

# MAINE STATE LEGISLATURE

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# **LEGISLATIVE RECORD**

OF THE

**One Hundred And Sixteenth Legislature**

OF THE

**State Of Maine**

**VOLUME IV**

**FIRST REGULAR SESSION**

**Senate**

May 19, 1993 to July 14, 1993

**FIRST CONFIRMATION SESSION**

October 14, 1993

work on and I think a paper like this could be of great assistance to the Appropriations Committee in making our decisions. Thank you.

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Off Record Remarks

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On motion by Senator **LAWRENCE** of York, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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**ORDERS OF THE DAY**

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

**HOUSE REPORTS** - from the Committee on **STATE & LOCAL GOVERNMENT** on **RESOLUTION**, Proposing as Amendment to the Constitution of Maine to Provide for the Direct Popular Election of the Attorney General  
H.P. 960 L.D. 1291

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-432)**

Minority - **Ought Not to Pass**

Tabled - June 9, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **HANLEY** of Oxford to **RECEDE** and **CONCUR** (Roll Call ordered)

(In House, June 4, 1993, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-432).**)

(In Senate, June 4, 1993, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE.**)

(In House, June 8, 1993, that Body **INSISTED.**)

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator **HANLEY** of Oxford to **RECEDE** and **CONCUR**.

A vote of Yes will be in favor of **RECEDING** and **CONCURRING**.

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 **AMERO, BERUBE, BUTLAND, CAHILL, CARPENTER, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, PINGREE, SUMMERS, WEBSTER**

**NAYS:** Senators **BALDACCI, BEGLEY, BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

**ABSENT:** Senator **MARDEN**

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator **HANLEY** of Oxford, to **RECEDE** and **CONCUR**, **FAILED**.

Senator **CAHILL** of Sagadahoc moved that the Senate **INSIST** and **ASK FOR A COMMITTEE OF CONFERENCE**.

Senator **ESTY** of Cumberland requested a Division.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I think the motion from the good Senator from Sagadahoc should be granted. The other chamber has given a very positive response. I think it is only fair that this chamber give at least as much consideration of this issue to the people of the State of Maine. Speaking for myself, members of my district, the vast majority, 87%, in fact do want to have the popular election of the Attorney General. I think it is only fair to at least try to get a meeting of the minds between the chambers to try to come to some kind of consensus or agreement. I hope this chamber will see the rationale for that and will go along with the insist motion the Committee of Conference. Thank you.

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I hope you will oppose the motion to insist and ask for a Committee of Conference. I see it only as a delay of time and I know I sent a survey out to my citizens and they came back and they said they don't want us to waste time here, they want us to bring this session to a close, get it over, get it done with and I hope you vote against the motion to insist and concur so that we can put this issue to bed at once Thank you..

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I am encouraged this morning to hear the good Senator from York, Senator Lawrence, actually think that we are going to be out of here in a very short time period, having finished up the work of the budget. Hopefully that will be the case. The cynical side of me, the pessimistic side says we are going to be here for a while into next week and the Committee of Conference between the two chambers will have more than enough time to meet and respond.

The Chair ordered a Division.

Senator **ESTY** moved that the Senate **INSIST**.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Point of parliamentary procedure. Doesn't Insist and Ask for a Committee of Conference take precedence over the insist motion?

**THE PRESIDENT:** The motion is divisible so the motion to Insist does take precedence.

Senator **CAHILL:** Thank you. So the motion to Insist would kill the Bill?

**THE PRESIDENT:** The Chair would answer in the affirmative. The pending question before the Senate is the motion by Senator **ESTY** of Cumberland to **INSIST**.

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.

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **ESTY** of Cumberland, to **INSIST**, **PREVAILED**.

The Secretary has so informed the Speaker of the House.

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

**ORDERS**

**Joint Order**

On motion by Senator **BERUBE** of Androscoggin the following Joint Order: S.P. 534

**ORDERED**, the House concurring, that Bill, "An Act to Repeal the Laws Allowing State Agencies to Adopt Rules Having the Force of Law, H.P. 777, L.D. 1050, and all its accompanying papers, be recalled from the legislative files to the Senate.

Which was **READ**.

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

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The reason for asking your permission to recall the bill is so that we can have a chance to ask for a Committee of Conference. We believe there is room for agreement on this very, very important bill which is the Rules bill. Thank you.

Pursuant to Joint Rule 15, this Joint Order requires the affirmative vote of two-thirds of the members present and voting. 33 Senators having voted in the affirmative and No Senators having voted in the negative, and 33 being more than two-thirds of the members present and voting, the Joint Order was **PASSED**.

Sent down for concurrence.

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

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

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order: H.P. 1161

**ORDERED**, the Senate concurring, that Bill, "An Act to Improve Local Control over Liquor Licensing," H.P. 589, L.D. 793, and all its accompanying papers, be recalled from the legislative files to the Senate.

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

Which was **READ**.

Senator **HANDY** of Androscoggin moved to **INDEFINITELY POSTPONE** the Joint Order in **NON-CONCURRENCE**.

Senator **CLEVELAND** of Androscoggin requested a Division.

**THE PRESIDENT** The pending question before the Senate is the motion of Senator **HANDY** of Androscoggin to **INDEFINITELY POSTPONE** the Joint Order in **NON-CONCURRENCE**.

A Division has been requested.

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.

28 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by Senator **HANDY** of Androscoggin to **INDEFINITELY POSTPONE** Joint Resolution in **NON-CONCURRENCE**, **PREVAILED**.

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