

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
THIRD SPECIAL SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Tuesday
October 6, 1992

Senate called to Order by the President.

Prayer by the Honorable Georgette B. Berube of Androscoggin.

SENATOR GEORGETTE BERUBE: Good morning. Probably this morning we could just offer our thanks to the Lord for helping us to accomplish what we have set out to do and to protect each and every one of us as we return to our own homes and our own duties back home. Amen. Thank you.

Reading of the Journal of Monday, October 5, 1992.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

September 28, 1992
Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333

Dear Secretary O'Brien:
Please be advised that I have made the following appointments:

Pursuant to my authority under M.R.S.A. 3, §227 I have reappointed Senator Dennis Dutremble to the Maine Canadian Legislative Advisory Commission. Pursuant to my authority under the Public Laws of 1989, Chapter 588, I have reappointed Senator Beverly Miner Bustin to the Maine Health Program Advisory Committee.

Sincerely,
S/Charles P. Pray
President of the Senate

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

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

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:

COMMUNICATIONS

The Following Communication: H
.P. 1787

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

October 3, 1992

To the Honorable Members of the 115th Legislature:
I am returning, without my signature or approval,
H.P. 1218, L.D. 1776, "An Act Concerning Indian

Territory under the Maine Indian Claims Settlement Laws." Because of the proposed changes in how Trust Lands acquired by the Passamaquoddy Tribe and Penobscot Nation will be treated under land use laws, I cannot support this bill.

The purpose of L.D. 1776 is to exempt the Trust lands acquired by the Passamaquoddy Tribe and the Penobscot Nation from the laws administered by the Maine Land Use Regulation Commission. Under the bill, the tribes would assume all local land use authority for those areas. Of concern to me is the mechanism and criteria required by this bill for the Indian tribes to assume that control.

This legislation allows the Legislature's Energy and Natural Resources Committee, rather than the Maine Land Use Regulation Commission, to review the tribes' comprehensive land use plans and ordinances and make a recommendation for approval or disapproval to the full Legislature, which would then make the final decision. I object to this provision of the bill because it transfers an Executive Branch function to the Legislative Branch. I also object to the fact that the plan and ordinance decision would be based only upon general goal statements, rather than minimum standards and zoning criteria that are measurable and predictable and which would assure a base level of protection to natural resources and adjacent landowners. Other municipalities which seek to remove lands from the unorganized territories must meet minimum land use standards not less stringent than those of Maine Land Use Regulation Commission.

Maine's current law provides a mechanism for a municipality to remove itself from the Commission's jurisdiction and adopt and administer its own land use regulations. The Passamaquoddy Tribe and the Penobscot Nation can make use of the same mechanism to withdraw from Commission jurisdiction, and in the past they have been encouraged to do so. Like municipalities, however, the tribes must demonstrate to the Commission that the degree of natural resource protection they will provide is no less protective than the level provided by the Commission. In the twenty years that this mechanism has been in place, ten communities have sought to withdraw from the Commission's jurisdiction. All ten have worked with the Commission in developing an adequate plan, and all ten have been successful.

I also object to the fact that this legislation amends the Indian Land Claims Settlement Act, adopted by the State of Maine in 1980. Because of this, the bill requires ratification by both tribes, and once it becomes law, its provisions cannot be further amended without their approval. I do not believe that the ability of the State to take action through legislation should be foreclosed in this manner.

Furthermore, a review of the legislative record demonstrates that the issues raised by this bill were considered and understood at the time of the adoption of the Claims Settlement Act. In fact, the issue of state natural resource laws and the relationship between the Maine Land Use Regulation Commission and the Indian Trust lands was discussed at the time, and representatives of the tribes and the State acknowledged that the Commission's procedures would apply to the Trust lands. I believe it is appropriate to maintain the integrity of those procedures established as part of the Claims Settlement Act.

To date, the Passamaquoddy Tribe has acquired approximately 75,000 acres of the 150,000 acres of Trust lands provided by the Settlement Act, and the

Penobscot Nation has acquired 55,000 of the 150,000 for which it is eligible. Lands now in trust represent portions of 12 townships dispersed across northern and eastern Maine, with parcel sizes ranging from less than 5 acres to more than 14,000 acres. Because these land areas do not represent a contiguous parcel, but are scattered land holdings, the impact of land use activities cannot be easily isolated from adjacent lands. Therefore, development and review of a land use plan that comprehensively considers natural resources and adjacent land uses and owners is crucial to avoid future land use conflicts.

For twenty years our policy has been to extend sound land use planning and subdivision control to the unorganized areas of Maine. Despite the success of this policy, L.D. 1776 would establish a separate set of rules for lands acquired by the Indian trusts. Given the fact that separate treatment was considered and rejected at the time of the adoption of the Maine Indian Land Claims Settlement Act, I cannot support such a dramatic departure from our current law.

For all of these reasons, I respectfully urge you to sustain my veto of this bill.

Sincerely,
S/John R. McKernan, Jr.
GOVERNOR

Comes from the House **READ** and **ORDERED PLACED ON FILE**.

Which was **READ** and **ORDERED PLACED ON FILE**, in concurrence.

The Accompanying Bill:

An Act Concerning Indian Territory under the Maine Indian Claims Settlement Laws

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

Comes from the House with the **VETO OVERRIDDEN** and the Bill **PASSED TO BE ENACTED** notwithstanding the objections of the Governor.

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

Senator GAUVREAU: Thank you Mr. President, Ladies and Gentlemen of the Senate. I'm sure, like many of you, when we adjourned earlier this morning we did not contemplate, realistically, that we would be back in this chamber to take action on any further Gubernatorial vetoes. I have spent the better part of the afternoon downstairs in the Cabinet room on another Commission which I am serving so I have not had significant opportunity to review L.D. 1776 which I'm sure will be a source of relief to some in this chamber since I cannot extend proper remarks this afternoon. However, you may recall that L.D. 1776 deals with a proposal to allow the Indian nations in our state, the Passamaquoddies and the Penobscots, the opportunity to chart their own future regarding crafting and implementation of land use plans over those properties within the trust lands of those tribes. This issue was discussed at length in Committee, I should say Committees because both the Joint Standing Committee on Judiciary and the Joint Standing Committee on Energy and Natural Resources reviewed this legislation very carefully before making recommendations to the whole legislature.

Under the system proposed in L.D. 1776, tribes would develop land use plans to be reviewed by the Joint Standing Committee on Energy and Natural Resources and then this full Legislature. It is important, in fact it is essential, if one is really going to understand the issues we're passing

judgement on today, it is essential to understand that while the issue is here, because it could very well be in the Federal Courts of our State, and, in fact, if we do not succeed in overriding the Governor's veto it may very well be in the Federal Court in our state. I did have an opportunity to review the Governor's veto message and I understand the concerns of some who wish to sustain the Governor's veto. I believe that part of that argument is that in 1980 this issue was resolved once and for all, that is to say that in 1980 or the years leading up to that, the Maine Legislature was fully aware of the issue of whether or not the Indian nations, in the event they did acquire land for their tribes, whether or not the nations would be able to have self control if you will, self governance, in fashioning land use policy or whether they should defer to the State of Maine. I can tell you as an attorney, we have no authority, we have no ability as a Legislature 10 or 12 years hence to interpret that act in a fashion with any legal significance. The act speaks for itself, the courts can determine what that act may or may not mean. We don't have the power to interpret that act. I believe that the history of the act demonstrates that that issue is not resolved and, more importantly, that Legislature has intrinsic authority to amend the Land Settlement Claims Act, with the concurrence of the nations, because, in fact, they are parties of this contract. The Indian nations have manifested an assent to the amendment of the contract. They have asked us to propose to enact this legislation. So no matter whether or not you believe that this issue was addressed in 1980, let no one doubt that this Legislature, with the consent of the Indian nations can amend the Indian Land Claims Settlement Act to allow the nations to manifest self governance over their land use planning function in the trust territories.

As I said to you before, and I repeat today, when all is said and done this is not a question of law. We are not being asked to discern legal intentment of the 1980 Land Settlement Act, what we are being asked to do is to decide a question of policy and the policy question should be framed as follows: Will the next Legislature, if this Bill becomes law, believe that the Land Use plan submitted by either the Passamaquoddies or the Penobscots sufficient, adequate, a competent document to assure the appropriate protection of those lands now fallen in the trust dominion of the tribe. If you answer yes to that question the next question must be, do you believe that the nations have the technical expertise and the will to afford appropriate stewardship over those lands? I believe the nations have made a convincing case. They could provide a technically competent land use plan, they could provide appropriate stewardship over those lands if, in fact, we allow them the opportunity to engage in land use planning functions. Ultimately, that issue will be for the 116th Maine Legislature to decide. Those are the policy questions we have before us this afternoon.

In closing I would just comment that I have faith in the nations to exercise the responsibility of self government in a sober and responsible fashion. In fact, I find it somewhat ironic that our society will stand in judgment of the Indian nations, because we have in the short span of our lives, of our parents lives, done more to despoil and destroy the unique beauty and pristine resources of the earth. I think

we should defer to our fellow Maine citizens, to residents, to members of the Passamaquoddy and Penobscot nations and allow them their intrinsic right to exercise self government over their lands. Thank you.

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

Senator **HOLLOWAY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. If we allow the passage of this Bill, L.D. 1776, as it's amended by Committee Amendment "A" we'll take away the collective rights of approximately 1.2 million people in this state. These people will have lost their voice forever and only the Indian nations will have jurisdiction over the 150,000 acres of land, and that's a figure that can double to 250 - 300,000 acres if they exercise their rights under the Indian Lands Claim Act. Potentially, 300,000 acres of Maine land will be completely lost to the scrutiny of the public. Are you really convinced that this legislation needs to pass? Has there been just cause for allowing this freedom, a freedom that millions of other Maine land owners do not have, do you think that's been justified? Has it been proven that the people of Maine must allocate complete control of 300,000 acres to a body that will not need to open its land use plans to public hearing after the initial plan has been approved by the Energy and Natural Resource Committee and approved by the Legislature, DEP, and ratified by both tribes, never ever again will we be able to have any jurisdiction whatsoever? What if they want to put a few spent fuel rods down there, as some of the western states have proposed and offered for disposal? What about the wood harvesting procedures? What about video gambling as we're seeing on the Indian tribe lands in Connecticut? Should all these projects be free from public scrutiny, from public comment, public dissent, intervention from groups like the Audubon, the Natural Resource Council, Sportsman's Alliance of Maine? What about some of these ponds that fall within the jurisdiction of LURC and the Indian tribal lands are on the other side? Certainly that's going to be a conflict and a conflict as well of development of housing that have to meet minimum standards and zoning criteria on one part of the pond or lake but not on the other. What about the tribal decisions that will affect air and water quality? What will their affects be on tourism, on traffic flow, on communities and on the economy of this State? These lands are not contiguous. There are hundreds of thousands of pockets of land with abutters who are not tribal members. What about these abutters? How more directly can people be affected without the right of notice and comment on land which abuts? Not only must you ask yourself if a need has been proven but, essentially, is this legislation constitutional? Granting a carte blanche approval process to a minority and leaving the rest of us mummified, are we then to absorb the ramifications of their activity?

If this passes we can never go back. One massive plan, one, only one, approved by the State then with ratification by the tribe we will lose forever the jurisdiction on this large land mass and many lives and lifetimes living with the results. If I have raised issues here with which you are not completely comfortable, the loss of hearing rights after ratification, the loss of intervention by organized groups, the loss of abutters, the special treatment

of the tribes to withdraw from LURC as opposed to other municipalities, the impact on our own communities by pockets of land without statutory control. If these issues trouble you then you must vote to sustain the veto. Thank you.

The President laid before the Senate the following: "Shall this Bill become Law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays.

A vote of yes will be in favor of the Bill.

A vote of no will be in favor of sustaining the veto of the Governor

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BERUBE, BRANNIGAN, BUSTIN, CLARK, DUTREMBLE, ESTY, GAUVREAU, KANY, MATTHEWS, PEARSON, THERIAULT, TITCOMB, VOSE

NAYS: Senators CAHILL, CARPENTER, CLEVELAND, COLLINS, EMERSON, FOSTER, GILL, GOULD, HOLLOWAY, LUDWIG, MCCORMICK, RICH, SUMMERS, TWITCHELL, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BALDACCI, BOST, CONLEY, ESTES, MILLS

RESIGNED: Senator BRAWN

13 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 5 Senators being absent, and 1 Senator having resigned, and 13 being less than two-thirds of the membership present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

The Secretary has so informed the Speaker of the House.

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

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

Off Record Remarks

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

COMMUNICATIONS

The Following Communication: H.P. 1788

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333**

October 3, 1992

To The Honorable Members of the 115th Legislature:

I am returning, without my signature or approval, H.P. 1776, L.D. 2458, "AN ACT to Require That Administrative Costs Reductions be a First Priority in the Event of Revenue Shortfalls."

As the members will recall, L.D. 2458 was introduced in the waning days of the Second Regular Session, and was enacted without reference to committee and without benefit of public hearing. In

the haste to present this bill to me for my consideration, a number of important factors were overlooked.

The most objectionable oversight is the failure of this bill to include in its provisions for administrative cost reductions the costs associated with the legislative and judicial branches of government. There is no reason to believe that the taxpayers of the State of Maine would find excessive administrative costs in the legislative branch, or the judicial branch, to be of less concern to them than costs elsewhere in state government. I note that while the increase in the judicial budget between FY 1986 and FY 1993 has been substantial — approximately 68% — it is far surpassed by the astonishing level of growth in the legislative budget — approximately 125%. I believe that this rate of increase, combined with the need to find savings in all accounts affecting the General Fund, requires an even-handed approach to administrative cost savings in all three branches of government.

I must also draw the members' attention to questions relating to the operation of this bill. First, Section 1668-A(1) as enacted would require me to prepare legislation to reduce administrative personnel as the "first and highest priority" in balancing the budget in the event of a shortfall. Nowhere, however, does L.D. 2458 define "first and highest priority." I point out that the elimination of all "administrative personnel" earning at least \$50,000 per year — not including those in the legislative and judicial branches — would produce minimal savings. The result would be the complete elimination of management capabilities at a time when efficient management is the key to the costs savings that the public is demanding.

If it is the Legislature's intention to provide a meaningful proposal to address potential shortfalls, then, the administrative costs of the legislative and judicial branches should also be included in the provisions of L.D. 2458. Otherwise, this proposal is not worthy of further consideration.

Sincerely,
S/John R. McKernan, Jr.
GOVERNOR

Comes from the House **READ** and **ORDERED PLACED ON FILE**.

Which was **READ** and **ORDERED PLACED ON FILE**, in concurrence.

The Accompanying Bill:

An Act to Require that Administrative Cost Reductions Be a First Priority in the Event of Revenue Shortfalls

H.P. 1776 L.D. 2458

Comes from the House with the **VETO OVERRIDDEN** and the Bill **PASSED TO BE ENACTED** notwithstanding the objections of the Governor.

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 address one of the paragraphs in the veto message on this particular Bill. It says "the Bill was introduced in the waning days of the Regular Session and was enacted without reference to a Committee and without the benefit of a public hearing". That's one of the points he makes in his veto message. I find that just a little hypocritical and I'm just a little irritated by it because many times the Governor has introduced Bills in the waning days of a Session

without the proper benefit of a public hearing. As a matter of fact, there are a number of us who are sitting here right now who are hundreds of miles away from home, who have been waiting to find out whether the Governor was going to introduce a Bill just a few minutes ago, in the waning days, in the last hours, without the benefit of a public hearing. I was pacing the halls and thinking about the fact that there's a little bit of rudeness in that. There are people that are now going to have to take motel rooms tonight because it's too far to go home because people were sitting around downstairs trying to decide whether or not they were going to introduce a Bill and then this statement comes up saying that that is an improper thing to do and that's one of the reasons why he vetoed it. Thank you.

The President laid before the Senate the following: "Shall this Bill become Law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays.

A vote of yes will be in favor of the Bill.

A vote of no will be in favor of sustaining the veto of the Governor

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BERUBE, BRANNIGAN, BUSTIN, CLARK, DUTREMBLE, ESTY, GAUVREAU, KANY, MATTHEWS, TITCOMB, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators CAHILL, CARPENTER, CLEVELAND, COLLINS, EMERSON, FOSTER, GILL, GOULD, HOLLOWAY, LUDWIG, MCCORMICK, PEARSON, RICH, SUMMERS, THERIAULT, TWITCHELL, VOSE, WEBSTER

ABSENT: Senators BALDACCI, BOST, CONLEY, ESTES, MILLS

RESIGNED: Senator BRAWN

11 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 5 Senators being absent, and 1 Senator having resigned, and 11 being less than two-thirds of the membership present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

The Secretary has so informed the Speaker of the House.

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

COMMUNICATIONS

The Following Communication:

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

October 6, 1992

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

House Paper 1316, Legislative Document 1902, AN ACT to Establish a Professional Standards Board for Maine Teachers, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of

Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Eighty-two voted in favor and fifty-five against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,
S/Joseph W. Mayo
Clerk of the House

Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.

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

October 6, 1992

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

House Paper 1416, Legislative Document 2028, AN ACT to Clarify Municipal Approval of Payments of Public School Funds and Awards of Hardship Fund Assistance, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Sixty-nine voted in favor and sixty-eight against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,
S/Joseph W. Mayo
Clerk of the House

Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.

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

October 6, 1992

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

House Paper 1515, Legislative Document 2127, AN ACT to Provide a Private Remedy for Violation of the Lead Poisoning Control Act, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Seventy-five voted in favor and sixty-two against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,
S/Joseph W. Mayo
Clerk of the House

Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.

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

October 6, 1992

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

House Paper 1669, Legislative Document 2345, AN ACT Concerning Reasonable Standards and Procedures for Contracting Services by the State, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Eighty-nine voted in favor and forty-eight against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,
S/Joseph W. Mayo
Clerk of the House

Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.

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

October 6, 1992

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

House Paper 1729, Legislative Document 2420, AN ACT to Legalize Marijuana for Medicinal Purposes, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Sixty-seven voted in favor and seventy against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,
S/Joseph W. Mayo
Clerk of the House

Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.

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

Off Record Remarks

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

ORDERS

On motion by Senator **DUTREMBLE** of York, the following Senate Order:

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day.

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

The Chair appointed the Senate from York, Senator **DUTREMBLE**, to deliver the message. The Assistant Sergeant-At-Arms escorted the Senator to the House of Representatives.

Subsequently, Senator **DUTREMBLE** of York reported he had delivered the message with which he was charged.

On motion by Senator **CLARK** of Cumberland, the following Senate Order:

ORDERED, that a message be sent to Governor John R. McKernan, Jr., informing him that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day.

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

The Chair appointed the Senate from Cumberland, Senator **CLARK**, to deliver the message. The Assistant Sergeant-At-Arms escorted the Senator to the Governor.

Subsequently, Senator **CLARK** of Cumberland reported she had delivered the message with which she was charged.

Off Record Remarks

At this point, a message was received from the House of Representatives, borne by Representative **PARADIS** of Augusta, informing the Senate that the House had transacted all business before it and was ready to Adjourn, Without Day.

On motion by Senator **EMERSON** of Penobscot at 4:46 p.m. on Tuesday, October 6, 1992, the Honorable **CHARLES P. PRAY**, President of the Senate, declared the 3rd Special Session of the 115th Legislature, **ADJOURNED SINE DIE**.