

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

On motion by Senator **BRANNIGAN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

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)

On motion by Senator **BRANNIGAN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

Emergency

An Act to Provide Regulatory and Permitting Assistance to Businesses

H.P. 1673 L.D. 2349
(C "A" H-1164)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 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.

Emergency

An Act to Make Supplemental Allocations from the Highway Fund and Other Funds for the Fiscal Years Ending June 30, 1992 and June 30, 1993

H.P. 1677 L.D. 2354
(C "A" H-1195)

On motion by Senator **FOSTER** of Hancock, 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 **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?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

- YEAS:** Senators **BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, EMERSON, ESTES, ESTY, GAUVREAU, GILL, GOULD, KANY, LUDWIG, MCCORMICK, MILLS, PEARSON, RICH, THERIAULT, TITCOMB, VOSE**
- NAYS:** Senators **BALDACCI, BERUBE, DUTREMBLE, FOSTER, HOLLOWAY, SUMMERS, TWITCHELL, WEBSTER, THE PRESIDENT - CHARLES P. PRAY**
- ABSENT:** Senators **MATTHEWS**

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with 9 Senators having voted in the negative, and 25 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.

Emergency

An Act Concerning Liability for Uncontrolled Hazardous Substance Sites

S.P. 919 L.D. 2358
(H "A" H-1212 to C "A" S-665)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with No Senators having voted in the negative, and 34 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.

Emergency

An Act to Allow Municipalities to Appeal the New State Valuation

H.P. 1692 L.D. 2372
(S "A" S-661 to C "A" H-1136)

On motion by Senator **BRANNIGAN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

Emergency

An Act Related to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act

H.P. 1748 L.D. 2436
(H "A" H-1255; H "B" H-1266)

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

Senator **COLLINS:** Thank you, Mr. President. Ladies and Gentlemen of the Senate. Before we vote on this bill to be enacted or fail to be enacted, I have a couple of questions that I should like to pose.

In reading the House Amendment which appears to be essentially the bill, I notice that it deals with the structure of the Maine Drug Enforcement Agency Advisory Board and also the method of election or selection of the Director of that Bureau. It seems to me that these things were addressed in another bill which came out of State Government and I'm sort of surprised that it says that the Director will be nominated by the Governor, reviewed by the Joint Standing Committee having jurisdiction and confirmed by the Legislature. If that is the methodology that is to be used, I'm not sure that I support that. I would like to have someone that is more knowledgeable with the bill explain to me what I think it does. Thank you, Mr. President.

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

Senator **BUSTIN:** Thank you, Mr. President. Ladies and Gentlemen of the Senate. I'm more knowledgeable than I care to about that particular issue.

The reason that it's in the Audit and Program Review and this is the omnibus bill for Audit and Program Review. It is the work of a full year of the Audit Committee and it does contain many different departments that we have reviewed. We had the misfortune of reviewing Public Safety which in fact contains BIDE in it at the very same time that BIDE was a controversial issue in the State and with another committee, and on another bill.

It is a unanimous report of the bipartisan committee of the Audit and Program Review Committee that confirmation of the BIDE Director is the only way that BIDE would be able to gain the confidence of the Maine people as a drug enforcement agency of the State. You just passed under the hammer, earlier today, the bill that was before the State and Local Government Committee that also had the confirmation process in it; so it seems to me that two committees have already said that they think the way to gain the confidence of the public in the drug enforcement of our State is through confirmation of the Director.

The Audit Committee does not take this lightly. They do not take lightly that they may lose a year's work with a gubernatorial veto. We do not take that lightly. We don't want to lose that bill - that only tells you how much we want and feel the need for this state is, that public policy set, that the confirmation procedure proceed with the BIDE director.

I hope and pray that the members of this body can understand that and can be assured that we have not done this lightly and this is something that we think is drastically needed for this state. I hope that you can support by your two-thirds vote passage of this bill.

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

On motion by Senator **BUSTIN** of Kennebec, Tabled 1 Legislative Day, pending **ENACTMENT** (Roll Call Ordered)

Senator **MILLS** of Oxford moved that the **RULES BE SUSPENDED** for the purpose of sending L.D. 2354 forthwith to the Governor.

There was Objection.

Emergency Resolve

Resolve, to Extend Certain Meeting and Reporting Deadlines for Study Committees and Commissions

H.P. 1752 L.D. 2440

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with No Senators having voted in the negative, and 34 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.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1992

H.P. 1758 L.D. 2443

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 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.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1992

H.P. 1759 L.D. 2444

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.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1992

H.P. 1760 L.D. 2445

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 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.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1992

H.P. 1761 L.D. 2447

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 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.

Bond Issue

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

(H "E" H-1262)

On motion by Senator **BRANNIGAN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

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

COMMITTEE REPORTS

Senate

Change of Reference

Senator **BRANNIGAN** for the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Provide the Legislature with Revenue Forecasting Capabilities" (Emergency)

S.P. 232 L.D. 586

Reported that the same be **REFERRED** to the Committee on **STATE & LOCAL GOVERNMENT**.