

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME III

FIRST REGULAR SESSION

Senate

December 7, 1994 to April 27, 1995

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Thursday
March 9, 1995

Senate called to Order by the President, Jeffrey H. Butland of Cumberland.

Prayer by the Reverend Jeffrey Tarbox of the New Life Christian Fellowship Church in Biddeford.

REVEREND JEFFREY TARBOX: Good morning. It is good to be here today. My daughter shared a joke with me about politicians on the way up, but since I'm outnumbered, I'm not going to relate that to you. It is my privilege to be with you today and to share with you. I would like to share a few scriptures with you, and then open in prayer. The Psalmist said, "I will lift my eyes to the hills, from whence comes my health. My health comes from the Lord, who made heaven and earth. The Lord is your keeper, the Lord is your shade at your right hand. The sun will not strike you by day, nor the moon by night, the Lord shall preserve you from all evil. He shall preserve your soul. The Lord shall preserve your going out, and your coming in, from this time forth, and even forevermore." Shall we pray together?

Eternal and Living God, we come to you this day and we thank you for the very breath that we breathe. We thank you for the freshness of a new day. Lord, as we come to you, we are conscious of our responsibilities as representatives and servants of your people. I pray this day, Lord, that you will bless the members of this body with the wisdom that comes from on high, that you will remind them of their ever-present need to seek a wisdom that is higher than their own because of the responsibilities that are greater than their own lives. Lord, I pray that you will cause their hearts to be filled with a sense of justice, and of righteousness, and that the decisions they make will be made with all sobriety and consciousness of the people they represent. Lord, I pray this day that you will bless them with strength, with health, with keenness of mind, and sharpness of soul. To that end Lord, we dedicate this day, according to your goodness. We pray in the name of your Son. Amen.

Reading of the Journal of Tuesday, March 7, 1995.

THE PRESIDENT was granted unanimous consent to address the Senate on the Record.

THE PRESIDENT: You will be receiving a memorandum later on today from the presiding officers. I would like to read that to you now. It is in reference to the number of bills.

As of yesterday, 2,313 requests to draft bills and resolves had been filed by the Revisor's Office, 749 bills have now been referred to Committee. About 400 more requests have been withdrawn at this point. Of the remainder, more than 200 bills are out for final review and signature by their sponsors, more than 75 are still categorized as having insufficient information to draft the bill. An additional 250 bills are in the final stages of the drafting process. The Revisor, Meg Matheson, has assured us that she and her staff are making every effort to complete these bills as quickly as possible. There are approximately 500 bills still in the early drafting stages.

As we move quickly to the middle of March, it is essential to get all of the bills to Committee. The Speaker and I have, therefore, agreed on the following: bill signing, again more than 200 bills are currently out for signature. We urge you to sign the bills that you have received as soon as possible. Joint Rules provide that Senators and House members have five working days to either sign the bill or return it for revisions. We have directed the Revisor's Office to enforce the deadline from this point forward. Bills that you currently have in your possession for signature must be returned to the Revisor's Office by next Tuesday, March 14, at the latest, or they will be killed. Bills that you receive for review and signature from today on will be subject to the same five-day rule. If you wish to make additional changes in the bills that you have received from the Revisor's Office, we encourage you to take those changes directly to the Committee, rather than ask that your bill be re-drafted. While we all take pride in authorship of the bills that we sponsor, any fine-tuning that you request at this point will further delay your getting the bill to Committee.

Bills with insufficient information to draft - those of you who are sponsors of bills in this category should all have received a note from the staff member to whom your bill has been assigned. If you have received a note, you will have until next Tuesday, March 14, at 5:00 p.m. to provide the necessary information to the assigned drafter. Again, the Speaker of the House and I have directed the Revisor's Office to void all bills that do not have sufficient information by next Tuesday. In order to revive the bill request you must have the approval of both of the presiding officers. If you are waiting for someone in a State agency or elsewhere to provide you with information that is

required, please let the person who is drafting your bill know this, so that you can work together to determine the best way to get the information. For those of you who are serving your first term, we would note that we typically deliver this message at this point in the session. We have an enormous work load to do and our ability to succeed in that effort requires everyone's cooperation. We appreciate yours, and we would be happy to answer any questions that you might have.

Out of order and under suspension of the Rules, on motion by Senator KIEFFER of Aroostook, the following Joint Order:

S.P. 287

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 14, 1995, at 9:30 o'clock in the morning.

Which was READ and PASSED.

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

COMMUNICATIONS

The Following Communication: H.P. 553

**STATE OF MAINE
SECRETARY OF STATE
AUGUSTA, MAINE 04333-0148**

February 27, 1995

Honorable Dan Gwadosky
Speaker of the House
117th Maine State Legislature
State House Station #2
Augusta, Maine 04333

Dear Mr. Speaker,

In accordance with the provisions of Title 30-A, Section 701 of the Revised Statutes, as amended, I have the honor to transmit herewith the budget estimates of expenses of the counties within the State for the year 1995.

They are as follows:

Androscoggin
Hancock
Kennebec
Penobscot
Piscataquis

Sincerely,

S/Bill Diamond
Secretary of State

Comes from the House READ and referred to the Committee on STATE AND LOCAL GOVERNMENT.

Which was READ and referred to the Committee on STATE AND LOCAL GOVERNMENT, in concurrence.

The Following Communication: S.C. 83

**THE MAINE SENATE
OFFICE OF THE PRESIDENT**

March 7, 1995

The Honorable May M. Ross
Secretary of the Senate
State House Station #3
Augusta, ME 04333

Dear Madam Secretary:

Please be advised that I have made the following appointments:

Task Force on Defense Realignment and the Economy;
Pursuant to Title 5 MRSA, Section 3307-E:
Senator Phil Harriman of Cumberland

Education Commission of the States; Pursuant to Title 20-A MRSA, Section 603:
Senator Mary Small of Sagadahoc

Maine HIV Advisory Committee; Pursuant to Public Law 1993, Chapter 384:
Senator Dale McCormick of Kennebec (reappointment)

Human Resource Development Council; Pursuant to Title 26 MRSA, Section 2005:
Senator Joan Pendexter of Cumberland

Blue Ribbon Commission on Hunger and Food Security;
Pursuant to Resolves 1993, Chapter 74:
Senator John Benoit of Franklin

Commission on Interstate Cooperation; Pursuant to Title 3 MRSA, Section 201:
Senator Joel Abromson of Cumberland
Senator Albert Stevens of Androscoggin

Advisory Commission on Radioactive Waste; Pursuant to Title 38, Section 1453:
Senator Peter Mills of Somerset.

Please let me know if you have any questions regarding these appointments.

Sincerely,
S/Jeffrey H. Butland
President of the Senate

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Which was **READ** and **ORDERED PLACED ON FILE**.

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Banking and Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

The Following Communication: S.C. 84

L.D. 227 An Act to Increase Access to Affordable Health Insurance for Citizens of Maine

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS**

L.D. 435 An Act to Prohibit Insurers from Cancelling the Policies of Elected Officials

March 6, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

Dear President Butland and Speaker Gwadosky:

S/Sen. I. Joel Abromson
Senate Chair

S/Rep. Marc J. Vigue
House Chair

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

Which was **READ** and with Accompanying Bills **ORDERED PLACED ON FILE**.

L.D. 166 An Act to Appropriate \$150,000 to the Maine Health Care Reform Commission

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

The Following Communication: S.C. 85

Sincerely,

**STATE OF MAINE
ONE HUNDRETH AND SEVENTEENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE**

March 6, 1995

S/Sen. Dana C. Hanley
Senate Chair

S/Rep. George J. Kerr
House Chair

Which was **READ** and with Accompanying Bill **ORDERED PLACED ON FILE**.

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

The Following Communication: S.C. 94

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Criminal Justice has voted unanimously to report the following bills out "Ought Not to Pass":

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

L.D. 77 Resolve, Directing the Department of Corrections to Develop a Plan for the Employment of Correctional Facility Inmates

March 6, 1995

L.D. 84 An Act to Increase the Minimum Fines Imposed Upon Persons Who Operate a Motor Vehicle After Their License Is Suspended

- L.D. 162 An Act to Remove the Department of Corrections as the Inspecting Authority of County Jails
- L.D. 197 An Act to Allow the Suspension of Driving Privileges of Persons Bringing Firearms on Public School Property
- L.D. 278 An Act to Require That a Person Convicted of More Than One Crime Serve Each Sentence Consecutively

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John W. Benoit S/Rep. Herbert E. Clark
 Senate Chair House Chair

Which was READ and with Accompanying Bills ORDERED PLACED ON FILE.

The Following Communication: S.C. 86

**STATE OF MAINE
 ONE HUNDRED AND SEVENTEENTH LEGISLATURE
 COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 6, 1995

Honorable Jeffrey H. Butland, President of the Senate
 Honorable Dan A. Gwadosky, Speaker of the House
 117th Maine Legislature
 State House
 Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 89 An Act to Ensure That School Building Plans Become the Property of the State
- L.D. 91 An Act to Require that All School Bus Purchases be Made Through the Bureau of General Services
- L.D. 133 An Act to Lower the Cost of New School Construction by Including the Design Phase in the Bidding Process

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Mary E. Small S/Rep. John L. Martin
 Senate Chair House Chair

Which was READ and with Accompanying Bills ORDERED PLACED ON FILE.

The Following Communication: S.C. 87

**STATE OF MAINE
 ONE HUNDREDTH AND SEVENTEENTH LEGISLATURE
 COMMITTEE ON HUMAN RESOURCES**

March 6, 1995

Honorable Jeffrey H. Butland, President of the Senate
 Honorable Dan A. Gwadosky, Speaker of the House
 117th Maine Legislature
 State House
 Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Human Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 132 An Act to Increase Access to Mental Health Services for Medicaid Recipients
- L.D. 273 An Act to Regulate Nonsewered Toilet Systems

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Joan M. Pendexter S/Rep. Michael J. Fitzpatrick
 Senate Chair House Chair

Which was READ and with Accompanying Bills ORDERED PLACED ON FILE.

The Following Communication: S.C. 88

**STATE OF MAINE
 ONE HUNDREDTH AND SEVENTEENTH LEGISLATURE
 COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

March 6, 1995

Sincerely,

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

S/Sen. S. Peter Mills
Senate Chair

S/Rep. Sharon Treat
House Chair

Which was **READ** and with Accompanying Bill **ORDERED PLACED ON FILE.**

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 219 An Act to Allow Maine Residents over 70 Years of Age to Hunt Antlerless Deer

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Stephen E. Hall
Senate Chair

S/Rep. Dorothy A. Rotondi
House Chair

Which was **READ** and with Accompanying Bill **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 90

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

March 6, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 13 An Act to Specify Sales Commissions for All Lottery Agents

L.D. 62 An Act to Prohibit Voter Registration on Election Day

L.D. 78 An Act to Change the Dates on Which Primary Elections are Held and Certain Nomination Papers May be Signed

L.D. 336 An Act to Change the Date for Voter Registration

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Norman K. Ferguson, Jr.
Senate Chair

S/Rep. Guy R. Nadeau
House Chair

Which was **READ** and with Accompanying Bills **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 89

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY**

March 6, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 30 An Act to Increase the Amount of Forfeited Bail That a District Attorney May Retain in the District Attorney's Extradition Account

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

The Following Communication: S.C. 91

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

March 6, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 15 Resolve, to Require that the Department of Environmental Protection Provide Possible Remedies for Materials It Strictly Controls
- L.D. 31 An Act to Allow Protection from Governmentally Constructed Jetties by Amending the Definition of Permanent Structure to Exclude Ripraps Installed in Front of Seawalls from the 7-month Restriction
- L.D. 261 An Act to Exempt Rifle and Pistol Ranges from Noise Ordinances

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Willis A. Lord
Senate Chair

S/Rep. Richard A. Gould
House Chair

Which was **READ** and with Accompanying Bills **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 92

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

March 6, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 21 An Act to Limit the Number of Bills That May Be Filed by a Legislator
- L.D. 125 An Act to Require the Registry of Deeds to Maintain a Separate Volume for the Recording of Subdivision Ordinances
- L.D. 141 An Act to Require Towns with a Population of 3,500 or More to Provide Funding for Law Enforcement
- L.D. 172 An Act to Provide Equity and Affordability in Code Enforcement for Small Communities

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Jane A. Amero
Senate Chair

S/Rep. Beverly C. Daggett
House Chair

Which was **READ** and with Accompanying Bills **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 93

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

March 6, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 389 An Act to Require the Use of Headlights on Vehicles Whenever the Windshield Wipers Are in Continuous Use

L.D. 475 An Act to Revise the Bidding Process for Department of Transportation Projects

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Albert G. Stevens, Jr. S/Rep. William B. O'Gara Senate Chair House Chair

Which was READ and with Accompanying Bills ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Expand the Membership of the State Employee Health Commission" S.P. 289 L.D. 787

Presented by Senator CASSIDY of Washington Cosponsored by Senators: ESTY, JR. of Cumberland, FAIRCLOTH of Penobscot, Representatives: CAMPBELL of Holden, LAYTON of Cherryfield, ROSEBUSH of East Millinocket

Reference to the Committee on BANKING AND INSURANCE suggested and ORDERED PRINTED.

Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Expand Access to Financing for Health and Social Service Agencies" S.P. 283 L.D. 771

Presented by Senator HARRIMAN of Cumberland

Reference to the Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.

Which was referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Make Revisions to the Uniform Interstate Family Support Act" (Emergency) S.P. 286 L.D. 774

Presented by Senator FAIRCLOTH of Penobscot

Reference to the Committee on JUDICIARY suggested and ORDERED PRINTED.

Which was referred to the Committee on JUDICIARY and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Prohibit Campaign Signs on Public Property" S.P. 288 L.D. 786

Presented by Senator ABROMSON of Cumberland Cosponsored by Senators: FERGUSON, JR. of Oxford, GOLDTHWAIT of Hancock, LONGLEY of Waldo, Representatives: ETNIER of Harpswell, GIERINGER, JR. of Portland, TUTTLE, JR. of Sanford

Reference to the Committee on LEGAL AND VETERANS AFFAIRS suggested and ORDERED PRINTED.

Which was referred to the Committee on LEGAL AND VETERANS AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Amend the Laws Pertaining to the Control of Phosphorus Transport in Watersheds" S.P. 285 L.D. 773

Presented by Senator LORD of York

Reference to the Committee on NATURAL RESOURCES suggested and ORDERED PRINTED.

Which was referred to the Committee on NATURAL RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Fiscal Year Ending December 31, 1996"

S.P. 284 L.D. 772

Presented by Senator STEVENS, JR. of Androscoggin
Cospponsored by Senator: CASSIDY of Washington,
Representatives: BAILEY of Township 27, BOUFFARD
of Lewiston, DRISCOLL of Calais, FARNUM of South
Berwick, RICKER of Lewiston, STROUT of Corinth
Submitted by the Maine Turnpike Authority
pursuant to Joint Rule 24.

Reference to the Committee on **TRANSPORTATION**
suggested and **ORDERED PRINTED**.

Which was referred to the Committee on
TRANSPORTATION and **ORDERED PRINTED**.

Sent down for concurrence.

Off Record Remarks

Senator LAWRENCE of York was granted unanimous
consent to address the Senate off the Record.

Senator AMERO of Cumberland was granted unanimous
consent to address the Senate off the Record.

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

On motion by Senator LAWRENCE of York, **RECESSED**
until the sound of the bell.

After Recess

Senate called to order by the President.

COMMITTEE REPORTS

House
Ought to Pass

The Committee on **UTILITIES AND ENERGY** on Bill "An
Act to Allow Disclosure of Residential Natural Gas
Costs"

H.P. 235 L.D. 315

Reported that the same **Ought to Pass**.

Comes from the House with the Report **READ** and
ACCEPTED and the Bill **PASSED TO BE ENGROSSED**

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

The Bill **READ ONCE**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

Senate

Change of Reference

Senator CASSIDY for the Committee on **AGRICULTURE,**
CONSERVATION AND FORESTRY on Bill "An Act to Amend
the Definition of Freshwater Wetland"

S.P. 59 L.D. 88

Reported that the same be **REFERRED** to the
Committee on **NATURAL RESOURCES**.

Which Report was **READ** and **ACCEPTED**.

The Bill referred to the Committee on **NATURAL**
RESOURCES.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill
"An Act to Aid the Administration of the Motor
Vehicle Excise Tax by Ensuring that the
Manufacturer's Suggested Retail Price is Made
Available to the Excise Tax Collector"

S.P. 45 L.D. 75

Reported that the same **Ought to Pass** as **Amended**
by **Committee Amendment "A" (S-16)**

Signed:

Senators:
FERGUSON, JR. of Oxford
CAREY of Kennebec

Representatives:

TRIPP of Topsham
TUTTLE, JR. of Sanford
KEANE of Old Town
RICHARDSON of Portland
MURPHY of Berwick
GREEN of Monmouth
DORE of Auburn
SPEAR of Nobleboro
DUNN of Gray

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

Signed:

Senator:

HATHAWAY of York

Representative:

REED of Falmouth

Which Reports were **READ.**

Senator **HATHAWAY** of York moved that the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

Senator **HATHAWAY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would just like to say that I feel that this is a regulation that is not needed. It is an extra burden to our constituents and our consumers in this State. I think it will prove to be just another small irritation to our constituents. I believe in these matters the test should not be "does the bill do any harm?" but the question should be "does it do any good?" I have studied this closely and I really do not feel that it helps our consumers in this State at all. Thank you.

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

Senator **CAREY:** Thank you Mr. President. I hope that you do not accept the Minority Ought Not to Pass Report. You will notice that the report was signed eleven in favor and two opposed. This basically is to help the assessors, who appeared before us, as far as the motor vehicle excise tax is concerned. They were quite concerned that some people are not charging, they are not asking questions when the time comes up, such as "do you have a radio, power steering, power brakes, automatic transmission?" But there was a little quirk in there that says that on the sticker that is on these automobiles, there is a package number, and those are either in the Red Book or the Blue Book that the motor vehicle excise tax people at the local level use. If I had package number 415, for instance, the sticker on my automobile would reflect that it came in a package and would reduce the cost to the motorist, rather than having the individual items listed and taxed. The excise tax collectors were strongly in support of

this and it would help the municipalities get some revenue where some towns don't even charge for any of these things. Thank you.

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

Senator **HATHAWAY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would also like to point out that the Maine Merchants Association was very opposed to this bill. In fact, the assessors did state that even though this new piece of information may be helpful, that they did not have to rely on this, nor would they rely on this primarily to make their assessment. They would continue, probably, to use the same process that they had been using. What I am afraid of is we have a situation here where the consumer now has to rely on the dealer to place this information in the car and then the consumer, on showing up at the town hall, if it's not there, then it becomes the obligation of the consumer to track it down, when, in fact, it does not seem to be a necessary piece of information, according to the testimony as I understood it. Thank you.

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

Senator **CAREY:** Thank you Mr. President. It was my understanding at the hearing that that sticker has to be in the automobile. If it is not stuck on the side of the automobile, the dealer has taken it off, it has to be found inside the car. So, it is not a question of not having these things handy. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **HATHAWAY** of York that the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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.

11 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator **HATHAWAY** of York to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, **FAILED.**

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-16) **READ** and **ADOPTED.**

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Make the Terms of Certain Commissioners Coterminous with the Term of the Governor"

S.P. 61 L.D. 90

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

Signed:

Senators:

AMERO of Cumberland
CARPENTER of York
LONGLEY of Waldo

Representatives:

DAGGETT of Augusta
SAVAGE of Union
SAXL of Bangor
ROBICHAUD of Caribou
LANE of Enfield
YACKOBITZ of Hermon

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-17)**

Signed:

Representatives:

AHEARNE of Madawaska
LEMKE of Westbrook
GERRY of Auburn
ROSEBUSH of East Millinocket

Which Reports were **READ.**

On motion by Senator **AMERO** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED.**

Sent down for concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Establish the Chesuncook Soil Series as the Official State Soil"

S.P. 117 L.D. 292

Reported that the same **Ought to Pass.**

Signed:

Senator:

LONGLEY of Waldo

Representatives:

DAGGETT of Augusta
AHEARNE of Madawaska
LEMKE of Westbrook
GERRY of Auburn
ROSEBUSH of East Millinocket
ROBICHAUD of Caribou
LANE of Enfield
SAXL of Bangor
YACKOBITZ of Hermon

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

Signed:

Senators:

AMERO of Cumberland
CARPENTER of York

Representative:

SAVAGE of Union

Which Reports were **READ**

On motion by Senator **KIEFFER** of Aroostook, Tabled until Later in Today's Session, pending **ACCEPTANCE** of Either Report.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

Bill "An Act Regarding the Functioning of the Department of Mental Health and Mental Retardation and Several Professional Regulatory Boards" (Emergency)

H.P. 483 L.D. 664

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Dedicate a Percentage of the Maine Sales Tax for School Funding"
H.P. 575 L.D. 780

Reference to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

Which was referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

Bill "An Act to Allow the Maine Technical College System to Grant Utility Easements"
H.P. 574 L.D. 779

Reference to the Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and **ORDERED PRINTED**.

Which was referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence.

Bill "An Act to Conform Maine Law Related to Domestic Relations with Federal Law"
H.P. 568 L.D. 769

Bill "An Act Protecting a Citizen's Right of Petition under the Constitution"
H.P. 576 L.D. 781

Reference to the Committee on **JUDICIARY** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Which were referred to the Committee on **JUDICIARY**, in concurrence.

Bill "An Act to Permit the Buyback of Retirement Time"
H.P. 567 L.D. 768

Bill "An Act to Amend the Composition of the Board of Trustees of the Maine State Retirement System"
H.P. 572 L.D. 777

Reference to the Committee on **LABOR** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **LABOR** and **ORDERED PRINTED**.

Which were referred to the Committee on **LABOR**, in concurrence.

Resolve, Authorizing Norman Davis to Sue the State for Wrongful Suspension of a Driver's License
H.P. 563 L.D. 764

Reference to the Committee on **LEGAL AND VETERANS AFFAIRS** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **LEGAL AND VETERANS AFFAIRS** and **ORDERED PRINTED**.

Which was referred to the Committee on **LEGAL AND VETERANS AFFAIRS**, in concurrence.

Resolve, Directing the Department of Marine Resources to Conduct a Study Concerning the Sea Cucumber Industry
H.P. 566 L.D. 767

Bill "An Act to Establish a Management Framework for the Lobster Fishery within State Waters"
H.P. 577 L.D. 782

Reference to the Committee on **MARINE RESOURCES** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**.

Which were referred to the Committee on **MARINE RESOURCES**, in concurrence.

Bill "An Act to Return to Municipalities Control over Permits by Rule Currently Implemented by the Department of Environmental Protection"
H.P. 569 L.D. 770

Resolve, to Require the Department of Environmental Protection to Restore Daigle Pond
H.P. 571 L.D. 776

Reference to the Committee on **NATURAL RESOURCES** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **NATURAL RESOURCES** and **ORDERED PRINTED**.

Which were referred to the Committee on **NATURAL RESOURCES**, in concurrence.

Bill "An Act to Authorize an Optional Regional Sales Tax"
H.P. 578 L.D. 783

Reference to the Committee on **TAXATION** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **TAXATION** and **ORDERED PRINTED**.

Which was referred to the Committee on **TAXATION**, in concurrence.

Bill "An Act to Allow Salvage Dealers to Salvage a Car That Is over 10 Years Old without Having the Title"
H.P. 564 L.D. 765

Bill "An Act to Allow Emergency Personnel to Have Permanent Red Lights on Their Private Vehicles"
H.P. 573 L.D. 778

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1996 and June 30, 1997" (Emergency)
H.P. 580 L.D. 785

Reference to the Committee on **TRANSPORTATION** suggested and **ORDERED PRINTED**.

Come from the House, referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**.

Which were referred to the Committee on **TRANSPORTATION**, in concurrence.

Bill "An Act to Allow the Submetering of Electric Rates in Campgrounds"
H.P. 565 L.D. 766

Reference to the Committee on **UTILITIES AND ENERGY** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **UTILITIES AND ENERGY** and **ORDERED PRINTED**.

Which was referred to the Committee on **UTILITIES AND ENERGY**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 581

JOINT RESOLUTION MEMORIALIZING THE CONGRESS AND PRESIDENT OF THE UNITED STATES TO SUSPEND THE JULY 26, 1995 DEADLINE FOR SANCTIONS AGAINST THE STATE OF MAINE UNDER THE FEDERAL CLEAN AIR ACT AMENDMENTS OF 1990

WHEREAS, We, your Memorialists, the Members of the One Hundred and Seventeenth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the Members of Congress of the United States, as follows:

WHEREAS, as 7 counties in Maine were determined by the federal Environmental Protection Agency as moderate nonattainment areas required by the federal Clean Air Act Amendments of 1990, Section 182(B), (1), to submit a state implementation plan to meet the requirements of that Act; and

WHEREAS, as 4 Maine counties may no longer fall under the federal Environmental Protection Agency guidelines as nonattainment areas causing a necessary change in the State's implementation plan; and

WHEREAS, as the State of Maine is currently in a contract for IM/240 testing based on the original determination of the federal Environmental Protection Agency for the necessity of IM/240 testing in nonattainment areas; and

WHEREAS, the federal Environmental Protection Agency is currently making a full reevaluation of the necessity of the testing; and

WHEREAS, conclusive scientific data showing the extent of out-of-state airborne pollutants coming into Maine from outside sources is still being accumulated; and

WHEREAS, the State values its heritage of clean air for the health, safety and well-being of our citizens, environment and economy, and needs time to structure an appropriate and cost effective plan that works best for Maine's unique assets and needs; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully petition and urgently seek your support to request a one-year suspension of the July 26, 1995 deadline for sanctions against the State of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

(Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

Comes from the House **READ** and **ADOPTED**.

Which was **READ** and **ADOPTED**, in concurrence.

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

PAPER FROM THE HOUSE

House Papers

Bill "An Act to Legalize Marijuana for Medicinal Purposes"
H.P. 579 L.D. 784

Reference to the Committee on **CRIMINAL JUSTICE** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

Which was referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**, in concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **BEGLEY** for the Committee on **LABOR** on Bill "An Act to Continue the Health Occupations Training Project"

S.P. 106 L.D. 282

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-18)**

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-18) **READ** and **ADOPTED**.

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator **BEGLEY** of Lincoln, **RECESSED** until 5:30 o'clock in the afternoon.

After Recess

Senate called to order by the President.

Off Record Remarks

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act to Create a Transitional Pharmacy Benefit Program" (Emergency)

H.P. 570 L.D. 775

Reported that the same **Ought to Pass** pursuant to H.P. 434.

Signed:

Senator:

PINGREE of Knox

Representatives:

FITZPATRICK of Durham
JOHNSON of South Portland
MITCHELL of Vassalboro
SHIAH of Bowdoinham
MITCHELL of Portland
ETNIER of Harpswell

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass** pursuant to H.P. 434.

Signed:

Senator:

BENOIT of Franklin

Representatives:

JOYNER of Hollis
MARVIN of Cape Elizabeth
WINGLASS of Auburn
LOVETT of Scarborough

Comes from the House with the Majority **UGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Which Reports were **READ**.

Senator **BENOIT** of Franklin moved that the Senate **ACCEPT** the Minority **UGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

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

Senator **BENOIT:** Thank you Mr. President, Men and Women of the Senate. I want to pass on to members of the Senate, the thinking of my constituents, who have

not been bashful about coming forward and speaking to me over the last several weeks about this measure. They're concerned over the fact that for every person that is on the plan, more than ten individuals in the State are not covered. We have 2300 people under the plan and thousands upon thousands of Maine residents who are not on the plan. So, on the one hand, the State has its hand up to these people, my constituents and yours, saying to them, "Look, you don't quite qualify for this plan. You're the working poor but you're not quite poor enough and you don't qualify." There are many of my constituents and yours who fall into that category. Then the State turns its hand over and says, "By the way, this plan has got to be funded by State taxes, and that means your money and my money." Not only once does the State say this, but twice. Because we know that there are federal funds involved and those federal funds are taxes that you and I pay. So, what we have here is a program that says to many Maine people who don't have health coverage at all, and in this particular instance, transitional pharmacy benefits for sure, "You can't get on the program, but you're going to have to fund it." I think that that is a cruel way to treat so many of our citizens of the State. I really don't have the guts for that kind of government, frankly. So, I'm not speaking tonight from my own agenda, because I don't have an agenda here in Augusta. I'm speaking for my constituents who have spoken to me, with a bit of anger, about this program. With me, it really is not a matter of figures, although the figures are important. Roughly 2300 people are on the program. If we continue it for three months, and if the figures are right here on the Legislative Document, at a cost of \$200,000, money that my constituents and yours will have to cough up. So, with me it is a matter of fairness, not a matter of figures. I'm here, I think, to work for fair government. To treat all of our citizens fairly. I know you remember that last year when this health care program was put through, it was stated that the program would end this month. Everybody understood that, the people on the program and the people not on the program who are required to pay for it. I say let's end the program and keep faith with that promise. Statistics show that in anticipation of ending the program, many of the people on it have been coming off at the rate of a couple hundred a month, in anticipation of the conclusion of this program. We all know that the health care program has been flawed from day one, flawed for many reasons. Let's end it tonight. Let's not change horses in mid-stream and continue something that should not be continued, in fairness to the people who we represent.

The thing that bothers me is that it appears to me that we forget all of the citizens that we represent. We think about the 2300 on this program, but we don't think of the thousands of other people not on the program, who can't quite make it, and they are paying for it. I don't think it's right, I don't think it's fair. So, let's get back to fairness. Let's vote for good government tonight. Let's stand firm with the people that we represent, not just a small portion. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE**: Thank you Mr. President. I rise tonight to ask you to vote against the Ought Not to Pass motion, so that we may go on and pass this transitional pharmacy benefit program. I would just like to speak briefly about this issue. We have spent a lot of time debating the Maine Health Program and that is not what we have here in front of us tonight. It is merely a transitional program for the people who would not be able to stay on the Maine Health Program if we are not able to keep it going. This merely supplies pretty much the most important drugs that people need; insulin, heart medicine, the drugs that are most important in their lives for the next three months, until they can find some other way to take care of their medical needs. I, too, feel that this is a cruel way, in a sense, to treat the people of Maine. I wish that we could cover more people. I think when the Maine Health Program was originally started, the taxes were there to cover far more people. There have been thousands and thousands of people on the program, but over the years we have carved away at it, we have used the money for other things in the budget, and now we only have 2300 people on the program. I think it is time, as we say good-bye to this program, we give people a safety net for the next three months. This was a good compromise to come to. It provides \$200,000 to cover those basic needs and I think it is what we ought to be voting for tonight. I'm not going to say anything else except that I encourage you to vote against this motion. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **BENOIT** of Franklin that the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

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.

4 Senators having voted in the affirmative and 26 Senators having voted in the negative, the motion of Senator **BENOIT** of Franklin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**, **FAILED**.

The Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

Which was, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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

ENACTOR

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

Emergency

An Act to Create a Transitional Pharmacy Benefit Program

H.P. 570 L.D. 775

Comes from the House having **FAILED OF ENACTMENT**.

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with 5 Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and signed by the President.

Sent down for concurrence.

Senator **SMALL** of Sagadahoc was granted unanimous consent to address the Senate on the Record.

Senator **SMALL**: Thank you Mr. President, Men and Women of the Senate. All of us who serve in the Legislature were saddened to learn of the death of Rosa Prime, on Sunday. For those of you who didn't know her, Rosa served for fifty-four years in various positions in the Legislature, almost as long as I have been here. She was more to us than just a respected office worker. Rosa was a mother to all of us who worked with her, dispensing good cheer, affection and even matronly disapproval when it was warranted. I know, for those of us who have served here for a number of years, we always look back on the memories of the people we have met and the people we knew. I certainly will always remember Rosa as one of the kindest, affable, generous people that I have ever had the privilege to serve with. I think we will all be a little less fortunate for not having her here with us any longer. Mr. President, I would request that when we adjourn we do so in memory of Rosa Prime. Thank you.

Senate at Ease

Senate called to order by the President.

Senator **BUSTIN** of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator **BUSTIN**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I just want to add my words for Rosa Prime. She was one of my constituents. The Prime family is a very well-known

family in the City of Augusta. I think every school kid in the whole city knows of the Prime farm. So, it saddens me greatly to know that she has passed on and I just wanted the Senate to know that I regret that passing and I offer all condolences to her family. Thank you.

Senator **CAREY** of Kennebec was granted unanimous consent to address the Senate off the Record.

On motion by Senator **LAWRENCE** of York, the bill "An Act to Create a Transitional Pharmacy Benefit Program" (H.P. 570 L.D. 775), was ordered sent down forthwith for concurrence.

Senator **LAWRENCE** of York was granted unanimous consent to address the Senate off the Record.

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **SMALL** of Sagadahoc, **ADJOURNED**, in memory of Rosa Prime of Windsor, until Tuesday, March 14, 1995, at 9:30 o'clock in the morning.