

# 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

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

### COMMITTEE REPORTS

#### House

##### Ought to Pass As Amended

The Committee on **JUDICIARY** on Resolve, Directing Release of Investigative Records Related to Ballot Tampering (Emergency)

H.P. 1003 L.D. 1349

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-657)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-657)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-657) **READ**.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I feel that I should rise to briefly talk about this Bill which many of you have been following in the press. I think that the fact that a unanimous Report came out of the Judiciary Committee in reference to this very sensitive issue that it should be discussed in this body. I think that this unanimous Report verifies what leaders in both parties have been saying, particularly in this chamber, this year, that things are different, that the two parties can work together. Though the press did all it could within its realm to lead people to believe that this matter would be a contentious one, the good Senator from Oxford, Senator Hanley, and I, as well as others on the Committee, worked hard to come up with a Bill which would protect the rights of innocent people, the privacy of people who would be hurt if the full extent of statements they made were released, but also upholds the rights of the public to have a full view into what went on in the Attorney General's investigation regarding the ballot tampering episode earlier this year. I want to commend the members of my Committee and also commend the rest of the legislature for its help in making this Bill become a reality. 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, too, would just like to go on record that while we did get a unanimous Committee Report I have asked leave of the Committee to wait, as far as on final enactment of this Bill, until we do have a synopsis from the Attorney General's Office, regarding exactly how the Federal courts have interpreted the language that we have included in this amendment. While I will be

going along with the Ought to Pass as Amended Report now, I do expect that we will have this matter tabled before enactment to get that information. Thank you.

Committee Amendment "A" (H-657) **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, ordered sent forthwith to the Engrossing Department.

### ORDERS OF THE DAY

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

Bill "An Act to Implement the Recommendations of the Special Commission on Electoral Practices"  
S.P. 478 L.D. 1477

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

Pending - **ADOPTION** of Committee Amendment "A" (S-276) As Amended by Senate Amendments "C" (S-296); "E" (S-323) and "F" (S-325) thereto

(In Senate, June 9, 1993, Senate Amendments "C" (S-296), "E" (S-323) and "F" (S-325) to Committee Amendment "A" (S-276) **READ** and **ADOPTED**.)

On motion by Senator **CONLEY** of Cumberland, Senate Amendment "H" (S-330) to Committee Amendment "A" (S-276) **READ**.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This amendment is very similar, it follows similar grounds, that the amendment offered by the good Senator from Oxford has offered before. It takes out of the Bill jurisdiction which we have shifted over to the court in reference to ballot issues, and restores them to the Commission on Governmental Ethics and Election Practices. Once again, I believe that Commission, which is in the realm of legislative branch, has been doing a good job. I don't think there is any question about its ability to continue to handle this issue in reference to ballots. 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. If my amendment was the ying then Senator Conley's amendment is definitely the yang. We have two very divergent approaches here. Since you definitely dealt with my amendment I hope you give the same action to Senator Conley's amendment because if we are to follow along with the compromise that the Legal Affairs Committee came up with, and for the most part I do applaud the work that the Committee came forward with, as is often in this place you don't get everything you

want, occasionally there are Bills that are put forth which do have a lot of good to them. I think this would do a terrible disservice to the work of the Legal Affairs Committee as far as the balance that they have crafted, at least in the recount and appeals process, to at least allow that to be in the domain of the court rather than the Commission on Governmental Ethics and Election Practices. I think it is a fair compromise. I think it is a sound move that the Committee made and to adopt this amendment I think scraps a lot of the good work of the Committee and a lot of the work that went toward restoring people's confidence in the process. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Basically the Bill is a compromise where the appeals process would go to the court. If this amendment was to pass it would take that away. This was given a lot of serious thought and the Committee worked hard on this particular part and I would surely urge you to vote against this amendment and keep the appeal process, should there be one, let it go to the Judicial. Thank you.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I find myself in an incredibly unique position opposing the amendment offered by my good friend from Cumberland, Senator Conley, and supporting my near namesake, Senator Hanley. I would urge your opposition to this amendment. Thank you.

On motion by Senator **BUSTIN** of Kennebec, 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 **CONLEY** of Cumberland to **ADOPT** Senate Amendment "H" (S-330) to Committee Amendment "A" (H-276).

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

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, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, LAWRENCE, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE
- NAYS:** Senators AMERO, BEGLEY, BUTLAND, CAHILL, CARPENTER, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LUDWIG, LUTHER, MARDEN, SUMMERS, WEBSTER
- ABSENT:** Senator BALDACCI

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator **CONLEY** of Cumberland, to **ADOPT** Senate Amendment "H" (S-330) to Committee Amendment "A" (H-276), **FAILED**.

Committee Amendment "A" (S-276) As Amended by Senate Amendments "C" (S-296); "E" (S-323) and "F" (S-325) **ADOPTED**.

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

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

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

An Act Requiring Public Schools to Purchase Insurance through a Competitive Bidding Process  
H.P. 1162 L.D. 1560

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

Pending - **ENACTMENT**

(In Senate, June 9, 1993, **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.)

(In House, June 9, 1993, **PASSED TO BE ENACTED**.)

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. We are awaiting an amendment to this particular piece of legislation that has not come back up and I would appreciate it if someone would Table it until either later today or for 1 legislative day. Thank you.

On motion by Senator **BUSTIN** of Kennebec, Tabled 1 Legislative Day, pending **ENACTMENT**.

Off Record Remarks

Senator **PINGREE** of Knox was granted unanimous consent to address the Senate on the Record.

Senator **PINGREE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I will speak briefly as I know the hour is late. Earlier today the good Senator from Sagadahoc brought up, when we were enacting L.D. 1556, "An Act to Implement Certain Recommendations of the Economic Growth Council". I just wanted everyone to understand that these were not all of the recommendations of the Economic Growth Council and I appreciate her bringing that to your attention. I'm just going to ask the pages to pass