

MAINE STATE LEGISLATURE

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

VOLUME VI

SECOND REGULAR SESSION

Senate
January 5, 1994 to April 6, 1994

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-1059)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1059)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-1059) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act to Establish a Catastrophic Health Expense Program" (Governor's Bill)

H.P. 1473 L.D. 2001

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-1061)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1061)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-1061) **READ** and **ADOPTED**, in concurrence.

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, 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

Non-concurrent Matter

Resolve, Authorizing the Examination of School Finance and Taxation Proposals (Governor's Bill)
S.P. 776 L.D. 2003

In Senate, April 5, 1994, referred to the Committee on **EDUCATION** and **ORDERED PRINTED**.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in **NON-CONCURRENCE**.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This particular bill needs a fiscal note and I wonder if it could be tabled until later in today's session. Thank you.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION**.

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

PAPERS FROM THE HOUSE

House Papers

RESOLUTION, Proposing an Amendment to the Constitution of Maine Providing for the Direct Election of the Secretary of State (Governor's Bill)
H.P. 1394 L.D. 1891

Committee on **STATE & LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.

Comes from the House, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

Senator **HANLEY** of Oxford moved to **COMMIT** Bill and Accompanying Papers to the Committee on **STATE & LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

On motion by Senator **ESTY** of Cumberland, 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 the motion of Senator **HANLEY** of Oxford to **COMMIT** Bill and Accompanying Papers to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

A vote of Yes will be in favor of **COMMITTING**.

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, BEGLEY, BUTLAND, CAHILL, CARPENTER, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, SUMMERS, WEBSTER

NAYS: Senators BERUBE, BRANNIGAN, CAREY, CIANCHETTE, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators BALDACCI, BUSTIN, CLEVELAND, MCCORMICK

15 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 4 Senators being absent, the motion of Senator HANLEY of Oxford, to **COMMIT** Bill and Accompanying Papers to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE, FAILED.**

Senator **ESTY** of Cumberland moved to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, in concurrence.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I guess I am not put off by the vote of this chamber, but would encourage my fellow colleagues to take a look at this legislation which would provide for general election of our Constitutional Officer, the Secretary of State. For those of us in the chamber who fashion ourselves wanting to do as much to put as much in the hands of the people and to make it as democratic a state as possible, to have the people as involved as possible in all aspects of our governing structure, it is hard for me to comprehend that anyone in this chamber would be against having the popular election of the Secretary of State. Based on the last vote I guess there are some of you that do have reservations about what the dangers are of sending this out for direct election. To any member of the chamber I would pose that question, what are the dangers? Thank you.

THE PRESIDENT: The Senator from Oxford, Senator Hanley, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. One of the real fears that we have is that he becomes a corporate animal because the Secretary of State is in charge of corporate divisions in this State. 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 appreciate the answer from my good colleague from Kennebec, Senator Carey. As I have often heard in this chamber we have got to trust the people and the people will be able to see through this. They will be able to see through any corporate animal and in fact, the people will put the person, the candidate, through the pressure and see whether or not they would be a corporate animal. Also, if it is a direct election,

they are directly accountable. Currently, if the Secretary of State is a corporate animal, as the Senator from Kennebec pointed out as far as that possibility, the only accountability is with the majority party here in the legislature. Although I am encouraged that there will be a change in the majority party next session I still think this is a good measure. Thank you.

THE PRESIDENT: The Chair would caution members of any party from making political statements on this floor. Such statements will be ruled out of order.

On motion by Senator **ESTY** of Cumberland, 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 the motion by Senator **ESTY** of Cumberland to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, in concurrence.

A vote of Yes will be in favor of **INDEFINITE POSTPONEMENT.**

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 BERUBE, BRANNIGAN, CAREY, CIANCHETTE, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

NAYS: Senators AMERO, BEGLEY, BUTLAND, CAHILL, CARPENTER, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, SUMMERS

ABSENT: Senators BALDACCI, BUSTIN, CLEVELAND, MCCORMICK, WEBSTER

16 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 5 Senators being absent, the motion by Senator **ESTY** of Cumberland, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, in concurrence, **PREVAILED.**

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

PAPERS FROM THE HOUSE

House Papers

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require That the Attorney General Be Appointed by the Governor (Governor's Bill)
H.P. 1403 L.D. 1912