

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 Fifteenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate
May 22, 1991 to July 10, 1991

Index

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I know that I am violating the precious rule of three Senators on one side, but I would respectfully request a Division on this particular piece of legislation. It is something that I have been concerned about for a very long time, it effects my District, and I will be voting no.

Senator **CAHILL** of Sagadahoc requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

A Division has been requested.

Will all of those in favor of **ACCEPTANCE** of the Majority **OUGHT NOT TO PASS** Report, in concurrence, please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

22 Senators having voted in the affirmative and 6 Senators having voted in the negative, the Majority **OUGHT NOT TO PASS** Report was **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Share Proportionately the Public Safety Costs for the Capitol Area"
H.P. 411 L.D. 594

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-228)**

Signed:

Senators:
BUSTIN of Kennebec
EMERSON of Penobscot

Representatives:
NASH of Camden
LARRIVEE of Gorham
HEESCHEN of Wilton
GRAY of Sedgwick
JOSEPH of Waterville
KERR of Old Orchard Beach

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Senator:
BERUBE of Androscoggin

Representatives:
LOOK of Jonesboro
ST. ONGE of Greene
SAVAGE of Union
WATERMAN of Buxton

Comes from the House with 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-228) AS AMENDED BY HOUSE AMENDMENT "A" (H-345)** thereto.

Which Reports were **READ**.

Senator **BUSTIN** of Kennebec moved to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-228) **READ**.

House Amendment "A" (H-345) to Committee Amendment "A" (H-228) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-228) as Amended by House Amendment "A" (H-345) thereto, **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Increase the Availability of Legislative Participation
H.P. 740 L.D. 1044

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

Signed:

Senators:
BERUBE of Androscoggin
BUSTIN of Kennebec
EMERSON of Penobscot

Representatives:
NASH of Camden
LARRIVEE of Gorham
HEESCHEN of Wilton
JOSEPH of Waterville
WATERMAN of Buxton
GRAY of Sedgwick
KERR of Old Orchard Beach
ST. ONGE of Greene

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-319)**

Signed:

Representatives:
LOOK of Jonesboro
SAVAGE of Union

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

Which Reports were **READ**.

Senator **BERUBE** of Androscoggin moved to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, 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. I have no intention of making a long speech, but this to me is an issue that is similar to legislation that we have had that was similar to a pay raise Bill. I think it is important, speaking as the Senator from Franklin County, to be on Record in support of this type of measure. Let me just say, that the citizens of this state feel, and I think rightly so, that there ought to be some sort of legislation on a number of terms that someone can serve in the Maine Legislature. I may very well be irritating a lot of people with my position on this, and those of you who sit in this Body, but, I think it is important for the citizens of this state to have a record as to how we vote, and for that reason, I would ask for a Roll Call.

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

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I think that is the sixth term that the good Senator from Franklin, Senator Webster, has supported this Bill. I feel very strongly that the people who elect us make the decisions on whether or not we should be here, one term, two terms, three terms, four terms, or whatever. It is not what we want. It is what the people in our District want. I would simply say that the opportunity that the good Senator from Franklin, Senator Webster wants to afford the people of the State of Maine, is already afforded in the power of the vote. It has been that tool that has been used over 200 years in our history, and I think it hasn't failed us. It has done a real good job, I think. I don't think that we should start tinkering with denying the people of this state the right who they want to represent them. This is what this Bill would do, it would deny the people of the good Senators District the right to vote for who they want. I don't think that we should be doing that. I think that we should be protecting the people in the Senators District, and the rest of our Districts. So, I would hope that you would support the Majority Ought Not To Pass Report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise to support the Ought Not To Pass Report, obviously. I am on that side of the issue, and I only want to reiterate to the good Senator from York, Senator Dutremble, about my opposition to this. This is my sixth term, and as I read this Bill, this would consign me to, if I could get elected to the other Body, to take a walk down to the other Body and serve under a different leadership. I have to tell you, I am perfectly happy with my leadership here in the Senate. I would like to remain under that kind of leadership, and I think there is only one Body who is going to make that determination for me, and that is the voters of District 19. I think that is the way that it should remain. If I haven't done my job, and if I don't get out there and tell my voters exactly what I have done, they then can say to me by their vote rather they like what I have done, or don't like what I have done. Limiting the terms as a Constitutional Amendment, basically, limits the voters right to make that choice. I am not willing to do that. Thank you.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Just to clarify about this little Bill we have before us today, this is a Constitutional Amendment which will go to the voters of the State of Maine. The voters of the State of Maine will decide whether they want to pass this kind of amendment to the Constitution, or whether they want to leave the Constitution the way it is. Frankly, I am convinced, having knocked on a lot of doors in the last two years, during the last election cycle, there is a feeling out there that a change would be good. There isn't a member of this Body that I don't believe could not easily turn around and seek a different office and a different Body, which I won't talk about. Frankly, it doesn't stop that. It does do what I think is appropriate, and that is to give the people of the State of Maine a turnover. I think that is important, and for those reasons and others, I ask your approval of this Bill. Thank you.

Senator **TWITCHELL** of Oxford moved to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would just like to thank the good Senator from Oxford, Senator Twitchell, for his motion to Indefinitely Postpone.

Senator **WEBSTER** of Franklin requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **TWITCHELL** of Oxford to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

A Division has been requested.

Will all of those in favor of the motion by Senator TWITCHELL of Oxford to INDEFINITELY POSTPONE Bill and Accompanying Papers in NON-CONCURRENCE, please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

24 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator TWITCHELL of Oxford to INDEFINITELY POSTPONE Bill and Accompanying Papers in NON-CONCURRENCE, PREVAILED.

Sent down for concurrence.

Senate

Ought Not to Pass

The following Ought Not to Pass Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Reported by Senator MILLS for the Committee on LEGAL AFFAIRS Bill "An Act to Suspend a Driver's License for Convicted Drug Offenses" S.P. 667 L.D. 1753.

Reported by Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT RESOLUTION, Proposing an Amendment to the Constitution of Maine to Ensure Proper Oversight of State Spending S.P. 474 L.D. 1266

Reported by Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT Resolve, Requiring the Maine State Housing Authority to Study Continuing Care Retirement Communities and Life Care Communities S.P. 526 L.D. 1404

Reported by Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT Bill "An Act to Establish the Law Student Loan Repayment Assistance Fund for Law School Graduates Pursuing Public Interest Employment" S.P. 567 L.D. 1487

Reported by Senator BUSTIN for the Committee on STATE AND LOCAL GOVERNMENT Bill "An Act to Allow the Creation of County Budget Committees by Referendum Vote" S.P. 577 L.D. 1531

Reported by Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT Bill "An Act to Provide New Flags for the State, Governor, National Guard and Merchant and Marine" S.P. 605 L.D. 1609

Reported by Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT Bill "An Act Authorizing Issuance of an Official State Nondriver Identification Card to Persons 15 Years of Age or Older" S.P. 615 L.D. 1619

Reported by Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT Bill "An Act to Require State Employees to Reimburse the State for Frequent-flier Awards" S.P. 628 L.D. 1632

Ought to Pass As Amended

Senator MCCORMICK for the Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Amend the Teacher Retirement Laws" (Emergency) S.P. 436 L.D. 1157

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-195).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-195) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator MCCORMICK for the Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Amend Certain Laws Administered by the Maine State Retirement System" S.P. 562 L.D. 1466

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-196).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-196) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator BUSTIN for the Joint Select Committee on CORRECTIONS on Bill "An Act to Clarify the Termination of Intensive Supervision" S.P. 679 L.D. 1801