

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fifteenth Legislature
OF THE
State Of Maine

VOLUME VI

SECOND REGULAR SESSION

House of Representatives
March 10, 1992 to March 31, 1992

Senate
January 8, 1992 to March 9, 1992

Bill "An Act to Replace Criminal Penalties with Civil Penalties for Violations of Weights and Measures Laws"

H.P. 1483 L.D. 2095
(C "A" H-893)

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

On motion by Senator **WEBSTER** of Franklin, the Senate **RECONSIDERED** its action whereby it **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**:

Bill "An Act to Amend the Secret Voting Provision Governing School Administrative District Budget Proceedings"

H.P. 1440 L.D. 2052

On motion by Senator **ESTES** of York, Senate Amendment "A" (S-548) **READ**.

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

Senator **ESTES**: Thank you Mr. President. Ladies and Gentlemen of the Senate. This is the amendment I mentioned I would be offering when this Bill came to Second Readers. This amendment repeals the provision in the law that designates the necessary percentage of persons present and voting at the School Administrative District Budget meeting to approve the procedure of voting on the Budget by secret ballot. That means that at the School Administrative District Budget meeting they would set the percentage necessary in order for a secret ballot to take place. This is the exactly the same as the statute dealing town meetings. It is left up to the individual town meeting to set the percentage requirement for secret ballot. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-548) **ADOPTED**.

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

Sent down for concurrence.

ENACTORS

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

An Act to Clarify Relevant Information in Administrative Rule-making Procedures

H.P. 1235 L.D. 1799
(C "A" H-873)

An Act to Amend the Disability Laws Applicable to Members of the Maine Judicial Retirement System

S.P. 742 L.D. 1937
(C "A" S-529)

An Act to Establish a Forest Service Bureau in Each Division of the District Court

H.P. 1482 L.D. 2094

An Act to Authorize Transfer of Venue for Multiple Cases by the Chief Justice of the Superior Court

H.P. 1511 L.D. 2123

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

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

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

On motion by Senator **TWITCHELL** of Oxford placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**.

Emergency Resolve

Resolve, That the Reporting Deadline for the Commission on Comprehensive Energy Planning Be Extended

S.P. 794 L.D. 1993
(C "A" S-530)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

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

Bill "An Act to Regulate Incineration Plants"
H.P. 1059 L.D. 1548

Tabled - February 13, 1992 by Senator **CLARK** of Cumberland.

Pending - **ADOPTION** of Committee Amendment "A" (H-879)

(In Senate, February 11, 1992, Committee Amendment "A" (H-879) **READ**.)

(In House, February 6, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-879)**.)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (H-879).

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

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

S.P. 42 L.D. 66

Tabled - February 13, 1992 by Senator **CLARK** of Cumberland.

Pending - the motion by Senator **GAUVREAU** of Androscoggin to **ADOPT** Senate Amendment "C" (S-547) to Committee Amendment "B" (S-527)

(In Senate, February 13, 1992, Committee Amendment "B" (S-527) **READ**. Senate Amendment "A" (S-535) to Committee Amendment "B" (S-527) **READ** and **ADOPTED**. Senate Amendment "C" (S-547) to Committee Amendment "B" (S-527) **READ**.)

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

Senator **CLARK**: Thank you Mr. President. Ladies and Gentlemen of the Senate. Mr. President, if we remember the debate of our last Session, we remember the good Senator from Androscoggin, Senator Gauvreau explained the impact of Senate Amendment "C" to Committee Amendment "B" on L.D. 66. He explained very clearly his rationale for seeking a 60% vote rather than the 2/3 vote required in the Committee Amendment. It is not that I am opposed to the concept of the 60% vote but I do express my sincere reservations about the necessity for a 60% vote which would place it out of sync with all the other percentages that we deal with. The most consistent

percentage is 2/3 vote. For that reason and because everybody understands 2/3, I would resist adoption of Senate Amendment "C" (S-547) and would move this amendment be indefinitely postponed.

Senator CLARK of Cumberland moved to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-547) to Committee Amendment "B" (S-527).

Senator GAUVREAU of Androscoggin requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator CLARK of Cumberland, to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-547) to Committee Amendment "B" (S-527).

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.

28 Senators having voted in the affirmative and 3 Senators having voted in the negative, the motion by Senator CLARK of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-547) to Committee Amendment "B" (S-527), **PREVAILED**.

Senate at Ease

Senate called to order by the President.

Committee Amendment "B" (S-527) as Amended by Senate Amendment "A" (S-535) thereto, **ADOPTED**.

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

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

COMMUNICATIONS

The Following Communication: S
.P. 918

115TH MAINE LEGISLATURE

February 14, 1992

Senator Stephen C. Estes
Rep. Nathaniel J. Crowley, Sr.
Chairpersons

Joint Standing Committee on Education
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Peter Bell of Northeast Harbor for appointment to the Maine Maritime Academy Board of Trustees.

Pursuant to P.L. 1975, Chapter 771, Section 428, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

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

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

COMMITTEE REPORTS

Senate

Ought Not to Pass

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

Reported by Senator **BALDACCI** for the Committee on **BUSINESS LEGISLATION** Bill "An Act to Exempt Novelty Beverage Containers from the Deposit Laws"

S.P. 867 L.D. 2214

Reported by Senator **ESTY** for the Committee on **LABOR** Bill "An Act to Amend the Child Labor Laws Related to Specified Hours of Employment" (Emergency)

S.P. 796 L.D. 1995

Reported by Senator **ESTY** for the Committee on **LABOR** Bill "An Act to Provide Certain Exemptions to the Limitations on Students Hours of Work" (Emergency)

S.P. 832 L.D. 2136

Leave to Withdraw

The following **Leave to Withdraw** Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Reported by Senator **VOSE** for the Committee on **MARINE RESOURCES** Bill "An Act Regarding Dragging for Scallops in the Swan's Island Cable Area" (Emergency)

S.P. 886 L.D. 2271

Ought to Pass

Senator **MATTHEWS** for the Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Provide for the 1992 and 1993 Allocations of the State Ceiling on Private Activity Bonds" (Emergency)

S.P. 874 L.D. 2235

Reported that the same **Ought to Pass**.

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

The Bill **READ ONCE**.

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

On motion by Senator **CLEVELAND** of Androscoggin, **ADJOURNED** until Thursday, February 20, 1992, at 4:00 in the afternoon.