

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

VOLUME IV

FIRST REGULAR SESSION

Senate
May 2, 1995 to June 16, 1995

The Bill **READ ONCE**.

Committee Amendment "A" (H-194) **READ** and **ADOPTED**,
in concurrence.

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR
SECOND READING**.

Divided Report

The Majority of the Committee on **INLAND FISHERIES
AND WILDLIFE** on Bill "An Act to Allow Hunting on the
First Sunday after the First Saturday of Hunting
Season"

H.P. 649 L.D. 872

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

HALL of Piscataquis
KIEFFER of Aroostook
MICHAUD of Penobscot

Representatives:

ROTONDI of Madison
JACQUES of Waterville
CLARK of Millinocket
KEANE of Old Town
ROSEBUSH of East Millinocket
TUFTS of Stockton Springs
GREENLAW of Standish
CHICK of Lebanon
PERKINS of Penobscot

The Minority of the same Committee on the same
subject reported that the same **Ought to Pass** as
Amended by Committee Amendment "A" (H-221)

Signed:

Representative:

UNDERWOOD of Oxford

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

Which Reports were **READ**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**,
in concurrence.

Emergency

An Act to Make Revisions to the Uniform
Interstate Family Support Act

S.P. 286 L.D. 774

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 Pro
Tem, was presented by the Secretary to the Governor
for his approval.

Emergency

An Act to Conform the Maine Tax Laws for 1994
with the United States Internal Revenue Code

H.P. 626 L.D. 851
C "A" (H-147)

This being an Emergency Measure and having
received the affirmative vote of 28 Members of the
Senate, with No 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 Pro
Tem, was presented by the Secretary to the Governor
for his approval.

Resolve

Resolve, Directing the Department of Human
Services to Review the Regulations for the Licensure
of General and Specialty Hospitals and Report to the
Joint Standing Committee on Human Resources

H.P. 408 L.D. 565
C "A" (H-155)

Resolve, to Revise the Reporting Date of the Home
School Study Committee

S.P. 315 L.D. 896
C "A" (S-83)

Which were **FINALLY PASSED** and having been signed
by the President Pro Tem, were presented by the
Secretary to the Governor for his approval.

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the
Constitution of Maine to Require the Popular Election
of the Attorney General

H.P. 153 L.D. 201
C "A" (H-70)

Comes from the House having **FAILED OF FINAL PASSAGE**.

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

Senator **LAWRENCE:** Thank you Mr. President. I hope you will vote against this Resolution to change the process in which we select our Attorney General. There has never been any evidence that I know of, presented, that the process we now use has led to a poor candidate for Attorney General or a poor Attorney General. In fact, I think we have one of the finest Attorney Generals now that I have seen in recent memory. I hope that we do not create another level of the election process that is simply going to consume more public money. Mr. President, I would ask for a Roll Call.

On motion by Senator **LAWRENCE** of York, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Amero.

Senator **AMERO:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would urge you to vote in favor of this Constitutional Amendment. Maine is the only State in the Union that elects its Attorney General through the legislative process. We would give people in this State a chance to voice their opinion on whom they would like to see serve in the office of Attorney General. It is a process that is used in 43 of our states. I would like to give the people of this State a chance to voice their opinion on this matter. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Faircloth.

Senator **FAIRCLOTH:** Mr. President, Colleagues of the Senate. I have concerns about this proposal on behalf of the people of this State. An attorney is sworn to not violate their oath as an attorney, and to represent their client. The Attorney General of the State is supposed to serve justice. I, personally, think the best system would be similar to judges, who are in a much more non-partisan fashion brought to office where they are nominated by the Executive and go through a confirmation process of the Legislature. I think that would have the least partisan overtones. To put it into a political process, where it could lend itself, not only to the vagaries of campaign spending, but also to a lot of political demagoguery, I think would demean the office of the Attorney General, which should be above partisan ship and seek justice only. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Men and Women of the Senate. I am intrigued by the comments of the good Senator from Penobscot, and would ask to pose a question through the Chair, if I might. To the good Senator from Penobscot, if he so chooses to

answer, based on the actions taken by this Chamber, would the good Senator be willing to back this item up and to propose the amendment like you have just pursued?

THE PRESIDENT PRO TEM: 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 Penobscot, Senator Faircloth.

Senator **FAIRCLOTH:** Thank you Mr. President. I have long supported the concept. As I understand it, the good Senator from Cumberland, Senator Harriman, already proposed the concept, and I was happy to, and would continue to support that idea. As I understand his summary of what occurred with that idea, I don't know that that would be a good use of the Senate's time. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Harriman.

Senator **HARRIMAN:** Thank you Mr. President. Good evening Ladies and Gentlemen of the Senate. I rise, Mr. President, to ask that my colleagues join me in supporting the question by Senator Amero, from Cumberland, to support the pending motion. Like the Senator from Penobscot, Senator Faircloth, I agree that this high constitutional office, as a matter of fact the others as well, State Treasurer, Secretary of State, and even Auditor, ought to be appointed by the Governor of the State of Maine and confirmed by the House and the Senate. As the Senator from Penobscot indicated, that was legislation that I introduced to the State and Local Government Committee, which was rejected. So, what we have now, is a high inside fastball process here, where whoever is in the majority party in the Legislature control those high constitutional officers. In fact, for the three years that I have had the honor of serving the twenty-third district in the Maine Senate, only one constitutional officer has had any interest in talking to me, only one, and that was to send me a list of the abandoned property in my district so I could contact my constituents who may need to recover money from the State of Maine. Other than that, not one of these high constitutional officers has cared to even extend a hello to me when running for office. So, my personal feeling is that if the Legislature doesn't have the will to let the Governor nominate it, and have it confirmed, that at least let's get it out of the realm of partisan politics here in the Legislature, and offer it to the citizens of Maine. So, I hope you will join me, and my good friend from Cumberland, Senator Amero, in supporting the pending motion. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is **FINAL PASSAGE**.

A vote of Yes will be in favor of **FINAL PASSAGE**.

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: ABROMSON, AMERO, BEGLEY, BENOIT,
BUTLAND, CARPENTER, CASSIDY,
FERGUSON, HANLEY, HARRIMAN,
HATHAWAY, KIEFFER, MILLS,
PENDEXTER, SMALL, STEVENS, and
the PRESIDENT PRO TEM, Senator
HALL

NAYS: Senators: BERUBE, BUSTIN, CAREY,
CIANCHETTE, CLEVELAND, ESTY,
FAIRCLOTH, GOLDTHWAIT, LAWRENCE,
LONGLEY, MCCORMICK, MICHAUD,
O'DEA, PARADIS, RUHLIN

ABSENT: Senators: LORD, PINGREE, RAND

This being a Constitutional Amendment, in accordance with the provisions of Section 4 of Article X of the Constitution, having received the affirmative vote of 17 Members of the Senate, with 15 Senators having voted in the negative, and 3 Senators being absent, and 17 being less than two-thirds of the membership present and voting, **FAILED OF FINAL PASSAGE.**

Mandate

An Act to Increase Compensation of Trustees of the Gray Water District

S.P. 220 L.D. 562
C "A" (S-75)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 29 Members of the Senate, with No Senator 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 Pro Tem, was presented by the Secretary to the Governor for his approval.

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

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate the first Tabled and Later Today Assigned (May 9, 1995) matter:

HOUSE REPORTS from the Committee on **NATURAL RESOURCES** on Bill "An Act to Change Certain Provisions of the Saco River Corridor Law" (Emergency) H.P. 324 L.D. 445

Majority - Ought to Pass As Amended by Committee Amendment "A" (H-151). (9 members)

Minority - Ought to Pass As Amended by Committee Amendment "B" (H-152). (4 members)

Tabled - earlier in the day by Senator KIEFFER of Aroostook.

Pending - ACCEPTANCE OF EITHER REPORT.

(In House, May 4, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-152).)

(In Senate, May 9, 1995, Reports READ.)

On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending ACCEPTANCE of Either Report.

The Chair laid before the Senate the second Tabled and Later Today Assigned (May 9, 1995) matter:

SENATE REPORT from the Committee on **TAXATION** on Bill "An Act to Reestablish the Tax Credit for Intrastate Airlines" (Emergency)

S.P. 245 L.D. 642

Report - Ought to Pass As Amended by Committee Amendment "A" (S-112).

Tabled - earlier in the day by Senator KIEFFER of Aroostook.

Pending - ACCEPTANCE OF THE REPORT.

(In Senate, May 9, 1995, Report READ.)

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