

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate
May 22, 1991 to July 10, 1991

Index

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

Senator **ESTES:** Thank you Mr. President. Ladies and Gentlemen of the Senate. In response to the question, yes, there have been problems. It came to our attention that at the end of the semester or into the summer, a teacher has found out that a grade had been changed by a Principal for one reason or another that the teacher did not agree with.

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

An Act to Prohibit the Breaking of Glass Products in Games of Skill

H.P. 880 L.D. 1271
(H "A" H-265 to C
"A" H-246)

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is a Bill that I think we should have a vote on before we Enact. I would like to go back to the citizens in rural Maine that I represent, that have small town country fairs, and tell the people that I voted against this Bill. It seems to me that it is an embarrassment, and I would ask for a Division.

Senator **WEBSTER** of Franklin requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Mills.

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. May I ask that the Committee Report be read?

Which Report was **READ.**

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. For some reason, I have taken an interest in this particular issue. I took a little time and spoke to several members of the Committee, and the good Senator from Oxford, Senator Mills, is absolutely correct. It was a unanimous Committee Report, but at least half of the members of the Committee that I talked to said that they were hoping that somebody else was going to oppose it, and since no one else seemed to come forth, they were not going to make a big thing out of it and voted unanimously. I would almost be willing to gamble if we sent this Bill back to Committee, which I am not suggesting that we do, that it would probably be defeated, because no one that I have talked to has indicated that they really thought it was a good idea, but no one came to oppose it, so that is a good reason to pass it. Well, if no one came to oppose it at Committee, perhaps somebody is doing that now. Thank you.

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

Senator **SUMMERS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am on the Legal Affairs Committee, and I have to admit I was part of the Committee that did vote unanimously on this Bill. I really didn't have any strong feelings on this Bill at the time, but I do think that it is kind of a silly Bill, and we certainly have more important things to address here. I move that this Bill and all Accompanying Papers be Indefinitely Postponed.

Senator **SUMMERS** of Cumberland moved to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE.**

Senator **MILLS** of Oxford requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **SUMMERS** of Cumberland to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE.**

A Division has been requested.

Will all those in favor of the motion by Senator **SUMMERS** of Cumberland to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**, please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

13 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion of Senator **SUMMERS** of Cumberland to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**, **FAILED.**

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Since there is such strong support for this Bill, I would request a Roll Call so all of us could be on Record having endorsed and supported this legislation. Thank you.

Senator **WEBSTER** of Franklin requested a Roll Call. Less than one-fifth of the members rising, a Roll Call was not in order.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I stand before you this afternoon in complete and utter ignorance of the provisions of L.D. 1271. I rise only on issues of process, not on issues of substance. But, given the fact that this is a deliberate Legislative Body, I think my concerns on process should be carefully, carefully heard, and carefully considered by every man and woman in this room.

All of us have been besieged by a plethora of legislative Bills this session. Those of us in the Committee on Judiciary have heard about two hundred

and twenty-five Bills. We carefully work to reach reasoned compromise and wisdom in crafting our Committee Reports. When a Bill comes out of any Committee in the Legislature with a unanimous vote, I think that symbolizes to all of us that there has been a concerted effort by the members of that Committee of jurisdiction to reach a consensus. We should accord some significant weight to a unanimous Committee Report. Certainly, those of us who sit on Committees, and whose unanimous Committee Reports are challenged, take umbrage.

I would pose a question to anyone in the Chamber who may care to respond. With the concerns raised by the good Senator from Franklin, Senator Webster, were those concerns raised in timely fashion to either Chair of the Joint Standing Committee on Legal Affairs prior to this afternoon's session?

THE PRESIDENT: The Senator from Androscoggin, Senator Gauvreau, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. In response to the good Senators question, we have spent much too much time on this issue already. But, frankly, this is at least the second time that we have had a vote on this, and I have opposed this and brought it to the Senates attention.

It is inconceivable to me, and I respect this process as well as anybody does, but it is inconceivable to me that this type of legislation got this far when there is so little support for it. Obviously, the will of the Majority will prevail. But, it ought to show the citizenry of this state that perhaps sometimes things happen here that are not in their best interest. Thank you.

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

Senator **CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Allow me to express my gratitude to the Senator from Androscoggin, Senator Gauvreau, for raising the issue of process. As we look back at the utterance of our opening prayer today, let us extend the courtesy to the colleagues with whom we have lived and worked together for these many weeks and months, when Bills reach this stage, of at least apprising the members of the Committee of actions such as we have just witnessed, when those actions address issues like this same Bill that were unanimously reported out of Committee. Indeed, it is perfectly plausible and acceptable that members of this Body have changes of mind, but I think that it is equally sensible, acceptable, and plausible, that courtesy shall consistently prevail. And rather than appearing to surprise people with our changes of mind, perhaps it would be more timely and appropriate if rather than doing it in a surprise fashion on the floor, we notify the people in a normal, verbal exchange, or even via note, for which we are so famous, of the issue, and express that change of mind other than "I am going to get ya", sort of way.

As we say in the classroom and outside the classroom, courtesy should always prevail, shouldn't it?

THE PRESIDENT: The chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I agree that as we begin to wind down our Legislative session, that we should make a special attempt to be courteous to one another, and to work together on all issues, whether it is Workers Compensation, whether it is Budget, and respect that each member of this Legislature, whether for philosophical reasons, or geographic differences, may cast a vote that we as individuals don't understand or don't approve of, but that we as individuals were elected to serve our constituents and our philosophies.

As we are talking about courtesy I hope, and I think that this will probably happen, that each member of the Majority Party and the Minority Party is extended courtesy when items are Tabled, when items are removed from the Table, so that we all know in these hectic times the issues of importance to our District or our philosophy are coming up so that we can be as prepared as any Senator can during these last hectic times, so that we can properly represent our needs and our constituents back home. Thank you.

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

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I will be very brief, I certainly had not planned to address L.D. 1271.

I did, however, find it refreshing, as did the good Senator from Cumberland, Senator Clark, as she made reference to in her remarks, they were the original remarks from the Senator from Androscoggin, Senator Gauvreau, with the regard to the integrity of the process. As we wind down, and as we discuss the weighty issues of Budget, and taxation, and Workers Compensation, the environment, and all the other issues that will come before us in the last few days of the session, I think that we have to be ever mindful of the process, and make certain that we are, in fact, courteous to one another.

I did find it somewhat ironic that the good Senator from Sagadahoc, Senator Cahill, would discuss the issue of courtesy, when just twenty-four hours earlier, I had asked this Body to extend me the courtesy in Reconsideration. I believe, if memory serves me correct, that the good Senator did not extend that courtesy to this Senator. Perhaps, this is a new day, and we are operating on a new set of standards.

I really believe that when one has an issue of substance that needs to be addressed, or questions of substance that need to be asked and answered, that those are justifiable, those are legitimate, those need to be asked, and those need to be aired on the floor. But I have sat here for the last several weeks and noticed an ever increasing number of technical questions being fielded from one corner or another, questions which have taken up the valuable time of this Senate, as we consider matters of

greater input, and I am struck repeatedly by the notion that as we wander through the halls during the day and bump into one another, and converse with one another casually, informally, that we have an opportunity so many times during that day to ask those questions, or perhaps even pick up a copy of the Bill and read the Bill itself rather than ask the Chairman of the Committee, or the sponsor of the Bill to elaborate on the floor. To me, that is part of the job of being a Lawmaker. I certainly hope that we start taking that seriously. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I guess I will direct my comments that were directed toward me first, regarding an issue that was discussed last evening.

THE PRESIDENT: The Chair would inquire if the Senators comments are in reference to L.D. 1271?

Senator **CLARK** of Cumberland requested unanimous consent to address the Senate off the Record.

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

After Recess

Senate called to order by the President.

THE PRESIDENT: The pending question before the Senate is **ENACTMENT**.

A Division has been requested.

Will all those in favor of **ENACTMENT** please rise and remain standing in their places until counted.

Will all those opposed please rise and remain standing in their places until counted.

16 Senators having voted in the affirmative and 13 Senators having voted in the negative, this Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act to Authorize Involvement of the Department of Human Services in Providing School-based Child Care
H.P. 959 L.D. 1386
(C "A" H-251)

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

Under suspension of the Rules, all Papers thus acted upon were ordered sent down forthwith for concurrence.

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

ORDERS

Joint Order

On motion by Senator **CLARK** of Cumberland the following Joint Order:

S.P. 717

ORDERED, the House concurring, that Bill, "An Act to Establish the Maine Primary Care Residency Training Assistance Program," L.D. 999, S.P. 374, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

Which was **READ** and **PASSED**.

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

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I will be as brief as I can, but I feel that I must respond to some remarks that were made earlier in today's session.

The remarks were directed at me because of a procedural motion that was made last night regarding a Bill that was on the Calendar. The reason that I objected to Suspension of the Rules last night, on that particular issue, was purely philosophical, because I opposed that particular piece of legislation. The motion to Suspend the Rules, if that had been allowed, would have been to put an amendment on that legislation. The amendment was to take the Emergency off that legislation. The only way I felt as a Minority member of this Senate, that I was able to kill a piece of legislation that I philosophically oppose, is hopefully killing it by denying it the two-thirds that was necessary under an Emergency Enactor. During the course of last night's discussion, during the course of today's discussion, in fact, all year, and for as long as I have been in the Legislature, I have repeatedly given my approval for Suspension of the Rules. I do believe that it is