

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fourteenth Legislature
OF THE
State Of Maine

VOLUME II

FIRST REGULAR SESSION

May 10, 1989 to June 14, 1989

ERRATA:

**The header on pages 807-813
should read "SENATE, MAY 16, 1989"
instead of "HOUSE, MAY 15, 1989".**

Committee Amendment "A" (H-177) READ and ADOPTED, in concurrence.
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Funds for Dioxin Testing"

H.P. 554 L.D. 752

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-179).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-179).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-179) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Improve the Dental Care of Maine Citizens"

H.P. 662 L.D. 904

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-178).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-178).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-178) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Implement an Ozone Control Strategy for the State"

H.P. 736 L.D. 1013

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-176).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-176).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-176) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Reduce the Expense of the Legislative Process by Shortening the Length of Legislative Sessions"

H.P. 317 L.D. 433

Reported that the same Ought Not to Pass.

Signed:

Senators:

BERUBE of Androscoggin

ESTY of Cumberland

CARPENTER of York

Representatives:

LARRIVEE of Gorham

WENTWORTH of Wells
HEESCHEN of Wilton
JOSEPH of Waterville
DAGGETT of Augusta
ROTONDI of Athens

The Minority of the same Committee on the same subject reported that the same Ought to Pass.

Signed:

Representatives:

BEGLEY of Waldoboro

HANLEY of Paris

MCCORMICK of Rockport

Comes from the House the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

On motion by Senator BERUBE of Androscoggin, the Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on RESOLUTION, Proposing Amendments to the Constitution of Maine to Provide for the Popular Election of the Attorney General and the Secretary of State

H.P. 525 L.D. 710

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-175).

Signed:

Senators:

BERUBE of Androscoggin

CARPENTER of York

Representatives:

LARRIVEE of Gorham

BEGLEY of Waldoboro

WENTWORTH of Wells

HANLEY of Paris

MCCORMICK of Rockport

ROTONDI of Athens

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Senator:

ESTY of Cumberland

Representatives:

JOSEPH of Waterville

HEESCHEN of Wilton

DAGGETT of Augusta

Comes from the House the Minority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

Senator BERUBE of Androscoggin moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report in NON-CONCURRENCE.

Senator ESTY of Cumberland requested a Division.

On motion by Senator BERUBE of Androscoggin, supported by a Division of at least one-fifth of the Members present and voting, a Roll Call was ordered.

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

Senator BERUBE: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to explain the reason why some of us voted on the majority side of this Bill. This L.D. deals with two Constitutional Offices: the Attorney General's Office and the Secretary of State's Office. It extends the term of both, from the present two year to a four year term. Both Constitutional Offices would be popularly elected rather than selected by the Legislature.

Since it is a Constitutional Amendment, it would go to the people for their acceptance. The election would be held in 1992. There is only one state in

our nation that elects the Attorney General by the legislative process and that is the State of Maine. There are only three states in the country, Maine, New Hampshire, and Tennessee, who elect the Secretary of State by the legislative process. I might add that the District Attorney's are elected by the people at large.

In the view of those of us who voted for the majority, it would make the position perhaps less political in that it would be less binding, if you will, to the party selecting that individual. The fact that they had a four year term would certainly be a positive direction to take.

I personally view that presently those Constitutional Offices are merely an extension of the Legislature and I think that this would be a fair process to allow the public to be able to select their people. Thank you.

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

Senator ESTY: Thank you Mr. President. Mr. President, men and women of the Senate. This is a very straightforward issue and I don't want to spend a great deal of time discussing it. I would just like to say that the system we have, presently, works very well. We have outstanding leadership in both of the positions and we have consistently had outstanding leadership in both positions in the past.

I don't believe that by approving this process that the positions will become less political. In fact, I believe they may very well become more political. I just tend to believe that it is a system that is working very fine now and that we should maintain it. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator BERUBE of Androscoggin to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report in NON-CONCURRENCE.

A vote of Yes will be in favor to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

A vote of No will be opposed.

Is the Senate ready for the question?

Senator GILL of Cumberland who would have voted NAY requested and received Leave of the Senate to pair her vote with Senator CAHILL of Sagadahoc who would have voted YEA.

Senator BERUBE of Androscoggin who would have voted YEA requested and received Leave of the Senate to pair her vote with Senator TITCOMB of Cumberland who would have voted NAY.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators CARPENTER, COLLINS, DILLENBACK, EMERSON, GOULD, HOLLOWAY, LUDWIG, PERKINS, WEBSTER, WHITMORE

NAYS: Senators ANDREWS, BALDACCII, BOST, BRANNIGAN, BUSTIN, CLARK, DUTREMBLE, ERWIN, ESTES, ESTY, GAUVREAU, HOBBS, KANY, MATTHEWS, PEARSON, RANDALL, THERIAULT, TWITCHELL, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BROWN, WEYMOUTH

PAIRED: Senators BERUBE, CAHILL, GILL, TITCOMB

10 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 4 Senators having paired their votes and 2 Senators being absent, the motion of Senator BERUBE of Androscoggin, to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, FAILED.

The Minority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish a Reporting Mechanism for Legislators Attending Educational Conferences"

H.P. 734 L.D. 1011

Reported that the same Ought Not to Pass.

Signed:

Senators:

BERUBE of Androscoggin

ESTY of Cumberland

CARPENTER of York

Representatives:

LARRIVEE of Gorham

MCCORMICK of Rockport

JOSEPH of Waterville

ROTONDI of Athens

DAGGETT of Augusta

HEESCHEN of Wilton

The Minority of the same Committee on the same subject reported that the same Ought to Pass.

Signed:

Representatives:

HANLEY of Paris

BEGLEY of Waldoboro

WENTWORTH of Wells

Comes from the House the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

Senator BERUBE of Androscoggin moved to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence.

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

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. Before we Accept the Majority Report, which I am sure we are going to do, I would like to just bring to your attention that perhaps a need for some type of Bill or some mechanism to inform members of the Legislature as to what is being done and the purpose for Legislators attending conferences. It would seem to me that at some point we ought to be reporting back to this Legislature or some mechanism ought to be made available so that the public would know exactly where the dollars are being spent and why and for what purpose Legislators are traveling out-of-state. Thank you.

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

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. The good Senator from Franklin, Senator Webster, has suggested, ever so gently, that there may be need to report the expenses and the purposes for which Legislators attend educational and or legislative conferences. I do not disagree that there are mechanisms that provide for this reporting and that is, obviously, the public information and public access to all legislative documents, public hearings and meetings, not the least of which includes, as that good office that he represents knows, the expense sheets that Legislators submit.

That we should establish, in legislative mechanism and organization, a reporting much like one would report when one goes on a field trip that occurs sometimes in our lower grades in public schools, even a show and tell type of mechanism, I think does not legitimately address the value that is gained by attending and participating in these legislative conferences and educational experiences.

Probably the single most visible mechanism for reporting the benefit of these experiences out of our