

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

In Senate Chamber

Monday

March 30, 1992

After Recess
Senate Called to Order by the President.

Off Record Remarks

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 Implement the Recommendations of the Special Commission on Governmental Restructuring" S.P. 910 L.D. 2330 (C "A" S-725; S "A" S-734)

In House, March 29, 1992, PASSED TO BE ENACTED.

In Senate, March 29, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-725) AND SENATE AMENDMENT "A" (S-734) in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

The Chair moved that the Senate RECEDE and CONCUR.

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

Senator GILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. Thank you Mr. President. Ladies and Gentlemen of the Senate. This is the Bill that I amended some time yesterday that created a Department of Children and a Department of Health. As I indicated yesterday, this was the one opportunity this year that we could see that come into fruition. I feel very disappointed. I appreciate the people who voted with me that this may become a reality and I have to say that in another body of this floor we lost by three votes. If we had probably had daylight hours or early evening hours to discuss this Bill instead of the wee morning hours, I think we could have picked up enough votes to see this pass. I have to say that after six years of work with other members of both bodies on this issue that I am frustrated at the process and terribly disappointed that this could not come into being. Since the only motion left is to recede and concur, I guess we are going to have to go on with that.

On motion by Senator BRANNIGAN of Cumberland, placed on the SPECIAL APPROPRIATIONS TABLE, pending the motion by Chair to RECEDE and CONCUR.

ENACTORS

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

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

H.P. 1547 L.D. 2185
(H "L" H-1216; H "U" H-1230; H "N" H-1219; H "T" H-1228; H "Q" H-1222; H "FF" H-1252; H "00" H-1275; S "E" S-708; S "H" S-720; H "QQ" H-1319; H "RR" H-1320; S "M" S-755 to C "A" H-1192)

On motion by Senator CAHILL of Sagadahoc, 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 Bost.

Senator BOST: Thank you Mr. President. Ladies and Gentlemen of the Senate. I have not spoken recently on the budget here on the floor of the Senate. Not for lack of strong views on my part but because I personally found it more productive to talk with members of the Appropriation's Committee and to members of leadership than to take up everybody's time by extending floor debate. Today I make an exception in my own self-imposed rule of forbearance, if you will. I am not going to address the details of this document and I am not going to talk about the process. I want to talk simply about the values that guide my actions here today. Two very simple principles that the people have a right to expect: honesty and responsibility. We read everyday about how the voters do not trust politicians and all we need to do is look around and know why. Maybe many people stretch the truth a little to serve their own ends. I suppose we learn to expect that, but a little stretching is not what brings me to speak today. Men and women of the senate today I rise to talk about provarication on a scale that not only is a lack of respect for the truth but a total lack of respect for the intelligence of Maine people.

Consider the recent utterings of our Chief Executive and I'm not going to bring up statements of the last campaign. We've all agreed to pretend that never happened in the interest of moving this session forward and I will honor that at least for the next few hours, but I will not be silent any longer about the great underlying truths of this budget debate because I suppose sufferance has become license. This morning on the radio as I came to the state house, I heard the Governor say that he may not allow this budget to become law because it has furlough days and Maine's government can not do work because of the shortened work periods. The Governor then is saying that the Legislature is responsible for furlough days and he is opposed to shortened work weeks. Anyone with the least bit of respect for the truth would be offended by that assertion. Everyone in this chamber knows the Governor negotiated the seven percent pay increase. He did it all by himself. Everyone in this chamber knows that the Governor just 12 short months ago advocated furlough days as a solution to the problems his seven percent pay raise cost. He advocated furloughs here, he pushed for them, he agreed to them in negotiation with employee groups. Everyone here also knows that what the Governor created in bargaining, he can undo in the round of bargaining going on right now. No

matter what the Governor's agents may say, we all know the Governor has the authority, he has the grit to end furlough days. Everyone in this session knows that the Governor, as recently as a few days ago, supported cutting the workweek by over six percent by reduction to a 37 and one-half hour work week. Yet, today the Governor is ready to veto, if the comments I heard this morning on the radio are accurate and bear any resemblance to his pending action.

THE PRESIDENT: Pursuant to Mason's Rules, Section 111, reference to what may happen by the Chief Executive is not proper in the debate here.

Senator **BOST:** Thank you Mr. President. If we were to rank this most recent statement, of the Chief Executive on an incredibility scale, I would put it up there with our President's assertion that Clarence Thomas was indeed "the most qualified individual in this land to assume the bench" or to give equal credit to members of my own party, former Governor Brown's assertion in today's paper that he never experimented with particular substances other than for medicinal purposes. To that end, our Governor's assertion that the Legislature is responsible for furlough days and he is against shorter work weeks.

Last night, and I'm sorry he is not in his seat, the good Senator from Androscoggin, Senator Cleveland, made a number of pointed statements on the floor of the Senate. He had the honesty and the courage of his convictions to be critical of the job that this Legislature and this Governor have done in producing balanced budgets. Mr. President I would also note that you too, have been willing on many occasions to admit our own shortcomings here in the majority party. We have struggled under very, very difficult circumstances and along the way, I think we will all admit, we have erred. I think we've erred because we have been willing to collectively bend and yield many of our principles to insider concerns. Compromise, Ladies and Gentlemen of the Senate, is essential. It is the spirit of give and take that makes democracy possible. We must insist on from today forward some level of honesty and responsibility. I am saying these things today because I feel that someone must say them.

If we really care about this institution, if we really care about this Senate and it's great traditions then I believe that we should be hearing from the minority party on these very points. I expect to hear from them. Not making excuses, not continuing half truths but telling the truth on the budget issues as we all know them. The minority party is enabling his excellency to continue a pattern of denial which has taken this state, on what I am told alcoholics call a "dry drunk." My friends in the minority party it's time for all of us to confront this behavior and you point the finger at us and you can say to yourself well they are a part of the overall problem even though what they say today is true. Or you can get in the tradition of Percival Baxter, of Ken McCloud, of Harry Richardson, Joe Sewall and make this place a place where honest talk and responsibility are the hallmark. I mean no offense when I tell you that I have been angered by the votes of the very able minority leader as he as voted against every budget that has come before us. As I understand it, he has been part of all of those high level discussions and negotiations that have been taking place over the last several weeks. He has been present, or so I presumed, most importantly he has a Governor of his own party to back his place

and assure that he will be listened to. Once this budget reaches us, the good Senator wants to play as displayed in the early hours of this morning. He wants to play the back bencher. He wants to play the outsider. The advocate for the working people. Does he really believe that anyone in this chamber or anyone in Maine will believe that the Senate leader of the Governor's party has no responsibility for producing a budget for his Governor. I ask my good friends in the minority party, and I do have good friends in the minority party, aren't you embarrassed by this. Does it occur to you by your silent sufferance that you are indeed a part of it. Some of you are new and perhaps and can be forgiven, be overlooked but most of you in my estimation know better.

Mr. President, men and women of the Senate, I thank you for your indulgence and I conclude with a few points that I think need be underscored. Number one: this budget is a compromise which reflects the ideas of the Governor and the modifications of this legislature. Number two: it has the fingerprints of all the members, all the members, bipartisan of the Appropriations Committee and perhaps not all members of leadership, but most of them. Number three: the Governor is almost solely responsible for the seven percent pay increase and furlough plan and he has the authority to stop it without our involvement. Number four: we have labored, we have compromised and we have suffered falsehoods in silence in hopes to produce a consensus budget because I believe most of us care about the process. Number five: if the Governor is prepared to say no to this budget because it gets rid of his great idea, the great idea remember just 12 months ago, that is his constitutional right. That is his privilege. Number six: if he wishes to rule by fiat, that is within his powers under the constitution and without a two-thirds majority. As we all know, we are powerless to stop him. Number seven: I believe, I truly believe that the democratic rank and file will come back at any time and support any proposal that doesn't compromise our principles. Number eight: those principles are easily stated, Ladies and Gentlemen. A budget should be balanced. A budget should be fair, constitutional and not violate contracts between this government and the citizens of this state. And finally, number nine: and I guess I should address this to my Senate President, for whom I have developed tremendous respect for over the last four years I have served in this body. Mr. President, when you get such a proposal, a proposal that the Governor will support and that the good minority leader will vote for, call us back. Until then, with all due respect, I have a wife and a 15-month old child who need me back home and I've got neighbors who need directly what kinds of mischief are being done here in Augusta.

You know, my good friend and colleague from York, Senator Estes and I were discussing an article which appeared on the front page of the Portland Sunday Telegram this past Sunday. Ironically, that is just yesterday. The article was entitled "Legislator's Dust Off Manners" and aside from the verbal taunting from the Governor's press secretary, which the reporter accurately described as "an effort to provoke a partisan rejoinder." The article talked of a kinder, gentler Legislature, which had attempted to put behind it the partisan bloodshed of last July, to pass a budget and to adjourn on time. When

the good Senator from York and I read that article, we both agreed it was a fair description of these past three months. But at 5:30 a.m. this morning, we revisited the premise in that article and we agreed that it would be better suited as lining for a bird cage. In closing, I will miss many things, many, many things in this institution which I have worked within the past 10 years. Just as importantly, I will miss many of the people I have worked with. But I will not miss watching charades such as this.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I enjoy the comments of the good senator from Penobscot, Senator Bost, the known pit bull of the Maine Senate.

THE PRESIDENT: The Chair would advise the Senator the reference to the character of an individual is in violation of the rules.

Senator **WEBSTER:** Mr. President I find it particularly interesting, I appreciate your speech. It was obvious someone spent a long time writing it. One could argue you that the amount of staff people we have hanging around here that there ought to be somebody that could write these speeches...

THE PRESIDENT: The Chair would caution the Senator if he wants to remain speaking to be guarded on his remarks.

Senator **WEBSTER:** Mr. President, members of the Senate. There is a problem with this system that we have. There is a reason that this whole process for the last year and a half has been so difficult and today no one who listens to this speech, to listen to this debate should have any doubt why this Legislature cannot act, cannot make the kind of decisions that everyone out there in the real world has to make. The simple fact is this Legislature has people who are far left of center, people who have no idea what the rest of us are going through, people who are out of touch with the real world. There are people who still believe in new deals, government to everything for everybody policy. That Ladies and Gentlemen of the Senate is why the workers who work for the state have now been attacked by this institution.

Ladies and Gentlemen of the Senate, we don't need to go after state employees to balance this budget. It does not have to be done. That is why I am not voting for it. I suggest no more that we yield to attack education in December. Do we need to attack state workers today. I would agree, I think reasonable people agree everyone should share the burden and perhaps we should be doing something to cut back on the wages or some way requiring the state workers to help in this process. But we have programs that have not even been on the books for two or three years. For example, the Maine Health Care Program which has been only on the books for less than two or three years. One of only several social welfare type socialized medicine programs in the entire country and we can't cut it. We are going to say to people who are working and depending this, people who are working on highway crews, we are going to take some of your money because we want to spend it on welfare programs. These, Ladies and Gentlemen of the Senate, anyone out there who sees a vote for this budget as anything other than a vote against workers and for welfare then you are not reading this right.

You know, I have been here a long time and I'm proud that someone, some of us, those of us in the minority party, have been standing up for the citizens, the taxpayers of this state while some people in this chamber and in this Legislature would redistribute the income of the workers in this state and give it away to the non-productive. We've been fighting that and I'm proud of that. While the citizens of this state of Maine have seen their taxes rise dramatically in the last ten years, we've been opposing that. Government cannot do everything for everyone. Government should not take from workers and give to the non-productive. This is what this budget does. I hope the Governor of this state vetos this budget. I think it's a sham. It is unbelievable to me that we would take money from working people even if they work for the state, no matter where they work in this state, we should not take money from working people. I will tell you one thing right now, and I hope the people in the hall hear this. I think the union has sold out the people on this issue. If they endorse this, if they endorse anybody in this next election who votes for this budget, then they get what they deserve. This is a sell-out of workers. It is a sell out because I'll tell you why, the votes are in this legislature to cut the programs if the union decided if they wanted to have it. No politics are being played and Ladies and Gentlemen of the Senate, the workers in this state, whether they work for the state or they work for the private/public sector, they have been sold out by this Legislature consistently over and over again.

When I talk to people who don't have a job, who work in factories and don't have a job, I feel like coming down here and accosting somebody, attacking somebody because I'm so upset that this Legislature continues to play games, will not change workers comp, will not do the things that need to be done because of politics. The Senator from Penobscot, Senator Bost wants to talk about politics, I'll tell you, politics are being played here. A deal has been cut in the back room. The vote will tell you how the deal has been cut and people are losing. I suggest the citizens of this state can look at this vote, can look at the priorities this Legislature has taken and they can say, "yes I agree with those priorities, I think, I believed in December this legislature was wise in cutting education so we can maintain welfare programs and now I believe it's okay to attack state workers so we can keep welfare programs. I represent people who live in rural Maine, who make very little money, who are wondering why they are working when people can make more money sitting home then they can working. Probably the last report I saw said we have the third most generous welfare system in the country. We are among the highest taxed, the lowest paid and you're telling me that we have the right priorities. I suggest the citizens of this state ought to watch this vote and they ought to remember.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. First of all I want to thank the good Senator from Penobscot, Senator Bost for his eloquent and civil speech on what's wrong with this process. I think alot of us in this body on both sides of the isle will concur that what was missing from this past year was civility. This process deserves civility and the

people of the state of Maine deserve civility. We must show the people that when it comes time to deal with tough issues and even though we can't agree with each other that we can respect each other's decisions. That above all is very important when it comes to making decisions for the people in the state of Maine. This budget here before you is one that we have been addressing for quite some time and I think we remember what the parameters was no tax increases, no sales tax exemptions and no new programs. We were really structured as to how we were going to make up this money that we had to make up. Low and behold yesterday we had one where we had 10 democrats I believe and eight republicans on the same side of an issue, voting to send this Bill out on it's way. The only thing that is different about it today is the furloughs. That is a little bit more than what was discussed in the negotiations of the compromising most people that have done it, but the good Senator from Penobscot is absolutely right. This is a Legislature where every individual Legislator has a right to represent their constituency and that's how we got to the point where this was added in to the budget.

There is nothing strange about that, we amend Bills up here all the time. So this Bill has no tax increases. It is balanced and we make the cuts. We cut across the board. I know that is hard to take for some people but when you cut it's going to hurt. We've done that with this bill. We've made some cuts to state employees, that is absolutely correct. We have to make the tough decisions in times like this. Do I enjoy it? No, I don't enjoy doing this. Neither do I enjoy picking up my newspaper at home and finding out that 1200 people at the navy yard have been laid off. A lot of those people are in my district. They've lost their jobs entirely. A lot of companies and businesses in the southern part of the state of Maine have gone the same route. Yes, while we have cut one hour to 39 hours on state employees, we have kept their jobs and we have kept them working. We have kept them delivering the services that the people of this state need.

What we have to ask ourselves when we deliberate here is that we are all responsible for the process. We are all responsible for our actions when we get up here. We all remember last year and one of the last things I said to myself when I came here last year, I promised myself I would not allow what happened last year to happen again this year. I think everyone of us in here made that same promise to ourselves. I think we all ask ourselves what kind of process do we have when we have people like the good Senator from Aroostook, Senator Collins, the good Senator from Lincoln, Senator Holloway, from Knox, Senator Linda Brawn, the good Senator from Cumberland, Senator Gill, the good Senator from Oxford, Senator Mills and the other seven who are not running again. What kind of process did we have that made these people go away. Sure, some of them had other things to do, education and some of them are moving on. I think what happened in the last year drove good people away from this Senate. I think that we are hurt by that and I think the people of the State of Maine are hurt by that. If you can't support this budget that is before you today then take your vote and don't support it. I'll respect your decision on this issue. Please, I just ask you to respect mine. 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'll attempt to keep my remarks confined to the document before us, which is the budget. Before I do that I would like to just make one quote from one of my favorite Americans, Thomas Jefferson, "Though will of the majority is in all cases to prevail that will to be rightful must be reasonable. The minority possesses their equal right which equal laws must protect and to violate that must be oppression." As a representative of the minority party, it is our right as the good Senator from York said, each and every one of our individual rights to vote which ever way we feel is the right way today. That decision, I know for each and every one of you in this Senate chamber, is not an easy decision because no matter how you look at it this is not a great budget. It is a very difficult budget to vote on. I can remember, it seemed just like a few short years ago, when the money seemed to be flowing into Maine State Government. We used to bicker over how to spend the money. How I long for those days when we used to bicker over how to spend the money. Those days, Ladies and Gentlemen are long gone. Now, because of the actions of this Senate and previous Senates and Legislature's, now comes the tough time, the cutting time and that's really difficult for each and every one of us.

To respond to a previous speaker, I heard the remark that the Governor last year recommended furloughs. The Governor has never, to my knowledge, liked putting the state employees on furlough days. It is very disruptive to government. It's very disruptive to the services that government provides. At the time, when we were debating the budget 12 months ago, it was the only option available to the Governor because of contractual agreements. It was the only way that we had as a Legislature to fill the budget gap. I also heard the previous speaker, the good Senator from Penobscot, Senator Bost, say that the Governor endorsed the 37 and one-half hour work week which is a proposal that we talked about a week ago, 10 days ago, whenever it was, they all seem to run together. I would like to remind the Senate, and the good Senator, that the 37 and one-half hour work week proposal was not proposed by the Governor, but by the Democrat leadership. In fact, when we talked about this first, it took a number of members, including the Governor and myself, quite by surprise. The 39 hour work week is not a proposal made by the Governor, but a proposal made by democratic leadership. This budget does contain furloughs that is before us right now. I think of all the complaints I've heard, about the current budget operating now, is about the furloughs. I've heard it from state employees and I've heard it from people again receiving state services. Furloughs are very disruptive to the way we operate government. Not only will voting for this budget reinstitute 17 furlough days, it will offer a 39 hour work week, it will take away one holiday that is currently paid for a total of 23 additional days that state employees will not be on the job. Twenty three additional days that state employees will not be providing services to Maine citizens. Not only that, it will also, by reinstating the furlough days to give the seven percent raise, it will also create at least a \$40 million dollar hole in the next biennium. Now I've spent a fair amount of time with Appropriation's

people over the last six months and I can tell you \$40 million dollars is not going to be any easier to find next year than it was this year, or last year. Also this is going to take a one percent across the board reduction in state government. One of these items alone probably would not make a great big deal of difference. All of these items combined considering we have made very few cuts to programs in state government. All of these items combined I believe are going to cripple Maine State Government. Ladies and gentlemen I have hoped that this speech, when I asked for a roll call, I had hoped this debate wouldn't become partisan and emotional and personal. Of all the things we do here in the Maine Legislature, that is what I despise, when it becomes personal and it started that way and I regret that. I will be voting against this budget. It took a lot of thought. I don't know what the Governor is going to do. I don't know if he is going to sign this budget or veto it. I don't think he knows at this point. But Ladies and Gentlemen I vote on this budget as a minority party member, as one member of this legislature as I will continue I hope always to have the right to do, vote as one member of the legislature because I feel this budget is not the vehicle that we need for the next year to run state government.

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

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise today to express to you the reasons I plan to vote for this budget and try to place this discussion in the context of forces which are within our state and within our nation which limit the options that all of us have. It is my belief that my remarks will be germane to the bill and I would ask the President if I do stray from the topic of the budget to kindly nudge me back on course. I believe that the essential issue we have to consider this afternoon is that of leadership. I believe for the reasons I will cite that we have a responsibility at this time to produce a budget and present a budget to our Governor and urge him to approve the budget.

Before I came in the chamber this afternoon, I had occasion to see and converse briefly with the prior presiding officer, President McCloud and I had occasion to think back to the various men and women who served so proudly, so ably in this institution. Twenty years ago I was in college and I was assigned to work one summer as an intern in the Legislature. I worked under a floor leader in the other body, Harrison Richardson. I learned a great deal about leadership and I learned a great deal about civic responsibility and I learned a great deal about the obligations that we have to subordinate our own personal predilections in order to advance the common wheel and the common good. It is to you whom I speak. I do not speak to others in this room. I speak just to my colleagues in the institution at this time. I suggest to you and I urge you to consider very carefully my views and those of your colleagues before you pass judgement. Please do not close your minds. I mention this to you at the opening of my remarks, that we have at the state level have very little, have very few options at starting to bring our budgets into balance. Because of those limited options we have been forced to work under extremely difficult working conditions. The men and women of the Appropriation's Committee have worked day and

night for the past year and a half. We are all indebted to them for their contributions. We see now, in the remarks this afternoon the anger, the frustration, the mistrust that these working conditions have bred. We have to rise above this.

We are foremost not democrats and republicans, although we should certainly bring to this institution the values which caused us to join our respective political parties. They are both political parties which have long, proud traditions in serving people in our state. My colleagues from the other side of the isle, you should be proud of your traditions. I certainly am proud of the business of my party as a democrat. There are times we have to rise above the views of our own particular party and take action we find difficult, perhaps even repugnant. I have seen that in my leaders. They have advanced for our consideration budget proposals such as the one before us, which are very difficult for us to accept, as they are very difficult for our leaders to accept. My understanding is that if we don't take action to bring this budget into balance, we will create fiscal chaos in the upcoming planning. We are looking a deficit in the area of \$300,000,000 to \$400,000,000 over the next two years. Work should begin today to do the type of comprehensive restructuring to reduce services, to bring our budget into balance. Work should begin today to carefully scrutinize available revenue services to meet the urgent and essential functions of government, not because that is popular because it is very unpopular but because it is the right thing to do. We are charged with stewardship over the State's Corrections Institution's, over the court system, over the institution to provide essential services for those who cannot care for themselves, for those who are afflicted with developmental disabilities, mental illness, and mental retardation. Those folks rely upon us and the type of fiery rhetoric and angry words expressed over the past several months does not advance the cause of those persons whatsoever. We have to rise above this process. The people of our state have spoken time and again. They want this legislature to observe leadership. I submit to you, men and women of the senate, this place is different than it was five years ago, ten years ago and twenty years ago. Those who have been here for a while are shaking their heads in agreement. If we don't change this process, if we don't restore an element of respect to this process and this institution, the people of the State of Maine will do it for us. And rightfully so.

Mr. President, men and women of the Senate, I submit the reasons we are in this fiscal crisis are not because Maine government has engaged in plethoragus spending. Maine people hardly are fluent liberals. They are common sense folk but they have compassion for those in need. I look now to my esteemed colleague and dear friend from Cumberland, Senator Gill who has been a most articulate and compassionate spokesperson for those in need over her many years of Legislative service. Although sometimes we disagree on our approach, we all have the same goal. We, in many respects, are captives of what I believe to be very misguided federal policies over the past 12 years. The new federalism has put burdens on Maine municipalities and the State government which they are ill-equipped to respond to. When I came to this institution 12 years ago, over 35% of our budget was federal, today it is 22%

and it is going down. May I submit to you the reason why we are having problems with our programs is because we have not got the state resources to supplant the losses of federal dollars. That's the reality. Forces beyond our control have caused that to come into place. I didn't vote for Ronald Reagan but the American people did so we have to adjust to the policies that President Reagan advanced and that the Congress of the United States accepted. We understand the proliferation of expenses in the Medicaid account. We understand the expenses in the corruptions account in the institutions of our state. We have very little control over those matters. Many of those expenditures are federally ordained. Maybe that is difficult to explain to people, those angry men and women back home, but I do it. I am sure you do it as well and I've found when I talk to those people back home they understand, they may not like this but they understand the problems. They may not even share our responses but appreciate the nature of the problems. Angry words expressed over the budget debate will not in any way advance the public's understanding these problems.

We have to restore a voice of reason, civility and mutual respect to our dialogue and, yes to our disagreements. I may not often raise my voice but I have these values. They mean a great deal to me and I'm sure your values have prompted you to serve in public service. I respect your values. But we do come back to the theme of leadership. We have to produce a budget. I'm certainly not satisfied with many things in this budget to very carefully explore, and in fact to advocate for scaling back tax exemptions. That did not happen this year cause the majority of our colleagues didn't believe in that. That's the process. I happened to lose on that issue but I accept the process. I voted for a budget, I think it was Saturday but I lose track of time. The budget that came out of the leadership agreement that was rejected in the other body. I am going to vote for this budget. If I had the privilege and honor of serving on the Committee on Appropriation's perhaps I would have advocated for a different solution. I truthfully believe that the people of our state are not served by our failure to produce a budget at this time. They are far better served by us working together to develop a type of long range strategic planning which will enable succeeding Legislature's to respond to the dwindling source of revenues available to us and our successors in office to address urgent needs of Maine people. I heard the Senator from Franklin, Senator Webster explain his view and I am sure that it is a sincerely held view, that Maine people are upset with the excess benefits to the people who receive AFDC. I don't share that. I believe people are frustrated but my view is that people on AFDC do not receive excessive benefits. As you may recall, I had the privilege of serving for two years as the chair of a committee who looked into the adequacy of AFDC benefits. We found that far from being overly generous, our benefit structure is pretty conservative. As you may recall, in the last two budgets we have opted for a system reduction simply put in the past we had a low standard of need but we allowed people on AFDC the capacity to earn outside income in order to reduce expenditures and to ease the account. We have now in fact, significantly limited the capacity of people who receive AFDC to receive outside income. Maine has the lowest welfare AFDC benefit in the United States. Other states, in

fact, had higher benefits. They did not allow outside income. What we have done in the last two years is put significant harm upon people who receive AFDC. I would implore my colleagues to look at this issue carefully. The poor are an inviting target. They can't respond. They do not have political strength. They don't contribute to political campaigns but they are suffering. They are in anguish and that means a great deal to me. I won't raise my voice but I hope you understand how much I hurt for those people. I urge not to compound their pain by blaming them for the problems we face today.

To conclude, we have to restore a level of respect and civility to these discussions. We have to find it within ourselves to pass this budget. It is the best we have been able to do in this session. Perhaps if we do develop the kind of collegiality and respect for the process we can go further, we can advance further in subsequent years. We have to bring an end to the personal insults. We have to resist the temptation to advance our own partisan interest or the interest of our respective caucuses in the future of elections. We have to rise above that. Mr. President, the Portland Press Herald had an editorial a few days ago that I agreed with. It said very clearly that the men and women of the Maine Legislature have to make hard choices which may in fact imperil their future political successes. Perhaps because I am not running again, people can say that I'm using this argument now but I would argue this had I decided to seek re-election. We have to set in motion those forces which will help people who will come after us. We have to do the right thing. We have to pass the balanced budget even if it will arouse, in some corners, significant opposition. Even if it might imperil some of us who seek re-election we have to place the needs and interest of Maine people above our own personally. Thinking back over the 20 years I've watched this institution there has been a palpable change in tone in the way this institution functions. Many of you have commented upon it over the past two trying years. I don't have the magic. I cannot through some authorial catharsis restore our discussions to that higher level which characterize prior debates. Each of us have to go within ourselves to make that process happen. I suggest a good way to start in that process is to vote for this budget tonight and then go on to do the hard structural work, which our good Senator from Androscoggin, Senator Cleveland mentioned in his remarks last evening, so that we can allow future legislators to respond to the needs of Maine people especially in light of the clear process of declining revenues in our economy in the next two to three years. This work must go forth. I thank you men and women for considering my remarks this evening. Thank you Mr. President.

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

Senator MCCORMICK: Thank you Mr. President. Ladies and Gentlemen of the Senate. I wish that I saw this choice as simply as the good Senator from Franklin, Senator Webster does. One thing I've learned since coming here is that we all live in a house of cards and if you take one card down, many other cards will fall. The choices are always hard and when you make one choice there is a consequence. For instance, when we chose or when we decide to cut \$20,000,000 from public services that yields a cut, a loss of 210 retail jobs in the Augusta area alone and

\$10,000,000 loss in retail sales. When we decide to cut the Maine Health Program, if we were to do that, to save \$6,000,000 to the state budget, that would yield an increase in health care premiums to small businesses and to those of us with insurance and it would yield an increase uncompensated care cost to our states hospitals, which I hasten to remind you support this program. If we decide to cut General Purpose Aid to education, we also are at the same time causing layoffs and cuts in retail sales due to layoffs in towns all across our state as well as the long term cost of an ill-prepared work force that leaves our state unable to compete in the global market. If we decide to cut revenue sharing, then we are merely shifting a tax increase to the local property tax payer. If we decide to cut home-based care for the elderly, which we have done, we are increasing Medicaid costs to the increased nursing home admissions. If we decide to cut low-cost drugs for the elderly, we are increasing health care costs due to increased complications due to not taking a medicine.

I have learned that it is not that simple and I have learned that we are all dependent on each other. Whatever happened to he is not heavy, he's my brother? Do you remember that song? I will vote for this budget and it is not because I agree with all of it's cuts or because I agree with the violations of collective bargaining, because I do not, but I will vote for this budget because I appreciate the work the people on the Appropriation's Committee put into it and because I think it is an honest attempt to balance the costs to the benefits. The cost of cuts to the benefits and it is the best that we can do. Thank you.

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

Senator MATTHEWS: Thank you Mr. President. Ladies and Gentlemen of the Senate. Without repeating the good words of the other senator from Kennebec, Senator McCormick, I agree with all that she has said. I just want to sum up my reasons for voting for this budget and the hard work the co-chairman, Senator Brannigan, Senator Pearson and Senator Foster. This is taken from Franklin Delano Roosevelt, over 100,000 had packed Franklin Field in Philadelphia to hear FDR speak. Just minutes before he was to be introduced, the braces on his legs gave way. The pages of his manuscript were scattered in the mud. He rushed to pick them up and made his way to the podium. He was magnificent. It was that night that FDR said, and I quote, "better the occasional faults of a government that lives in the spirit of charity than the consistent omissions of a government frozen in the ice of its own indifference." This quote I leave with the good Senator from Franklin, Senator Webster.

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

Senator BUSTIN: Thank you Mr. President. Ladies and Gentlemen of the Senate. It's a peculiar place that I find myself in these days. I'm looking at a vote I don't want to take. I'm looking at a budget I don't want to see. I'm looking at a government that isn't operating and it is a very sad, sad day. We've had lots of things said today about state employees, about welfare, about cutting state government, about services to people. Somehow I get the feeling that there is some entity that is going to come down here and automatically show us that you can cut services

and you can cut programs and you can save state employee jobs. I have never yet figured that out. What I know is that if you don't have a teacher in the classroom it doesn't matter how few or how many students you have sitting in that classroom. It doesn't matter. What matters is the employee, the teacher, who is giving the service of teaching those children. As much as I think teachers would probably give in part the learning without the money, our society does not live and does not operate without that commodity. We have to pay that teacher, that employee, for that service, so that our youngsters are able to operate on an intelligent level in our society to survive. It is no less for state employees delivering the services, yes the programs, that have been endorsed either by this Legislature or the federal government, and yes, even municipal employees, the municipal government to deliver those services. Those services do not happen automatically. In order to qualify for a service. You must prove eligibility. Somebody has to understand what those eligibility guidelines are so that you can find out whether you're going to receive that welfare money.

That brings me to the welfare issue. We should cut our welfare. We should reduce it. How are we going to save money is to reduce the welfare and the social services in this state. Well that's good but I see here that Maine welfare level, AFDC level is \$50.00 less than New Hampshire, and is the lowest of all New England states. Yep, we can cut it and maybe the other New England states can cut it too. We can let go more state employees who then can go on the unemployment rolls, yes, they can go on the AFDC roll and the foodstamp rolls. They can go on all of those rolls. I am not advocating here that you wholesale to have this state survive but I am not ignorant, nor blind, nor am I unaware what goes on in the streets in the State of Maine. I am very close to it. I can give you example after example if you think somebody coming from a family of 16 from rural Maine and out of poverty does not know what goes on in the streets of Maine you have another think coming. It's horrible to have to balance how many programs and services we deliver to those in need against how many employees we have to deliver those services. We have made those choices. I have not seen any other budget to give me another choice.

On top of that, we have asked our state employees to take another hit. I think you'll find the vote interesting on this once it is taken. I think you'll find that the responsible people in this body will be voting this budget, not because they liked it and not because they want to hurt state employees more and not because they want to reduce services but for one reason, maybe a couple. One very important reason we cannot in any way, shape, form, or manner raise any more money in this state. We are stopped from that and that is because of a decision of our executive and that is the pure and simple truth. The reason that I wouldn't want to vote for this budget are multitude. Among them, as I've said before, is putting ourselves in the position of the collective bargaining process of diluting our own collective bargaining law and asking us to do that. That tears at the very fabric of our society as far as I'm concerned. I am going to vote for this budget, even with that in it because it does give me some protection for these state workers that they can still negotiate, they can still sit at the bargaining

table however much we have diluted that bargaining law. It is a crime. It is a sin. It is an incredible place to be in but we can do no less. To do less will give the employees less. Thank you.

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

Senator **SUMMERS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I really didn't plan to rise this evening but there have been a few things brought up that concern me alot. One is what the good Senator from Kennebec, Senator Bustin, just mentioned. That is raising taxes, raising taxes are off limits. Off limits because the Chief Executive of our state says it's off limits. Well, I would like to put myself in that group too. I'd like to say raising taxes is off limits. You know, we could raise taxes from now until 2001 and we would not have one dollar more, not one dollar more to fund any of the programs that we have because people can't pay their taxes now. They can't pay the taxes that we have in place now. You know, I have heard some references earlier how things are different in the Legislature than they were 10 or 15 years ago. I bet they are. We have to ask ourselves why. I think it goes back further than 10 or 15 years ago. I think it goes back to the Depression, to FDR and to the chicken in every pot. You know, it's a nice thing, it is a nice warm feeling to be able to do those things. I submit to you this evening that is what has precipitated our problem. That is how we find ourselves in the situation that we are in today. We've spent more money than we have. We can no longer afford to do it.

The people of this state, the working people of this state, can no longer afford to work to pay taxes so someone who is not working can have health insurance when that person working can't afford their own health insurance. I guess those are some of the philosophical differences that we may have. There are those in this chamber who feel that all should have this or have that. That's nice but it just doesn't work. That's the problem we are facing today. We have to look at this differently. You know I heard another mention about federal dollars. Well you know, it's not really that the state doesn't have the money, that's not really the problem that we are facing. The problem is that we don't have the federal money because the federal money is just not coming down. I think we ought to stop and ask ourselves where the federal money comes from. It comes from us. It comes from the people back home, our constituents. Once again we find ourselves spending money we didn't have. We have to make tough choices. There is alot of talk about tough choices and as far as I can tell, the budget document before us, although I respect the work and effort that has been put into it still avoids the tough choices. It avoids the tough choices. You know there has also been mention made that we have been living in a house of cards that has been crumbling and I think it has. I think it crumbles one card at a time and where does it go? It falls down on the backs of the people at home. It falls down on the working people. Finally, I think the last card has fallen and has broken the back and we have to approach this in a different way. Thank you Mr. President.

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

Senator **GILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. One of my concerns on

this budget that we have before us is the fact that we are adding six more days to the already 17 furlough days. I don't feel very comfortable and very satisfied without knowing the impact this time is going to have on services that our state workers are providing to the citizens of this state. It is a lot of time. We hear complaints now. We have heard them on this floor that there are complaints from citizens these agencies are not running effectively. If they are not running effectively now and we add six more days, just what is that going to do to us? I have not had an opportunity to talk to any of the commissioner's involved. I have not had an opportunity to talk to the people at Mental Health or people at Human Services that I have been heavily involved with through the years to see what impact this is going to make on the clients they are taking care of and representing, the citizens of this state, some of them who are in very unfortunate situations and can't help themselves. They need the help of these workers. I just don't know what is going to happen from there.

I heard about values today and I have to say that some of us are leaving here because of our values. I've been here 16 years and I have been frustrated, and I'm sure everybody in this chamber knows that. I've certainly spoken about it, about the way the system has been running. You know, we can talk about civility and we can talk about respect but you don't get either one of them by just saying those words. I have always worked for negotiation of issues. I have always worked towards compromise wherever I can. I have been working for compromise in negotiating with people up until even just before we came into this chamber on issues. You know, it doesn't mean compromise and negotiation doesn't mean "it's my way or no way." Part of the reason I'm leaving here is because I've felt for the last few years that in some instances, it's their way or no way. I can't keep buying into that. I feel like I've had my hand slapped today. I feel like I've been chastised here today because I happen to be voting, or they think I'm going to vote a certain way, and I'm probably going to accomplish that and give them that. I did vote on a budget. I believe in the process.

I believe in the Appropriation's Committee process and the work of that Committee. They worked with very difficult issues. They've worked very hard, they have worked very long hours. They came up with a budget that I bought into, whenever it was, today or yesterday or the day before. I can't remember when it was. Today I'm not going to be able to vote for this because I don't have the answers about the 23 days that we are telling people that you're not going to work 23 days. We are still going to have to take care of those unfortunate people at Pineland, at Augusta Mental Health, at Bangor Mental Health, and at the correctional facilities. I don't know how we are going to do it. When I go home, and when you go home, I want you all assess how you're going to feel about the accomplishment of this Legislative session. You know what I feel about it? A big fat '0.' I don't think we have accomplished anything this Legislative session. I have to go back to people before I came up here this session, people I work with in my regular job asked what do I think is going to be done. Do you know what I said? "Not a damned thing because it is a political year." And you know what, it's coming true.

We had an opportunity to restructure state government, to make state government run more effectively and more efficiently and where is that? Down the tubes. Didn't have enough time to do it properly? I don't know. I'm a little frustrated about the opportunity that we had to coordinate services for children and family. We've lost that issue. Children are the future of our state. This body and the other body are saying we don't think they are that important that we can't create a coordinated effort to provide services for them? Someone has to wear that right on their forehead so everyone can see it because it's a shame to leave this body and at least not try to coordinate those services for children. You know why we didn't, because of a few words no one says. Talk about politics. That's politics and it's raw politics. I am not going to vote for this Bill and I am not going home comfortable about it at all. It's just a sham of a Bill. We've pulled things here and pulled things there trying to provide a bill that is going to be a balanced budget but we have not really got into the work that is at hand. We didn't last session. We didn't want to do it this session. Well you know what? You're not going to do it next year either.

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

Senator TITCOMB: Thank you Mr. President. Ladies and Gentlemen of the Senate. We've been asked to harness the consequences of the very real, very painful, national recession. We've been asked, certainly over the last couple of years to make some decisions that were very, very difficult. We are seeking to find answers to questions there may not be any answers to. We are a society in transition, redefining it's role, not only as a government but as a citizenry that must reconsider how we do business and how we define ourselves. Transitions do not happen overnight. They do not happen in one session. They certainly don't happen in two. They begin at some place in time and I hope we have begun the transition. We are going to have them when we shape them. They are not going to hatch like an egg come Easter morning, they are going to have to shape them and we are going to have to shape them together. I believe very strongly that if there is any message, it is this is the time that we must move toward that goal. I know how frustrated everyone is. I know how frustrated the citizens of Maine are and I certainly know how frustrated I am.

We are the representatives of people and we have been sent here to make some very difficult decisions. We're certainly going to be asked to make hard decisions today and many days in the future. I believe very, very strongly that it is possible for us to find a constructive route through the transition that we are going through. Today we are going to each vote our conscious and our morality on this budget. I plan to support the budget. I am not going to pretend that I like it. I am not going to pretend I feel comfortable. I certainly don't like what it does to some Maine workers. I certainly don't like what the consequences of not passing it would do to many Maine people. I feel it is something we need to do to fulfill, at least for me, what I feel is my responsibility to my constituents. What ever your vote will be I certainly respect what you feel you are bound by your own conscious and your own philosophy to do. That is something only you can

know within yourself. You can certainly could not judge what my philosophy would tell me what I must do. That is a decision I must make. After it's over, if we leave here with one thing, I ask that it be that we move on and that we work together in the transition that is going to happen. It's going to happen with us or it's going to happen without us. We will either cooperate in working together to shape a better place or we will be the political deadwood that will slow it down. The time has come what ever your vote will be, to step into tomorrow and intend on building the quality future for Maine people. I ask each person in this chamber to ensure that happens with us working together.

THE PRESIDENT: The pending question before the Senate is **ENACTMENT**.

A vote of Yes will be in favor of **ENACTMENT**.

A vote of No will be opposed.

Is the Senate ready for the question?

Senator **CLARK** of Cumberland who would have voted **YEA** requested and received Leave of the Senate to pair her vote with Senator **CLEVELAND** of Androscoggin who would have voted **NAY**.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BALDACCI**, **BERUBE**, **BOST**, **BRANNIGAN**, **BUSTIN**, **CONLEY**, **DUTREMBLE**, **ESTY**, **FOSTER**, **GAUVREAU**, **KANY**, **MATTHEWS**, **MCCORMICK**, **MILLS**, **PEARSON**, **TITCOMB**, **TWITCHELL**, **VOSE**, **THE PRESIDENT** - **CHARLES P. PRAY**

NAYS: Senators **BRAWN**, **CAHILL**, **CARPENTER**, **COLLINS**, **ESTES**, **GILL**, **GOULD**, **HOLLOWAY**, **LUDWIG**, **RICH**, **SUMMERS**, **THERIAULT**, **WEBSTER**

PAIRED: Senators **CLARK**, **CLEVELAND**

ABSENT: Senators **EMERSON**

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators having paired their votes and 1 Senator being absent, 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.

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

COMMITTEE REPORTS

Senate

Committee of Conference

The **Committee of Conference** on the disagreeing action between the two branches of the Legislature, 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
(S "A" S-702 to
C "A" H-1173)

Have had the same under consideration and ask leave to report that they are **Unable to Agree**.

Signed on the part of the Senate:

Senator **MILLS** of Oxford

Senator **VOSE** of Washington

Senator **LUDWIG** of Aroostook

Signed on the part of the House:

Representative **LEMKE** of Westbrook

Representative **MAHANY** of Easton

Representative **LORD** of Waterboro

Which Report was **READ** and **REJECTED**.
The Senate **INSISTED AND ASKED FOR A SECOND COMMITTEE OF CONFERENCE**.
Sent down for concurrence.

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 **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$12,000,000 to Help Municipalities Pay for the Repair and Improvement of Publicly Owned Port Facilities"
S.P. 818 L.D. 2017

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-760)**.

Signed:

Senators:

BRANNIGAN of Cumberland
PEARSON of Penobscot

Representatives:

POULIOT of Lewiston
HICHBORN of Howland
CARROLL of Gray
CHONKO of Topsham
RYDELL of Brunswick
PARADIS of Frenchville
MICHAUD of East Millinocket

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

Signed:

Senator:

FOSTER of Hancock

Representatives:

REED of Falmouth
FOSS of Yarmouth
MACBRIDE of Presque Isle

Which Reports were **READ**.

Senator **BRANNIGAN** of Cumberland moved that the Senate **ACCEPT** the Majority **OUCHT TO PASS AS AMENDED** Report.

Senator **FOSTER** of Hancock requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BRANNIGAN** of Cumberland to **ACCEPT** the Majority **OUCHT TO PASS AS AMENDED** 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.

18 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **BRANNIGAN** of Cumberland, to **ACCEPT** the Majority **OUCHT TO PASS AS AMENDED** Report, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-760) **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.

Divided Report

The Majority of the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Preserve East-west Railroads"

S.P. 873 L.D. 2228

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-761)**.

Signed:

Senators:

BRANNIGAN of Cumberland
PEARSON of Penobscot

Representatives:

POULIOT of Lewiston
HICHBORN of Howland
CARROLL of Gray
CHONKO of Topsham
RYDELL of Brunswick
PARADIS of Frenchville
MICHAUD of East Millinocket

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

Signed:

Senator:

FOSTER of Hancock

Representatives:

REED of Falmouth
FOSS of Yarmouth
MACBRIDE of Presque Isle

Which Reports were **READ**.

On motion by Senator **BRANNIGAN** of Cumberland, the Majority **OUCHT TO PASS AS AMENDED** Report **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-761) **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.

Divided Report

The Majority of the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$18,500,000 for Water Pollution Control Facilities Construction"

S.P. 962 L.D. 2434

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-759)**.

Signed:

Senators:

BRANNIGAN of Cumberland
PEARSON of Penobscot
FOSTER of Hancock

Representatives:

MICHAUD of East Millinocket
POULIOT of Lewiston
HICHBORN of Howland
CARROLL of Gray
CHONKO of Topsham
RYDELL of Brunswick
PARADIS of Frenchville

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

Signed:

Representatives:

REED of Falmouth
FOSS of Yarmouth
MACBRIDE of Presque Isle

Which Reports were **READ**.

On motion by Senator **BRANNIGAN** of Cumberland, the Majority **OUCHT TO PASS AS AMENDED** Report **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-759) **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
 Unfinished Business**

The following matters in the consideration of which the Senate was engaged at the time of Recess, 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 (3/29/92) matter:

Resolve, to Transfer Certain State Lands to the Maine Veterans' Home

S.P. 973 L.D. 2459

Tabled - March 29, 1992, by Senator **MCCORMICK** of Kennebec.

Pending - Motion by Senator **VOSE** of Washington to **REFER** to the Committee on **STATE & LOCAL GOVERNMENT** in **NON-CONCURRENCE.**

(Committee on **ENERGY & NATURAL RESOURCES** suggested and **ORDERED PRINTED.**)

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Vose.

Senator **VOSE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. When I first saw this Bill, Mr. President, Ladies and Gentlemen of the Senate, I felt that passage of this Bill might indicate that this body might favor one location of a veterans nursing home over another. After discussing the issue with the Senator from Penobscot, Senator Baldacci, we both agreed in no way would it indicate that because this was just a process that had to be done for permitting and for application for the Veterans Administration in Washington. Another thing we both saw is the fact that there is no emergency preamble on this Bill, thus it will be 90 days after adjournment in which both parties, namely the veterans in Bangor and veterans in Machias to prove their point on where their home should be constructed. There is plenty of time for both of us. Therefore, I thought fine well no problem here. The other thing we both discussed, no matter where that home is located, the winners are the veterans in the state of Maine. Therefore, I am in support of this Bill. Thank you.

Senator **VOSE** of Washington requested and received Leave of the Senate to withdraw his motion to **REFER** to the Committee on **STATE & LOCAL GOVERNMENT** in **NON-CONCURRENCE.**

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

Senator **BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I can only concur with the good senator from Washington, Senator Vose in that the effective date of this resolve does not take until 90 days after it's passed and been signed. Because of the time frame in filing the application and the need for the title in order to get financial approval, that has to be part of the application and there would be 90 days in which would be an opportunity for all parties to be able to petition as it relates to the certificate of need process. Thank you.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As many of you remember when this first came before the body I flagged it, I at least had an interest in it because as a member of the Aging Committee we were able to have many veterans from throughout the state come and indicate their interest and having this future potential home located in the Oxford County area or the Washington County area. There was concern, as you remember, I offered an amendment which would have required that was not accepted by this body. Many people were contacting me with a concern that it would end up being located in Bangor or in Auburn. Obviously, if one would realize that this had passed the odds of it going to Bangor would be much better but I am not opposing it. It's not my position and I don't represent that area of the state and I'm sure that those Senators from Penobscot and Washington county have discussed this. I just wanted to leave my position clear. I felt that it was a concern and I just wanted to address that. Thank you.

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

On motion by Senator **BALDACCI** of Penobscot, Senate Amendment "A" (S-754) **READ** and **ADOPTED.**

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

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

The Chair laid before the Senate the Tabled and Later Assigned (3/29/92) matter:

Bill "An Act Concerning Fuel Oil and Coal Used in Manufacturing Processes"

H.P. 1755 L.D. 2441

Tabled - March 30, 1992, by Senator **BOST** of Penobscot.

Pending - **REFERENCE**
 (Committee on **TAXATION** suggested and **ORDERED PRINTED.**)

(In House, March 29, 1992, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.)

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

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

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

H.P. 1749 L.D. 2438

(S "B" S-743)

Tabled - March 29, 1992, by Senator **BUSTIN** of Kennebec.

Pending - Motion by Senator **CONLEY** of Cumberland to **ADHERE**

(In Senate, March 29, 1992, **FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-743)**, without reference to a Committee, in **NON-CONCURRENCE.**)

(In House, March 29, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1323)**, without reference to a Committee, in **NON-CONCURRENCE.**)

On motion by Senator **BUSTIN** of Kennebec, the Senate **RECEDED** from its action whereby the Bill it **FAILED** of **PASSAGE TO BE ENGROSSED AS AMENDED**, without reference to a Committee in **NON-CONCURRENCE.**

House Amendment "A" (H-1323) **READ**.

On motion by Senator **BUSTIN** of Kennebec, House Amendment "A" (H-1323) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "C" (S-758) **READ**.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I want to compliment the good Senator from Kennebec, who never gives up on an issue like the good senator from Cumberland, Senator Gill, sitting next to her they did continue to work on this measure until we reached a middle ground whereby all concerns could be addressed though we were so far apart yesterday. Therefore, I would represent to you as a member of the Human Resources Committee, although we still have grave concern about DEEP, we are satisfied this amendment will not affect programmatic changes down there which would be objectionable to that committee. The suggestions which are contained in the amendment we hope will get the program back on track. I've actually become convinced now, in my dealings with Senator Bustin, that the only person who can straighten the place out down there is her. For all those reasons I'm hopeful, and I believe the good senator from Cumberland, Senator Gill, would agree with me that the body accept the amendment. Thank you.

THE PRESIDENT: The Chair would remind the Senator from Cumberland, Senator Conley, derogatory remarks about the remaining 34 Senators are not appropriate.

On motion by Senator **BUSTIN** of Kennebec, Senate Amendment "C" (S-758) **ADOPTED**.

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

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

Off Record Remarks

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

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

S.P. 806 L.D. 2005

Majority - **Ought Not to Pass**.

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-650)**.

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

Pending - **ACCEPTANCE OF EITHER REPORT**

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

On motion by Senator **BOST** of Penobscot, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

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

On motion by Senator **BOST** of Penobscot, the Senate removed from the Unassigned Table the following:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Tighten Eligibility for the Maine Residents Property Tax Program"

H.P. 1710 L.D. 2394

Majority - **Ought Not to Pass**.

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-1259)**.

Tabled - March 25, 1992, by Senator **BOST** of Penobscot.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 25, 1992, Reports **READ**.)

(In House, March 25, 1992, the Majority **DOUGHT NOT TO PASS Report READ and ACCEPTED**.)

On motion by Senator **BOST** of Penobscot, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Off Record Remarks

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

On motion by Senator **ESTY** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

On Motion by Senator **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** 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)

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

Pending - **ENACTMENT**

(In Senate, March 17, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-624)**.)

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

On further motion by same Senator, 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**.

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" (S-624), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-762) to Committee Amendment "A" (S-624) **READ and ADOPTED**.

Committee Amendment "A" (S-624) As Amended by Senate Amendment "A" (S-762), 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 **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Improve the State's Fiscal Forecasting Capabilities

S.P. 232 L.D. 586
(C "B" S-733)

Tabled - March 29, 1992, by Senator **BRANNIGAN** of Cumberland.

Pending - **ENACTMENT**

(In Senate, March 27, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-733).**)

(In House, March 28, 1992, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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.**

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 "B" (S-733).

On further motion by same Senator, Senate Amendment "A" (S-777) to Committee Amendment "B" (S-733) **READ** and **ADOPTED.**

Committee Amendment "B" (S-733) As Amended by Senate Amendment "A" (S-777) 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 **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Provide Community Rating of Health Insurance Providers

H.P. 507 L.D. 701
(H "A" H-1014; H "B" H-1035 to C "A" H-1007)

Tabled - March 9, 1992, by Senator **BRANNIGAN** of Cumberland.

Pending - **ENACTMENT**

(In Senate, March 5, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1007) AS AMENDED BY HOUSE AMENDMENTS "A" (H-1014) AND "B" (H-1035)** thereto, in concurrence.)

(In House, March 5, 1992, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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.**

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-1007) As Amended by House Amendments "A" (H-1014) and "B" (H-1035), thereto, 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-1014) to Committee Amendment "A" (H-1007), in concurrence.

On further motion by same Senator, House Amendment "A" (H-1014) to Committee Amendment "A" (H-1007) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

On further motion by same Senator, Senate Amendment "B" (S-774) to Committee Amendment "A" (H-1007) **READ** and **ADOPTED.**

Committee Amendment "A" (H-1007) As Amended by House Amendment "B" (H-1035) and Senate Amendemt "B" (S-774) 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 **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Promote Comprehensive and Consistent Statewide Environmental Policy and Regulation

H.P. 892 L.D. 1289
(C "A" H-900)

Tabled - March 2, 1992, by Senator **BRANNIGAN** of Cumberland.

Pending - **ENACTMENT**

(In Senate, February 20, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-900)**, in concurrence.)

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

On further motion by same Senator, 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-900), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-763) to Committee Amendment "A" (H-900) **READ** and **ADOPTED.**

Committee Amendment "A" (H-900) As Amended by Senate Amendment "A" (S-763) 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 **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Provide Equitable Insurance Coverage for Mental Illness

H.P. 1064 L.D. 1553
(C "A" H-883)

Tabled - February 27, 1992, by Senator **BRANNIGAN** of Cumberland.

Pending - **ENACTMENT**

(In Senate, February 18, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-883)**, in concurrence.)

(In House, February 25, 1992, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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 **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-883), in concurrence.

On further motion by same Senator, Committee Amendment "A" (H-883) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "A" (S-775) **READ** and **ADOPTED**.

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

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

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

On Motion by Senator **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Provide for Dissolution of a Union School or Withdrawal from a Union School

S.P. 682 L.D. 1810
(C "A" S-540)

Tabled - March 2, 1992, by Senator **BRANNIGAN** of Cumberland.

Pending - **ENACTMENT**

(In Senate, February 13, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-540)**.)

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

On further motion by same Senator, 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**.

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" (S-540).

On further motion by same Senator, Senate Amendment "A" (S-764) to Committee Amendment "A" (S-540) **READ** and **ADOPTED**.

Committee Amendment "A" (S-540) As Amended by Senate Amendment "A" (S-764) 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 **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Election Laws

S.P. 820 L.D. 2019
(H "C" H-1187 to C "A" S-617)

Tabled - March 25, 1992, by Senator **BRANNIGAN** of Cumberland.

Pending - **ENACTMENT**

(In Senate, 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 concurrence.)

(In House, March 25, 1992, **PASSED TO BE ENACTED**.)

On further motion by same Senator, 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" (S-617) As Amended by House Amendment "C" (H-1187) thereto, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-770) to Committee Amendment "A" (S-617) **READ** and **ADOPTED**.

Committee Amendment "A" (S-617) As Amended by Senate Amendment "A" (S-770) 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 **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Maine High-Risk Insurance Organization Laws

H.P. 1417 L.D. 2029
(C "A" H-940)

Tabled - March 10, 1992, by Senator **BRANNIGAN** of Cumberland.

Pending - **ENACTMENT**

(In Senate, March 2, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-940)**, in concurrence.)

(In House, March 9, 1992, **PASSED TO BE ENACTED**.)

On further motion by same Senator, 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-940), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-765) to Committee Amendment "A" (H-940) **READ** and **ADOPTED**.

Committee Amendment "A" (H-940) As Amended by Senate Amendment "A" (S-765) 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 **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Discourage Illegal Dumping of Waste
H.P. 1560 L.D. 2198
(C "A" H-962)

Tabled - March 10, 1992, by Senator **BRANNIGAN** of Cumberland.

Pending - **ENACTMENT**

(In Senate, March 3, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-962)**, in concurrence.)

(In House, March 9, 1992, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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-962), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-766) to Committee Amendment "A" (H-962) **READ and ADOPTED.**

Committee Amendment "A" (H-962) As Amended by Senate Amendment "A" (S-766) 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 **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency

An Act to Prevent the Poaching of Aquaculture Products

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

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

Pending - **ENACTMENT**

(In Senate, March 16, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1016) AS AMENDED BY HOUSE AMENDMENT "A" (H-1100)** thereto, in concurrence.)

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

On further motion by same Senator, 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-1016) As Amended by House Amendment "A" (H-1100) thereto, in concurrence.

On further motion by same Senator, Senate Amendment "B" (S-771) to Committee Amendment "A" (H-1016) **READ and ADOPTED.**

Committee Amendment "A" (H-1016) As Amended by House Amendment "A" (H-1100) and Senate Amendment "B" (S-771) 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 **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency

An Act Regarding Concealed Weapons Permit Fees

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

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

Pending - **ENACTMENT**

(In Senate, March 19, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1138) AS AMENDED BY HOUSE AMENDMENT "A" (H-1147)** thereto, in concurrence.)

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

On further motion by same Senator, 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-1138) As Amended by House Amendment "A" (H-1147) thereto, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-778) to Committee Amendment "A" (H-1138) **READ and ADOPTED.**

Committee Amendment "A" (H-1138) As Amended by House Amendment "A" (H-1147) and Senate Amendment "A" (S-778) 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 **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency

An Act to Strengthen Maine's Governmental Ethics Laws

H.P. 1618 L.D. 2279
(C "A" H-1061)

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

Pending - **ENACTMENT**

(In Senate, March 12, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1061)**, in concurrence.)

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

On further motion by same Senator, 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-1061), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-767) to Committee Amendment "A" (H-1061) **READ and ADOPTED.**

Committee Amendment "A" (H-1061) As Amended by Senate Amendment "A" (S-767) 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 **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Resolve

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

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

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

Pending - **FINAL PASSAGE**
(In Senate, March 16, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1110)**, in concurrence.)

(In House, March 18, 1992, **FINALLY PASSED**.)
On further motion by same Senator, 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-1110), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-768) to Committee Amendment "A" (H-1110) **READ** and **ADOPTED**.

Committee Amendment "A" (H-1110) As Amended by Senate Amendment "A" (S-768) 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 **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency

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

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

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

Pending - **ENACTMENT**
(In Senate, March 16, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1084)**, in concurrence.)

(In House, March 18, 1992, **PASSED TO BE ENACTED**.)
On further motion by same Senator, 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-1084), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-769) to Committee Amendment "A" (H-1084) **READ** and **ADOPTED**.

Committee Amendment "A" (H-1084) As Amended by Senate Amendment "A" (S-769) 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 **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Concerning Reasonable Standards and Procedures for Contracting Services by the State

H.P. 1669 L.D. 2345
(S "A" S-688 to C "A" H-1174)

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

Pending - **ENACTMENT**
(In Senate, March 25, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1174) AS AMENDED BY SENATE AMENDMENT "A" (S-688)**, thereto.)

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

On further motion by same Senator, 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-1174) As Amended by Senate Amendment "A" (S-688) thereto, in concurrence.

On further motion by same Senator, Senate Amendment "B" (S-773) to Committee Amendment "A" (H-1174) **READ** and **ADOPTED**.

Committee Amendment "A" (H-1174) As Amended by Senate Amendments "A" (S-688) and B" (S-773) 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 **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

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

S.P. 916 L.D. 2353
(C "A" S-632; H "A" H-1248)

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

Pending - **ENACTMENT**
(In Senate, March 25, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-632) AND HOUSE AMENDMENT "A" (H-1248)** thereto, in concurrence.)

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

On further motion by same Senator, 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" (S-632).

On further motion by same Senator, Senate Amendment "A" (S-772) to Committee Amendment "A" (S-632) **READ** and **ADOPTED.**

Committee Amendment "A" (S-632) As Amended by Senate Amendment "A" (S-772) 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.

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

Senate at Ease

Senate called to order by the President.

On Motion by Senator **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Animal Welfare Laws
 S.P. 696 L.D. 1861
 (S "A" S-647; S "D" S-681; S "E" S-685; H "A" H-1247; H "B" H-1278 to C "A" S-639)

Tabled - March 28, 1992, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 27, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-639) AS AMENDED BY SENATE AMENDMENT "A" (S-647); "D" (S-681); "E" (S-685) AND HOUSE AMENDMENT "A" (H-1247) AND "B" (H-1278)** thereto, in concurrence.)

(In House, March 28, 1992, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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" (S-639) As Amended, in concurrence.

On further motion by same Senator, Senate Amendment "H" (S-783) to Committee Amendment "A" (S-639) **READ** and **ADOPTED.**

Committee Amendment "A" (S-639) As Amended by Senate Amendments "A" (S-647); "D" (S-681); "E" (S-685); "H" (S-783) and House Amendments "A" (H-1247); "B" (H-1278) 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 **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Establish the School Construction Debt Service Limit for Fiscal Years 1994-95 and 1995-96
 S.P. 821 L.D. 2115
 (C "A" S-557)

Tabled - March 10, 1992, by Senator **BRANNIGAN** of Cumberland.

Pending - **ENACTMENT**

(In Senate, February 27, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-557).**)

(In House, March 9, 1992, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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" (S-557), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-784) to Committee Amendment "A" (S-557) **READ** and **ADOPTED.**

Committee Amendment "A" (S-557) As Amended by Senate Amendment "A" (S-784) 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 **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Concerning the Early Establishment of Counseling for Children in Foster Care

H.P. 1543 L.D. 2176
 (C "A" H-1179)

Tabled - March 25, 1992, by Senator **BRANNIGAN** of Cumberland.

Pending - **ENACTMENT**

(In Senate, March 24, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1179)**, in concurrence.)

(In House, March 25, 1992, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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-1179), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-780) to Committee Amendment "A" (H-1179) **READ** and **ADOPTED.**

Committee Amendment "A" (H-1179) As Amended by Senate Amendment "A" (S-780) 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 BRANNIGAN of Cumberland the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Emergency

An Act to Restructure State Government
 S.P. 929 L.D. 2384
 (S "C" S-704; S "H"
 S-723; H "A" H-1297 to
 C "A" S-680; H "A"
 H-1317)

Tabled - March 29, 1992, by Senator BRANNIGAN of Cumberland.

Pending - ENACTMENT

(In Senate, March 29, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-680) AS AMENDED BY SENATE AMENDMENTS "C" (S-704); "H" (S-723) AND HOUSE AMENDMENT "A" (H-1297) thereto AND HOUSE AMENDMENT "A" (H-1317) thereto.)

(In House, March 29, 1992, PASSED TO BE ENACTED.)

On further motion by same Senator, 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.

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" (S-680) As Amended by House Amendment "A" (H-1297) and Senate Amendments "C" (S-704) and "A" (S-723) thereto.

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-1297) to Committee Amendment "A" (S-680), in concurrence.

On further motion by same Senator, House Amendment "A" (H-1297) to Committee Amendment "A" (S-680) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "I" (S-781) to Committee Amendment "A" (S-680) READ and ADOPTED.

Committee Amendment "A" (S-680) As Amended by Senate Amendments "C" (S-704); "H" (S-723); "I" (S-781) 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 BRANNIGAN of Cumberland the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Emergency

An Act to Implement the Jobs Creation Bond Package

H.P. 1708 L.D. 2389
 (H "C" H-1280)

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

Pending - ENACTMENT

(In Senate, March 26, 1992, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-1280), in concurrence.)

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

On further motion by same Senator, 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 "C" (H-1280), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-782) to House Amendment "C" (H-1280) READ and ADOPTED.

House Amendment "C" (H-1280) As Amended by Senate Amendment "A" (S-782) 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 BRANNIGAN of Cumberland the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Create the Commission on Transferring County Jails to the State

H.P. 998 L.D. 1447
 (H "B" H-1037 to C "A"
 H-979)

Tabled - March 12, 1992, by Senator BRANNIGAN of Cumberland.

Pending - ENACTMENT

(In Senate, March 9, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-979) AS AMENDED BY HOUSE AMENDMENT "B" (H-1037) thereto, in concurrence.)

(In House, March 11, 1992, PASSED TO BE ENACTED.)

On further motion by same Senator, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

On Motion by Senator BRANNIGAN of Cumberland the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act Regarding Contracts for the Duplication of Works of Art

H.P. 1011 L.D. 1479
 (H "A" H-1013 to C "A"
 H-921)

Tabled - March 11, 1992, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, March 4, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-921) AS AMENDED BY HOUSE AMENDMENT "A" (H-1013) thereto, in concurrence.)

(In House, March 10, 1992, PASSED TO BE ENACTED.)

On further motion by same Senator, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

On Motion by Senator BRANNIGAN of Cumberland the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act Concerning Railroad Personnel
H.P. 1309 L.D. 1891
(C "B" H-931)

Tabled - March 4, 1992, by Senator BRANNIGAN of Cumberland.

Pending - ENACTMENT

(In Senate, February 27, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-931), in concurrence.)

(In House, March 4, 1992, PASSED TO BE ENACTED.)

On further motion by same Senator, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

On Motion by Senator BRANNIGAN of Cumberland the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Resolve, to Establish the Commission on Recall
H.P. 1377 L.D. 1964
(C "A" H-868)

Tabled - February 25, 1992, by Senator BRANNIGAN of Cumberland.

Pending - FINAL PASSAGE

(In Senate, February 13, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-868), in concurrence.)

(In House, February 20, 1992, FINALLY PASSED.)

On further motion by same Senator, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

On Motion by Senator BRANNIGAN of Cumberland the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Prevent Procurement of Controlled Substances through Fraud

H.P. 1582 L.D. 2232
(H "A" H-1270 to C "A" H-1170)

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

Pending - ENACTMENT

(In Senate, March 26, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1170) AS AMENDED BY HOUSE AMENDMENT "A" (H-1270) thereto, in concurrence.)

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

On further motion by same Senator, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

On Motion by Senator BRANNIGAN of Cumberland the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

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

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

Tabled - March 19, 1992, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, March 16, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1101), in concurrence.)

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

On further motion by same Senator, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

On Motion by Senator BRANNIGAN of Cumberland the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act Concerning the Needs of Out-of-control Children

H.P. 1626 L.D. 2289
(C "A" H-1225)

Tabled - March 26, 1992, by Senator BRANNIGAN of Cumberland.

Pending - ENACTMENT

(In Senate, March 25, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1225), in concurrence.)

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

On further motion by same Senator, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

On Motion by Senator BRANNIGAN of Cumberland the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Restructure the Department of Administrative and Financial Services

H.P. 1663 L.D. 2340
(C "A" H-1267)

Tabled - March 26, 1992, by Senator BRANNIGAN of Cumberland.

Pending - ENACTMENT

(In Senate, March 25, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1267), in concurrence.)

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

On further motion by same Senator, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

On Motion by Senator BRANNIGAN of Cumberland the Senate removed from the SPECIAL APPROPRIATIONS TABLE 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)

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

Pending - ENACTMENT

(In Senate, March 18, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1120), in concurrence.)

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

On further motion by same Senator, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

On Motion by Senator **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Repeal the Limitation on State Reimbursement for County Jails

S.P. 934 L.D. 2392
(S "B" S-600)

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

Pending - **ENACTMENT**
(In Senate, March 12, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-600)** without reference to committee.)

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

On further motion by same Senator, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

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

On Motion by Senator **TWITCHELL** of Oxford the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

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

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

Tabled - February 18, 1992, by Senator **TWITCHELL** of Oxford

Pending - **ENACTMENT**
(In Senate, February 6, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-871)**, in concurrence.)

(In House, February 13, 1992, **PASSED TO BE ENACTED**.)

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

On Motion by Senator **TWITCHELL** of Oxford the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

EMERGENCY

An Act to Create Special Veteran's Plates

H.P. 1437 L.D. 2049
(C"A" H-980)

Tabled - March 11, 1992, by Senator **TWITCHELL** of Oxford

Pending - **ENACTMENT**
(In Senate, March 4, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-980)**, in concurrence.)

(In House, March 10, 1992, **PASSED TO BE ENACTED**.)

On motion by Senator **ESTY** of Cumberland, 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-980), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-779) to Committee Amendment "A" (H-980) **READ** and **ADOPTED**.

Committee Amendment "A" (H-980) As Amended by Senate Amendment "A" (S-779) 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.

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. 2438?

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 **RECEDED** from **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**:

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

H.P. 1749 L.D. 2438
(S "B" S-743; S "C" S-758)

(In House, March 29, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1323)** in **NON-CONCURRENCE**.)

(In Senate, March 30, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "B" (S-743) AND "C" (S-758)** in **NON-CONCURRENCE**.)

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Senate Amendment "B" (S-743).

On further motion by same Senator, Senate Amendment "B" (S-743) **INDEFINITELY POSTPONED**.

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

Senator **GILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Could we please have an explanation of what this amendment does to this Bill? Thank you.

THE PRESIDENT: The Senator from Cumberland, Senator **GILL** has posed a question through the Chair. The Chair recognizes the Senator from Kennebec, Senator **BUSTIN**.

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The amendment is the same as it was when we passed it before. I had not stripped Amendment "B" which would have been the amendment that would have put on the different funding mechanisms. It is now in the posture that we all agreed to. Thank you.

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

Sent down for concurrence.

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

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

Bill "An Act Concerning Fuel Oil and Coal Used in Manufacturing Processes"

H.P. 1755 L.D. 2441

Tabled - March 30, 1992, by Senator BOST of Penobscot.

Pending - REFERENCE

(Committee on TAXATION suggested and ORDERED PRINTED.)

(In House, March 29, 1992, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.)

Senator BOST of Penobscot moved that the Bill and Accompanying Papers be INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

Senator COLLINS: Thank you Mr. President. Ladies and Gentlemen of the Senate. This Bill was before the Committee on Taxation for survey. It did not have a public hearing although we heard some comment on it. Essentially, it provides the fuel that is used in the residual part of that oil or coal that is incorporated into the manufacture of cement. It is exempt from sales tax.

This is a Bill that was a law until it expired in July 1991. It wasn't picked up at the time of its sunset. Those items that are used in the manufacturing process are exempt from taxes at that point of manufacturing. After it is incorporated into the finished product and sold on the retail market, it has a sales tax on it. We would be consistent with what we have done to allow this to continue to happen. I would oppose the pending motion by the Senator from Penobscot, Senator Bost. Thank you.

Senator COLLINS of Aroostook requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator BOST of Penobscot 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.

17 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator BOST of Penobscot to INDEFINITELY POSTPONE Bill and Accompanying Papers in NON-CONCURRENCE, PREVAILED.

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

Senate at Ease
Senate called to order by the President.

Off Record Remarks

The following proceedings were conducted after 12:01 a.m., Tuesday, March 31, 1992.

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 Strengthen the Public Disclosure of Lobbying Activities"

H.P. 1591 L.D. 2245
(S "A" S-664 to C "A"
H-1130)

In Senate, March 27, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1130) AS AMENDED BY SENATE AMENDMENT "A" (S-664) thereto, in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1130) AS AMENDED BY SENATE AMENDMENT "A" (S-664) AND HOUSE AMENDMENT "A" (H-1321) thereto, in NON-CONCURRENCE.

On motion by Senator BUSTIN of Kennebec, the Senate RECEDED from its action whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE.

The same Senator moved that the Senate RECEDE from its action whereby it ADOPTED Committee Amendment "A" (H-1130) As Amended by Senate Amendment "A" (S-664) thereto.

Senator MCCORMICK of Kennebec requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator BUSTIN of Kennebec to RECEDE from ADOPTION of Committee Amendment "A" (H-1130) As Amended by Senate Amendment "A" (S-664) thereto, 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.

30 Senators having voted in the affirmative and 2 Senators having voted in the negative, the motion by Senator BUSTIN of Kennebec, to RECEDE from ADOPTION of Committee Amendment "A" (H-1130) As Amended by Senate Amendment "A" (S-664) thereto, PREVAILED.

House Amendment "A" (H-1321) to Committee Amendment "A" (H-1130) READ.

On motion by Senator BUSTIN of Kennebec, House Amendment "A" (H-1321) to Committee Amendment "A" (H-1130) INDEFINITELY POSTPONED in NON-CONCURRENCE.

The same Senator further moved that the Senate RECONSIDER its action whereby it ADOPTED Senate Amendment "A" (S-664) to Committee Amendment "A" (H-1130), in concurrence.

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

Senator MCCORMICK: Thank you Mr. President. Ladies and Gentlemen of the Senate. I probably was confused earlier when I asked for the division. I would like a division on this amendment that passed under the hammer unanimously in this Body yesterday. This is the amendment that asks that lobbyist report expenses spent on meals and entertainment activity. It is the RJR Reynolds Lobster Bake amendment, if you will. I would urge you to vote against the reconsideration of this amendment. Thank you.

Senator MCCORMICK of Kennebec 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. I dislike being in disagreement with my fellow Senator from Kennebec, Senator **McCormick**. I have constantly said that this is a small state. We are 1.25 million population. It would be an incredible thought to think there was any kind of undercover activity at the RJR Reynolds Lobster Bake because so many people attend that. I also think about the many activities that people might have at their homes. This being a small state we tend to know each other a lot. We know them as friends, business associates, and we know them in all kinds of ways. It doesn't seem like we need to have a law on the books that says when you get together with your friends you need to report if you happen to be a lobbyist. I think we are going a little bit overboard here. I ask for your support on the indefinite postponement of this amendment. Thank you.

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

Senator **MCCORMICK**: Thank you Mr. President. Ladies and Gentlemen of the Senate. This is not an amendment that ask lobbyist to report when they go out to the movies with their friends. This is an amendment that ask lobbyist to report when they have their friends to a meal and they pay for that meal. It is not just going dutch, not playing cards, but it is when money changes hands or legislators or administrative officials are taken to dinner and the lobbyist pays for them. The RJR Reynolds Company spent thousands of dollars on members here. I believe the public would like to know and has a right to know that exists. I hasten to say that this amendment does not require the reporting of names unless \$25.00 or more is spent per person. I would think that in this day and age of increased public scrutiny it is in our interest to shine the light upon this Body. I know we can stand it. I know what we do here is very good work. I think this will help the public understand the process more and the influences on the process more. I urge you to vote against the indefinite postponement of the amendment.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BUSTIN** of Kennebec to **RECONSIDER** its action whereby Senate Amendment "A" (S-664) to Committee Amendment "A" (H-1130) was **ADOPTED**, in concurrence.

A Division has been requested.

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

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

22 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **BUSTIN** of Kennebec to **RECONSIDER** whereby Senate Amendment "A" (S-664) to Committee Amendment "A" (H-1130) was **ADOPTED**, in concurrence, **PREVAILED**.

On motion by Senator **BUSTIN** of Kennebec, Senate Amendment "A" (S-664) to Committee Amendment "A" (H-1130) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "B" (S-735) to Committee Amendment "A" (H-1130) **READ**.

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

Senator **MCCORMICK**: Thank you Mr. President. Ladies and Gentlemen of the Senate. This Bill, L.D. 2245, comes from the Secretary of State's Office. It is the result of a year of study by the Registrar of Lobbyist about polls in information that lobbyist

report. The absolute core of this Bill is what this Senate Amendment proposed by the good Senator from Kennebec, Senator **Bustin** is going to strip. The core of this Bill and the core of what was found by the Secretary of State's Office is not enough information is known about lobbying on administrative rulemaking.

Yes, we could go to every department of every Bureau of this State Government and ask for the transcripts of rulemaking. We could find out that way who testified. We could not find out who lobbied behind the scenes on that rule. There is no central location for records of who is lobbying on administrative rule. I tell you that administrative rules have the rule of law. It is the same as law. More and more of our laws are being made in this way. If you want to think about it as creating an index in the Secretary of State's Office to the lobbying activities on administrative rulemaking that is what this Bill does. If you vote to pass Senate Amendment "B" as proposed by Senator **Bustin** from Kennebec, you will be removing the core of this Bill which came ought to pass out of the State & Local Government Committee. 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. This is the Secretary of State's Bill and I was asked to help sponsor that Bill. I did not refuse. At that time I did not think it had things in it that I thought needed to be in it. I was particularly concerned about the APA.

I know the other good Senator from Kennebec, Senator **Kany** was the original sponsor of the Administrative Procedure Act. It was a very innovative, creative, way ahead of her time, kind of thing she did. I think the State has been very grateful to her about that. When that APA process was put into place it was put into place with all of the safeguards in it. You have all the reporting of who does what in that process. This does not gut the Bill. It may gut the Bill as far as the sponsors are concerned. I have expressed my concern to them about this. The Governor, for the purpose of influence approval of veto of the Legislative Document is kept in here. Senate Amendment "B" would delete the administrative procedures from the definition of lobbying activities.

The current law excludes administrative proceedings from the definition. The inclusion of administrative proceedings in the definition is inappropriate and unnecessary. It is inappropriate because administrative proceedings do not constitute the making of public policy. Public policy is made by the Legislature. Consequently, participation in rulemaking procedures does not involve the influence of public policy. The inclusion of administrative proceedings is unnecessary because those proceedings are already governed by the Administrative Procedures Act. That act contains extensive procedures or provisions by which rulemaking proceedings are regulated. No useful or valid purpose would be served by subjecting these proceedings the lobbyist disclosure law.

It makes eight changes to the Bill. It clarifies the lobbying the Governor refers to the Governor approval of vetoing a Bill. It removes the membership of an organization, corporation, or limited partnership from the definition or original source of contributions to the lobbyist. The organization is the original source. The amendment

clarifies the language regarding individual issues lobbying contributions exceeding \$1,000.00. It removes the proposed requirement that lobbyist report the number of hours spent lobbying an individual Bill. It changes monthly reporting requirements and gives the Secretary of State authority to weigh certain penalties. It assigns fine collected for general fund in establishing the field process for lobbyist. We have a lot in this Bill. It is worth saving but certainly I would ask your support of this amendment. Thank you.

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. To tell you the truth it sounds like some lobbyist wrote that amendment. I say that because it is really kind of a joke. There is absolute no reporting of the money paid to lobbyist to influence rulemaking. There is no reporting required of the money paid lobbyist to influence administrative decision. If it was a lobbyist that gave you that information, I would never trust them to ever give me information again. That is absolutely false. Thank you.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As I think many of the Senators around the Chamber are aware, many lobbyist have lobbied this Bill to effect the lobbying of Legislation in the preceding three or four hours. I must confess that I initially succumbed to the overtures to amend the Legislation in the fashion posed by the good Senator from Kennebec, Senator Bustin. When I listened to her floor debate this evening or this morning, for the record it is now 12:55 a.m. on March 31, 1992. The Senator from Kennebec, Senator Bustin, in arguing for her amendment made the statement that proceedings before administrative agencies regarding regulations or rules under the APA did not, in her view, constitute the articulation of public policy. I don't think that statement meets the straight-faced test. I think back to a song of my youth by Buffalo Springfield, for what it's worth, there's something happening here, what it is ain't exactly clear, there's a man with a gun over there, telling me I got to beware. Let me suggest that at five minutes of one, Mr. President, we ought to stay with the majority of the committee, if in fact there are flaws in this area, perhaps they ought to be considered in another forum and entertain broader points of view before we make decisions like this. 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. From what I read of this Bill and please, there was no lobbyists, I was surprised that there was no lobbyists up at the hearing on this Bill. No lobbyist had come to me, no lobbyist had said anything to me, I raised the issue. It was just one of those questions I raised as the Bill came before me and as I looked at it when I was asked to sponsor it. That's where they came from. As I understand public policy it is the Legislature who sets public policy. Administrative Procedures Act puts into administrative law a rule proposed that interprets public policy, and as I read this, it seems to me what it says is, Lobbying means to communicate directly with an official in the

Legislature or the Governor for the purpose of influencing a Legislative action or with an administrative official for the purpose of influencing administrative action when reimbursement for expenditures or compensation is made for those activities. It says no where in here that you report the amount of money. Maybe you do and I don't know that but it doesn't say it in here.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Just one brief point. There is a very big difference between people who are administrative officials and elected officials. Currently, lobbyists have to report, when they lobby elected officials directly on a bill. They do not have to report when they lobby administrative officials on a rule or in a hearing or a rate making process. The difference there, as the good Senator says, we can just leave that as it is but the difference is that we are elected, every two years. We have to go before the people and answer their questions about where our contributions come from, who has spoken to us, who has given money to us and administrative officials do not. There is no light of day that shines on the administrative rule making process and what this bill does is increase public disclosure at a time when we need it oh so badly and I would urge you to defeat this amendment. It completely guts the intent of the bill and it would be a vote for decreased public disclosure. 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. There's one other issue that occurred to me in the committee room and I share with you now and I had not had a chance nor did I check it out. I do know that in the Maine Health Care Financing Act which, in fact, I was chair of the Human Resources Committee when that Act was put through and I know we had numerous, exhausting discussion of ex party communications, that means that you cannot communicate with the people who are setting the policy law, administrative, whatever it is, you can't communicate with them. It's against the law. I don't know, and that's why I was just communicating with my colleague, I don't know whether that exists in here. What I know is that I said to a representative of the Secretary of State's office, if what you want to get at is ex party communications then bring me a bill that says that, if in fact you don't have them in the law, I have not seen that Bill. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Vose.

Senator **VOSE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I had the privilege, I guess you'd call it that, of being a lobbyist for a year and I made out the forms required. I never could figure out what to heck you did with it, but I certainly filled them out and followed religiously what I had to do and what bills I lobbied and how much I got paid and I tried to figure out as long as I was doing everything legal, what do you actually do with that information? I mean this, I don't understand what you do with it. I haven't seen anybody use it for anything lately, you pay the fee, sort of like a license, and it's all there on record, but what do you do with that information? Can anybody answer that question?

THE PRESIDENT: The Senator from Washington, Senator Vose, poses a question to the Chair to anyone who would care to respond. The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Yes I have heard of many instances and there are studies in others States and in the New England region going on even as we speak to compare the amount of money from different interest groups put into the legislative process and administrative process with the final outcome of that process. And I think that's a key fact, a key bit of information to know in this particular point that this country finds ourselves with PACs and PACs on PACs and campaign finance laws so yes I know that people examine how much money certain interest groups give to a candidate and how much influence that has on a candidate. Right now there is no reporting on administrative rule making and yet those rules have the force of law.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **BUSTIN** of Kennebec to **ADOPT** Senate Amendment "B" (S-735) to Committee Amendment "A" (H-1130).

The Chair ordered a Division.

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.

15 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator **BUSTIN** of Kennebec to **ADOPT** Senate Amendment "B" (S-735) to Committee Amendment "A" (H-1130), **FAILED**.

On motion by Senator **MCCORMICK** of Kennebec, Senate Amendment "C" (S-787) to Committee Amendment "A" (H-1130) **READ**.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Well I thought that you might do that. I thought that you might take off my other amendment so just to show that I can be sensitive to the pleas of my fellow legislators and be reasonable I have written another amendment. This amendment I hope takes care of the concerns that came up in discussions with friends and colleagues in the last three days. This amendment, Senate Amendment C is exactly the same as my other amendment which adds the meals and entertainment activities and asks the lobbyists to report that except for this one important detail, the detail is found on the second page and it says that if the entertainment activity or meal is under \$50 then it doesn't have to be reported. That means the entire price of the meal for over, given to over 5 legislators or administrative officials. Thank you.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am one of the colleagues of the good Senator from Kennebec, who talked with her about my concerns regarding her amendment and should revise it again upon reconsideration did not feel that it was carefully drafted enough to avoid some things that might be embarrassing to people and would have no relation whatsoever to improper influence or association regarding legislation. I know that you've tried, and I would address the Senator directly, very hard in

this amendment to alleviate some of those concerns and the hour is late but in reading it I still don't see how you get around some of the same situations we discussed before. One event which came to my mind would be the Grange event. It is something which I think is very educational and informational for Legislators and not one which I see as being the type of pulling on somebody's jacket as you're coming in here to vote on an issue. The other one would be the event which was sponsored by the Diocese of Maine, the Bishop had a very good informational situation for a meeting for Legislators, which I thought was good. It didn't deal particularly with any Legislation. The other situation though, and it goes more to some of the points which the Senator, the other Senator from Kennebec, Senator Bustin, was trying to address. Unfortunately many people who serve in this body sometimes leave this body and go on to become lobbyists and thank God friendships continue on after that and really have nothing to do, more often times than not, with anything they represent people on. People who pay them to come in here and have their views represented and I don't care whether you go sailing with this person because they happen to own a boat, or go to a ball game or whatever, this person may end up spending money on you because of your friendship. It has nothing to do, again thank God, with anything that may be up here and it's those types of situations which may drift in even to your amendment as I see it and because I would not want to see somebody get caught up in a law that has good intentions but is, you just cannot draft carefully enough, to avoid dragging innocent people down, I would still oppose the amendment.

Senator **MILLS** of Oxford requested a Division.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Just to take the situations raised by my colleague from Cumberland, Senator Conley, if one of us or an administrative official were to go sailing with a lobbyist, a registered lobbyist, very important word, or go to a ball game the only way the lobbyist would have to report that is if the value of that was over \$25.00, and that is the law now. If you go to a ball game and the ticket is \$35.00 and you go with one of the lobbyists then he has to report that, that is the current law. The only thing that is changed by my amendment is that if 5 or more Legislators go to a meal or entertainment activity by a registered lobbyist and that lobbyist pays for that activity and that it is more than \$50.00 then that needs merely to be reported on their monthly form. As to the Grange and the Bishop, I would ask the good Senator, or I would pose to the good Senator that I don't believe the Grange is a registered lobbyist nor do I believe the Bishop is a registered lobbyist, either that or he moonlights, they are fine, okay. Then the Grange has to say that they invited us over for dinner, I don't see that that is a problem, I don't see that that's embarrassing, I don't see that it's embarrassing that the Bishop should appear on the Bishop's or the Diocese's monthly report, something that headlines in the paper, which was that we had a very good conversation at the Civic Center, I don't see that that's anything but shedding light on this process. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **MCCORMICK** of Kennebec to **ADOPT** Senate Amendment "C" (S-787) to Committee Amendment "A" (H-1130).

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.

5 Senators having voted in the affirmative and 26 Senators having voted in the negative, the motion of Senator **MCCORMICK** of Kennebec to **ADOPT** Senate Amendment "C" (S-787) to Committee Amendment "A" (H-1130) **FAILED**.

Senator **VOSE** of Washington moved that the Bill and Accompanying Papers be **INDEFINITELY POSTPONE** in **NON-CONCURRENCE**.

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

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

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

A vote of Yes will be in favor of the motion to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

A vote of No will be opposed.

Is the Senate ready for the question?

Senator **TWITCHELL** of Oxford who would have voted **YEA** requested and received Leave of the Senate to pair his vote with Senator **CLEVELAND** of Androscoggin who would have voted **NAY**.

Senator **ESTY** of Cumberland who would have voted **NAY** requested and received Leave of the Senate to pair his vote with Senator **BALDACCI** of Penobscot who would have voted **YEA**.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BERUBE**, **BRAWN**, **BUSTIN**, **CAHILL**, **CARPENTER**, **COLLINS**, **GILL**, **GOULD**, **LUDWIG**, **MATTHEWS**, **RICH**, **SUMMERS**, **THERIAULT**, **VOSE**, **WEBSTER**

NAYS: Senators **BOST**, **BRANNIGAN**, **CLARK**, **CONLEY**, **DUTREMBLE**, **ESTES**, **FOSTER**, **GAUVREAU**, **HOLLOWAY**, **KANY**, **MCCORMICK**, **MILLS**, **PEARSON**, **TITCOMB**, **THE PRESIDENT** - **CHARLES P. PRAY**

PAIRED: Senators **BALDACCI**, **CLEVELAND**, **ESTY**, **TWITCHELL**

ABSENT: Senator **EMERSON**

15 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 4 Senators having paired their votes and 1 Senator being absent, the motion of Senator **VOSE** of Washington, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**, **FAILED**.

Committee Amendment "A" (H-1130) **ADOPTED** in **NON-CONCURRENCE**.

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

THE PRESIDENT: The pending question before the Senate is **PASSAGE TO BE ENGROSSED AS AMENDED** 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.

15 Senators having voted in the affirmative and 16 Senators having voted in the negative, the Bill **FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

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

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

Non-concurrent Matter

Bill "An Act to Encourage the Development of Business and Infrastructure through the Extension of State Tax Increment Financing"

S.P. 974 L.D. 2460
(S "A" S-750)

In Senate, March 30, 1992, **PASSSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-750)**.

Comes from the House **PASSSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-1328) AND SENATE AMENDMENT "A" (S-750) in NON-CONCURRENCE**.

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

Senator **BOST** of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I simply wanted to acknowledge that this has been a rather controversial issue around the halls over the last week or so. I wanted to put on the record that the interest and the concern on the parts of the good Senator from Kennebec, Senator Matthews and Senator Kany about State Tax Increment Financing, was because of very important advocacy on behalf of the communities they represent so well that the Taxation Committee included in this Legislation significant safeguards to insure this initiative will be a positive economic development tool but for the communities involved as well. Thank you.

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to make a few more comments about this particular Bill. People in my community have requested that I don't let this Bill go without a fight. The truth of the matter is I thought that the first time around we had four votes on our side. I was kind of hesitant about getting up again but then I heard we actually had six votes on our side. I am afraid we are stuck with **STIFF**. We like **TIFF** but we are miffed with **STIFF**. I am sorry because I do not believe it is good tax policy to use State revenues to help potentially wealthy mall developers develop malls that can compete with our communities within a region. It can hurt downtowns.

Our Waterville officials have been here most of the week. I think they finally gave up and went home tonight. They were here until 4:00 yesterday morning and they are very disappointed in the decision about tax policy on this matter. They believe the soul of Waterville is its downtown. They are mighty proud of it. We renovated the Opera House. We redid the

streets and sidewalks. It was Governor McKernan's big proposal to try and invigorate our downtowns. Waterville's downtown has always been lively. We have merchants like Levines that have been there over 100 years and yet we have young merchants. We do have one huge empty store that bothers us terribly. It is really a very lively area. It is deeply troubling to the officials of the Waterville area and the City Council, the Mayor, the City Administrator and economic development individuals involved with that. They asked us to please keep in mind their needs.

One problem I see with the STIFF Legislation as drafted, is that it is helpful to mall developers to get potential State Tax revenues to develop, yet, the communities that have to question the effect of that mall have to use their own property taxes in order to higher a consultant or lawyer to help fight this. I do think that is a serious problem. Right now, the STIFF Legislation and the controversy surrounding it sounds like a Waterville verses Augusta problem and it is. The truth of the matter is this Legislation can engender that type of distention anyplace in the State. It doesn't have to be Waterville and Augusta at all. It is mutually destructive. Is that what you want to encourage? Do you want to encourage destruction and degeneration of downtown shopping areas? We certainly are talking about malls. \$3,000,000 required in sales revenues, that is \$50,000,000 and that sounds like a pretty good sized mall that lures shoppers from all the downtowns in the region. I am sorry that it seems to be the wish of this Legislature to promote this type of enterprise at the expense of the souls of our communities, the downtowns. Thank you.

COMMITTEE REPORTS

House

Ought Not to Pass

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

From the Committee on **ENERGY & NATURAL RESOURCES** Bill "An Act to Clarify the Water Quality Definitions for Impoundments"

H.P. 1409 L.D. 2021

Ought to Pass As Amended

The Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for the Purchase of Recycling Equipment and Facilities and for the Closure and Remediation of Municipal Solid Waste Landfills"

H.P. 1499 L.D. 2111

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-1332).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-1332).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1332) **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 down forthwith to the Engrossing Department.

ENACTORS

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

Emergency

An Act to Delay the Workers' Compensation Rate Increase

H.P. 1775 L.D. 2457

(H "A" H-1326)

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

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Increase Criminal Penalties on Deliberate Polluters"

H.P. 1778 L.D. 2461

Comes from the House referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Which was **REFERRED** to the Committee on **JUDICIARY** and **ORDERED PRINTED**, in concurrence.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

S.P. 806 L.D. 2005

Majority - **Ought Not to Pass**.

Minority - **Ought to Pass as Amended** by **Committee Amendment "A"** (S-650).

In Senate, March 30, 1992, Reports **READ** and Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

Comes from the House, 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-650) in **NON-CONCURRENCE**.

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 for Capital Repairs to State Facilities"

H.P. 1743 L.D. 2432

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-1333)**.

Signed:

Senators:

BRANNIGAN of Cumberland
PEARSON of Penobscot
FOSTER of Hancock

Representatives:

POULIOT of Lewiston
HICHBORN of Howland
CARROLL of Gray
CHONKO of Topsham
RYDELL of Brunswick
PARADIS of Frenchville
MICHAUD of East Millinocket

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

Signed:

Representatives:

REED of Falmouth
FOSS of Yarmouth
MACBRIDE of Presque Isle

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1333)**.

Which Reports were **READ**.

On motion by Senator **BRANNIGAN** of Cumberland, the Majority **UGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-1333) **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 down forthwith to the Engrossing Department.

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:

Bond Issue

An Act to Preserve East-west Railroads
S.P. 873 L.D. 2228
(C "A" S-761)

This being a Bond Authorization Act and having received the affirmative vote of 29 Members of the Senate, with 2 Senators having voted in the negative, and 29 being more than two-thirds of the Membership present and voting 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:

COMMUNICATIONS

The Following Communication:
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS
ONE HUNDRED AND FIFTEENTH LEGISLATURE
March 30, 1992

The Honorable Charles P. Pray
President of the Senate
115th Legislature
Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Appropriations and Financial Affairs during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	34
Unanimous reports	27
Ought Not to Pass	18
Ought to Pass as Amended	4
Re-referred	5
Divided reports	7
Bills reported out Pursuant to	2
Joint Order	
Unanimous	1
Divided report	1

Respectfully submitted,
S/Joseph C. Brannigan S/Lorraine N. Chonko
Senate Chair House Chair
Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:
COMMITTEE ON ENERGY AND NATURAL RESOURCES
ONE HUNDRED AND FIFTEENTH LEGISLATURE
March 30, 1992

The Honorable Charles P. Pray
President of the Senate
115th Maine Legislature
Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Energy and Natural Resources during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	60
Unanimous reports	56
Leave to Withdraw	2
Ought to Pass	2
Ought Not to Pass	20
Ought to Pass as Amended	32
Divided reports	4

Respectfully submitted,
S/Senator Bonnie L. Titcomb S/Rep. Paul F. Jacques
Senate Chair House Chair
Which was **READ** and **ORDERED PLACED ON FILE**.

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:

Resolve

Resolve, to Transfer Certain State Lands to the Maine Veterans' Home

S.P. 973 L.D. 2459
(S "A" S-754)

Which was **FINALLY PASSED** 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:

ENACTORS

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

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$12,000,000 for Water Pollution Control Facilities Construction

S.P. 962 L.D. 2434
(C "A" S-759)

This being a Bond Authorization Act and having received the affirmative vote of 29 Members of the Senate, with 1 Senator having voted in the negative, and 29 being more than two-thirds of the Membership present and voting 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:

SENATE PAPERS

Bill "An Act Concerning the Maine State Retirement System"

S.P. 958 L.D. 2462

Presented by Senator **MCCORMICK** of Kennebec
Cosponsored by Representative **JALBERT** of Lisbon
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Committee on **AGING, RETIREMENT & VETERANS** suggested and **ORDERED PRINTED**.

Which was, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

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:

COMMUNICATIONS

The Following Communication:

COMMITTEE ON AGING, RETIREMENT AND VETERANS
ONE HUNDRED AND FIFTEENTH LEGISLATURE
March 25, 1992

The Honorable Charles P. Pray
President of the Senate
115th Maine Legislature
Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Aging, Retirement and Veterans during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	9	
Unanimous reports		7
Leave to Withdraw	1	
Ought to Pass	0	
Ought Not to Pass	1	
Ought to Pass as Amended	4	
Rereferred	1	
Divided reports		2

Respectfully submitted,
S/Senator Dale McCormick S/Rep. John Jalbert
Senate Chair House Chair
Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

COMMITTEE ON AGRICULTURE
ONE HUNDRED AND FIFTEENTH LEGISLATURE

March 25, 1992

The Honorable Charles P. Pray
President of the Senate
115th Maine Legislature
Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Agriculture during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received		13
Unanimous reports		11
Leave to Withdraw	1	
Ought to Pass	0	
Ought Not to Pass	3	
Ought to Pass as Amended	6	
Rereferred	1	
Divided reports		2

Respectfully submitted,
S/Senator R. Donald Twitchell S/Rep. Robert J. Tardy
Senate Chair House Chair
Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

COMMITTEE ON AUDIT AND PROGRAM REVIEW
ONE HUNDRED AND FOURTEENTH LEGISLATURE

March 25, 1992

The Honorable Charles P. Pray
President of the Senate
115th Maine Legislature
Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Audit and Program Review during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received		4
Unanimous reports		4
Leave to Withdraw	0	
Ought to Pass	0	
Ought Not to Pass	2	
Ought to Pass as Amended	2	
Divided reports		0

Respectfully submitted,
S/Senator Beverly Miner Bustin S/Rep. Phyllis R. Erwin
Senate Chair House Chair
Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

COMMITTEE ON BANKING AND INSURANCE
ONE HUNDRED AND FIFTEENTH LEGISLATURE

March 29, 1992

The Honorable Charles P. Pray
President of the Senate
115th Maine Legislature
Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Banking and Insurance during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received

Unanimous reports		6
	Leave to Withdraw	0
	Ought to Pass	1
	Ought Not to Pass	2
2		
	Ought to Pass as Amended	
20		
	Carry Over	3
		1
1	Divided reports	

Respectfully submitted,

S/Senator Judy C. Kany S/Rep. Elizabeth H. Mitchell
Senate Chair House Chair
Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:
COMMITTEE ON BUSINESS LEGISLATION
ONE HUNDRED AND FIFTEENTH LEGISLATURE
March 25, 1992

The Honorable Charles P. Pray
President of the Senate
115th Maine Legislature
Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Business Legislation during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	26
Unanimous reports	24
Leave to Withdraw	1
Ought to Pass	2
Ought Not to Pass	6
Ought to Pass as Amended	15

Divided reports 2
Respectfully submitted,

S/Senator John E. Baldacci S/Rep. Carl F. Sheltra
Senate Chair House Chair
Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:
JOINT SELECT COMMITTEE ON CORRECTIONS
ONE HUNDRED AND FIFTEENTH LEGISLATURE
March 25, 1992

The Honorable Charles P. Pray
President of the Senate
115th Maine Legislature
Dear President Pray:

We are pleased to report that all business which was placed before the Joint Select Committee on Corrections during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	9
Unanimous reports	8
Leave to Withdraw	0
Ought to Pass	0
Ought Not to Pass	3
Ought to Pass as Amended	5

Divided reports 1
Respectfully submitted,

S/Senator Beverly M. Bustin S/Rep. Cushman D. Anthony
Senate Chair House Chair
Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:
COMMITTEE ON EDUCATION
ONE HUNDRED AND FIFTEENTH LEGISLATURE
March 26, 1992

The Honorable Charles P. Pray
President of the Senate
115th Maine Legislature
Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Education during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	24
Unanimous reports	22
Leave to Withdraw	0
Ought to Pass	0
Ought Not to Pass	6
Ought to Pass as Amended	15
Rereferred	1

Divided reports 2
Respectfully submitted,

S/Sen Stephen C. Estes S/Rep. Nathaniel Crowley, Sr.
Senate Chair House Chair
Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:
COMMITTEE ON FISHERIES AND WILDLIFE
ONE HUNDRED AND FIFTEENTH LEGISLATURE
March 25, 1992

The Honorable Charles P. Pray
President of the Senate
115th Maine Legislature
Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Fisheries and Wildlife during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	7
Unanimous reports	6
Leave to Withdraw	0
Ought to Pass	0
Ought Not to Pass	4
Ought to Pass as Amended	2

Divided reports 1
Respectfully submitted,

S/Sen Michael D. Pearson S/Rep. Dorothy A. Rotondi
Senate Chair House Chair
Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:
COMMITTEE ON HUMAN RESOURCES
ONE HUNDRED AND FIFTEENTH LEGISLATURE
March 26, 1992

The Honorable Charles P. Pray
President of the Senate
115th Maine Legislature
Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Human Resources during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

38 Total number of bills received
 2 Unanimous reports 3
 Leave to Withdraw 0
 Ought to Pass 1
 Ought Not to Pass 1
 1 Ought to Pass as Amended

20 Divided reports 6
 Respectfully submitted,

S/Sen Gerard P. Conley, Jr. S/Rep. Peter J. Manning
 Senate Chair House Chair
 Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:
COMMITTEE ON LABOR
ONE HUNDRED AND FIFTEENTH LEGISLATURE
 March 29, 1992

The Honorable Charles P. Pray
 President of the Senate
 115th Maine Legislature
 Dear President Pray:
 We are pleased to report that all business which was placed before the Committee on Labor during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:
 Total number of bills received 24
 Unanimous reports 19
 Leave to Withdraw 1
 Ought to Pass 0
 Ought Not to Pass 11
 Ought to Pass as Amended 6
 Carry Over 1
 Divided reports 5
 Respectfully submitted,

S/Sen Donald E. Esty, Jr. S/Rep. Edward A. McHenry
 Senate Chair House Chair
 Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:
COMMITTEE ON LEGAL AFFAIRS
ONE HUNDRED AND FIFTEENTH LEGISLATURE
 March 25, 1992

The Honorable Charles P. Pray
 President of the Senate
 115th Maine Legislature
 Dear President Pray:
 We are pleased to report that all business which was placed before the Committee on Legal Affairs during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:
 Total number of bills received 34
 Unanimous reports 26
 Leave to Withdraw 2
 Ought to Pass 1
 Ought Not to Pass 9
 Ought to Pass as Amended 13
 Rereferred 1
 Divided reports 8
 Respectfully submitted,

S/Senator Jeffery N. Mills S/Rep. Mark W. Lawrence
 Senate Chair House Chair
 Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:
COMMITTEE ON MARINE RESOURCES
ONE HUNDRED AND FIFTEENTH LEGISLATURE
 March 25, 1992

The Honorable Charles P. Pray
 President of the Senate
 115th Maine Legislature
 Dear President Pray:
 We are pleased to report that all business which was placed before the Committee on Marine Resources during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:
 Total number of bills received 11
 Unanimous reports 10
 Leave to Withdraw 1
 Ought to Pass 0
 Ought Not to Pass 3
 Ought to Pass as Amended 6
 Divided reports 1
 Respectfully submitted,

S/Senator Harry L. Vose S/Rep. James Mitchell
 Senate Chair House Chair
 Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:
COMMITTEE ON STATE AND LOCAL GOVERNMENT
ONE HUNDRED AND FOURTEENTH LEGISLATURE
 March 29, 1992

The Honorable Charles P. Pray
 President of the Senate
 115th Maine Legislature
 Dear President Pray:
 We are pleased to report that all business which was placed before the Committee on State and Local Government during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:
 Total number of bills received 66
 Unanimous reports 56
 Leave to Withdraw 2
 Ought to Pass 5
 Ought Not to Pass 23
 Ought to Pass as Amended 25
 Carry Over 1
 Divided reports 10
 Bills reported out pursuant to Joint Order 1
 Resolves reported out pursuant to Resolve 8
 Respectfully submitted,

S/Sen Georgette B. Berube S/Rep. Ruth Joseph
 Senate Chair House Chair
 Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:
COMMITTEE ON TAXATION
ONE HUNDRED AND FOURTEENTH LEGISLATURE
 March 26, 1992

The Honorable Charles P. Pray
 President of the Senate
 115th Maine Legislature
 Dear President Pray:
 We are pleased to report that all business which was placed before the Committee on Taxation during

the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	25
Unanimous reports	20
Leave to Withdraw	1
Ought to Pass	1
Ought Not to Pass	9
Ought to Pass as Amended	9
Divided reports	5
Respectfully submitted,	

S/Senator Stephen M. Bost S/Rep. John A. Cashman
Senate Chair House Chair
Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:
COMMITTEE ON TRANSPORTATION
ONE HUNDRED AND FIFTEENTH LEGISLATURE
March 25, 1992

The Honorable Charles P. Pray
President of the Senate
115th Maine Legislature
Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Transportation during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	23
Unanimous reports	20
Leave to Withdraw	1
Ought to Pass	0
Ought Not to Pass	7
Ought to Pass as Amended	12
Divided reports	3
Respectfully submitted,	

S/Sen R. Donald Twitchell S/Rep. Harold M. Macomber
Senate Chair House Chair
Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:
COMMITTEE ON UTILITIES
ONE HUNDRED AND FIFTEENTH LEGISLATURE
March 25, 1992

The Honorable Charles P. Pray
President of the Senate
115th Maine Legislature
Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Utilities during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	28
Unanimous reports	26
Leave to Withdraw	0
Ought to Pass	5
Ought Not to Pass	5
Ought to Pass as Amended	16
Divided reports	2
Respectfully submitted,	

S/Senator John J. Cleveland S/Rep. Herbert E. Clark
Senate Chair House Chair
Which was **READ** and **ORDERED PLACED ON FILE**.

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
Joint Order

The following Joint Order: H.P. 1779
ORDERED, the Senate concurring, that Bill, "An Act to Amend the East Pittston Water District Charter," H.P. 1769, L.D. 2452, and all of its accompanying papers, be recalled from the Governor's desk to the House.

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

Senate at Ease
Senate called to order by the President.

Which was **PASSED**, in concurrence.

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
Joint Order

The following Joint Order: H.P. 1780
ORDERED, the Senate concurring, that the following specified matters be held over to the next special session of the 115th Legislature Housing and Economic Development

H.P.1772, L.D. 2454
An Act to Provide Skills Training for Unemployed Workers
Judiciary

H.P. 1778 L.D. 2461
An Act to Increase Criminal Penalties on Deliberate Polluters
Comes from the House **READ** and **PASSED**.
Which was **READ** and **PASSED**, 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 to Require the Department of Human Services to Have a Regular Presence in Every County of the State"

H.P. 620 L.D. 890
(S "B" S-652 to C "A"
H-884)

In Senate, March 27, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-884) AS AMENDED BY SENATE AMENDMENT "B" (S-652)** thereto, in **NON-CONCURRENCE**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-884) AS AMENDED BY HOUSE AMENDMENT "A" (H-1334)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **GOULD** of Waldo, the Senate **RECEDED** and **CONCURRED**.

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 Making Supplemental Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1992.

S.P. 972 L.D. 2456

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with 1 Senator having voted in the negative, and 24 being 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.

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

House Papers

Bill "An Act to Create Job Opportunities for Unemployed Maine People"

H.P. 1781 L.D. 2463

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

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

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

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I had a chance to have a very brief conversation with one of the sponsors of this Legislation and I agreed with the Legislative Council to allow it to begin to proceed along its way but since that time I do have some reservations. I think the intent of this Legislation is very well intended and I support that but I have a couple of questions about it and this is something very serious. What we'd vote for today here at the last minute is to vote to put out almost \$10,000,000 in bond issues out in November. What this bond would do is attempt to provide education money, admirable, for 3,000 unemployed individuals through the vocational technical colleges, admirable, but my questions are, and I think we need to have this for the record, my questions would be: 1. Why is this an outright grant that pays tuition rather than having a revolving loan account or even an interest free loan account. Why is it just an outright grant? The second thing under article 8, part 1, section 2 of the constitution, it talks about education and bonds and that sort of thing and it says "but the amount of bonds issued and outstanding shall not be at one time, exceed in the aggregate of \$4,000,000, funds loaned shall be in the terms and conditions of the Legislature". Why is this a \$9.85 million bond issue, is it considered constitutional? Those are my questions, I know we don't have many members left to answer them but those are the questions I would have.

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

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I will try to reply to the good Senator from Sagadahoc's questions. The first one, why are we using the bonding to help those unemployed workers? As the good Senator from Sagadahoc, Senator Cahill, knows, the housing and economic development committee worked on this issue exhaustively for quite a while. One of the concerns that came up in the jobs commission report, and also identified by the Jobs for Today and Jobs for Tomorrow report, was that we should not overlook those that are unemployed, those that have severely been impacted by this recession and those that need the kind of retraining skills. No one in this chamber argues that the best opportunities to do that is through the Technical Colleges. They provide those kind of training skills that these unemployed workers will need. The Committee looked at every option to try to help these unemployed people get back to work and in the proceedings of the Committee we sent our support, in letter form, to the Appropriations Committee. We know that there isn't a whole lot of money available but as was identified by the good Senator from Sagadahoc and other members of the minority party in this chamber, when we debated some of the efforts of the Housing and Economic Development Committee, one of the concerns was what are we directly doing for the unemployed? How are we helping them? This particular Legislation will help them. It will give a opportunity for 3000 of them to get re-trained and that obviously is an important issue for all of us without any political party affiliation. The other question about the constitutionality, we have talked with the Attorney General's office and we are assured that it is appropriate that this does not run against the grain of the constitution and run into those kinds of questions. These funds can be used through the General Obligation Tax Exempt law and I can't think of a better purpose to use these monies to help those who are unemployed that have no means of their own to get the kind of retraining skills that they need to become employed and thereby help to build our State, make it a better place to live, pay sales tax and income tax revenues to the State and get us going so I think on both points this is a Legislation, a Bill that we need, and it was certainly identified by all who spoke before the committee and certainly the vocational colleges. I can only echo the kinds of concerns that they had that we not forget about. The kind of things that they can do to help get this economy going and we just see this as an opportunity to do that and I hope that the members of this body will support this Legislation. 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 quick question through the Chair and that is I need to make sure I understand this. Is this a grant or is this a loan? And if it's a loan does it go into a revolving account so that when they pay it back more unemployed people in the future will benefit from the money that's repaid in this loan so that we always have a pool of money for people to be re-trained, or is this a one time grant?

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

Senator **MATTHEWS**: Thank you Mr. President. Ladies and Gentlemen of the Senate. This is a grant for tuition, for these unemployed workers.

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

Senator **BERUBE**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I noticed that LD 2463 is very similar to LD 2454 and I'm wondering why we're having this at 1:45 a.m. Instead of being \$4,000,000 it's \$9,985,000,000 plus \$4,000,000 of interest. I think the total package is \$13,060,380, that's my first question. Why are we having this bill so late in the game which is so similar to the one that's been tabled until the special session. Second I noticed that we have approximately a \$19,000,000 budget, \$16,000,000 of which goes into direct services for job training and partnership act and I'm wondering if this is going to be the same process as under the Job Training and Partnership Act? And the reason I ask this is because the Department of Labor parcels out those JTPA dollars but all those dollars do not go into direct service for training, the training or the service providers keep some for their own administration and they keep some that is earmarked for education or training and what they count into that is the interviewing of the client, having the client come back two weeks later to make an appointment to be counselled, after they are counseled they come back for another third appointment to see where they would fit in a particular training program for which they'd be trainable. I'm wondering if this is going to be parallel and the reason I question that, I simply want this for my own information, is because the system, the college system or the technical schools, will make the rules that govern the application and selection process, if they themselves use those dollars, those \$13.9 million for actual training, purchase of books or tools or whatever is necessary to train them, or are they in turn going to parcel out to agencies. I've asked two short questions and it took me 8 minutes so I apologize.

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

Senator **MATTHEWS**: Thank you Mr. President. Ladies and Gentlemen of the Senate. The good Senator from Androscoggin, Senator Berube, asked two very good questions. I guess the first one that I would take is why is this Bill before us in this fashion in this particular LD? I would say that the answer to that is that when the Committee on Housing and Economic Development dealt with the, as we were charged to do, to look at the jobs commission report and look at the concerns that we had in trying to get the economy going, we had a very comprehensive body of information to go through. We dealt with tax credits, tax policy issues, economic development issues, labor issues, and all kinds of different issues that concern our economy. It was felt that when we looked at the vocational college question of trying to help these unemployed workers to get retraining skills, that particular aspect of our concern would be addressed separately, not in the Bills that were mentioned by the good Senator from Androscoggin, Senator Berube.

The question about the vocational colleges and trying to help the unemployed would be addressed separately, that's why this is here separately in this vehicle. I'm trying to remember the other question, it deals with criteria used by the

vocational colleges and how will they know, how will they work with those who are rehabilitation specialists that are out there working with individuals that are laid off and those folks from some of the other private, non-profit associations that work with the unemployed. I guess that will be determined by the vocational colleges. We didn't feel that trying to micromanage how they would spend these dollars was the kind of thing that the Committee on Housing and Economic Development wanted to do. I have the faith that the vocational colleges, given their track record, will do this in the right way. I don't think that there is another educational institution that provides better assistance to those who want to get re-trained, those who want to get better training or better professional licensure. They can become nurses and other kinds of professions. I don't think anybody does it better than the vocational colleges. For the dollar investment that we as taxpayers and citizens of the state make to the vocational colleges, the dividends that we get are tremendous. I guess I have the faith that the vocational colleges will come up with the appropriate criteria and eligibility standards. We know that our unemployment rate is still extremely high. We know that we are in this recession for a good long period and we also know from economic forecasting and reports that have just been released that this economy is not going to turn around tomorrow morning. I guess that my answer would be that there's a great deal of faith by the Committee in the vocational colleges to do this job and to do it well and certainly we had them in talking about this issue on a number of occasions and they assured us that they could do the job. Thank you Mr. President.

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

Senator **CAHILL**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I won't ask a question but I do want to put something on the record. First of all, I think the good Senator from Penobscot, Senator Pearson, makes a very good point when he says why isn't this a revolving fund so that we can use it in future times for other people who are unemployed? I think that's a consideration that we should look at. Second I want to address that when the Attorney General was asked his opinion of this particular piece of Legislation as to its constitutionality, he referred to Article 5, part 3, section 5 of the constitution which talks about whether or not you can use a bond to fund general operational expenditures. He thought, in his informal opinion, that yes you could. I'm addressing Article 8, part 1, section 2 of the Constitution which I'll read the last sentence one more time, "that the amount of the bond issued and outstanding shall not at one time exceed the aggregate of \$4,000,000". Ladies and Gentlemen of the Senate I'm happy to let this go on its way to the other body right. Before I vote on an enactment on this piece of Legislation these issues are going to have to be answered a great deal better than they are right now. Thank you.

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.

ORDERS OF THE DAY

On Motion by Senator **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency

An Act Relating to Ordinary Death Benefits under the Maine State Retirement System

H.P. 1554 L.D. 2192
(H "A" H-1053 to C "A"
H-998)

Tabled - March 16, 1992, by Senator **BRANNIGAN** of Cumberland.

Pending - ENACTMENT

(In Senate, March 11, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-998) AS AMENDED BY HOUSE AMENDMENT "A" (H-1053)** thereto, in concurrence.)

(In House, March 12, 1992, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** 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-998) As Amended by House Amendment "A" (H-1053), thereto, 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-1053) to Committee Amendment "A" (H-998), in concurrence.

On further motion by same Senator, House Amendment "A" (H-1053) to Committee Amendment "A" (H-998) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

On further motion by same Senator Committee Amendment "A" (H-998) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

On further motion by same Senator, Senate Amendment "B" (S-788) **READ** and **ADOPTED.**

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 **BRANNIGAN** of Cumberland the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Implement the Recommendations of the Special Commission on Governmental Restructuring

S.P. 910 L.D. 2330
(C "A" S-725)

Tabled - March 30, 1992, by Senator **BRANNIGAN** of Cumberland.

Pending - Motion By the Chair to **RECEDE** and **CONCUR.**

(In House, March 29, 1992, **PASSED TO BE ENACTED.**)

(In Senate, March 29, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-725)**, in concurrence.)

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

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Committee Amendment "A" (S-725), in concurrence.

On further motion by same Senator, Senate Amendment "B" (S-785) to Committee Amendment "A" (S-725) **READ** and **ADOPTED.**

Committee Amendment "A" (S-735) As Amended by Senate Amendment "B" (S-785) 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 **BRANNIGAN** of Cumberland, **RECESSED** until 11:00 in the morning.