

# 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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#### **THIRD CONFIRMATION SESSION**

August 19, 1992

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#### **THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

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#### **FOURTH SPECIAL SESSION**

October 16, 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, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

Under suspension of the Rules, ordered sent to the Engrossing Department.

**ENACTORS**

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

**Emergency**

An Act to Expand the Membership of the Animal Welfare Board

S.P. 696 L.D. 1861  
(S "A" S-647; H "A" H-1247; H "B" H-1278; S "D" S-681; S "E" S-685 to C "A" S-639)

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

**Emergency**

An Act Concerning Technical Changes to the Tax Laws

H.P. 1716 L.D. 2401  
(C "A" H-1184; H "A" H-1283; H "B" H-1291)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 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 Improve Educational Public Broadcasting Statewide

S.P. 945 L.D. 2409  
(H "A" H-1200; H "F" H-1290 to C "A" S-666)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 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.

**Off Record Remarks**

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

**ENACTORS**

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

**Emergency**

An Act Regarding Advisory Boards and Occupational and Professional Licensing Boards

H.P. 1664 L.D. 2341  
(H "B" H-1288 to C "A" H-1180)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 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.

**ORDERS OF THE DAY**

On motion by Senator **CLARK** of Cumberland, the Senate removed from the Table and Specially Assigned Table the following:

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  
(H "A" H-1255; H "B" H-1266)

Tabled - March 28, 1992, by Senator **CLARK** of Cumberland.

**Pending - ENACTMENT**

(In Senate, March 25, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-1255) AND "B" (H-1266)**, without reference to a Committee, in concurrence.)

(In House, March 26, 1992, **PASSED TO BE ENACTED**.)

On motion by Senator **BUSTIN** of Kennebec, the Senate **SUSPENDED THE RULES**.

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

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** House Amendment "A" (H-1255), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-737) to House Amendment "A" (H-1255) **READ**.

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I wanted to explain what is going on here. We have been working for three months on this Bill. This has to do with our audit Bill and it does have everything we have done in a year on it. We had to review the Drug Enforcement Agency that was determined to be BIDE. In the audit Bill is a confirmation process. We have spoken on this before and as you know the confirmation process is not something that the Chief Executive of this State would want for the Director of the Drug Enforcement Agency itself.

In the interest of good government, although I firmly believe the public would want the accounting of a confirmation proceeding, but in the interest of good government I offer this amendment. What it basically does is change the way you appoint the Director of the new Drug Agency. It would be that you would get a nomination from each of three different groups, the Chief of the State Police, the Maine Sheriff's Association, and the Maine Chiefs of Police Association. They would nominate one candidate and those three candidates would then be sent to the Maine Drug Enforcement Agency Advisory Board. The Advisory Board would choose from one of those three candidates and that candidate would then go for appointment to the Commissioner with the

approval of the Governor. If the Commissioner did not want that particular person then he could go back and ask for an additional three nominees. That is a fair process and one that has been used before. Let's hope it works and let's hope we get this agency on its way. I appreciate your support. Thank you.

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

Senator **RICH:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to commend Senator Bustin of Kennebec for the hard work of leading this committee to a good compromise. I think without her extra efforts and long hours we have put in on the committee we would have not been able to come up with a vehicle that would be acceptable to all of us. It is greatly appreciated. Thank you.

On motion by Senator **BUSTIN** of Kennebec, Senate Amendment "A" (S-737) to House Amendment "A" (H-1255) **ADOPTED.**

House Amendment "A" (H-1255) As Amended by Senate Amendment "A" (S-737) thereto, **ADOPTED** in **NON-CONCURRENCE.**

Which was **PASSED TO BE ENGROSSED, As Amended,** without reference to a Committee in **NON-CONCURRENCE.**

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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

Senator **CAHILL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

Senator **TITCOMB** of Cumberland was granted unanimous consent to address the Senate off the Record.

On motion by Senator **DUTREMBLE** of York, the Senate removed from the Unassigned Table the following:

Bill "An Act to Authorize the Issuance of Bonds for Transportation and Public Infrastructure Capital Improvements and Other Activities Designed to Create and Preserve Jobs for Maine Citizens, in the Amount of \$56,000,000"

S.P. 947 L.D. 2411

Tabled - March 11, 1992, by Senator **DUTREMBLE** of York.

Pending - **REFERENCE**  
(Committee on **HOUSING & ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED.**)

On motion by Senator **DUTREMBLE** of York, Bill and Accompanying Papers **INDEFINITELY POSTPONED.**

Under suspension of the Rules, ordered sent down forthwith for concurrence.

On motion by Senator **CLARK** of Cumberland, the Senate removed from the Unassigned Table the following:

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 to Provide Funds to Initiate Economic Development Activities"

S.P. 933 L.D. 2391

Tabled - March 3, 1992, by Senator **CLARK** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED,** without reference to a Committee

(Committee on **HOUSING & ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED.**)

(In Senate, March 3, 1992, **READ A SECOND TIME.**)

On motion by Senator **CLARK** of Cumberland, Bill and Accompanying Papers **INDEFINITELY POSTPONED.**

Under suspension of the Rules, ordered sent down forthwith for concurrence.

On motion by Senator **CLARK** of Cumberland, the Senate removed from the Unassigned Table the following:

Bill "An Act to Promote Economic Recovery" (Emergency)

S.P. 935 L.D. 2393

(S "A" S-570)

Tabled - March 5, 1992, by Senator **CLARK** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED,** without reference to a Committee

(Committee on **HOUSING & ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED.**)

(In Senate, March 3, 1992, **READ A SECOND TIME.**)

Senate Amendment "A" (S-570) **READ** and **ADOPTED.**)

On motion by Senator **CLARK** of Cumberland, Bill and Accompanying Papers **INDEFINITELY POSTPONED.**

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Senate at Ease

Senate called to order by the President.

Under suspension of the Rules, all matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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

After Recess

Senate called to order by the President.

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

**ENACTORS**

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

**Emergency**

An Act to Clarify the Funding of State Mandates

H.P. 1684 L.D. 2364

(C "A" H-1172)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with 1 Senator having voted in the negative, and 28 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.

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