

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

## **One Hundred And Fifteenth Legislature**

OF THE

## **State Of Maine**

### **VOLUME VII**

#### **SECOND REGULAR SESSION**

Senate

March 10, 1992 to March 31, 1992

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May 20, 1992

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#### **HOUSE AND SENATE LEGISLATIVE SENTIMENTS**

December 5, 1990 to December 1, 1992

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

In Senate Chamber

Saturday

March 28, 1992

Senate called to Order by the President.

Prayer by the Honorable Muriel D. Holloway of Lincoln.

**SENATOR MURIEL D. HOLLOWAY:** It is with some emotion that I stand here today to offer the prayer in the final days of my service. Let us pause for a moment and turn our minds to God. Let us ask for his guidance in our deliberations. Let us ask for courage and strength to fulfill our obligations as representatives of the people. Let us ask for the grace to remember always the simple ideas on which our society was founded. Let us remember the Senate, as any part of government, is instituted to secure and develop the rights of people. Finally, let us be dedicated to this trust and to discharge it faithfully. Amen.

Reading of the Journal of Friday, March 27, 1992.

Off Record Remarks

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Further Enhance and Protect Maine's Great Ponds"

S.P. 922 L.D. 2369  
(C "A" S-719)

In Senate, March 26, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-719).**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-719) AS AMENDED BY HOUSE AMENDMENT "A" (H-1302)** thereto, in **NON-CONCURRENCE.**

On motion by Senator **KANY** of Kennebec, the Senate **ADHERED.**

Sent down for concurrence.

Non-concurrent Matter

Resolve, to Establish the Maine Youth Apprenticeship Program (Emergency)

S.P. 970 L.D. 2450

In Senate, March 26, 1992, **PASSED TO BE ENGROSSED,** without reference to a Committee.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1301),** without reference to a Committee, in **NON-CONCURRENCE.**

On motion by Senator **ESTES** of York, the Senate **RECEDED and CONCURRED.**

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Create Jobs, Promote Economic Growth and Provide Business Assistance" (Emergency)

H.P. 1773 L.D. 2455

Reported that the same **Ought to Pass,** pursuant to Joint Order H.P. 1766.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

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

The Bill **READ ONCE.**

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

Ought to Pass As Amended

The Committee on **TAXATION** on Bill "An Act to Amend and Clarify the Law Enabling State Tax Increment Financing"

H.P. 1697 L.D. 2377

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1286).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1286) AS AMENDED BY HOUSE AMENDMENT "B" (H-1304)** thereto.

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-1286) **READ.**

House Amendment "B" (H-1304) to Committee Amendment "A" (H-1286) **READ.**

Senator **BOST** of Penobscot moved that House Amendment "B" (H-1304) to Committee Amendment "A" (H-1286) be **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

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

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The amendment which was attached elsewhere would remove from the Bill the ability of communities that wish to develop a mall the use of a quarter of the potential sales tax and income tax for financing purposes. I strongly support that. I give credit to the Taxation Committee which has been trying to find reasonable ways to help the economic development of this State. Over the years we have had industrial revenue bonds and we never allowed those to be used for retail purposes.

In recent years we have statutorily created development districts. In those we have allowed potential property taxes to be used to encourage the development of manufacturing facilities and other facilities by creating the infrastructure. That has been an incentive for development. Recently the Taxation Committee allowed the use of potential new State revenues to develop commercial and industrial manufacturing facilities but not retail facilities.

In the new Legislation this year, the Taxation Committee was suggesting that such State revenues, potential income and sales tax, could be used for retail purposes in two areas. One area would be to develop a downtown and the other would be outside of a downtown area if it were a mall. The reason I say a mall is because the sales tax would have to be \$4,000,000 which means there would have to be about \$70,000,000 in sales from that facility. I urge you to eliminate the mall portion at this time. Thank you.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I urge you to support the motion to indefinitely postpone this

amendment. The Taxation Committee discussed in great detail this Bill and came to the conclusion that it was important for economic development in Maine. They did agree the retail sector ought to be properly included. There are extreme limitations on the numbers of these retail proposals that could occur. They are carefully structured. There is an opportunity for public hearing in the area in which one is proposed. There is an opportunity to register protest if you think this is going to do damage to other businesses in the area. There are a number of safeguards established in the Bill that would prevent the interference with other retail businesses.

The State Tax Assessor has to evaluate the amount of the taxes in that particular region and measure pluses and minus that might occur as a result of the development. It seems to me there are enough safeguards so this is a good tool and not to be one we should continue to include in this proposal. Just by way of explanation, the so called STIFF which is the acronym for this particular tool, cannot be obtained unless you're a TIFF first.

The TIFF part of this is the local municipal part. That impacts on property taxes and has been fairly successful. We think this will add to it. It doesn't mean you are going to get a lot of these immediately all over the State. It does mean that everyone in the retail business that can meet the requirements can apply. There are caps in every county. Most of the economic development people that appeared before our committee supported this concept. Even the Chambers of Commerce that were scattered around and had wide retail representation, in most cases, supported this type of an addition to the Bill. I can understand there are people who have concerns. I can tell you that those of us who have looked at it closely do not have those concerns. We think it is a desirable thing to include in this Bill and to have the safeguards that are built in as some protection for other folks engaged in retail business. I would hope you would support the motion of the good Senator of Penobscot, Senator Bost and indefinitely postpone this amendment which destroys a fair piece of the entire Bill. Thank you.

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

**Senator BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. To augment the comments from my colleague from Aroostook, Senator Collins, last session the Legislature created what we felt was a very powerful economic development tool in the form of State Tax Increment Financing. Unfortunately, somewhat similar to the action we took yesterday by approving a series of investment tax credits, function followed form and it was put into statute before all the administrative glitches were worked out. Much like the task the next Legislature will have if we pass on the Investment Tax Package, the Taxation Committee this session spent a considerable amount of time clarifying the original Tax Increment Financing law. As Senator Collins indicated it is known as STIFF.

Municipalities operating through TIFF's can use property tax revenue to fund economic development. The STIFF's use State involvement by enabling municipalities to retain 25% of the new income in sales taxes brought about by new or expanded business endeavors. The operative term here is the word new so this State and local partnership doesn't amount to a shell game where we are simply shuffling around

existing resources. Last year the Taxation Committee attempted to include a retail component to the STIFF but did not have the time to work out the technical problems, however, this year I am convinced we did..

In the Bill only those districts with the ability to generate at least \$4,000,000 in total sales tax revenue or are a part of the downtown redevelopment initiative are eligible for this program. \$4,000,000 in tax receipts translates into roughly \$70,000,000 in gross sales. The Commissioner of DECD must be satisfied through provisions in this Law that the increment resulting from the district is not in any way based upon the shifting or the transferral of retail sales from another region. That is a very important piece to this. Obviously, with this safeguard there would be no net gain to the State and in my estimation it would promote needless competition among communities for existing resources.

The Legislation also requires the Commissioner must determine whether that project will not pose a threat to existing businesses. The Bill, unfortunately, has engendered some ill will on the part of one particular community. The inference has been made the \$4,000,000 threshold would create an advantage to one community at the expense of the other. The Committee, in its deliberations, acknowledged this may be a perception. We are convinced there are sufficient safeguards in place to prevent this sort of thing from happening. One must remember that you must be a TIFF before you are a STIFF. The retail provision is already included in the TIFF and we felt, as a committee, it was only reasonable to allow that component to be included in the STIFF. With that I would hope you would support the motion to indefinitely postpone House Amendment "B" (H-1304) so we can move this Bill through the process. Thank you.

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

**Senator BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am not going to be supporting the motion to indefinitely postpone House Amendment "B" (H-1304). I feel in my community what has happened should not happen in other communities. I think the worse thing that happened to downtown Bangor, the heart of the city, was the development of a mall. It has turned it into an empty homeless centered, drug infested, crime related area of our community. The planners are now planning to make Hogan Road the center of Town in all the development that goes with that. That is what happens. I don't think there is a thriving downtown and a thriving mall. You end up with one or the other. If you want your communities to be subject to that kind of shift then that is what you will be supporting by voting to indefinitely postpone House Amendment "B" (H-1304). Thank you.

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

**Senator COLLINS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I think all of us are aware that throughout the State we have seen dislocation where malls have built outside of the downtown area. It has caused some disruption. It is interesting to note that these occurred before there were TIFFs and STIFFs. It seems to me the solution to that problem has to do with planning at the local level and zoning ordinances so that Towns can develop for themselves the areas they want for shopping areas. That is the appropriate key to solve that problem.

Thinking of Bangor and Northern Maine, these malls create additional revenue that would not be there. In northern Maine and Bangor we attract a considerable amount of business from Canada. As you know the cross border trading in my country is substantial. To be able to have added and better retail facilities draws those people over and we are benefiting from it. I presume the same would be true in New Hampshire. Finally, it is apparent that this will react somewhat in opposition to the mail order business. Instead of the business going out of State it will go into Maine where the offerings and merchandise are substantial, competitively priced and attractive. Surely the advantages outweigh the disadvantages. Thank you.

On motion by Senator **KANY** of Kennebec, 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 Kennebec, Senator Kany.

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. We have not allowed State revenues to be used for retail purposes before. This Bill seeks to do that in two ways. One it would allow downtown redevelopment and I strongly support that. Second, if annual sales tax revenues are greater than \$4,000,000, that would be a mall, then they could be used for that purpose. I hope we do not allow that to happen. Encouraging use of State revenues to develop a mall which can ruin neighboring communities. An Augusta mall of course would affect downtown Gardiner. I really hope you vote against the pending motion. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **BOST** of Penobscot to **INDEFINITELY POSTPONE** House Amendment "B" (H-1304) to Committee Amendment "A" (H-1286) in **NON-CONCURRENCE**.

A vote of Yes will be in favor of the motion to **INDEFINITELY POSTPONE** House Amendment "B" (H-1304) to Committee Amendment "A" (H-1286) in **NON-CONCURRENCE**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Chair noted the absence of the Senator from Cumberland, Senator **BRANNIGAN**, and excused him from today's Roll Call votes.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators **BERUBE, BOST, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTES, ESTY, FOSTER, GILL, HOLLOWAY, LUDWIG, MCCORMICK, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT - CHARLES P. PRAY**

**NAYS:** Senators **BALDACCI, BRAUN, GOULD, KANY, MATTHEWS, WEBSTER,**

**EXCUSED:** Senator **BRANNIGAN**

**ABSENT:** Senator **GAUVREAU**

27 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being excused and 1 Senator being absent, the motion by Senator **BOST** of Penobscot, to **INDEFINITELY POSTPONE** House Amendment "B" (H-1304) to Committee Amendment "A" (H-1286) in **NON-CONCURRENCE, PREVAILED.** Committee Amendment "A" (H-1286) **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**

Eight Members of the Committee on **JUDICIARY** on Bill "An Act to Facilitate Criminal Enforcement of the Environmental Laws"

H.P. 1129 L.D. 1654

Reported in Report A that the same **Ought to Pass** as Amended by Committee Amendment "B" (H-1306).

Signed:

Senators:

**GAUVREAU** of Androscoggin  
**HOLLOWAY** of Lincoln  
**BERUBE** of Androscoggin

Representatives:

**ANTHONY** of South Portland  
**FARNSWORTH** of Hallowell  
**KETTERER** of Madison  
**CATHCART** of Orono  
**PARADIS** of Augusta

Three Members of the Same Committee on the same subject reported in Report B that the same **Ought to Pass** as Amended by Committee Amendment "C" (H-1307).

Signed:

Representatives:

**RICHARDS** of Hampden  
**OTT** of York  
**HANLEY** of Paris

Two Members of the Same Committee on the same subject reported in Report C that the same **Ought Not to Pass.**

Signed:

Representatives:

**COTE** of Auburn  
**STEVENS** of Bangor

Comes from the House the Report C, **UGHT NOT TO PASS, READ** and **ACCEPTED.**

Which Reports were **READ.**

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

**ENACTORS**

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

An Act to Facilitate Self-insurance and Group Self-insurance under the Maine Workers' Compensation Act

S.P. 877 L.D. 2238  
(S "A" S-638; H "B" H-1287; S "B" S-701 to C "A" S-633)

An Act Regarding Electronic Banking Terminals

H.P. 1765 L.D. 2448

An Act Concerning the Maine Municipal and Rural Electrification Cooperative Agency

S.P. 969 L.D. 2449

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

An Act Related to the Maine State Retirement System

S.P. 809 L.D. 2008  
(H "A" H-1292)

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

An Act Concerning the Bureau of Intergovernmental Drug Enforcement

H.P. 1629 L.D. 2292  
(H "A" H-1186 to C "A" H-1106; H "A" H-1282)

Senator WEBSTER of Franklin requested a Division. **THE PRESIDENT:** The pending question before the Senate is **ENACTMENT**.

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 11 Senators having voted in the negative, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency**

An Act Regarding Maine's Comprehensive Early Intervention System for Infants and Children Ages 0 to School age 5

S.P. 921 L.D. 2360  
(H "B" H-1295; H "A" H-1274; S "A" S-716 to C "A" S-679)

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

**Emergency**

An Act to Extend the Appraisal License Effective Date

H.P. 1734 L.D. 2422  
(H "A" H-1284 to S "A" S-645)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency**

An Act to Revise the Salaries of Certain County Officers

H.P. 1768 L.D. 2451

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. Because Senator Brannigan is not here, I have been asked to place things on the Appropriations Table. I would like to inform you that the people downstairs tell me this

probably ought not be put on the table. It is a questionable kind of thing because it is a State mandate if you interpret it in a certain way. The mandate is telling towns they have to pay more money for those salaries through the property taxes. We have not been tabling county budgets either. Those are also municipal mandates under the law. I thought I would let you know that. Thank you.

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with 1 Senator having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Constitutional Amendment**

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

S.P. 42 L.D. 66  
(H "D" H-1237 to C "B" S-527; S "B" S-555)

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

**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 (3/26/92) matter:

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of the Laws" (Emergency)

H.P. 1547 L.D. 2185

Tabled - March 26, 1992, by Senator DUTREMBLE of York.

Pending - Motion by Same Senator to **RECONSIDER** whereby the Bill **FAILED OF PASSAGE TO BE ENGROSSED**

(In Senate, March 26, 1992, **ADOPTION** of Committee Amendment "A" (H-1192) As Amended by House Amendments "L" (H-1216); "N" (H-1219); "Q" (H-1222); "T" (H-1228); "U" (H-1230); "FF" (H-1252); "OO" (H-1275) AND Senate Amendment "E" (S-708) thereto, **FAILED**. Subsequently, **RECONSIDERED**. Bill **SUBSTITUTED** for Committee Report. Subsequently, **FAILED OF PASSAGE TO BE ENGROSSED**.)

(In House, March 25, 1992, **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1192) AS AMENDED BY HOUSE AMENDMENTS "D" (H-1206); "L" (H-1216); "N" (H-1219); "Q" (H-1222); "T" (H-1228); "U" (H-1230); "FF" (H-1252); "OO" (H-1275) AND "PP" (H-1279) thereto FAILED**.)

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending the motion by Senator DUTREMBLE of York to **RECONSIDER** whereby the Bill **FAILED OF PASSAGE TO BE ENGROSSED**.

Senate at Ease  
Senate called to order by the President.

The Chair laid before the Senate the Tabled and Later Assigned (3/26/92) matter:

Bill "An Act to Establish a Professional Standards Board for Maine Educators"

H.P. 1316 L.D. 1902  
(S "A" S-687 to C "A"  
H-1223)

Tabled - March 27, 1992, by Senator CLARK of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**

(In Senate, March 25, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-1223), in concurrence.)

(In House, March 26, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-1223) **AS AMENDED BY HOUSE AMENDMENT "A"** (H-1289) thereto, in **NON-CONCURRENCE**.)

(In Senate, March 27, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-1223) **AS AMENDED BY SENATE AMENDMENT "A"** (S-687) thereto, in **NON-CONCURRENCE**.)

On motion by Senator ESTES of York, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-1223) As Amended by Senate Amendment "A" (S-687) thereto in **NON-CONCURRENCE**.

House Amendment "A" (H-1289) to Committee Amendment "A" (H-1223) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-1223) As Amended by Senate Amendment "A" (S-687) and House Amendment "A" (H-1223) 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 Later Assigned (3/26/92) matter:

Bill "An Act Pertaining to the Assessment of Fees on Nuclear Power Plants"

S.P. 829 L.D. 2133  
(H "A" H-1234 to C "A"  
S-610)

Tabled - March 27, 1992, by Senator CLARK of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, March 25, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-610) **AS AMENDED BY HOUSE AMENDMENT "A"** (H-1234) thereto, in concurrence.)

(In House, March 26, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-610) **AS AMENDED BY HOUSE AMENDMENTS "A"** (H-1234) **AND "B"** (H-1294) thereto, in **NON-CONCURRENCE**.)

On motion by Senator TITCOMB of Cumberland, the Senate **RECEDED** and **CONCURRED**.

The Chair laid before the Senate the Tabled and Later Assigned (3/26/92) matter:

Resolve, to Transfer Certain State Lands to the Sinclair Sanitary District

H.P. 1770 L.D. 2453  
(S "A" S-732)

Tabled - March 27, 1992, by Senator CLEVELAND of Androscoggin.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, without reference to a Committee, in **NON-CONCURRENCE** (Committee on **ENERGY & NATURAL RESOURCES** suggested and **ORDERED PRINTED**.)

(In Senate, March 27, 1992, **READ A SECOND TIME**. Senate Amendment "A" (S-732) **READ** and **ADOPTED**.)

(In House, March 26, 1992, **PASSED TO BE ENGROSSED**, without reference to a Committee.)

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

Senator CLEVELAND: Thank you Mr. President. I would appreciate the courtesy of tabling until later in today's session. I have signed an amendment and it is in the process of being printed to be distributed to members.

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

The Chair laid before the Senate the Tabled and Specially Assigned (3/27/92) matter:

**Emergency**

An Act Related to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act

H.P. 1748 L.D. 2436  
(H "A" H-1255; H "B"  
H-1266)

Tabled - March 26, 1992, by Senator BUSTIN of Kennebec.

Pending - **ENACTMENT**

(In Senate, March 25, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A"** (H-1255) **AND "B"** (H-1266), without reference to a Committee, in concurrence.)

(In House, March 26, 1992, **PASSED TO BE ENACTED**.)

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

Senate at Ease  
Senate called to order by the President.

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

**HOUSE REPORTS** - from the Committee on **JUDICIARY** on Bill "An Act to Facilitate Criminal Enforcement of the Environmental Laws"

H.P. 1129 L.D. 1654  
Report "A" - Ought to Pass As Amended by Committee Amendment "B" (H-1306)

Report "B" - Ought to Pass As Amended by Committee Amendment "C" (H-1307)

Report "C" - Ought Not to Pass

Tabled - March 28, 1992, by Senator CLARK of Cumberland.

Pending - **ACCEPTANCE OF ANY REPORT**

(In Senate, March 28, 1992, Reports **READ**.)

(In House, March 27, 1992, Report C, **OUGHT NOT TO PASS, READ** and **ACCEPTED**.)

Senator GAUVREAU of Androscoggin moved that the Senate **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-1306) in **NON-CONCURRENCE**.

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

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. Let me preface my remarks by stating that having served for almost ten years here, I am certainly cognizant and aware of the life expectancy of this particular Bill. Perhaps we should solicit Senator Cahill from Sagadahoc to put back in her Bill on physician assisted deaths that it might take this patient out if its agony in its waning hours of life.

I do want to say some things because I feel very strongly about this Legislation. I have a very strong sense that the State of Maine needs to upgrade its criminal statutes in the area of environmental violations. Many of you may be aware that this Bill has been extensively lobbied by many of those who do not want it to become law. Currently, the vast array of violations on environmental statutes are classified as misdemeanor violations. Under Maine's criminal code we have violations ranging from Class "A", "B", and "C" offenses which are felony offenses to "D" and "E" violations which are only misdemeanors punishable by less than a year in jail. As a practical matter, because of the inadequacy of Maine's environmental statutes now, the State can seek fines but generally nothing else. Because our statutes are primarily classified as misdemeanors, our statutes are completely inadequate for out of state companies which might come into our state and commit intentional and deliberate violations of our statutes.

One of the concerns that my committee heard this year was the case of an out-of-state concern, I believe it was in New Jersey, that was routinely coming to the state and having its waste disposed of in York County totally without permit, license, or authority. Frankly, that company made a business decision that in the event it was apprehended it might be subject to a fine or it might not. As a practical matter the State of Maine did not expedite that company. We only have one person assigned to enforce the entirety of our State criminal laws regarding environmental violations. It was felt not appropriate and not a reasonable use of limited State resources to extradite an out of state concern.

I would hope that this Body accepts Report A. It makes a strong statement that we recognize that the current array of statutes for environmental crimes in our state is grossly, and I would underscore the word grossly, inadequate. The Judiciary Committee has worked on this Bill all of this session and part of last session. We have invested over 45 hours of work on this Bill. There are many aspects of this Bill you should be aware of which do tighten this Bill considerably. The most important aspect is in order to commit a violation of our environmental statutes one must act intentionally or knowingly. Simply put a person must deliberately violate its permit in our laws. There can be no violation which is inadvertent. One cannot negligently commit action which would be viewed with criminal consequences.

The Committee took very seriously the concerns that were raised by industry regarding the potential overbreadth of the original Bill. All of you have received literature on your desk today to reject this measure on the grounds that the Bill before you is clearly overbroad. I would respectively disagree. We have clearly carved out many activities which we do not believe merit treatment under this statute. For example, we have carved out in their entirety any farming pursuits which apply with farming practices.

We have also eliminated a variety of activities dealing with road construction, maintenance, or emergency repairs that maintain roads.

Furthermore, perhaps more important, the committee has put into the majority report a significant affirmative defense. That basically means a party cannot be held responsible under our environmental statutes if, in fact, it meets the conditions of the affirmative defense. If a party, in fact, is authorized or allowed to discharge pollutants into our air or waters and if a discharge does occur which results from an unavoidable omission beyond the entity's control and the party makes reasonable steps to limit the discharge and report the discharge to our regulatory agencies, that party cannot in any way be held criminally responsible for its activity. The committee is certainly aware in the ordinary course of manufacturing there can be inadvertent discharges. It is not our goal to address this Bill to that type of activity.

Our concern is with the actions of parties who would deliberately and intentionally pollute our air, ground water and our water systems with very dangerous chemicals. We have sought over the past 15 months to address every concern of the opponents who have come forth regarding this Legislation. We have put forth in our majority report clear language which specifies that only the Attorney General can bring actions under this Bill. We have specified in the Bill itself that the Department of Environmental Protection would not be allowed to, in any way, threaten the imposition of criminal sanctions as a means to obtain leverage to have a party to submit to a civil consent order. We have, in fact, very judiciously and carefully metered out very limited authority to the Attorney General.

We currently have a statute on our books which reports to make it a Class "A" violation to spoil our waters or our airs. We found that in Title 38, Section 571. The problem with the current law is that it is so vague that it is probably rendered meaningless and we are not able to use the current statute. We are left on the State part with a series of Class "E" violations which are clearly inadequate.

Let me address one other concern. You should be aware that under the Federal Clean Air Act and the Federal Clean Water Act, the discharge of hazardous waste into our waters is already under a felony under federal law. We are, in large part, simply dovetailing our State law to the current federal law. That is very important because in many times it is highly appropriate that the State Attorney General be the party to decide whether or not certain action warrants criminal prosecution or not. It is truly an irony that Maine citizens and many people in this Body have often times harkened back to our distinguished Federal Legislators, Senator Muskie, Senator Mitchell who have been instrumental in forging meaningful federal legislation to prohibit the discoloration of our waters and our airs. I would also be remiss if I didn't note that the contributions of Republican Legislators such as Robert Stafford of Vermont who has been a leader on environmental matters. It is truly ironic, in my view, that while we pay lip service to the achievements on the Federal level in upgrading federal statutes prohibiting the intention pollution of our airs and waters, we are not ready to allow our State Attorney General to enforce at the State level



these most serious and intentional acts which do dispoil our environment.

I would certainly be glad to answer any technical questions members of this Body may have regarding this Legislation. Suffice to say the Committee on Judiciary has consulted with the Committee on Energy & Natural Resources. We have consulted to industry groups. We are indebted the contributions of the Maine Chamber of Commerce which made constructive, positive recommendations. We have tried to address many of these recommendations. We believe that it is essential that we upgrade our criminal statutes at this time. Again, we are certainly not trying to cast a broad criminal net over the mid level environmental managers in our State. We are trying to focus our activity upon two classes of wrong doers. One is those so called midnight dumpers, parties which come into the State and discharge waste into our waters and air without any authority. The second class is that very narrow population in the industry which does deliberately and intentionally circumvent licenses. 99 1/2% of Maine companies have bent over backwards to do whatever they possibly can to obey our environmental statutes to comply with their licenses from our regulatory agencies. We only have that small cohort of companies which are deliberately flouting our law. We do not do a service to the vast majority of Maine companies if we don't allow our Attorney General the appropriate discretion to go after those few wrong doers.

This Bill has been characterized by some as an anti business Bill. Frankly, I do not care about the political implications. I care about our State having adequate tools to allow our Attorney General in a professional apolitical manner, to assure that our waters, ground, and our air are safe for our use and for the generations to come. That, for me, is far more important than any transient political rhetoric any group might want to advance to win or affect a particular election. It is times such as now when I begin to understand the frustration of our Federal Legislators, Senator Muskie, Senator Mitchell and Senator Cohen who worked for so many years to finally bring forth a meaningful and responsible piece of legislation in terms of the Clean Air Act. I fully appreciate how difficult it was for those Legislators to have to deal with concerns and complaints. It took 20 years for the U.S. Congress to finally adopt meaningful Legislation. We are now trying to dovetail our State law to the current federal law and allow our Attorney General the authority to bring enforcement actions in appropriate cases. It is for these reasons I urge the Body to accept Report A. I request a division.

Senator GAUVREAU of Androscoggin requested a Division.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator GAUVREAU of Androscoggin to ACCEPT Report "A" OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1306) 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.

17 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator GAUVREAU of Androscoggin to ACCEPT Report "A" OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT

"B" (H-1306) in NON-CONCURRENCE, PREVAILED.

The Bill READ ONCE.

Committee Amendment "B" (H-1306) READ and ADOPTED.

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.

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

Resolve, to Transfer Certain State Lands to the Sinclair Sanitary District

H.P. 1770 L.D. 2453  
(S"A" S-732)

Tabled - March 28, 1992, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, without reference to a Committee in NON-CONCURRENCE (Committee on ENERGY & NATURAL RESOURCES suggested and ORDERED PRINTED.)

(In Senate, March 27, 1992, READ A SECOND TIME. Senate Amendment "A" (S-732) READ and ADOPTED.)

(In House, March 26, 1992, PASSED TO BE ENGROSSED, without reference to a Committee.)

On motion by Senator CLEVELAND of Androscoggin, Senate Amendment "B" (S-736) READ.

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

Senator CLEVELAND: Thank you Mr. President. Ladies and Gentlemen of the Senate. My amendment does one simple thing. You will notice in the original Bill under Section 1 there is a number 2. Under number 2 it specifically requires that the funds from the transfer of the land could only be expended to purchase additional land in the Sinclair township. My amendment deletes that provision.

Let me speak to you about why I have offered this amendment. Since I last spoke on this L.D. yesterday, I have had the opportunity to speak with the representatives of the Bureau of Public Lands. There are a number of smaller lots. This particular one is 500 and they would use no more than 200 acres for this particular project. This was customary in Colonial times to require certain portions of townships to be set aside for public use. This refers back to that particular time. These lands have since been taken into the care of the Public Lands Bureau for the benefit of all citizens of the State.

In speaking with the Bureau, there is not particular significance to this land, hence, they have no objection if a portion is used for this sanitary project. They have also indicated to me that they have no preference to be restricted within that area. It seems to be it is customary process, as I understand it here, that as stewards of public land we ought to try to use those assets to the best interest of all the people of the State of Maine. We should do this since it is all the people of Maine who own that land. Since this particular L.D. has not had the opportunity to be referred to a committee, have a public hearing and since we are enacting it on the Floor, we must therefore act in the public interest. I rise to offer this amendment so we may issue our collective wisdom on this. We ought to continue with the general public process. The assets of this State that the people own in land

ought to be used for their best purpose. If that is to buy additional land in Sinclair township, I am totally supportive. However, I think it is only appropriate that we allow the process to occur.

Over years scattered lots have been traded or sold to accumulate larger portions like the Bigelow Reserve for the general public interest. I think this circumvents the general customary process and may not be in the public interest. I have no intention of removing any opportunity or privilege of the people in the Sinclair Township. I think it is inappropriate that we mandate and restrict it as it is now. I do not offer this to injure anyone's feelings or to be difficult or to try to do anything that would jeopardize the efforts of these good people. This is not the appropriate vehicle by which we dedicate public lands. For those purposes I offered this amendment. I have done so only after careful consideration. We as a people designated to speak on their behalf have an obligation to do so even if one or two take strong opposition to it. I am perfectly willing to live with what the will of the Body is. I would hope you would be able to support the amendment. Thank you.

On further motion by same Senator, Senate Amendment "B" (S-736) **ADOPTED**.

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

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

**Senate at Ease**

Senate called to order by the President.

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

On motion by Senator **VOSE** of Washington, **RECESSED** until 2:45 in the afternoon.

After Recess

Senate called to order by the President.

**HELD BILL**

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

Senator **BUSTIN:** Mr. President, is the Senate in possession of L.D. 2292?

**THE PRESIDENT:** The Chair would answer in the affirmative, the Bill having been held at the Senator's request.

On motion by Senator **BUSTIN** of Kennebec, the Senate **RECONSIDERED** its action whereby it **PASSED TO BE ENACTED:**

An Act Concerning the Bureau of Intergovernmental Drug Enforcement

H.P. 1629 L.D. 2292  
(H "A" H-1186 to C "A"  
H-1106; H "A" H-1282)

(In House, March 27, 1992, **PASSED TO BE ENACTED.**)

(In Senate, March 28, 1992, **PASSED TO BE ENACTED**, in concurrence.)

On motion by Senator **BUSTIN** of Kennebec, Tabled until Later in Today's Session, pending **ENACTMENT**.

**Off Record Remarks**

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

**SECOND READERS**

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

**House**

Bill "An Act to Create Jobs, Promote Economic Growth and Provide Business Assistance" (Emergency)

H.P. 1773 L.D. 2455

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

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

**COMMITTEE REPORTS**

**House**

**Ought Not to Pass**

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

From the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** Bill "An Act Relating to the Restoration of Drivers' Licenses"

H.P. 447 L.D. 637

From the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** Bill "An Act to Protect Low-income Households from Hardships Due to Delays in the Receipt of Home Energy Assistance Program Funds from the Federal Government" (Emergency)

H.P. 1496 L.D. 2108

From the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** Bill "An Act to Create the Maine Budget and Economic Stabilization Fund"

H.P. 1564 L.D. 2202

From the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** Bill "An Act to Improve the Effectiveness of the Office of Substance Abuse"

H.P. 1640 L.D. 2303

From the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** Bill "An Act to Clarify the Authority of the Governor's Emergency Budget Curtailment Powers" (Emergency)

H.P. 1718 L.D. 2403

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

**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

The Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Maintain the Functioning of the Uniform Commercial Code and Corporate Sections of the Department of the Secretary of State" (Emergency)

H.P. 1531 L.D. 2160

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-1310).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-1310).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1310) **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 to the Engrossing Department.

**ENACTORS**

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

**Emergency**

An Act to Expand the Membership of the Animal Welfare Board

S.P. 696 L.D. 1861  
(S "A" S-647; H "A" H-1247; H "B" H-1278; S "D" S-681; S "E" S-685 to C "A" S-639)

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

**Emergency**

An Act Concerning Technical Changes to the Tax Laws

H.P. 1716 L.D. 2401  
(C "A" H-1184; H "A" H-1283; H "B" H-1291)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency**

An Act to Improve Educational Public Broadcasting Statewide

S.P. 945 L.D. 2409  
(H "A" H-1200; H "F" H-1290 to C "A" S-666)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Off Record Remarks**

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

**ENACTORS**

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

**Emergency**

An Act Regarding Advisory Boards and Occupational and Professional Licensing Boards

H.P. 1664 L.D. 2341  
(H "B" H-1288 to C "A" H-1180)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**ORDERS OF THE DAY**

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

An Act Related to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act (Emergency)

H.P. 1748 L.D. 2436  
(H "A" H-1255; H "B" H-1266)

Tabled - March 28, 1992, by Senator **CLARK** of Cumberland.

**Pending - ENACTMENT**

(In Senate, March 25, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-1255) AND "B" (H-1266)**, without reference to a Committee, in concurrence.)

(In House, March 26, 1992, **PASSED TO BE ENACTED**.)

On motion by Senator **BUSTIN** of Kennebec, 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** House Amendment "A" (H-1255), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-737) to House Amendment "A" (H-1255) **READ**.

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I wanted to explain what is going on here. We have been working for three months on this Bill. This has to do with our audit Bill and it does have everything we have done in a year on it. We had to review the Drug Enforcement Agency that was determined to be BIDE. In the audit Bill is a confirmation process. We have spoken on this before and as you know the confirmation process is not something that the Chief Executive of this State would want for the Director of the Drug Enforcement Agency itself.

In the interest of good government, although I firmly believe the public would want the accounting of a confirmation proceeding, but in the interest of good government I offer this amendment. What it basically does is change the way you appoint the Director of the new Drug Agency. It would be that you would get a nomination from each of three different groups, the Chief of the State Police, the Maine Sheriff's Association, and the Maine Chiefs of Police Association. They would nominate one candidate and those three candidates would then be sent to the Maine Drug Enforcement Agency Advisory Board. The Advisory Board would choose from one of those three candidates and that candidate would then go for appointment to the Commissioner with the

approval of the Governor. If the Commissioner did not want that particular person then he could go back and ask for an additional three nominees. That is a fair process and one that has been used before. Let's hope it works and let's hope we get this agency on its way. I appreciate your support. Thank you.

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

Senator **RICH:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to commend Senator Bustin of Kennebec for the hard work of leading this committee to a good compromise. I think without her extra efforts and long hours we have put in on the committee we would have not been able to come up with a vehicle that would be acceptable to all of us. It is greatly appreciated. Thank you.

On motion by Senator **BUSTIN** of Kennebec, Senate Amendment "A" (S-737) to House Amendment "A" (H-1255) **ADOPTED.**

House Amendment "A" (H-1255) As Amended by Senate Amendment "A" (S-737) thereto, **ADOPTED** in **NON-CONCURRENCE.**

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

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

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

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

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

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

Bill "An Act to Authorize the Issuance of Bonds for Transportation and Public Infrastructure Capital Improvements and Other Activities Designed to Create and Preserve Jobs for Maine Citizens, in the Amount of \$56,000,000"

S.P. 947 L.D. 2411

Tabled - March 11, 1992, by Senator **DUTREMBLE** of York.

Pending - **REFERENCE**  
(Committee on **HOUSING & ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED.**)

On motion by Senator **DUTREMBLE** of York, Bill and Accompanying Papers **INDEFINITELY POSTPONED.**

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 a General Fund Bond Issue in the Amount of \$20,000,000 to Provide Funds to Initiate Economic Development Activities"

S.P. 933 L.D. 2391

Tabled - March 3, 1992, by Senator **CLARK** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED,** without reference to a Committee  
(Committee on **HOUSING & ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED.**)

(In Senate, March 3, 1992, **READ A SECOND TIME.**)

On motion by Senator **CLARK** of Cumberland, Bill and Accompanying Papers **INDEFINITELY POSTPONED.**

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 Promote Economic Recovery" (Emergency)

S.P. 935 L.D. 2393

(S "A" S-570)

Tabled - March 5, 1992, by Senator **CLARK** of Cumberland.

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

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

(In Senate, March 3, 1992, **READ A SECOND TIME.**)

Senate Amendment "A" (S-570) **READ** and **ADOPTED.**)

On motion by Senator **CLARK** of Cumberland, Bill and Accompanying Papers **INDEFINITELY POSTPONED.**

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

Senate at Ease

Senate called to order by the President.

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

On motion by Senator **RICH** of Cumberland, **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:

**ENACTORS**

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

**Emergency**

An Act to Clarify the Funding of State Mandates

H.P. 1684 L.D. 2364

(C "A" H-1172)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with 1 Senator having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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 Legalize Marijuana for Medicinal Purposes"

H.P. 1729 L.D. 2420  
(S "A" S-726 to C "A"  
H-1281)

In House, March 26, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1281).**

In Senate, March 27, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1281) AS AMENDED BY SENATE AMENDMENT "A" (S-726) thereto, in NON-CONCURRENCE.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1281) AS AMENDED BY HOUSE AMENDMENT "A" (H-1312) thereto, in NON-CONCURRENCE.**

On motion by Senator **CONLEY** of Cumberland, the Senate **RECEDED** and **CONCURRED.**

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

**Non-concurrent Matter**

Resolve, to Transfer Certain State Lands to the Sinclair Sanitary District

H.P. 1770 L.D. 2453  
(S "A" S-732; S "B"  
S-736)

In House, March 26, 1992, **PASSED TO BE ENGROSSED,** without reference to a Committee.

In Senate, March 28, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "A" (S-732) AND "B" (S-736),** without reference to a Committee, in **NON-CONCURRENCE.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1314) AND SENATE AMENDMENT "A" (S-732),** without reference to a Committee, in **NON-CONCURRENCE.**

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

**COMMUNICATIONS**

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

March 28, 1992

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

The House voted today to adhere to its former action whereby it accepted Report "C" **"Ought Not to Pass"** of the Committee on Judiciary on Bill "An Act to Facilitate Criminal Enforcement of the Environmental Laws" (H.P. 1129) (L.D. 1654).

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

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

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 and Clarify the Law Enabling State Tax Increment Financing"

H.P. 1697 L.D. 2377  
(C "A" H-1286)

In House, March 27, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1286) AS AMENDED BY HOUSE AMENDMENT "B" (H-1304) thereto.**

In Senate, March 28, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1286) in NON-CONCURRENCE.**

Comes from the House, that Body **INSISTED AND ASKED FOR A COMMITTEE OF CONFERENCE.**

The Senate **ADHERED.**  
Sent down for concurrence.

The Chair appointed the following Conferees to the Committee of Conference 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  
(C "A" (H-1286)

Senator **MILLS** of Oxford  
Senator **VOSE** of Washington  
Senator **LUDWIG** of Aroostook

The Chair appointed the following Conferees to the Committee of Conference on:

An Act to Establish Economic Recovery Tax Credits  
S.P. 960 L.D. 2430  
(C "A" (S-713)

Senator **MILLS** of Oxford  
Senator **TWITCHELL** of Oxford  
Senator **COLLINS** of Aroostook

**Off Record Remarks**

**ORDERS OF THE DAY**

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

An Act Concerning the Bureau of Intergovernmental Drug Enforcement

H.P. 1629 L.D. 2292  
(H "A" H-1186 to C  
"A" H-1106; H "A"  
H-1282)

Tabled - March 28, 1992 by Senator **BUSTIN** of Kennebec.

Pending - **ENACTMENT**

(In House, March 27, 1992, **PASSED TO BE ENACTED.**)  
(In Senate, March 28, 1992, **RECONSIDERED ENACTMENT.**)

On motion by Senator **BERUBE** 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-1106) As Amended by House Amendment "A" (H-1186) thereto, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-739) to Committee Amendment "A" (H-1106) **READ** and **ADOPTED**.

Committee Amendment "A" (H-1106) As Amended by House Amendment "A" (H-1186) and Senate Amendment "A" (S-739) 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.

Off Record Remarks

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

Bill "An Act to Implement Constitutional Provisions Restricting the Imposition of Unfunded State Mandates"

S.P. 767 L.D. 1963

Tabled - March 26, 1992, by Senator **CLARK** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, March 5, 1992, **PASSED TO BE ENGROSSED**.)

(In House, March 25, 1992, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.)

On motion by Senator **CLARK** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

Off Record Remarks

On motion by Senator **PEARSON** of Penobscot, **RECEDED** until the sound of the bell.

After Recess

Senate called to order by the President.

The President requested the Assistant Sergeant-at-Arms escort the Senator from York, Senator **DUTREMBLE** to the Rostrum where he assumed the duties as President Pro Tem.

The President took a seat on the Floor of the Senate.

The Senate called to Order by the President Pro Tem.

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

**COMMUNICATIONS**

The Following Communication:

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

March 28, 1992

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

Dear Madam Secretary:

The House today voted to Insist and Join in a Committee of Conference on Bill "An Act to Establish Economic Recovery Tax Credits" (EMERGENCY) (S.P. 960) (L.D. 2430)

The Speaker appointed the following members of the House to the Committee:

of Old Town Representative **CASHMAN**

Auburn Representative **DORE** of

of Bangor Representative **MORRISON**

incerely, S

/Edwin H. Pert S

Terk of the House C

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

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

On motion by Senator **CLARK** of Cumberland, **RECEDED** until the sound of the bell.

After Recess

Senate called to order by the President.

**ORDERS OF THE DAY**

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

Resolve, to Transfer Certain State Lands to the Sinclair Sanitary District

H.P. 1770 L.D. 2453  
(S "A" S-732; S "B" S-736)

Tabled - March 28, 1992, by Senator **CLARK** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In House, March 26, 1992, **PASSED TO BE ENGROSSED**, without reference to a Committee.)

(In Senate, March 28, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "A" (S-732) AND "B" (S-736)**, without reference to a Committee, in **NON-CONCURRENCE**.)

(In House, March 28, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1314) AND SENATE AMENDMENT "A" (S-732)**, without reference to a Committee, in **NON-CONCURRENCE**.)

On motion by Senator **CLARK** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

Off Record Remarks

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

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

On motion by Senator **KANY** of Kennebec, **ADJOURNED** until Sunday, April 29, 1992, at 2:00 in the afternoon.