

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

involved, and Federal Marshalls were on the Orono campus, that the situation got resolved correctly. The problem was corrected statutorily after that. We have been well served with that policy to this day and I would hope that we would not move backwards and go back to that very unfortunate condition that we found ourselves in before when local officials were making some arbitrary determinations about who would and who would not be able to vote at any given time. 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. As I sit here and listen to this debate I hear time and time again how matters of convenience for people, how we must make it easier for them to vote. I hear about how Maine has had the highest election turn out and how we have made it easier for people to vote before the election, and sometimes after the election, and I think what it all boils down to, whether you are a member of the military or whatever, the right to vote bears a certain responsibility and it takes some concentration and some effort to know that an election is before you and that you have a responsibility to make yourself available prior to that election to make your choice as to whether you are going to be voting absentee or not. I see no good reason for this type of amendment and I hope this body rejects it. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **PARADIS** of Aroostook to **ADOPT** Senate Amendment "G" (S-326) to Committee Amendment "A" (S-276).

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.

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator **PARADIS** of Aroostook, to **ADOPT** Senate Amendment "G" (S-326) to Committee Amendment "A" (S-276), **FAILED**.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-276) As Amended by Senate Amendments "E" (S-323), "C" (S-296) and "F" (S-325) thereto.

Off Record Remarks

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

COMMITTEE REPORTS

House

Committee of Conference

The **Committee of Conference** on the disagreeing action between the two branches of the Legislature, on Bill "An Act to Amend the Laws Governing Vending Machine Sales of Cigarettes"

H.P. 1060 L.D. 1428

Have had the same under consideration and ask leave to report that the House **RECEDE** from **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-430)** and **HOUSE AMENDMENT "A" (H-427)**; **INDEFINITELY POSTPONE** Committee Amendment "A" (H-430); **INDEFINITELY POSTPONE** House Amendment "A" (H-427); **READ** and **ADOPT** Conference Committee Amendment "A" (H-649) and **PASS THE BILL TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (H-649)** in **NON-CONCURRENCE**.

That the Senate **RECEDE** and **CONCUR** with the House.

Signed on the part of the House:

Representative **ROWE** of Portland
Representative **CAMERON** of Rumford

Signed on the part of the Senate:

Senator **MARDEN** of Kennebec
Senator **CONLEY** of Cumberland
Senator **BALDACCI** of Penobscot

Comes from the House with the Conference Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (H-649)** in **NON-CONCURRENCE**.

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

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

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Could someone explain to us exactly what this does please? Thank you.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I want the body to know that I would not have gone along with this Report without the strong support of the Senator from Kennebec, Senator Marden, who reviewed this carefully prior to me signing on board, and also the good Senator from Penobscot, Senator Baldacci. The amendment that came out of the Committee is a much watered down version of the original Bill. What this would do is prohibit vending machines from dispensing both candy and cigarettes. If you are going to have cigarettes in a vending machine that could be the only item in a cigarette machine. It would also call

for the machine to have a sticker on it saying it is against the law to sell cigarettes to minors, very similar to the present law. The penalties would be similar to the present law too. We hope that we represented the views of this chamber in agreeing to this report and perhaps the only successful report from a Committee of Conference this year. Thank you.

The Senate **RECEDED** and **CONCURRED**.

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

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

An Act Establishing Performance Standards for Internally Drained Borrow Pits Consisting of 5 to 30 Acres of Reclaimed and Unreclaimed Land

H.P. 406 L.D. 519
(H "C" H-626 to C
"A" H-566)

An Act Related to the Site Location of Development Laws

H.P. 1105 L.D. 1492
(H "A" H-632 to C
"A" H-532)

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

An Act Concerning Stalking

H.P. 1147 L.D. 1546
(H "A" H-633)

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

An Act to Increase Fees Charged by Municipal Clerks for Services

S.P. 398 L.D. 1229
(H "C" H-602)

Comes from the House **FAILING OF ENACTMENT**.

Which was **PASSED TO BE ENACTED** and signed by the President in **NON-CONCURRENCE**.

Sent down for concurrence.

Emergency

An Act to Clarify the Powers and Duties of Municipal Officials of the New Town of Long Island
H.P. 1014 L.D. 1360
(H "A" H-624)

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

Emergency

An Act to Encourage Implementation of Total Quality Management Procedures in the Executive Branch of State Government (Governor's Bill)

H.P. 1142 L.D. 1542
(C "A" H-581; H "B"
H-637)

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

Emergency

An Act to Expand the Duties of the Judicial Council to Include Implementing the Recommendations of the Commission to Study the Future of Maine's Courts and to Implement Certain Other Recommendations of the Commission

H.P. 1154 L.D. 1553
(H "A" H-621)

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

Emergency Mandate

An Act to Revise the Salaries of Certain County Officers

H.P. 1159 L.D. 1558

Comes from the House **FAILING OF ENACTMENT**.