

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME VII

SECOND REGULAR SESSION

Senate

March 10, 1992 to March 31, 1992

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HOUSE AND SENATE LEGISLATIVE SENTIMENTS

December 5, 1990 to December 1, 1992

In Senate, March 25, 1992, **FAILED OF ENACTMENT** in **NON-CONCURRENCE**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1106) AS AMENDED BY HOUSE AMENDMENT "A" (H-1186)** thereto, **AND HOUSE AMENDMENT "A" (H-1282)** in **NON-CONCURRENCE**.

Senator **BERUBE** of Androscoggin moved that the Senate **RECEDE** and **CONCUR**.

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

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This Bill that restructures and renames the agency called BIDE has an emergency enactment upon it. We were told the reason it had an emergency enactment is because the only clause that separated some of us on the committee dealt with confirmation by the Legislature. Because of that clause, by constitution, it must carry an emergency enactment. I notice there is an amendment that has been attached to it that strikes out the emergency in the other body. I am wondering if we could have someone table this so we can verify if indeed it is contrary to what the constitution says. Thank you.

On motion by Senator **DUTREMBLE** of York, Tabled until Later in Today's Session, pending the motion by Senator **BERUBE** of Androscoggin that the Senate **RECEDE** and **CONCUR**.

Off Record Remarks

On motion by Senator **HOLLOWAY** of Lincoln, **RECESSED** until 3:45 in the afternoon.

After Recess
Senate called to order by the President.

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

SENATE PAPERS

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

S.P. 970 L.D. 2450

Presented by Senator **ESTES** of York
(GOVERNOR'S BILL)

Cosponsored by Representative **NORTON** of Winthrop, Representative **AULT** of Wayne and Representative **O'GARA** of Westbrook

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

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

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

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

SECOND READERS

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

House

Bill "An Act Regarding Electronic Banking Terminals"

H.P. 1765 L.D. 2448

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **LUDWIG** for the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Further Enhance and Protect Maine's Great Ponds"

S.P. 922 L.D. 2369

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-719)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-719) **READ** and **ADOPTED**.

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

Sent down for concurrence.

HELD BILL

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

Senator **CLARK:** Mr. President, is the Senate in possession of L.D. 66?

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

On motion by Senator **CLARK** of Cumberland, the Senate **RECONSIDERED** its action whereby it **RECEDED** and **CONCURRED** on:

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

S.P. 42 L.D. 66

(H "D" H-1237 to C "B"

S-527)

In Senate, February 20, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-527) AS AMENDED BY SENATE AMENDMENT "A" (S-535)** thereto, **AND SENATE AMENDMENT "B" (S-555)**.

In House, March 25, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-527) AS AMENDED BY HOUSE AMENDMENT "D" (H-1237)** thereto, in **NON-CONCURRENCE**.

In Senate, March 26, 1992, **RECEDED** and **CONCURRED**.

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

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Committee Amendment "B" (S-527) As Amended by Senate Amendment "A" (S-535) thereto.

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Senate Amendment "A" (S-535) to Committee Amendment "B" (S-527).

Off Record Remarks

On further motion by same Senator, Senate Amendment "A" (S-535) to Committee Amendment "B" (S-527) **INDEFINITELY POSTPONED**.

House Amendment "D" (H-1237) to Committee Amendment "B" (S-527) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "B" (S-527) As Amended by House Amendment "D" (H-1237) thereto, **ADOPTED**, in concurrence.

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

Senator **CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As the prime sponsor of the L.D. 66, I am just repairing something we inadvertently did when we moved to recede and concur. We needed to secure the retention of Senate Amendment to L.D. 66 which is necessary because it determines when this referendum will occur in November of 1992. It has to be part of this package. Thank you Mr. President.

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

THE PRESIDENT: The pending question before the Senate is **PASSAGE TO BE ENGROSSED AS AMENDED** by Committee Amendment "B" (S-527) As Amended by House Amendment "D" (H-1237) thereto, and Senate Amendment "B" (S-555) 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.

31 Senators having voted in the affirmative and 3 Senators having voted in the negative, the Bill 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 York, Senator Dutremble.

Senator **DUTREMBLE:** Mr. President, is the Senate in possession of L.D. 2185?

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

Senator **DUTREMBLE** of York moved that the Senate **RECONSIDER** its action whereby it **FAILED** to **PASS TO BE ENGROSSED AS AMENDED**:

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

H.P. 1547 L.D. 2185

(In Senate, March 26, 1992, **ADOPTION OF COMMITTEE AMENDMENT "A" (H-1192) AS AMENDED BY HOUSE AMENDMENTS "L" (H-1216), "N" (H-1219), "Q" (H-1222), "T" (H-1228), "U" (H-1230), "FF" (H-1252), "OO" (H-1275), AND SENATE AMENDMENT "E" (S-708) thereto, FAILED**. Subsequently, **RECONSIDERED**. Bill **SUBSTITUTED** for Committee Report. Subsequently, **FAILED PASSAGE TO BE ENGROSSED**.)

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

On further motion by same Senator, Tabled until Later in Today's Session, pending the motion by the same Senator that the Senate **RECONSIDER** its action whereby **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE, FAILED**.

ORDERS OF THE DAY

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

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

S.P. 767 L.D. 1963

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

Pending - **FURTHER CONSIDERATION**

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

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

On motion by Senator **CLARK** of Cumberland, Tabled Unassigned, pending **FURTHER CONSIDERATION**.

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

Bill "An Act Regarding Maine's Comprehensive Early Intervention System for Infants and Children under 6 Years of Age"

S.P. 921 L.D. 2360

(C "A" S-679)

Tabled - March 26, 1992, by Senator **ESTES** of York.

Pending - **FURTHER CONSIDERATION**

(In Senate, March 24, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-679)**.)

(In House, March 25, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-679) AS AMENDED BY HOUSE AMENDMENT "A" (H-1274) thereto, in NON-CONCURRENCE**.)

On motion by Senator **ESTES** of York, the Senate **RECEDED** from its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**.

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Committee Amendment "A" (S-679), in concurrence.

House Amendment "A" (H-1274) to Committee Amendment "A" (S-679) **READ** and **ADOPTED**, in concurrence.

On motion by Senator **ESTES** of York, Senate Amendment "A" (S-716) to Committee Amendment "A" (S-679) **READ**.

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

Senator **ESTES:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The Senate Amendment I just offered is a technical amendment. There was a lack of a reference in the Bill to Title 26 which I had made reference to provide proper reference to regional intermediate educational and purpose of declining public employer under the labor laws. This Bill, L.D. 2360 as amended is the comprehensive early intervention system for infants and children under six years of age. This is what is known as the CES system back in December under the supplemental budget. We had set up a temporary situation and this piece of legislation came in to restructure the Child Development Services System. This is a unanimous report that has come out of committee. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-716) to Committee Amendment "A" (S-679) **ADOPTED**.

Committee Amendment "A" (S-679) As Amended by House Amendment "A" (H-1274) and Senate Amendment "A" (S-716) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was **PASSED TO BE ENGROSSED, As Amended** in