Bandy and finally found him in the dog pound in Presque Isle. Under the Bill we have before us, that dog could have been put to death by the people that ran the Shelter in Presque Isle.

I have a couple of dogs myself and every once in a while they wander off. They have only gone away for one day at a time but they did go away once and that is an awful feeling. This has no fiscal impact to the State. The Shelters will be reimbursed by the State for a period of up to six days. After that the Shelter bears the cost. Dogs have had an important historical role in the State of Maine. I think we ought to be very careful before we euthanize them on some whim.

Some of you know the story about Governor Baxter's dog who was very important to Governor Baxter. When he had his official portrait painted outside the door here he had his portrait painted with his dog. I have a copy of the book that Governor Baxter wrote about his Irish Setter dogs. I can't help but think that if Governor Baxter were around today he would think what a terrible thing it is for the Maine Legislature to consider murdering these dogs in six days. Consequently, I would hope that we would adopt the amendment I offer. Thank you.

On motion by Senator PEARSON of Penobscot, Senate Amendment "B" (S-667) to Committee Amendment "A" (S-639) **ADOPTED.**

Off Record Remarks

On motion by Senator VOSE of Washington, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-639) As Amended by Senate Amendments "A" (S-647) and "B" (S-667) thereto.

Senate at Ease  
Senate called to order by the President.

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

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

Bill "An Act Concerning the Bureau of Intergovernmental Drug Enforcement" (Emergency)  
H.P. 1629 L.D. 2292  
(C "A" H-1106)

In Senate, March 17, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1106)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1106) AS AMENDED BY HOUSE AMENDMENT "A" (H-1186)** thereto, in **NON-CONCURRENCE.**

The Senate **RECEDED** and **CONCURRED.**  
On motion by Senator CAHILL of Sagadahoc, the Senate **RECONSIDERED** its action whereby it **RECEDED** and **CONCURRED.**

Senator CAHILL of Sagadahoc requested a Division.  
**THE PRESIDENT:** The pending question before the Senate is the motion to **RECEDE** and **CONCUR.**  
A Division has been requested.

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

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

17 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion to **RECEDE** and **CONCUR, PREVAILED.**

Senate at Ease  
Senate called to order by the President.

**House Papers**

Bill "An Act to Eliminate the Position and Office of the Chancellor of the University of Maine System"  
H.P. 1747 L.D. 2435

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

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

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

**Pursuant to Statutes**  
**COMMITTEE ON AUDIT AND PROGRAM REVIEW**

The Committee on **AUDIT AND PROGRAM REVIEW**, pursuant to the Maine Revised Statutes, Title 3, chapter 33, ask leave to submit its findings and to report that the accompanying Bill "An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs"

H.P. 1749 L.D. 2438

Be referred to the Committee on **AUDIT & PROGRAM REVIEW** for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED,** without reference to a Committee.

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

The Bill, under suspension of the Rules, **READ ONCE,** without reference to a Committee.

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

Senate at Ease  
Senate called to order by the President.

**COMMITTEE REPORTS**

**House**  
**Ought to Pass**

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

H.P. 1751 L.D. 2439

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.

**Ought to Pass As Amended**

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Establish the Environmental Appeals Board and to Amend Licensing and Permitting Procedures within the Department of Environmental Protection"

H.P. 950 L.D. 1372

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1190).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1190).**

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

The Bill **READ ONCE.**  
Committee Amendment "A" (H-1190) **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 **ENERGY & NATURAL RESOURCES** on Bill "An Act to Amend Certain Laws Pertaining to the Department of Environmental Protection's Bureau of Hazardous Materials and Solid Waste Control" (Emergency)

H.P. 1502 L.D. 2114

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1191)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1191)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1191) **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 **ENERGY & NATURAL RESOURCES** on Bill "An Act to Ensure the Safe Collection and Management of Certain Household Hazardous Wastes"

H.P. 1632 L.D. 2296

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1176)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1176)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1176) **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 **ENERGY & NATURAL RESOURCES** on Bill "An Act Concerning Site Protection at Former Mining Operations"

H.P. 1715 L.D. 2400

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1177)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1177)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1177) **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 **HUMAN RESOURCES** on Bill "An Act Concerning the Early Establishment of Counseling for Children in Foster Care" (Emergency)

H.P. 1543 L.D. 2176

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1179)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1179)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1179) **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 **LABOR** on Bill "An Act to Establish the Nontraditional Occupation Act for Women"

H.P. 1701 L.D. 2381

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1178)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1178)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1178) **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 **STATE & LOCAL GOVERNMENT** on Bill "An Act to Reorganize the Bureau of Alcoholic Beverages" (Emergency)

H.P. 1503 L.D. 2116

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1194)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1194)**.

Which Report was **READ**.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is an Act to Reorganize the Bureau of Alcoholic Beverages. Is that where we are? I would request a Division on acceptance of the Report. Thank you.

Senator **CAHILL** of Sagadahoc requested a Division.

Senator **BUSTIN** of Kennebec moved that the Bill and Accompanying Papers be **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Senator **BERUBE** of Androscoggin requested a Division.

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

Senator **CAHILL:** Thank you Mr. President. I am sorry I was carrying on a conversation with another member of the Body and I didn't hear what the motion was. Could you please tell me? Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **BUSTIN** of Kennebec that the Bill and Accompanying Papers be **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On motion by Senator **PEARSON** of Penobscot, 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 Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. I asked for a Roll Call simply because I don't know the issue. All I know is that somebody got up and made one motion and another person moved that we have a Division. There was no explanation. I withdraw my request for a Roll Call but I hope that somebody will explain what is going on. Thank you.

Senator PEARSON of Penobscot requested and received leave of the Senate to withdraw his motion for a Roll Call.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator BUSTIN of Kennebec, to INDEFINITELY POSTPONE Bill and Accompanying Papers in NON-CONCURRENCE. (Division Requested)

The Committee on STATE & LOCAL GOVERNMENT on Bill "An Act to Clarify the Funding of State Mandates" (Emergency)

H.P. 1684 L.D. 2364

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1172).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1172).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1172) 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 TAXATION on Bill "An Act Concerning Technical Changes to the Tax Laws" (Emergency)

H.P. 1716 L.D. 2401

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1184).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1184).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1184) 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 Supplemental Allocations of Funds from the Highway Fund for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)

H.P. 1677 L.D. 2354

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1195).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1195).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1195) READ.

On motion by Senator DUTREMBLE of York, Tabled until Later in Today's Session, pending ADOPTION of Committee Amendment "A" (H-1195), in concurrence.

**Divided Report**

The Majority of the Committee on STATE & LOCAL GOVERNMENT on Bill "An Act Concerning Reasonable Standards and Procedures for Contracting Services by the State"

H.P. 1669 L.D. 2345

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1174).

Signed:

Senators:

BERUBE of Androscoggin  
BUSTIN of Kennebec

Representatives:

KERR of Old Orchard Beach  
NASH of Camden  
LARRIVEE of Gorham  
WATERMAN of Buxton  
SAVAGE of Union  
KILKELLY of Wiscasset  
JOSEPH of Waterville  
GRAY of Sedgwick  
HEESCHEN of Wilton

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

Signed:

Senator:

EMERSON of Penobscot

Representative:

LOOK of Jonesboro

Comes from the House with the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1174).

Which Reports were READ.

Senator BERUBE of Androscoggin moved that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair. I wish someone on the Majority Report would explain this Bill a little bit so those of us in the Body who are not familiar with it can understand it. Thank you.

On motion by Senator BERUBE of Androscoggin, Tabled until Later in Today's Session, pending the motion by same Senator to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence.

**ENACTORS**

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

**Emergency**

An Act to Restore Control and Stability to the Bureau of Alcoholic Beverages

H.P. 1670 L.D. 2346

(C "A" H-1120)

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

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Amend the Election Laws"  
S.P. 820 L.D. 2019  
(H "A" H-1104 to C "A"  
S-617)

In Senate, March 16, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-617) AS AMENDED BY HOUSE AMENDMENT "A" (H-1104)** thereto, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-617) AS AMENDED BY HOUSE AMENDMENT "C" (H-1187)** thereto, in **NON-CONCURRENCE**.

Senator **MILLS** of Oxford moved that the Senate **RECEDE** and **CONCUR**.

On motion by Senator **CAHILL** of Sagadahoc, Tabled until Later in Today's Session, pending the motion by Senator **MILLS** of Oxford to **RECEDE** and **CONCUR**.

**Non-concurrent Matter**

Bill "An Act to Require Group Insurance Companies to Notify Covered Employees of Nonpayment of Premiums by Employers"

H.P. 1617 L.D. 2278  
(C "A" H-1155)

In Senate, March 19, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1155)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1155) AS AMENDED BY HOUSE AMENDMENT "A" (H-1185)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **KANY** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

**Non-concurrent Matter**

Bill "An Act to Repeal a State Mandate Requiring a National Plumbing Code" (Emergency)

H.P. 1681 L.D. 2361  
(C "A" H-1105)

In Senate, March 16, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1105)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1105) AND HOUSE AMENDMENT "A" (H-1188)** in **NON-CONCURRENCE**.

On motion by Senator **BALDACCI** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

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

**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

The Committee on **LABOR** on Bill "An Act to Reform Unemployment Compensation Guidelines in Maine"

H.P. 1486 L.D. 2098

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1189)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1189) AS AMENDED BY HOUSE AMENDMENT "A" (H-1199)** thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1189) **READ**.

House Amendment "A" (H-1199) to Committee Amendment "A" (H-1189) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-1189) As Amended by House Amendment "A" (H-1199) thereto, **ADOPTED**, in concurrence.

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

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act Relating to Unredeemed Deposits"  
H.P. 1519 L.D. 2131  
(H "A" H-1123 to C "A"  
H-1034)

In Senate, March 17, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1034) AS AMENDED BY HOUSE AMENDMENT "A" (H-1123)** thereto, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1034) AS AMENDED BY HOUSE AMENDMENT "C" (H-1197)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **BALDACCI** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

The Committee on **JUDICIARY** on Bill "An Act to Enact Article 4-A of the Uniform Commercial Code"

H.P. 1654 L.D. 2321

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1201)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1201)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1201) **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.

**Divided Report**

The Majority of the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Establish the Motor Vehicle Emission Inspection Program"

H.P. 1645 L.D. 2308

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1154)**.

Signed:

Senators:

TITCOMB of Cumberland  
BALDACCI of Penobscot  
LUDWIG of Aroostook



Representatives:

HOGLUND of Portland  
SIMPSON of Casco  
JACQUES of Waterville  
ANDERSON of Woodland  
LORD of Waterboro  
COLES of Harpswell  
GOULD of Greenville  
MARSH of West Gardiner

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

Signed:

Representatives:

MITCHELL of Freeport  
POWERS of Coplin Plantation

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1154) AS AMENDED BY HOUSE AMENDMENT "A" (H-1181)** thereto.

Which Reports were **READ.**

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE.**

Committee Amendment "A" (H-1154) **READ.**

House Amendment "A" (H-1181) to Committee Amendment "A" (H-1154) **READ.**

On motion by Senator **TITCOMB** of Cumberland, House Amendment "A" (H-1181) to Committee Amendment "A" (H-1154) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

Committee Amendment "A" (H-1154) **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.

**Divided Report**

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Assist the State's Shellfish Industry" (Emergency)

H.P. 1719 L.D. 2404

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-1193).**

Signed:

Senators:

VOSE of Washington  
ESTES of York  
GOULD of Waldo

Representatives:

HOLT of Bath  
SKOGLUND of St. George  
MITCHELL of Freeport  
COLES of Harpswell  
SWAZEY of Bucksport  
HEINO of Boothbay

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

Signed:

Representatives:

LOOK of Jonesboro  
FARREN of Cherryfield  
TOWNSEND of Eastport  
CONSTANTINE of Bar Harbor

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1193).**

Which Reports were **READ.**

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE.**

Committee Amendment "A" (H-1193) **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.

**Divided Report**

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the House of Representatives

H.P. 1660 L.D. 2337

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

Signed:

Senator:

BUSTIN of Kennebec

Representatives:

WATERMAN of Buxton  
GRAY of Sedgwick  
LARRIVEE of Gorham  
JOSEPH of Waterville  
KILKELLY of Wiscasset  
HEESCHEN of Wilton

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-1173).**

Signed:

Senators:

BERUBE of Androscoggin  
EMERSON of Penobscot

Representatives:

NASH of Camden  
SAVAGE of Union  
LOOK of Jonesboro  
KERR of Old Orchard Beach

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

Which Reports were **READ.**

Senator **BERUBE** of Androscoggin moved that the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE.**

On motion by Senator **BUSTIN** of Kennebec, Tabled until Later in Today's Session, pending the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE.**

**ENACTORS**

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

An Act to Enhance Medical and Social Services for Maine's Long-term Care Consumers

S.P. 169 L.D. 403  
(C "A" S-624)

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

Senate at Ease

Senate called to order by the President.

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

**COMMITTEE REPORTS**

**Senate**

**Divided Report**

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act to Rescind Changes in the Driver Education Evaluation Program" (Emergency)

S.P. 931 L.D. 2386

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-673)**.

Signed:

Senators:

CONLEY of Cumberland  
BOST of Penobscot  
GILL of Cumberland

Representatives:

SIMONDS of Cape Elizabeth  
WENTWORTH of Arundel  
GEAN of Alfred  
MANNING of Portland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended** by **Committee Amendment "B" (S-674)**.

Signed:

Representatives:

CLARK of Brunswick  
PENDEXTER of Scarborough  
PENDLETON of Scarborough  
GOODRIDGE of Cornville  
TREAT of Gardiner  
DUPLESSIS of Old Town

Which Reports were **READ**.

The Majority **UGHT TO PASS AS AMENDED** BY **COMMITTEE AMENDMENT "A" (S-673)** Report **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-673) **READ**.

On motion by Senator **BUSTIN** of Kennebec, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-673).

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

On motion by Senator **PEARSON** of Penobscot, **RECESSED** until 2:00 in the afternoon.

After Recess

Senate called to order by the President.

**Off Record Remarks**

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

**Senate at Ease**

Senate called to order by the President.

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Resolve, to Extend Certain Meeting and Reporting Deadlines for Study Committees and Commissions (Emergency)

H.P. 1752 L.D. 2440

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 ONCE**, without reference to a Committee.

The Resolve, **TOMORROW ASSIGNED FOR SECOND READING**.

**Joint Resolutions**

The Following Joint Resolution: H.P. 1746

**JOINT RESOLUTION COMMEMORATING YOM HASHOAH, THE "DAYS OF REMEMBRANCE" OF THOSE WHO SUFFERED AS VICTIMS OF THE HOLOCAUST**

WHEREAS, 47 years ago, 6,000,000 Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, April 30, 1992, has been designated internationally as a Day of Remembrance of Victims of the Nazi Holocaust, known as Yom Hashoah; and

WHEREAS, the national community pursuant to an Act of Congress will be commemorating the week of April 26th to May 3rd as the Days of Remembrance of the Victims of the Nazi Holocaust; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fifteenth Legislature of the State of Maine now assembled in the Second Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Nazi Holocaust, and urge one and all to recommit themselves to the lessons of the Nazi Holocaust through this international week of commemoration and express our common desires to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Holocaust Memorial Council in Washington, D.C., on behalf of the people of the State of Maine.

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

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

The Following Joint Resolution: H.P. 1750

**JOINT RESOLUTION COMMEMORATING THE 10TH ANNIVERSARY OF THE VIETNAM VETERANS MEMORIAL IN WASHINGTON, D.C.**

WHEREAS, there will be an event commemorating the 10th anniversary of the Vietnam Veterans Memorial in Washington, D.C. from November 7 to November 11, 1992; and

WHEREAS, this event will present an opportunity for our nation, which was too long divided over the Vietnam War, to join together in remembrance and reflection and to honor those who lost their lives in that conflict; and

WHEREAS, the Legislature and the people of the State of Maine wish to express their support for this commemorative event; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fifteenth Legislature of the State of Maine, now assembled in the Second Regular Session, pause in our deliberations to express our support for the event recognizing the 10th anniversary of the Vietnam Veterans Memorial; and be it further

RESOLVED: That suitable copies of this Joint Resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States; the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States; each Member of the Maine Congressional Delegation; Jan Craig Scruggs, President of the Vietnam Veterans Memorial Fund; and Barbara Bush, Honorary Chair of the Vietnam Veterans Memorial 10th Anniversary Advisory Committee.

Comes from the House **READ** and **ADOPTED**.  
Which was **READ** and **ADOPTED**, in concurrence.

**Joint Resolution**

The Following Joint Resolution: H.P. 1753

**JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES ON THE FUTURE OF THE UNITED STATES NAVAL SHIPYARD AT KITTERY, MAINE**

WE, your Memorialists, the Members of the One Hundred and Fifteenth Legislature of the State of Maine, now assembled in the Second Regular Session, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, the Department of the Navy has maintained a shipyard at Kittery, Maine since June 12, 1800; and

WHEREAS, the United States Naval Shipyard at Kittery has performed in an exemplary manner throughout its almost 2 centuries of history; and

WHEREAS, the Kittery shipyard is one of the most up-to-date facilities available in the United States for the repair, overhauling and refueling of naval vessels; and

WHEREAS, the communities located near the Kittery yard in Maine, New Hampshire and Massachusetts offer an abundance of highly trained, skilled and experienced workers who have an outstanding work ethic; and

WHEREAS, the State of Maine is firmly committed to actively supporting the continuation of the United States Naval Shipyard at Kittery; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to continue to operate, develop and diversify the United States Naval Shipyard at Kittery, Maine; and be it further

RESOLVED: That we further urge the Congress of the United States to take all necessary action to ensure that the Kittery shipyard remains an integral component in a post-Cold War defense strategy; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be

transmitted to the Honorable George H. W. Bush, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

Comes from the House **READ** and **ADOPTED**.  
Which was **READ** and **ADOPTED**, in concurrence.

Off Record Remarks

**SECOND READERS**

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

**House**

Bill "An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs"

H.P. 1749 L.D. 2438

Which was **READ A SECOND TIME**.

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**, in concurrence.

**ORDERS OF THE DAY**

The Chair laid before the Senate the Tabled and Specially 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 **TWITCHELL** of Oxford, Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-1150) **READ**.

House Amendment "A" (H-1159) to Committee Amendment "A" (H-1150) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-1150) As Amended by House Amendment "A" (H-1159) thereto, **ADOPTED**, in concurrence.

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

On motion by Senator **TWITCHELL** of Oxford, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**, As Amended, in concurrence.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-1150) As Amended by House Amendment "A" (H-1159) thereto, in concurrence.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** House Amendment "A" (H-1159) to Committee Amendment "A" (H-1150), in concurrence.

On further motion by same Senator, House Amendment "A" (H-1159) to Committee Amendment "A" (H-1150) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Committee Amendment "A" (H-1150) **ADOPTED** in **NON-CONCURRENCE**.

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

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

Off Record Remarks

On motion by Senator **HOLLOWAY** of Lincoln, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

**COMMITTEE REPORTS**

Senate

**Ought to Pass As Amended**

Senator **GAUVREAU** for the Committee on **JUDICIARY** on Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (Emergency)

S.P. 849 L.D. 2162

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-676)**.

Which Report was **READ**.

On motion by Senator **CLARK** of Cumberland, Tabled Unassigned, pending **ACCEPTANCE** of Committee Report.

Senate at Ease

Senate called to order by the President.

**ORDERS OF THE DAY**

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

Bill "An Act to Improve Educational Public Broadcasting Statewide" (Emergency)

S.P. 945 L.D. 2409

Tabled - March 24, 1992, by Senator **DUTREMBLE** of York.

Pending - **ADOPTION** of Committee Amendment "A" (S-666)

(In Senate, March 24, 1992, Committee Amendment "A" (S-666) **READ**.)

On motion by Senator **DUTREMBLE** of York, Tabled 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (S-666).

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

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

S.P. 964 L.D. 2437

Tabled - March 24, 1992, by Senator **MILLS** of Oxford.

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

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

(In Senate, March 24, 1992, **READ A SECOND TIME**.)

On motion by Senator **CLEVELAND** of Androscoggin, Senate Amendment "A" (S-678) **READ** and **ADOPTED**.

Which was **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 Later Today Assigned matter:

**HOUSE REPORT** - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Reorganize the Bureau of Alcoholic Beverages" (Emergency)

H.P. 1503 L.D. 2116

Report - **Ought to Pass As Amended by Committee Amendment "A" (H-1194)**

Tabled - March 24, 1992, by Senator **CLARK** of Cumberland.

Pending - Motion by Senator **BUSTIN** of Kennebec to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE** (Division Requested)

(In Senate, March 24, 1992, Report **READ**.)

(In House, March 23, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1194)**.)

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I know this looks like a unanimous report from the State & Local Government Committee but, in fact, I expressed my displeasure at doing this at the Committee. Unfortunately, I had to be with the Corrections Committee at the Maine Youth Center when we reported this out.

This Bill undoes what the Audit & Program Review Committee did just last year. Essentially it gets rid of two supervisory type positions. It divides up again the supervisors for the retail store sales and the inspectors. The Audit & Program Review Committee put those functions together so one person going to a store would do both things. They would do the retail store end of it and they would do the inspection end of it. That makes a lot of sense.

Because we did a short time ago, I think that before we dismantle again we ought to give the new system a chance to work and see what happens. That is the reason for my opposition. I think undoing something you just asked them to reorganize for is going above and beyond the duty aspect. We should give them a chance to work out whether this system works or not.

An auditor for the Department of Human Services wrote to me and told me it cost them about \$200.00 to travel statewide to do their audits. There is enough auditing to do in the area in which they live. It would only cost the state \$6.00 to do. The management said we can't figure that out so we aren't doing it. We did figure out how to do this, as far as the liquor stores are concerned. It seems to me we ought to let it ride until we find out factually that it doesn't work. Thank you.

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

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I hope you will vote against the indefinite postponement. This was, indeed, a near unanimous report. It does deallocate for one retail store operations director. You must realize that some of these stores are being closed. It directs the Bureau to organize into two functional units. An inspection unit and a merchandising unit which would oversee the retail management and operations of that particular type of business.

It creates two licensing agents to expedite the process of licensing particularly during the summer

months when the business is at its highest in some areas of our State. There are a lot of good reasons for this Bill. One of the reasons is that it saves money and that is on everyones mind these days. It saves \$102,000. It will provide for more efficient service in the retail management merchandising aspect. I would urge you to vote against the indefinite postponement motion. Thank you.

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Could this be tabled until later in today's session. I have to go see the Governor for a moment and I will be right back. Thank you.

On motion by Senator **DUTREMBLE** of York, Tabled until Later in Today's Session, pending the motion by Senator **BUSTIN** of Kennebec to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE** (Division Requested).

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Off Record Remarks

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

Bill "An Act to Make Supplemental Allocations of Funds from the Highway Fund for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)  
H.P. 1677 L.D. 2354

Tabled - March 24, 1992, by Senator **DUTREMBLE** of York.

Pending - **ADOPTION** of Committee Amendment "A" (H-1195), in concurrence

(In Senate, March 24, 1992, Committee Amendment "A" (H-1195) **READ.**)

(In House, March 23, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1195).**)

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am not one who would normally go along with indefinitely postponing any highway budget and I won't do that today. I do have a question about what is included in this. I want to make sure everyone is aware of it.

Is there included in here a Bond Issue that is not really a Bond Issue but allows the Commissioner of Transportation to go out and borrow millions of dollars on his own for projects and not even sending it to the people of Maine? Is that included in this?

**THE PRESIDENT:** The Senator from York, Senator **DUTREMBLE** posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Oxford, Senator Mills.

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This budget does include a credit line for the Department of Transportation. It is a question that should be asked and should be explained on the record. It is a new departure for the State of Maine to be going into. I want to explain why the department is asking for the right to do that.

As you know the Federal Government has passed a new highway budget for the whole United States in which the State of Maine is receiving a substantial portions of monies that will be coming in the future. We are trying to get a line of credit from the Maine Bond that would allow the commissioner to

go to the Maine Bond Bank and get a line of credit for the money we know is coming from the Federal Government. It would allow us to start in on those projects immediately and keep them going. Those projects would be the Million Dollar Bridge, the Carter Bridge, the Carlton Bridge, and the Bath/Brunswick/Topsham bypass area. Those are projects we have been trying to get off the ground for years. We feel it is important to do so now because we are trying to get the economy going. We feel it would be similar to what towns do with tax anticipation notes. They borrow on a line of credit for money they know is already coming. It is a departure from normal policy and I can understand why some people would be concerned. We are dealing with different times in the State of Maine. Some people might be concerned that you would have other departments in the State going out and trying to do the same thing in other areas. All I can say is that the way the Bill is written, if somebody else wanted to do that in another department they would have to go and get a Bill written up and passed by the House, Senate, and the Governor. I think in most cases this would not be allowed. They would feel that with highway fund monies and being able to get these projects off the ground are important. This should be allowed to go forward. It is in the budget and I think it is important for people to realize what it is and why it was put in there. 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 want to pursue this a little bit further because this is a very drastic departure from the way we usually do things. We are borrowing a lot of money without the people's consent. I want to know if it is possible if we give this line of credit to the Department of Transportation, the money that is supposed to come down from the Federal Government doesn't, does this line of credit automatically become null and void or does that money stay available to the Department of Transportation? Thank you.

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

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. If you look at the Federal Legislation that they would be getting this money passed from it says right in the Bill what those Federal monies would be used for. It doesn't say you will be blanketed some kind of a pork barrel amount of money coming from the Federal Government. It says right in the Bill what the projects are those monies have to be used for.

One could argue that you never know for sure when you will get Federal monies. We understand that this money is assured of coming to this State. It is our feeling that the Commissioner will be going to the Maine Bond Bank and say exactly what the projects are and let them know the monies will be coming from the Federal Government. It is good to get those projects going and I hope you will support that. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Waldo, Senator Gould.

Senator **GOULD:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Next year the State would receive 8% of the total amount of the \$187,000,000. We would get back \$15,000,000. The following year we would get back 18.4% of Federal

dollars which would make \$33.6 million for those projects. Those projects are designated single projects and therefore those monies have to go to those projects. The interest will not be paid by the citizens of the State of Maine. It will come out of those Federal dollars. I wanted to make sure that you knew the State will not be held at risk. 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 guess I don't understand whether or not we could remain at risk or ever be at risk. I read the Bill and it says it must be repaid from the Federal fund eventually received by the Federal Government. It may extend beyond the period of one year but may not extend beyond a period of time for which the Federal Highway Demonstration project is funded. It talks about times in here and that concerns me. Believe me I am all in favor of this, I would like to put a \$90,000,000 tack on this and get the people of the State to support a Bond Issue in June. I am sure you wouldn't support that.

If the money is borrowed and projects go on and they are having the same kind of budget problems at the national level we are having here, what happens if they decide they want to take the money from the highway project and we are left with a line of borrowed money on projects that have been started? What happens in a situation like that? 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. This particular funding mechanism is confined to the Transportation Committee. I became aware of this a couple of weeks ago. I consider myself to be a fiscal conservative. I began to worry about whether or not this was going to bleed over into other areas. As a matter of fact, at the time that this particular measure was suggested by the Commissioner of Transportation, there was some indication that one of the general funds was going to do the same thing. We expressed that concern to members of the Transportation Committee and they closed that particular loophole for now.

We are at a major juncture in this State fiscal history with this particular device, I believe. Even though this is confined to Transportation, people who are more liberal than I am at some future time may say they want to finance a program they are interested in by borrowing in anticipation of funds that are not yet here. We could, in effect, be borrowing money from the future and circumventing the intent of the Constitution that says we must not do that without the permission of the voters of the State in referendum. I have seen a couple of things happen since I have been around. One is the Certificate of Participation and now we are seeing a new device being used that is borrowing in anticipation of Federal Funds. Someone more liberal than I am could say we could borrow from funds that were anticipated from Block Grants in the Department of Human Services. I have seen some of that money drop off in the past. I really worry as does the good Senator from York, Senator Dutremble, about the precedent this is establishing. I do not believe we should do this in the general fund.

We are in an agonizing situation of trying to put together a budget. We are in agony now because we

are forced by the Constitution to balance our budget. If we get into a situation where we no longer have to balance our budget but can borrow in anticipation of something that might happen in the future from the Federal Government, we could without the voters permission of this State bring ourselves down into a whirlpool of debt that I fear is all too tempting to some people. It is not called for in this Bill and I am not going to rise to oppose this Bill. It is not my committee and I understand the projects are vital. If I were to be returned to this Body and it were to be suggested in the general fund, I would fight that very hard. I consider it to be a dangerous precedent if it were done in the general fund. Thank you.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I can agree with my colleague from the Appropriations Committee that to borrow from the general fund in general operating purposes from the Committee would not approve of. There are several safety steps that are involved in this kind of borrowing. This is revenue borrowing. The first group that is involved is the Bond Bank who would look at the revenue that was guaranteed for this borrowing. If the Bond Bank thought there was validity to the revenue stream only then would anyone receive money. This being the monies that have been specifically designated for projects in the State of Maine. It would then go to the Committee of Transportation which is another opportunity for year or nay. It would then proceed on to the Legislature for a vote and then to the Governor for his or her approval and then back to the Bond Bank. It seems to me in this situation these several checks, decisions, and always looking at the revenue stream makes me comfortable. It is very important to be very specific about this and I feel very comfortable voting for this. I am also pleased with the cautions that the Senator from Penobscot, Senator Pearson brought up. 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. You will have to excuse my lack of knowledge on this matter. I am not on the Appropriations Committee. I still have a major concern that hasn't been answered. The good Senator from Cumberland, Senator Brannigan mention the Bond Bank. If we borrow the money from the Bond Bank and for some reason the money does not come down from Federal Government, is the State going to have to pay off its debt to the Bond Bank? If it does where is that money going to come from? If it does not then are we in default? It seems to me that if for some reason that money doesn't come down we are in a lot of trouble here. The biggest trouble I see ourselves in is that the people of the State are the ones who are supposed to vote on borrowing money. How are we getting around the issue of people voting for bond? Those questions have to be addressed. Thank you.

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

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I want to make it clear to everyone that when you talk about what kind of guarantees do we have from the Federal Government, I want to remind everyone that every two years when we

put a budget together for the Transportation Committee it is put together on the idea that we will be having federal funds coming down. That is how we put together our budget every two years. What we are doing here is going ahead with a line of credit. That is the difference between borrowing and bonding. We are saying we will be getting a line of credit from the Maine Bond Bank that we know has already been passed and is coming to us. There is no absolute, positive, guarantee that we are going to get that money from the Federal Government just as there is not absolute, positive, guarantee that we will be getting money every two years from the Federal Government when we do our regular budget. There is no way anyone can stand here and tell you absolutely you will be getting money from the Federal Government for any project. The point is you have to try to look at what has been the normal procedure and whether or not those monies have been coming down. We are in situations here where we do have to look at different ways of getting projects off the ground. We are going to go ahead with some major projects in the State that we need to have going and we have needed them for years. Thank goodness our delegation have been able to get those put into the Federal Highway Package. Members of Appropriations have stated they would not normally want to go on with this on a general fund but they feel comfortable with the Highway fund because of the safeguards that are with it. It is important to get those monies into the system so we can move ahead with those projects. Thank you.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I think it is important to note that the people who vote on bond issues that are a general obligation to the State and we would have to pay off in the future with tax money. That is not true in this case. My understanding is that this is incremental borrowing. It isn't going to be done all at one time. I don't think there is risk to the State and I think it will benefit the State in jobs and in getting these projects going that have been stalled for so long. We should take advantage of this. 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. We are talking about incremental spending and incremental borrowing. I was under the impression this was already into Law and the money was already issued for these projects. Exactly how long is it going to take for this money to reach the State of Maine? How are long are we talking about here? These questions I am sure were asked in Committee. There has to be a reason why this was put into this Bill. How long are they talking about before this money is going to be passed down to the State of Maine? Thank you.

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

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The appropriations that will be coming down from the Federal Government will be \$15,000,000 in 1992 and then from then on we will be getting \$34,000,000 every year for the next five years. That is the Highway budget Bill that was passed into law. That is why it is incremental budgeting. For example, if you go out to Maine Bond

Bank and get a line of credit for the first installment which is \$15,000,000 and we find out that the \$15,000,000 does not come forward it could be made up within our own system. Because of the safeguards you will be looking at it year by year. If those monies do not come forward it is in incremental amounts so the State would be in a safer position. 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 would like to pose a question through the Chair. I think there are some people who are rather uneasy about this type of financing. I wonder if it is possible to put this out to referendum in June and put it on the ballot to ease the feeling. Is that something you looked at in the Committee? 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 am not up to answer the question by the good Senator from Hancock, Senator Foster. I will read from Section 14 of the Constitution. It says, "the credit of the State shall not be directly or indirectly located loaned in any case, except as provided in sections 14-A, 14-B, 14-C, and 14-D." I don't believe any of those sections deal with highway. I think that should be addressed also.

There are some valid questions here and we had a difficult time passing the Bond Issue to send to the voters to approve. Here we are very quickly allowing the borrowing of large sums of money without any approval of all from the people of this State. I still maintain if you are talking about money coming down in increments for the next five years, a lot can happen in five years that could stick us with those payments. I would need to have the questions answered on whether or not Section 14 of the Constitution has been followed. We should seriously look at whether or not we should send this out to the voters in June. It is only seven weeks later than we adjourn and the projects won't be delayed if we do it in that manner. 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. While we were debating this I had a conversation with the people in the Fiscal Office. The answer to Senator Dutremble from York's question is the technical answer as to whether or not the State is obligated is no. There is provision in this Bill that says the credit of the State is not pledged in this particular borrowing. I will go further on my own and say, however, it is my opinion that if we were to start a project and the money dried up from the Federal Government probably the State would be asked in some manner to make sure that project would be brought to fruition. We legally do not have an obligation but morally we probably would. Thank you.

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

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. To answer the Senator from Hancock, Senator Foster's question, we did not discuss a June referendum. To answer the question about the constitutionality of passing this, we ran it through the Attorney General's Office and we are

assured that it would pass Constitutional muster as far as being passed. The obligation to the State on bonding is very similar to the Maine Turnpike Authority. We are not under an obligation to pay back the bonding that the Maine Turnpike Authority goes out and bonds but morally we would probably pay back the bond if for some reason one of the projects did not come forward with the money. I hope that answers those questions. Thank you.

Senator **DUTREMBLE** of York requested a Division.

**THE PRESIDENT:** The pending question before the Senate is **ADOPTION** of Committee Amendment "A" (H-1195), 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.

16 Senators having voted in the affirmative and 15 Senators having voted in the negative, Committee Amendment "A" (H-1195) **ADOPTED**, in concurrence.

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

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

**SENATE PAPERS**

Bill "An Act to Deregulate Workers' Compensation Insurance Voluntary Market Rates and to Establish the Workers' Compensation Employers' Mutual Fund"

S.P. 965 L.D. 2442

Presented by Senator **KANY** of Kennebec

Cosponsored by Representative **MITCHELL** of Vassalboro

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

Which was referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**.

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

**ORDERS OF THE DAY**

On motion by Senator **GAUVREAU** of Androscoggin, the Senate removed from the Unassigned Table, the following:

An Act to Provide a Private Remedy for Violation of the Lead Poisoning Control Act

H.P. 1515 L.D. 2127

(C "A" H-1066)

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

Pending - **ENACTMENT**

(In Senate, March 12, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1066)**, in concurrence.)

(In House, March 17, 1992, **PASSED TO BE ENACTED**.)

On motion by Senator **GAUVREAU** of Androscoggin, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-1066), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-646) to Committee Amendment "A" (H-1066) **READ**.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. You may recall there were some question which had arisen regarding the amendment a couple of days ago. This Bill pertains to the State's Lead Poisoning Act and the Committee on Judiciary has recommended that a private right of action be allowed under the Unfair Trade Practices Act. This amendment will limit the private right of action act such as to allow litigants to seek injunctive relief under the Unfair Trade Practices Act but not to seek damages at law. That means for example, a party can seek to require a landlord to remove lead paint in a particular apartment. If that action is brought under the Unfair Trade Practices Act, attorney's fees would be available. The amendment would clarify that a party cannot seek compensatory damages and bring that action under the Unfair Trade Practices Act. We have learned that under the current formulation of the Lead Poisoning Act a party can receive treble damages. We believe that is more than sufficient incentive for the private bar. The purpose of the amendment is to limit the scope of relief under the Unfair Trade Practices Act. I have reviewed this matter with the Attorney General and with Governor and believe the amendment is satisfactory with both parties. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-646) to Committee Amendment "A" (H-1066) **ADOPTED**.

Committee Amendment "A" (H-1066) As Amended by Senate Amendment "A" (S-646) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

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

Bill "An Act to Authorize the Town of Medway to Sell Certain Land"

H.P. 1725 L.D. 2416

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

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

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

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

(In Senate, March 17, 1992, **READ A SECOND TIME**.)

Which was **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

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

Off Record Remarks

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



On motion by Senator TWITCHELL of Oxford, RECESSED until 7:30 in the evening.

After Recess

Senate called to order by the President.

**ORDERS**

**Joint Order**

On motion by Senator MATTHEWS of Kennebec the following Joint Order:

S.P. 966

ORDERED, the House concurring, that Bill, "An Act to Authorize Bond Issues for Transportation and Public Infrastructure Capital Improvements and Other Activities Designed to Create and Preserve Jobs for Maine citizens," H.P. 1707, L.D. 2388, and all its accompanying papers, be recalled from the legislative files to the Senate.

Which was READ.

Pursuant to Joint Rule 15, this Joint Order requires the affirmative vote of two-thirds of the members present and voting. 30 Senators having voted in the affirmative and No Senators having voted in the negative, and 30 being more than two-thirds of the members present and voting, the Joint Order was PASSED.

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

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

**COMMITTEE REPORTS**

**Senate**

**Ought to Pass As Amended**

Senator MCCORMICK for the Committee on EDUCATION on Bill "An Act Regarding Maine's Comprehensive Early Intervention System for Infants and Children under 6 Years of Age"

S.P. 921 L.D. 2360

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

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-679) READ and ADOPTED.

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

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

**ORDERS OF THE DAY**

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

Bill "An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs"

H.P. 1749 L.D. 2438

Tabled - March 24, 1992, by Senator CLARK of Cumberland

Pending - PASSAGE TO BE ENGROSSED, in concurrence

(In Senate, March 24, 1992, READ A SECOND TIME.)

(In House, March 23, 1992, PASSED TO BE ENGROSSED.)

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

Senator BUSTIN: Thank you Mr. President. Ladies and Gentlemen of the Senate. This is the Bill from Audit & Program Review changing the Driver's Education Program. We are coming down with some amendments so I would appreciate a tabling motion. Thank you.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED, in concurrence.

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

HOUSE REPORT - from the Committee on STATE & LOCAL GOVERNMENT on Bill "An Act to Reorganize the Bureau of Alcoholic Beverages" (Emergency)

H.P. 1503 L.D. 2116

Tabled - March 24, 1992, by Senator CLARK of Cumberland.

Pending - Motion by Senator BUSTIN of Kennebec to INDEFINITELY POSTPONE Bill and Accompanying Papers in NON-CONCURRENCE (Division Requested)

(In Senate, March 24, 1992, Report READ.)

(In House, March 23, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1194).)

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

Senator BUSTIN: Thank you Mr. President. Ladies and Gentlemen of the Senate. I want to continue this discussion and tell you the reason I think this Bill should be indefinitely postponed is because the reorganization of this particular Bureau has already been done. It was done by the Audit Bill of last year. Those people who work there should not have to go through another reorganization almost back to where they were. It doesn't make any sense. The first reorganization should have the chance to work and do what it is supposed to do. Then if we need to do fine tuning we should then take another look. In fact, they will be coming back for compliance and I think this should be left alone and let work the way it is. Thank you.

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

Senator BERUBE: Thank you Mr. President. Ladies and Gentlemen of the Senate. We didn't yo yo around this Bill. It was 12-1 Ought to Pass and we discussed it thoroughly. It saves money in excess of \$100,000. Some of those stores have been closed. It will expedite licensing particularly for the people who are sellers of the product during the summer months. It will refine and streamline the marketing merchandising units. It will place the Bureau with two units, the licensing as well as the merchandising. I think that is the way to go and I leave at that. I trust your judgement and I hope you vote against the motion of indefinite postponement so we can accept the report. Thank you.

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

Senator BUSTIN: Thank you Mr. President. Ladies and Gentlemen of the Senate. One of the items that was brought up in the discussion in State & Local Government was the problem with getting establishment licenses when we are in the tourist season of Maine. One of the ways you handle that is through a conditional license not through changing that particular structure. The easier way is to give a conditional license and then go out and have them meet certain standards before they get this conditional license. It was something that was well thought of by people who are in the industry and probably should happen. It is not going to happen any more in this Bill then it is any other way. 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 encourage you to support the motion to indefinitely postpone. It is my understanding that the Bureau of Alcoholic Beverages and the Lottery are attempting to reorganize together. This Bill makes that virtually impossible. It is my understanding that some staff in conjunction with this regrouping of putting Alcoholic Beverages and the Lottery together, some staff have already been eliminated. The people that do the reorganization will be eliminated from this and therefore make that effort next to impossible. I would support the motion to indefinitely postpone and encourage you to do the same. Thank you.

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

Senator **MILLS**: Thank you Mr. President. Ladies and Gentlemen of the Senate. One of the things that makes reorganization very difficult is when you have three different committees dealing with the same topic. We have a report in the budget of combining the Department of Alcoholic Beverages and Lottery. The Committee of Legal Affairs looked at this Bill and we voted Ought Not to Pass. We sent it to State & Local Government and they voted Ought to Pass on this Bill.

We did not vote in favor of this Bill because we felt that they had just gone through a review last year and we felt that should continue on with that process. At the same time allowing for the combining of Liquor and Lottery in the Appropriations budget would be very confusing to have this Bill go through at the same time. All though I do agree we should look at this next year after we combine the two Bureaus, we should wait until they have been combined and see how the process goes with the cuts that already in there from Appropriations work. If at that time we find we can continue on with more cuts do so at that time. I hope you will support this motion for now so we can deal with this next year. Thank you.

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

16 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator **BUSTIN** of Kennebec to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**, **FAILED**.

**THE PRESIDENT**: The pending question before the Senate is **ACCEPTANCE** of the Committee Report.

Senator **WEBSTER** of Franklin requested a Division.

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending the motion by the Chair to **ACCEPT** the Committee Report, in concurrence (Division Requested).

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

**HOUSE REPORTS** - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act Concerning Reasonable Standards and Procedures for Contracting Services by the State"

H.P. 1669 L.D. 2345

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-1174)**.

Minority - **Ought Not to Pass**.

Tabled - March 24, 1992, by Senator **BERUBE** of Androscoggin.

Pending - Motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In Senate, March 24, 1992, Reports **READ**.)

(In House, March 23, 1992, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1174)**.)

Senator **EMERSON** of Penobscot requested a Division.

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

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **BERUBE** of Androscoggin, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-1174) **READ** and **ADOPTED**, in concurrence.

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

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

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

Bill "An Act to Amend the Election Laws"  
S.P. 820 L.D. 2019  
(H "A" H-1104 to C "A"  
S-617)

Tabled - March 24, 1992, by Senator **CAHILL** of Sagadahoc.

Pending - Motion by Senator **MILLS** of Oxford to **RECEDE** and **CONCUR**

(In Senate, March 16, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-617) AS AMENDED BY HOUSE AMENDMENT "A" (H-1104)** thereto, in concurrence.)

(In House, March 23, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-617) AS AMENDED BY HOUSE AMENDMENT "C" (H-1187)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **MILLS** of Oxford, the Senate **RECEDED** and **CONCURRED**.

On motion by Senator **CLARK** of Cumberland, the Senate removed from the Later Today Assigned Table, the following:

**HOUSE REPORT** - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Reorganize the Bureau of Alcoholic Beverages" (Emergency)  
H.P. 1503 L.D. 2116

Tabled - March 24, 1992, by Senator **CLARK** of Cumberland.

Pending - **ACCEPTANCE** of Committee Report (Division Requested)

(In Senate, March 24, 1992, Report **READ**. Motion to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, **FAILED**.)

(In House, March 23, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1194)**.)

On motion by Senator **WEBSTER** of Franklin, Tabled until Later in Today's Session, pending **ACCEPTANCE** of Committee Report, in concurrence. (Division Requested)

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

**HOUSE REPORTS** - from the Committee on **STATE & LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the House of Representatives

H.P. 1660 L.D. 2337

Majority - **Ought Not to Pass**.

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-1173)**.

Tabled - March 24, 1992, by Senator **BUSTIN** of Kennebec.

Pending - Motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**

(In Senate, March 24, 1992, Reports **READ**.)

(In House, March 23, 1992, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to ask if somebody would be kind enough to explain the Minority Ought to Pass As Amended Report. Thank you.

**THE PRESIDENT:** The Senator from Penobscot, Senator Pearson posed a question through the Chair to any Senator who may choose to respond. The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This Bill, L.D. 2337, is a restructuring commission Bill. It deals with reducing the size of the House of Representatives. Apparently, in the Constitution, the number of House Seats is set at 151. The number of Senate seats is set anywhere from 31-35. This would allow the Legislature to determine whether it should be between 99-123 members of the House. That would begin in 1995.

One of the main reasons I supported this measure is that citizens at this time have access to the Citizens Initiated Petition for a referendum on any issue. When it deals with a Constitutional Amendment they can't access the Citizens Initiated Petition way of getting their message across. They can only access it if the Legislature grants them the privilege to express their views in a referendum question. Only if we give them permission. I have read enough letters to the editor, I have seen enough editorials and I have spoken to enough people who say at least give us the chance to vote on it. There would be, obviously, cost savings as well. That was the main reason and I think we should go along with the Ought to Pass Report. 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 would like to

pose a question through the Chair to the gentlelady from Androscoggin, Senator Berube. She said this would begin in 1995. The Legislature that would be sitting in 1995 would be sworn in December 1994. Is there an error in the Bill? Thank you.

**THE PRESIDENT:** The Senator from Penobscot, Senator Pearson has posed a question through the Chair. The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It is my understanding that redistricting will occur next year. The next Legislature, as a result of restructuring and if the referendum were approved by the people of the State, the number would then be determined and the new members would be elected for the 117th Legislature. 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 would like to request a Division on the motion. It is my impression, coming from where I come from, that this could be hurtful to my area of the State. Consequently, I cannot support it. I hope you will understand that part of the districts in eastern and northern Maine are very large. Access to a Legislator would be inhibited somewhat and I do not believe it would be cost saving. I think it would necessitate more staff in order to serve the public. I have been in both places and I know some of the districts in Penobscot are already large enough as it is. Thank you.

Senator **PEARSON** of Penobscot requested a Division.

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. You will notice that I am on the Majority Ought Not to Pass Report. I couldn't agree more with the good Senator from Penobscot, Senator Pearson. These were the issues that were brought up in the discussion of this Bill.

Although I may, in fact, want to look at a reduced size of the House, it seems to me if we are going to be a citizen Legislature and we are not going to be a full time Legislature we need the people to be able to get to Representatives, then I think the good Senator from Penobscot, Senator Pearson is correct. It will be less accessible Legislature to the people if we reduce the size. I think it was Jefferson who said "the wheels of government grind slowly but finely." Sometimes we have to go along with that in democracy. Sometimes we have to pay that price. This is a small State in numbers but a large State in area. When you start asking people to travel the distances they must travel if you increase the size of their districts then you are asking a lot. It is easy in New York City because you can get 500,000 within a city block practically. It is not that easy in Maine. Thank you.

On motion by Senator **PEARSON** of Penobscot, 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 Penobscot, Senator Pearson.

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I know in the next reapportionment of the Maine Legislature that the House of Representatives is going to be

reapportioned and that certain sections of this State have lost population and will have fewer House seats even by that reapportionment. Aroostook County is one of those. Aroostook County is going to end up with fewer representatives than there are in the City of Portland. People are going to have to go through several telephone exchanges and many miles in order to get a Representative.

I know that one of the Representatives in Aroostook goes all the way from Presque Isle to Houlton. I cannot believe the members of northern and eastern Maine would want people to have that much more difficulty in reaching their Representatives. I know that some of the coastal counties will be very sparsely represented. Everytime you lower the size of the House you remove from people the close access they have to their Representative. I think it is sad we have bought into this whole business about saving money and making government more efficient by lowering the size of the House. I think it is just the opposite myself and I am prepared to defend that opposition in any forum.

It is just pure rhetoric. People have cited all kinds of different figures about this being the second largest Legislative Body in America. It is not. I don't care if it is. It is our State and we should be serving our people and I think we do a fine job of that. I understand the one man, one vote, proposition and that causes a lot of Representatives to be concentrated near some of the cities of Maine. To the degree that we can give people access in rural areas to a Legislator we are better off. The cost of the Maine Legislature is not high and it is going down. It is less than 1% of the State budget. I believe it is somewhere close to 1/2 of 1% of the State budget. I urge you to vote to keep the numbers relatively high. Everyone says government is too slow. Government is supposed to be slow and I believe it ought to be slow. Everything ought to be considered very carefully. 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. At the Division I had voted in favor of the motion of Senator Berube of Androscoggin and I will do so on Roll Call. I would like to put on record why I will do this.

I find myself in substantial agreement with the remarks of the Senator from Penobscot, Senator Pearson. It has been a source of considerable pain and concern to me that the Maine press and others have subscribed to a rather soporific argument that somehow if we would scale back the size of the Maine Legislature this would realize major savings and help bring our budget into deficit. As the Senator from Penobscot, Senator Pearson pointed out this Legislature costs less than 1% of the entire State budget. That has been an historic cost to the Maine Legislature.

For all those people who are laboring under the misguided notion that if we scale back the size of the Legislature we will suddenly find a magical cure to bring our fiscal woes to an end, I am sorry but they are sadly mistaken. I certainly don't subscribe to those people who have an adversion to the efficacy of Legislative interventions into problems. I think there is a major need to have a Legislative sounding board. I think this truly is the voice of the people. Most people in our State are not privileged to serve under the Maine Judiciary. Very few do have

a chance to serve as Maine's Governor. Far more "common people" have a chance to serve in the Maine Legislature. I would always want that to be the case.

Although it may be unfashionable in some circles today to praise the men and women of both political parties who serve in this Institution, I never fail to take the opportunity to impress to my constituents how truly impressed I am at the dedication, honesty, let's say that word again the honesty, and the commitment of public service that Maine Legislatures have traditionally espoused and still do. In spite of those matters, I have always favored a modest reduction of the Maine Legislature only if any savings realized by the reduction are accompanied a meaningful augmentation of the staff of this Legislature.

Senator Conley from Cumberland and I are the only two attorneys who serve in this Institution. I think the Senator would agree that we are remarkably well served by the men and women of the Staff. I am constantly impressed by the skills of my Staff Attorney on the Committee on Judiciary. I am impressed that people of her quality are willing to serve Maine people in this Institution. I note that in the past few months some commentators in the press have taken pot shots at these people unfairly.

I do believe we should have a slightly smaller Legislature but only if we are willing to put enough money to staff our Legislature. I believe there is an ongoing need now to increase the staff so Legislatures can really focus upon policy concerns. As a Chair of a Committee for the last 8 years, I have been concerned about the time some Legislators have spent constantly getting back to people on the phone sometimes at the expense of committee workshops. I think it makes sense to have non-partisan staff assist us in some of the more ministerial functions of our office so we can focus upon policy matters. I want our Legislature to spend more time studying what is going on around the country and more time going to seminars and acquainting our Legislators with policy issues. I recognize that is very unpopular in some circles today but it shows. The Legislators who have taken the time to acquaint themselves with policy issues are the more effective Legislators. They are the ones who can mount more effective arguments because they have spent the time to educate themselves and learn what others are doing around the country. I believe we should only seriously consider restructuring the downsizing of this Institution if we are willing to put the resources to provide more staff to make this an even more effective Institution of Government. I feel that strongly. Although, I will support this Bill at first reading, I will not support any effort to bring this Bill to the public unless there were assurances that this Legislation had sufficient provision to augment the staff so we can do our job and remain as a part time citizen Legislature. Thank you Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **BERUBE** of Androscoggin, to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

A vote of Yes will be in favor of the motion to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report 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 **BALDACCI, BERUBE, BOST, BRAWN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, DUTREMBLE, EMERSON, ESTES, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, WEBSTER**

**NAYS:** Senators **BRANNIGAN, BUSTIN, CONLEY, MCCORMICK, MILLS, PEARSON, VOSE, THE PRESIDENT - CHARLES P. PRAY**

**ABSENT:** Senators None

27 Senators having voted in the affirmative and 8 Senators having voted in the negative, with No Senators being absent, the motion by Senator **BERUBE** of Androscoggin, to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-1173) **READ** and **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 further 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 Rescind Changes in the Driver Education Evaluation Program" (Emergency)

S.P. 931 L.D. 2386

Tabled - March 24, 1992, by Senator **BUSTIN** of Kennebec.

Pending - **ADOPTION** of Committee Amendment "A" (S-673)

(In Senate, March 24, 1992, Committee Amendment "A" (S-673) **READ**.)

Committee Amendment "A" (S-673) **ADOPTED**.

On motion by Senator **CONLEY** of Cumberland, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-673).

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is not unlike the issue we dealt with a little earlier. This issue dealing with the DEEP program is also spread far and wide throughout State Government. With all due respect, the good Senator from Kennebec, Senator Bustin is involved with this matter also. Her Audit & Program Review Committee has been dealing with the issue just like the Human Resources Committee has been. I would like to debate this measure along with a competing measure which has been tabled for one day and would ask if somebody might table this measure one day. Thank you.

On motion by Senator **BALDACCI** of Penobscot, Tabled 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (S-673).

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

Bill "An Act to Provide Regulatory and Permitting Assistance to Businesses" (Emergency)

H.P. 1673 L.D. 2349

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

Pending - **ADOPTION** of Committee Amendment "A" (H-1164), in concurrence

(In House, March 19, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1164)**.)

(In Senate, March 23, 1992, Committee Amendment "A" (H-1164) **READ**.)

On motion by Senator **DUTREMBLE** of York, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-1164), in concurrence.

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

An Act Relating to Legislative Confirmation Hearings

S.P. 894 L.D. 2299

(H "B" H-1148)

Tabled - March 23, 1992, by Senator **GAUVREAU** of Androscoggin.

Pending - **ENACTMENT**

(In Senate, March 19, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-1148)**, in concurrence.)

(In House, March 23, 1992, **PASSED TO BE ENACTED**.)

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The topic of this Bill has aroused some interest and dare I say concern in the Governor's Office and I have had some ongoing discussions with the Governor's Representative. They are still ongoing and for that reason I would request that some member of this Body table this one day. Thank you.

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:

**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, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-1136) **READ**.

House Amendment "A" (H-1168) to Committee Amendment "A" (H-1136) **READ** and **ADOPTED**, in concurrence.

On motion by Senator **CLEVELAND** of Androscoggin, Senate Amendment "A" (S-661) to Committee Amendment "A" (H-1136) **READ** and **ADOPTED** in **NON-CONCURRENCE**.

Committee Amendment "A" (H-1136) As Amended by House Amendment "A" (H-1168) and Senate Amendment "A" (S-661) 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 Specially 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 KANY of Kennebec, Senate Amendment "B" (S-670) to Committee Amendment "A" (S-649) **READ**.

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

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. This amendment simply clarifies a provision in an earlier insurance Bill. Thank you.

On further motion by same Senator, Senate Amendment "B" (S-670) to Committee Amendment "A" (S-649) **ADOPTED**.

On motion by Senator BRAUN of Knox, Senate Amendment "A" (S-660) to Committee Amendment "A" (S-649) **READ**.

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

Senator MCCORMICK: Thank you Mr. President. Ladies and Gentlemen of the Senate. Could we have an explanation of what this amendment does? Thank you.

**THE PRESIDENT:** The Senator from Kennebec, Senator McCormick poses a question through the Chair. The Chair recognizes the Senator from Knox, Senator Braun.

Senator BRAUN: Thank you Mr. President. Ladies and Gentlemen of the Senate. This is a technical amendment that Blue Cross/Blue Shield has asked us to put on. It adds Health Maintenance Organizations to the transactions between the parent company and the affiliate to trigger notification to the superintendent of insurance. Thank you.

On further motion by Senator BRAUN of Knox, Senate Amendment "A" (S-660) to Committee Amendment "A" (S-649) **ADOPTED**.

Committee Amendment "A" (S-649) As Amended by Senate Amendments "A" (S-660) and "B" (S-670) thereto, **ADOPTED**.

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

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 23, 1992, by Senator BOST of Penobscot.

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 23, 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 CONLEY of Cumberland, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby Bill was **PASSED TO BE ENGROSSED, As Amended**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-1109), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-669) to Committee Amendment "A" (H-1109) **READ**.

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

Senator CONLEY: Thank you Mr. President. Ladies and Gentlemen of the Senate. Although this is a ten page amendment, it is actually a technical amendment which was suggested by the Office of Policy Review and Legal Analysis. It is for that reason it is being offered. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-669) to Committee Amendment "A" (H-1109) **ADOPTED**.

Committee Amendment "A" (H-1109) As Amended by Senate Amendment "A" (S-669) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was **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 Specially Assigned matter:

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

S.P. 959 L.D. 2428

Tabled - March 23, 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 BALDACCI of Penobscot, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED**, without reference to a Committee.

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 23, 1992, by Senator **MILLS** of Oxford.

Pending - **ADOPTION** of Committee Amendment "A" (H-1131) as Amended by Senate Amendment "B" (S-659) thereto in **NON-CONCURRENCE**

(In Senate, March 23, 1992, 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** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.)

(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)**.)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (H-1131) As Amended by Senate Amendment "B" (S-659) thereto, in **NON-CONCURRENCE**.

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

**HOUSE REPORT** - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Reorganize the Bureau of Alcoholic Beverages" (Emergency)

H.P. 1503 L.D. 2116

Tabled - March 24, 1992, by Senator **WEBSTER** of Franklin.

Pending - **ACCEPTANCE** of Committee Report (Division Requested)

(In Senate, March 24, 1992, Report **READ**.)

(In House, March 23, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1194)**.)

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

Senator **CAHILL:** (Due to technical difficulties, Senator Cahill's remarks were not recorded.)

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

Senator **DUTREMBLE:** (Due to technical difficulties, Senator Dutremble's remarks were not recorded.)

**THE PRESIDENT:** The pending question before the Senate is **ACCEPTANCE** of Committee Report.

A Division has been requested.

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

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

On motion by Senator **MILLS** of Oxford, **ADJOURNED** until Wednesday, March 25, 1992, at 9:30 in the morning.