

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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SECOND CONFIRMATION SESSION

May 20, 1992

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FOURTH CONFIRMATION SESSION

November 19, 1992

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HOUSE AND SENATE LEGISLATIVE SENTIMENTS

December 5, 1990 to December 1, 1992

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

Senate As Amended

Bill "An Act to Expand the Membership of the Animal Welfare Board"

S.P. 696 L.D. 1861
(S "A" S-647; S "D" S-681; S "E" S-685; S "F" S-689 to C "A" S-639)

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**.
Sent down for concurrence.

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

**PAPERS FROM THE HOUSE
Non-concurrent Matter**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the House of Representatives

H.P. 1660 L.D. 2337
(C "A" H-1173)

In Senate, March 24, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1173) in NON-CONCURRENCE**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1173) AND HOUSE AMENDMENT "B" (H-1175) in NON-CONCURRENCE**.

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

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

**COMMITTEE REPORTS
Senate**

Ought to Pass As Amended

Senator GAUVREAU for the Committee on JUDICIARY on Bill "An Act Concerning Anatomical Gifts Under the Motor Vehicle Laws"

S.P. 900 L.D. 2319

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-694)**.

Which Report was **READ and ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-694) **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.

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

**PAPERS FROM THE HOUSE
Joint Resolution**

The Following Joint Resolution: H.P. 1764

**JOINT RESOLUTION REQUESTING
BAXTER STATE PARK AUTHORITY
TO ALLOW RECOGNITION OF DAICEY POND CAMPS
AND KIDNEY POND CAMPS AS HISTORIC SITES**

WHEREAS, at the turn of the century, within the splendor of the beautiful backwoods regions of Maine, numerous sporting camps catering to those who enjoyed the recreational opportunities presented by those regions flourished; and

WHEREAS, there is a deep and meaningful pride in the heritage belonging to Maine's sporting camps; and
WHEREAS, our state has been truly enriched by 2 such sporting camps, the Kidney Pond and Daicey Pond Camps, that date back to the early part of this century and are now under the jurisdiction of the Baxter State Park Authority; and

WHEREAS, it would be a fitting tribute to preserve the rich heritage of Maine's sporting camps by having the Kidney Pond and Daicey Pond Camps recognized as historic sites; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Fifteenth Legislature of the State of Maine now assembled in the Second Regular Session, express the desire of the citizens of Maine that the Baxter State Park Authority in cooperation with the Maine Historic Preservation Commission take necessary steps to ensure that Kidney Pond and Daicey Pond Camps be considered for recognition in the National Register of Historic Places; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the members of the Baxter State Park Authority and the Maine Historic Preservation Commission.

Comes from the House **READ and ADOPTED**.

Which was **READ and ADOPTED**, in concurrence.

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
Non-concurrent Matter**

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

H.P. 1748 L.D. 2436

In House, March 23, 1992, under suspension of the Rules **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

In Senate, March 25, 1992, referred to the Committee on **AUDIT & PROGRAM REVIEW** and **ORDERED PRINTED in NON-CONCURRENCE**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-1255) AND "B" (H-1266)**, without reference to a Committee, in **NON-CONCURRENCE**.

Senator BUSTIN of Kennebec 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. I wonder if someone who serves on that Committee could explain House Amendment "A" (H-1255). There is a page and one half dealing with the Maine Government Enforcement Agency Advisory Board. Does it differ with what is in their original L.D. 2436. Does it differ with the BIDE Bill that has come out of State & Local Government? Thank you.

THE PRESIDENT: The Senator from Androscoggin, Senator Berube has posed a series of questions through the Chair. The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Thank you Mr. President. Ladies and Gentlemen of the Senate. In answer to the

question, I believe it does not differ with the adjustment that has already been made in the other BIDE Bill because that is the adjustment that was recommended by a staff member where the Governor has to make the appointment after being recommended by the different areas. It is because of a legal problem that you cannot override that. That is the only change I know of that the amendment had. Thank you.

On further motion by same Senator, the Senate RECEDED and CONCURRED.

ORDERS OF THE DAY

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

Bill "An Act to Establish the Petroleum Market Share Act"

S.P. 844 L.D. 2148
(S "B" S-657 to C "A" S-640)

Tabled - March 25, 1992, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, March 23, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-640) AS AMENDED BY SENATE AMENDMENT "B" (S-657) thereto.)

(In House, March 24, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-640) AS AMENDED BY SENATE AMENDMENT "B" (S-657) AND HOUSE AMENDMENT "B" (H-1229) thereto, in NON-CONCURRENCE.)

Senator BALDACCI of Penobscot moved that the Senate RECEDE and CONCUR.

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

Senator BALDACCI: Thank you Mr. President. Ladies and Gentlemen of the Senate. It is my understanding that this amendment that remits the two associations to nominate either a representative of a petroleum firm or the executive director of the association to serve on the Petroleum Advisory Committee. Thank you.

On further motion by same Senator, the Senate RECEDED and CONCURRED.

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

NOMINATION - of Eugene L. Churchill of Orland for reappointment to the Inland Fisheries and Wildlife Advisory Council

Tabled - March 25, 1992, by Senator CLARK of Cumberland.

Pending - CONSIDERATION

(In Senate, March 25, 1992, Communication from the Committee on FISHERIES & WILDLIFE READ and ORDERED PLACED ON FILE.)

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

On motion by Senator MATTHEWS of Kennebec, the Senate RECONSIDERED its action whereby it ADHERED on:

JOINT ORDER - recalling Bill "An Act to Authorize Bond Issues for Transportation and Public Infrastructure Capital Improvements and Other Activities Designed to Create and Preserve Jobs for Maine citizens," H.P. 1707, L.D. 2388, and all its accompanying papers, from the legislative files to the Senate.

S.P. 966

In Senate, March 24, 1992, READ and PASSED.
In House, March 24, 1992, READ and INDEFINITELY POSTPONED in NON-CONCURRENCE.

Senator MATTHEWS of Kennebec moved that the Senate RECEDE and CONCUR.

THE PRESIDENT: The pending question before the Senate is the motion by Senator MATTHEWS of Kennebec, to RECEDE and CONCUR.

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.

25 Senators having voted in the affirmative and 3 Senators having voted in the negative, the motion by Senator MATTHEWS of Kennebec, to RECEDE and CONCUR, PREVAILED.

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

**PAPERS FROM THE HOUSE
Non-concurrent Matter**

Bill "An Act Creating the Victims' Compensation Board"

H.P. 1265 L.D. 1834
(H "C" H-1074 to C "A" H-965)

In Senate, March 16, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-965) AS AMENDED BY HOUSE AMENDMENT "C" (H-1074) thereto, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-965) AS AMENDED BY HOUSE AMENDMENT "D" (H-1233) thereto, in NON-CONCURRENCE.

On motion by Senator GAUVREAU of Androscoggin, the Senate RECEDED and CONCURRED.

Non-concurrent Matter

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

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

In Senate, March 11, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-610).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-610) AS AMENDED BY HOUSE AMENDMENT "A" (H-1234) thereto, in NON-CONCURRENCE.

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

Non-concurrent Matter

Bill "An Act to Facilitate Cooperative Agreements among Maine Hospitals"

S.P. 882 L.D. 2254
(C "A" S-648)

In Senate, March 23, 1992, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-648).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-648) AS AMENDED BY HOUSE AMENDMENT "A" (H-1235) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.