

# 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 III**

**FIRST REGULAR SESSION**

**Senate**

December 7, 1994 to April 27, 1995

PAPERS FROM THE HOUSE

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

Non-concurrent Matter

In Senate Chamber  
Tuesday  
April 25, 1995

HOUSE REPORTS—from the Committee on BUSINESS AND ECONOMIC DEVELOPMENT on Bill "An Act to Require that Employees in 24-Hour Convenience Stores Have Access to Telephones and Alarms"

H.P. 127 L.D. 175  
(C "A" H-52)

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

(Majority - Ought to Pass as Amended by Committee Amendment "A" (H-52).) (7 members)

(Minority - Ought Not to Pass) (6 members)

Prayer by Father Seth Richmond of the Church of the Good Shepard in Rangeley.

In House, April 5, 1995, and PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-52).

FATHER SETH RICHMOND: Thank you Mr. President. I noticed when the bell was ringing, coming in on time is not what it is in the high schools around where we are. I wondered if, this morning, we could take a moment of silence to express our concern and solidarity with the people of Oklahoma City, after which I will begin with a prayer.

In Senate, April 11, 1995, the Minority OUGHT NOT TO PASS Report ACCEPTED, in NON-CONCURRENCE.

A moment of silence was observed.

Comes from the House, that Body having ADHERED.

Let us pray. Almighty and Everliving God, Ruler and Governor of all people, look mercifully upon this legislative body gathered together for the purpose of pursuing the common good. Grant them wisdom, insight and courage to seek your will in producing the laws and decisions which will be made here today. Grant them grace to be ever mindful of the needs of the poor and the oppressed. Help them to be diligent in the protection of this beautiful land we call the State of Maine. We pray these things for the sake of Jesus, who lives and reigns with you in the unity of the Holy Spirit, one God now and forever. Amen.

On motion by Senator KIEFFER of Aroostook, the Senate ADHERED.

The Secretary informed the Clerk of the House.

Pledge of Allegiance led by SENATOR BUSTIN, of Kennebec.

Non-concurrent Matter

Bill "An Act to Establish the Chesuncook Soil Series as the Official State Soil"

S.P. 117 L.D. 292  
(S "A" S-41)

Reading of the Journal of Thursday, April 13, 1995.

In House, March 21, 1995, PASSED TO BE ENGROSSED, in NON-CONCURRENCE.

In Senate, April 11, 1995, Senate Amendment "A" (S-41) READ and ADOPTED. The Bill FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED.

Comes from the House, that Body having ADHERED.

Off Record Remarks

Senator KIEFFER of Aroostook moved that the Senate ADHERE.

Senator LAWRENCE of York moved that the Senate RECEDE and CONCUR.

THE PRESIDENT: The pending question before the Senate is the motion of Senator LAWRENCE of York to RECEDE and CONCUR.

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.

7 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion of Senator LAWRENCE of York to RECEDE and CONCUR, FAILED.

On motion by Senator KIEFFER of Aroostook, the Senate ADHERED.

The Secretary informed the Clerk of the House.

MAINE STATE SENATE  
STATE HOUSE STATION #3  
AUGUSTA, MAINE 04333

April 13, 1995

Jeffrey H. Butland  
President of the Senate  
117th Legislature

Dan A. Gwadosky  
Speaker of the House  
117th Legislature

Dear Mr. President and Mr. Speaker:

On April 13, 1995, eight bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on April 13, 1995 as follows:

Agriculture, Conservation and Forestry

Bill "An Act to Clarify the Animal Welfare laws and Euthanasia Procedures Performed by Certain Officials" (S.P. 497) (L.D. 1356) (Presented by Senator CASSIDY of Washington) (Cosponsored by: Representative KILKELLY of Wiscasset) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.)

Business and Economic Development

Resolve, to Determine the Effectiveness of Economic Development Incentives in Maine (EMERGENCY) (S.P. 494) (L.D. 1353) (Presented by Senator RAND of Cumberland) (Cosponsored by Representative TUTTLE of Sanford and Senators: BUSTIN of Kennebec, CAREY of Kennebec, ESTY of Cumberland, FERGUSON of Oxford, GOLDTHWAIT of Hancock, HATHAWAY of York, LONGLEY of Waldo, McCORMICK of Kennebec, MICHAUD of Penobscot, PARADIS of Aroostook, PINGREE of Knox, RUHLIN of Penobscot, Representatives: ADAMS of Portland, BERRY of Livermore, CHASE of China, CLARK of Millinocket, CLOUTIER of South Portland, DAGGETT of Augusta, DORE of Auburn, GATES of Rockport, GERRY of Auburn, HATCH of Skowhegan, LEMAIRE of Lewiston, ROSEBUSH of East Millinocket, SAMSON of Jay, TRUMAN of Biddeford, VOLENIK of Sedgwick)

Bill "An Act to Modify the Electricians' Examining Board Law" (S.P. 495) (L.D. 1354) (Presented by Senator HALL of Piscataquis) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

Bill "An Act to Create the Propane and Natural Gas Professional Act of 1995" (S.P. 498) (L.D. 1357) (Presented by Senator HARRIMAN of Cumberland)

Education and Cultural Affairs

**COMMUNICATIONS**

The Following Communication: S.C. 142

**117TH MAINE LEGISLATURE**

April 13, 1995

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

Dear Madam Secretary:

Please be advised that we have made the following appointments:

**Maine Science and Technology Foundation;** Pursuant to Title 5, Section 13122-C:  
Senator Phil Harriman of Cumberland  
Representative Steven Rowe of Portland

**Surface Water Ambient Toxics Monitoring Program;** Pursuant to Title 38, Section 420-B:  
Senator Willis Lord of York.

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

Sincerely,

S/Jeffrey H. Butland                      S/Dan A. Gwadosky  
President of the Senate                      Speaker of the House

Which was READ and ORDERED PLACED ON FILE.

The Following Communication: S.P. 516

Bill "An Act to Amend the Laws Relating to Administrator Certification" (S.P. 493) (L.D. 1352) (Presented by Senator CARPENTER of York) (Cosponsored by Senator: O'DEA of Penobscot, Representatives: McELROY of Unity, MITCHELL of Vassalboro) (Submitted by the Department of Education pursuant to Joint Rule 24.)

Judiciary

Bill "An Act to Authorize the Formation of Limited Liability Partnerships" (S.P. 499) (L.D. 1358) (Presented by Senator HARRIMAN of Cumberland) (Cosponsored by Representative DORE of Auburn and Senators: ABROMSON of Cumberland, BENOIT of Franklin, CAREY of Kennebec, CARPENTER of York, CIANCHETTE of Somerset, FERGUSON of Oxford, LORD of York, O'DEA of Penobscot, RAND of Cumberland, Representatives: DUNN of Gray, GWADOSKY of Fairfield, JACQUES of Waterville, KEANE of Old Town, MURPHY of Berwick, NADEAU of Saco, PLOWMAN of Hampden, REED of Falmouth, TRIPP of Topsham)

Natural Resources

Bill "An Act to Regulate Automobile Refinishing Operations" (S.P. 492) (L.D. 1351) (Presented by Senator BUSTIN of Kennebec) (BY REQUEST) (Cosponsored by Representative: MADORE of Augusta)

State and Local Government

Bill "An Act to Establish Standards for Privatization Contracts" (S.P. 496) (L.D. 1355) (Presented by Senator BUSTIN of Kennebec)

Sincerely  
S/May M. Ross  
Secretary of the Senate  
  
S/Joseph W. Mayo  
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.  
Sent down for concurrence.

The Following Communication: S.P. 517

MAINE STATE SENATE  
STATE HOUSE STATION 3  
AUGUSTA, MAINE 04333

April 14, 1995

Jeffrey H. Butland  
President of the Senate  
117th Legislature

Dan A. Gwadosky  
Speaker of the House  
117th Legislature

Dear Mr. President and Mr. Speaker:

On April 14, 1995, thirteen bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on April 14, 1995 as follows:

Agriculture, Conservation and Forestry

Bill "An Act to Permit Boarding and Licensed Kennels to Administer Rabies Vaccinations" (S.P. 503) (L.D. 1362) (Presented by Senator MICHAUD of Penobscot)

Business and Economic Development

Bill "An Act Concerning the Acupuncture Certificate of Licensure Laws" (S.P. 502) (L.D. 1361) (Presented by Senator PINGREE of Knox)

Bill "An Act to Promote Long-term Economic Development through the Establishment of the Maine Technology Investment Fund" (EMERGENCY) (S.P. 511) (L.D. 1370) (Presented by Senator PINGREE of Knox) (Cosponsored by Senators: CAREY of Kennebec, CARPENTER of York, CIANCHETTE of Somerset, CLEVELAND of Androscoggin, ESTY of Cumberland, FAIRCLOTH of Penobscot, GOLDTHWAIT of Hancock, HARRIMAN of Cumberland, LAWRENCE of York, MICHAUD of Penobscot, O'DEA of Penobscot, RAND of Cumberland, RUHLIN of Penobscot, Representatives: BERRY of Livermore, CHARTRAND of Rockland, DAVIDSON of Brunswick, DEXTER of Kingfield, HEESCHEN of Wilton, KILKELLY of Wiscasset, KONTOS of Windham, LOOK of Jonesboro, ROWE of Portland, SAMSON of Jay, SPEAR of Nobleboro, TOWNSEND of Portland, WATSON of Farmingdale)

Human Resources

Bill "An Act to Expand Project Opportunity and Replace Welfare Entitlement Programs with Unemployment Programs" (S.P. 509) (L.D. 1368) (Presented by Senator PENDEXTER of Cumberland) (Cosponsored by Representative JOYNER of Hollis and Senators: ABROMSON of Cumberland, AMERO of Cumberland, BEGLEY of Lincoln, BENOIT of Franklin, BUTLAND of Cumberland, CARPENTER of York, CASSIDY of Washington, FERGUSON of Oxford, HALL of Piscataquis, HANLEY of Oxford, HATHAWAY of York, KIEFFER of Aroostook, LORD of York, MILLS of Somerset, SMALL of Sagadahoc, STEVENS of Androscoggin, Representatives: AULT of Wayne, BAILEY of Township 27, CARLETON of Wells, DAMREN of Belgrade, DUNN of Gray, GOOLEY of Farmington, JONES of Pittsfield, JOYCE of Biddeford, KNEELAND of Easton, LINDAHL of Northport, LOVETT of Scarborough, LUMBRA of Bangor, MARVIN of Cape Elizabeth, McELROY of Unity, NASS of Acton, POIRIER of Saco, REED of Falmouth, RICE of South Bristol, SAVAGE of Union, STEDMAN of Hartland, TAYLOR of Cumberland, TUFTS of Stockton Springs, WHITCOMB of Waldo, WINGLASS of Auburn, WINSOR of Norway)

Judiciary

Bill "An Act to Establish a New Prosecutorial District Consisting of Oxford County and Franklin County" (S.P. 500) (L.D. 1359) (Presented by Senator FERGUSON of Oxford) (Cosponsored by Senators: BENOIT of Franklin, CLEVELAND of Androscoggin, HANLEY of Oxford, Representatives: BARTH of Bethel, DEXTER of Kingfield, GOOLEY of Farmington, WINSOR of Norway)

Bill "An Act Concerning the Judicial Endorsement of Persons Held for Evaluation Treatment" (S.P. 501) (L.D. 1360) (Presented by Senator FAIRCLOTH of Penobscot) (Cosponsored by Senator MILLS of Somerset and Representative: WATSON of Farmingdale) (Submitted by the Judicial Department pursuant to Joint Rule 24.)

Bill "An Act Concerning the Termination of Parental Rights" (S.P. 508) (L.D. 1367) (Presented by Senator PINGREE of Knox) (Cosponsored by Representative PLOWMAN of Hampden and Senators: BENOIT of Franklin, CAREY of Kennebec, FAIRCLOTH of Penobscot, LONGLEY of Waldo, McCORMICK of Kennebec, O'DEA of Penobscot, PENDEXTER of Cumberland, RUHLIN of Penobscot, Representatives: CAMERON of Rumford, DEXTER of Kingfield, DORE of Auburn, KILKELLY of Wiscasset, SIMONEAU of Thomaston)

Bill "An Act Relating to Civil Actions, Providing for the Defense of Assumption of Risk, Providing for Standards of Liability in Product Liability Actions and Providing for Standards and Procedures in Awarding Punitive Damages" (S.P. 512) (L.D. 1371) (Presented by Senator CIANCHETTE of Somerset) (Cosponsored by Senators: BUTLAND of Cumberland, CAREY of Kennebec, FERGUSON of Oxford, HARRIMAN of Cumberland, KIEFFER of Aroostook, Representatives: CAMERON of Rumford, KERR of Old Orchard Beach, PLOWMAN of Hampden, WHITCOMB of Waldo)

Labor

Resolve, Concerning the Workweek of Department of Corrections Personnel (S.P. 505) (L.D. 1364) (Presented by Senator BUSTIN of Kennebec)

State and Local Government

Resolve, to Provide Clear Title for the Maine Judicial Center (EMERGENCY) (S.P. 507) (L.D. 1366) (Presented by Senator BUSTIN of Kennebec) (Submitted by the Judicial Department pursuant to Joint Rule 24.)

Bill "An Act to Amend the Law to Reflect Recent Changes in the Joint Rules" (S.P. 510) (L.D. 1369) (Presented by President BUTLAND of Cumberland) (Cosponsored by Speaker GWADOSKY of Fairfield)

Taxation

Bill "An Act to Promote Modernization and Job Training for Small and Medium-sized Businesses in Maine" (S.P. 506) (L.D. 1365) (Presented by President BUTLAND of Cumberland) (Cosponsored by Senator: HARRIMAN of Cumberland, Representatives: MURPHY of Berwick, REED of Falmouth, SPEAR of Nobleboro)

Transportation

Bill "An Act to Amend the Maine Turnpike Authority's Budget for Calendar Year 1995" (EMERGENCY) (S.P. 504) (L.D. 1363) (Presented by Senator STEVENS of Androscoggin) (Cosponsored by Senators: BEGLEY of Lincoln, BENOIT of Franklin, CARPENTER of York, CASSIDY of Washington, CLEVELAND of Androscoggin, LORD of York, PENDEXTER of Cumberland, SMALL of Sagadahoc, Representatives: BAILEY of Township 27, CHARTRAND of Rockland, RICKER of Lewiston, TUFTS of Stockton Springs, UNDERWOOD of Oxford) (Submitted by the Maine Turnpike Authority pursuant to Joint Rule 24.)

Sincerely,

S/May M. Ross  
Secretary of the Senate

S/Joseph W. Mayo  
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

Sent down for concurrence.

---

The Following Communication: S.P. 518

MAINE STATE SENATE  
STATE HOUSE STATION 3  
AUGUSTA, MAINE 04333

April 18, 1995

Jeffrey H. Butland  
President of the Senate  
117th Legislature

Dan A. Gwadosky  
Speaker of the House  
117th Legislature

Dear Mr. President and Mr. Speaker:

On April 18, 1995, three bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on April 18, 1995 as follows:

Judiciary

Resolve, to Authorize the Joint Standing Committee on Judiciary to Study and Make Recommendations Concerning the Enactment of the Uniform Adoption Act (EMERGENCY) (S.P. 513) (L.D. 1398) (Presented by Senator MILLS of Somerset)

Bill "An Act to Amend the Adoption Laws" (S.P. 515) (L.D. 1400) (Presented by Senator MILLS of Somerset)

S/Joseph W. Mayo  
Clerk of the House

Legal and Veterans Affairs

Bill "An Act to Control the Sale and Display of Tobacco Products" (S.P. 514) (L.D. 1399) (Presented by Senator MILLS of Somerset)

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

Sent down for concurrence.

Sincerely,  
S/May M. Ross  
Secretary of the Senate  
S/Joseph W. Mayo  
Clerk of the House

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

Sent down for concurrence.

The Following Communication: S.P. 520

**MAINE STATE SENATE  
STATE HOUSE STATION 3  
AUGUSTA, MAINE 04333**

April 19, 1995

Jeffrey H. Butland  
President of the Senate  
117th Legislature

Dan A. Gwadosky  
Speaker of the House  
117th Legislature

Dear Mr. President and Mr. Speaker:

On April 19, 1995, one bill was received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, the following bill was referred to the Joint Standing Committee on Human Resources on April 19, 1995 :

Bill "An Act Relating to the Establishment of a Continuum of Quality and Affordable Long-term Care and Service Alternatives" (S.P. 519) (L.D. 1401) (Presented by Senator PENDEXTER of Cumberland) (Cosponsored by Senators: AMERO of Cumberland, BUSTIN of Kennebec, HARRIMAN of Cumberland, HATHAWAY of York, McCORMICK of Kennebec, Representatives: MADORE of Augusta, REED of Falmouth, TRIPP of Topsham)

Sincerely,  
S/May M. Ross  
Secretary of the Senate

**SENATE PAPERS**

Bill "An Act to Permit Polygraph Examination of Certain Individuals Charged with Committing a Crime" S.P. 521 L.D. 1408

Presented by Senator MICHAUD of Penobscot

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

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

Sent down for concurrence.

**COMMITTEE REPORTS**

**House**

**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Require the Administration of Medication in Schools by Licensed Personnel"

H.P. 348 L.D. 468

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

Signed:

Senators:

SMALL of Sagadahoc  
ESTY, JR. of Cumberland  
ABROMSON of Cumberland

Representatives:

AULT of Wayne  
BARTH, JR. of Bethel  
DESMOND of Mapleton  
STEVENS of Orono  
LIBBY of Buxton  
MCELROY of Unity  
BRENNAN of Portland  
WINN of Glenburn

The Minority of the same Committee on the same subject reported that the same **Ought to Pass.**

Signed:

Representatives:  
MARTIN of Eagle Lake  
CLOUTIER of South Portland

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

Which Reports were **READ.**

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

---

**Senate**

**Ought to Pass**

Senator **MILLS** for the Committee on **JUDICIARY** on Bill "An Act to Make Revisions to the Uniform Interstate Family Support Act" (Emergency)  
S.P. 286 L.D. 774

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

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

The Bill **READ ONCE.**

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

---

Senator **MILLS** for the Committee on **JUDICIARY** on Bill "An Act to Clarify the Use of the Power of Sale Foreclosures Regarding Limited Liability Corporations"

S.P. 320 L.D. 901

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

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

The Bill **READ ONCE.**

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

---

Senator **BEGLEY** for the Committee on **LABOR** on Bill "An Act to Allow the Workers' Compensation Board to Submit Legislative Proposals Annually"

S.P. 292 L.D. 790

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

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

The Bill **READ ONCE.**

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

---

**Ought to Pass As Amended**

Senator **ABROMSON** for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Create Additional Employment Opportunities in the Financial Services Industry by Allowing Financial Organizations to Charge Additional Finance Charges"

S.P. 18 L.D. 49

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-70).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-70) **READ** and **ADOPTED.**

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

---

Senator **ABROMSON** for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Clarify Credit Union Common Bond Requirements"

S.P. 235 L.D. 600

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-71).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-71) **READ** and **ADOPTED.**

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

---

Senator **GOLDTHWAIT** for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Allow Plumbers to Install Electric Wiring on Electric Hot Water Heaters and Electric Water Pumps"

S.P. 30 L.D. 60



Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-65).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-65) READ and ADOPTED.

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

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-73).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-73) READ and ADOPTED.

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

---

Senator KIEFFER for the Committee on INLAND FISHERIES AND WILDLIFE on Bill "An Act Concerning Juveniles Hunting without Adult Supervision"  
S.P. 163 L.D. 424

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-67).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-67) READ and ADOPTED.

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

---

Senator FERGUSON for the Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act to Prohibit State Legislative Employees from Using State Time or Property for Campaigning"  
S.P. 169 L.D. 430

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-68).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-68) READ and ADOPTED.

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

---

Senator MILLS for the Committee on JUDICIARY on Bill "An Act Governing Privileged Communications between Victims of Domestic Violence and Their Advocates"  
S.P. 261 L.D. 697

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-78).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-78) READ and ADOPTED.

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

---

Senator MICHAUD for the Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act to Increase the Time Period for Veterans Serving in Desert Storm Recognized in the Veterans Preference Program"  
S.P. 213 L.D. 555

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-69).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-69) READ and ADOPTED.

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

---

Senator MILLS for the Committee on LABOR on Bill "An Act to Allow the Workers' Compensation Board to Regulate Nonfinancial Aspects of Workers' Compensation Arbitration"  
S.P. 300 L.D. 839

---

Senator AMERO for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish Landowner Recognition Day"  
S.P. 233 L.D. 598

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-66).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-66) READ and ADOPTED.

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

Senator CARPENTER for the Committee on UTILITIES AND ENERGY on Bill "An Act to Increase Compensation of Trustees of the Gray Water District" (BY REQUEST) S.P. 220 L.D. 562

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-75).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-75) READ and ADOPTED.

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

**Divided Report**

The Majority of the Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act Regarding Fees Assessed by the Maine Land Use Regulation Commission for Changes within a Development District" S.P. 194 L.D. 503

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-76).

Signed:

Senators:

CASSIDY of Washington  
LORD of York  
PARADIS of Aroostook

Representatives:

KILKELLY of Wiscasset  
KNEELAND of Easton  
AHEARNE of Madawaska  
SPEAR of Nobleboro  
HICHBORN of Lagrange  
TYLER of Windham  
STROUT of Corinth  
CROSS of Dover-Foxcroft  
DEXTER of Kingfield

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

Signed:

Representative:

HEESCHEN of Wilton

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-76) READ and ADOPTED.

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

**Divided Report**

The Majority of the Committee on BANKING AND INSURANCE on Bill "An Act Regarding Insurance Rates for Volunteer Drivers" S.P. 309 L.D. 847

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-74).

Signed:

Senators:

ABROMSON of Cumberland  
MCCORMICK of Kennebec  
SMALL of Sagadahoc

Representatives:

GATES of Rockport  
SAXL of Portland  
MAYO, III of Bath  
CHASE of China  
MITCHELL of Vassalboro  
CAMPBELL of Holden

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

Signed:

Representatives:

JONES, JR. of Pittsfield  
GUERRETTE of Pittston  
LUMBRA of Bangor

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report ACCEPTED.

The Bill **READ ONCE.**

Committee Amendment "A" (S-74) **READ and ADOPTED.**

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

**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act to Permit an Employer to Offer a Compressed Time Workweek to Consenting Employees"  
S.P. 188 L.D. 496

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (S-72).

Signed:

Senators:

BEGLEY of Lincoln  
MILLS of Somerset

Representatives:

JOY of Crystal  
JOYCE of Biddeford  
PENDLETON, JR. of Scarborough  
STEDMAN of Hartland  
WINSOR of Norway

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

Signed:

Senator:

RAND of Cumberland

Representatives:

HATCH of Skowhegan  
CHASE of China  
LEMAIRE of Lewiston  
SAMSON of Jay  
TUTTLE, JR. of Sanford

Which Reports were **READ.**

Senator **BEGLEY** of Lincoln moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On motion by Senator **LAWRENCE** of York, Tabled until Later in Today's Session, pending the motion by Senator **BEGLEY** of Lincoln to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

**SECOND READERS**

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

**House**

Bill "An Act Relating to Building Permit Ordinances"  
H.P. 308 L.D. 412

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

**House As Amended**

Bill "An Act to Decrease the Minimum Required Amount of Liability Insurance for Certain Intrastate Vehicles"  
H.P. 28 L.D. 22  
(C "A" H-103)

Bill "An Act to Require Insurance Companies to Provide Loss Information to Insured Groups"  
H.P. 79 L.D. 115  
(C "A" H-91)

Bill "An Act to Prohibit Private Indecency"  
H.P. 131 L.D. 179  
(C "A" H-95)

Bill "An Act to Create a Separate License Plate for Sheriffs"  
H.P. 139 L.D. 187  
(C "A" H-99)

Bill "An Act to Correct Errors and Inconsistencies Related to the Recodification of the Maine Revised Statutes, Title 29" (Emergency)  
H.P. 183 L.D. 231  
(C "A" H-79; H "A" H-109)

Bill "An Act to Ensure Children's Protection against Rabies by Requiring Proof of Rabies Vaccination of Pets at Day Care Centers"  
H.P. 186 L.D. 245  
(C "A" H-96)

Resolve, Authorizing the Transfer of a Certain Parcel of Land Known as Kole Kill Island in West Grand Lake upon Payment of Back Taxes  
H.P. 197 L.D. 256  
(C "A" H-86)

Bill "An Act to Clarify the Requirements for Truck Widths"  
H.P. 245 L.D. 347  
(C "A" H-101)

Bill "An Act to Establish an Equitable Sales Tax Structure for Bottled Water"  
H.P. 258 L.D. 360  
(C "A" H-85)

Bill "An Act Concerning the Rights and Responsibilities of Innkeepers"  
H.P. 291 L.D. 395  
(C "A" H-81)

**Senate As Amended**

Bill "An Act to Continue Requiring Probable Cause before the Exercise of Protective Custody"  
H.P. 305 L.D. 409  
(C "A" H-84)

Bill "An Act Requiring That Disbursement Warrants Receive an Affirmative Vote by Municipal Officers"  
H.P. 318 L.D. 439  
(C "A" H-82)

Resolve, to Require the Special Commission to Erect a Plaque in the Hall of Flags Honoring Medal of Honor Recipients from Maine to Submit 2 Reports and to Appoint Members by May 1, 1995 (Emergency)  
H.P. 350 L.D. 470  
(C "A" H-94)

Bill "An Act to Repeal the Retail Seed Dealer's License"  
H.P. 382 L.D. 517  
(C "A" H-72)

Bill "An Act to Stop the Alewives Restoration Program in the St. Croix River"  
H.P. 385 L.D. 520  
(C "A" H-78)

Bill "An Act to Eliminate the Personal Property Tax on Individuals in the State"  
H.P. 414 L.D. 571  
(C "A" H-87)

Bill "An Act to Facilitate the Use of the Installment Method for the Collection of Sewer Assessments and Charges"  
H.P. 419 L.D. 576  
(C "A" H-83)

Bill "An Act to Amend the Laws Governing Retail Credit Cards"  
H.P. 420 L.D. 577  
(C "A" H-92)

Resolve, to Extend the Reporting Date of the Commission to Study Biotechnology and Genetic Engineering (Emergency)  
H.P. 443 L.D. 609  
(C "A" H-89)

Bill "An Act to Amend the Municipal Subdivision Laws Regarding Application Requirements"  
H.P. 481 L.D. 662  
(C "A" H-90)

Bill "An Act to Dedicate a Percentage of the Actual Individual Income Taxes from Each Community to Be Returned to the Community for School Funding"  
H.P. 613 L.D. 823  
(C "A" H-80)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

Bill "An Act to Expand the Membership of the State Employee Health Commission"  
S.P. 289 L.D. 787  
(C "A" S-63)

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**.

Sent down for concurrence.

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

**COMMITTEE REPORTS**

**Senate**

**Change of Reference**

Senator **HARRIMAN** for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Allow Pharmacies That Serve Long-term Care Recipients to Receive Discounts from Manufacturers"  
S.P. 417 L.D. 1140

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

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

The Bill **REFERRED** to the Committee on **HUMAN RESOURCES**.

Sent down for concurrence.

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 **LAMRENCE** of York, **RECESSED** until the sound of the bell.

---

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:

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Conform the Penalties for Crimes Relating to Reckless Conduct to the Maine Criminal Code"

H.P. 998 L.D. 1409

Bill "An Act to Amend the Maine Bail Code"

H.P. 1000 L.D. 1411

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

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

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

---

Bill "An Act to Assist Working Families during Catastrophic Illness and Economic Hardship through Eligibility for Medicaid"

H.P. 996 L.D. 1406

Reference to the Committee on **HUMAN RESOURCES** 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**, in concurrence.

---

Bill "An Act to Create a Homestead Tax Credit to Be Administered by Local Municipalities"  
H.P. 999 L.D. 1410

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 Establish Safety Standards for All Utility Facilities"  
H.P. 997 L.D. 1407

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.

---

**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 (April 13, 1995) matter:

**JOINT ORDER** relative to the Joint Standing Committee on Judiciary reporting out a bill, "An Act to Amend the Workplace Manslaughter Law to Protect Members of the Public"

S.P. 491

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

Pending - **PASSAGE**.

(In Senate, April 13, 1995, Joint Order **READ**.)

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

Senator **LAWRENCE:** Thank you Mr. President. May I pose a question to the Chair? Just to clarify the question, is this Joint Order to recall this bill from the Governor's desk?

**THE PRESIDENT:** The Chair would answer in the negative. This is a Joint Order ordering the Committee to report out a bill, "An Act to Amend the Workplace Manslaughter Law to Protect Members of the Public".

The pending question before the Senate is **PASSAGE** of the Joint Order.

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.

1 Senator having voted in the affirmative and 23 Senators having voted in the negative, **PASSAGE** of the Joint Order **FAILED**.

---

The Chair laid before the Senate the second Tabled and Later Today Assigned (April 13, 1995) matter:

**SENATE REPORTS** from the Committee on **BANKING AND INSURANCE** on Bill "An Act to Stabilize Health Insurance Rates for Small Businesses"

S.P. 164 L.D. 425

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-62)** (9 members)

Minority - **Ought Not to Pass** (4 members)

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

Pending - the motion by Senator **ABROMSON** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

(In Senate, April 13, 1995, Reports **READ**.)

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

Senator **McCORMICK:** Thank you Mr. President. This bill would extend to employers who employ between twenty-five and fifty people the same protections, the same insurance reform protections, that small businesses of twenty-five and under now enjoy. That is this, first, that their group insurance policy cannot be cancelled, or cannot fail to be renewed, due to the health status of any of their workers. That is a very, very important market reform that we, and about eight other states, did in the last two years. There has been much analysis, and much worry, about the market and the effect of those reforms on the market, but in a study done by George Washington University, which studied the effects in the states that passed community rating, we were one, Vermont was one, New Jersey was another, so was New York, they found that in each case expansion of coverage happened. In Vermont I think it was 15%, in New Jersey it was 40,000 or 50,000 more people were insured, in Maine we found 9,000 more lives were insured. So, I urge you to vote against the ought not to pass motion so that we can get on to passing this important reform for businesses in Maine with between twenty-five and fifty employees. That is 7% of our businesses and they employ 17% of our population, not an insignificant number at all.

Now, many of you have expressed to me concerns about the market and whether we need to give some time for the market to shake out, meaning the insurance market, how the insurance companies are faring under our new community rating law. We have done that in another bill that had a unanimous report out of our Committee, L.D. 594. Both the non-profit insurers, Blue Cross and Blue Shield, and the for-profit insurers came to the Banking and Insurance Committee and requested us to freeze the bands that we allow them to rate us at at 20%, meaning they can now rate us, after we are done with our year of a 33% band, we will freeze those bands at 20% forever, unless this Legislature affirmatively acts. That will mean that an insurer, for this year and for next year, can rate someone 33% over the median for that group and 33% under, based on age. Not based on health status, and not based on familial status, and not based on gender, but they can rate us based on age. So, we believe that the market stabilization has been done in L.D. 594. That is a unanimous report that comes to the House first, we have not seen it yet. That is the bill that deals with the market. This bill before you deals with employers. The question for you is if you believe that the employers in your district, who employ between twenty-five and fifty people should also be protected from being dropped or not renewed because of the health status of their workers, then you need to pass this bill and extend that insurance reform to the twenty-five to fifty market. As, I should say to you, twenty-eight other states do the same thing. In twenty-eight other states the small group market is fifty and under, for some reason, I think because Maine has so many small companies, we segmented our market into two little groups. Something like 75% of our market is in the one to twenty-five employee group. So, if you are concerned with expansion of

coverage, you would also want to vote for L.D. 425 because it insures more lives, that is what we have seen. If you are concerned about discrimination and employers being dropped because of the health status of their employees, you would want to pass this bill as well. So, please vote against the ought not to pass report.

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

Senator **ABROMSON:** Thank you Mr. President, Men and Women of the Senate. I have a feeling that, as has happened so many times in this body, or in this Legislature, that titles can be misleading. The title of this bill is "An Act to Stabilize Health Insurance Rates for Small Businesses". I was somewhat concerned after the public hearing, just what was meant by stabilizing rates for small businesses, so I sought out the small businesses that might be affected, that is those who have between twenty-five and fifty employees. I asked the National Federation of Independent Businesses where they stood on this and they took no position because apparently 99% of their members are less than twenty-five. The Maine Chamber of Commerce and Industry urged me to vote against it. The Maine Alliance urged me to vote against it. The Senator from Kennebec, Senator McCormick, is correct, this proposal would extend community ratings to the twenty-five to fifty employee market. The Maine Bureau of Insurance testified at the hearing that unlike the problems that were present in the one to twenty-four market, when the first community rating reform was enacted, the magnitude of these problems does not exist in the twenty-five to fifty market. Additionally, it is important to note that small group reform has been in place for less than two years and individual reform has been in place for a little over one year. Outside of increasing access in the small group market, it is still too early to adequately evaluate the true effects of reform. Additionally, the Superintendent of Insurance testified at the hearing that he could not conclude that community rating, itself, was responsible for the increased access in the under twenty-five market. Furthermore, unlike the under twenty-five market, many more employers in the twenty-five to fifty market offer their employees health insurance. As a result, this bill will not increase access to the degree that it did in the under twenty-five market because there were many more uninsured businesses. It has not been adequately demonstrated that there is an access or a choice problem in the twenty-five to fifty market, not sufficient enough to justify this sweeping change in our legislation. So, I would urge you to pass the ought not to pass motion.

On motion by Senator **ABROMSON** of Cumberland, 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 Cumberland, Senator Harriman.

Senator **HARRIMAN:** Thank you Mr. President. Good morning Ladies and Gentlemen of the Senate. I rise today to speak against the pending motion, and to perhaps be one of the voices out here for the business community that isn't represented in the

testimony that came before the Committee. Indeed, as the Senator from Cumberland, Senator Abromson, said, the Independent Federation of Small Businesses didn't take a position because more than 90% of their members are less than twenty-five, and the Maine Chamber and the Maine Alliance, I think you will find, the vast majority of their membership is well over the fifty. So, I would like to take just a minute of your time this morning to speak on behalf of that market that this bill affects, the employers, and more importantly, the employees, of companies in the range of twenty-five to fifty employees. I know a little bit about that market because in my life, when I am not serving in the Senate, I work with family-held small businesses in the areas of retirement planning, estate planning and employee fringe benefits. This is the story, in Maine if you have twenty-five or less employees and you need health insurance, you have guaranteed access to coverage at rates that are based on community rates; and no one can be denied because of pre-existing conditions or based on contract utilization. But, if you are like one of my constituents in Yarmouth, Gus McDonald to be specific, who owns a company called Maine Surveyors Company, he fits in that market of between twenty-six and fifty; and, do you know what happens to him? When his health insurance came up for renewal, his existing carrier increased the rate dramatically. When he went to shop around for a more competitive health insurance program for his employees, do you know what? He found one. They took everybody's application and they submitted them to the insurance company for underwriting purposes, and guess what? They said, "We will issue the coverage at the rates we promised, but we are not going to take those two people because they have diabetes." What this bill says is that if you are an employer in Maine, and you want to provide health insurance for your employees, we assure you that you can find it, that it is at a rate that is fair, and that no one can be denied. That's what this bill tries to do. With your support, it will happen. I hope that you will join me and defeat the pending motion. Thank you.

---

The President noted the absence of Senator **BERUBE** of Androscoggin, and Senator **GOLDTHWAIT** of Hancock, and excused them from today's Roll Call votes.

---

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **ABROMSON** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

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.

Off Record Remarks

ROLL CALL

YEAS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT, CAREY, CARPENTER, CASSIDY, CIANCHETTE, FERGUSON, HANLEY, HATHAWAY, KIEFFER, LORD, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

On motion by Senator LAWRENCE of York, ADJOURNED until Wednesday, April 26, 1995, at 9:30 o'clock in the morning.

NAYS: Senators: BUSTIN, FAIRCLOTH, HARRIMAN, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PINGREE, RAND

ABSENT: Senators: CLEVELAND, ESTY, HALL, RUHLIN

EXCUSED: Senators: BERUBE, GOLDTHWAIT

17 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 4 Senators being absent and 2 Senators having been excused, the motion by Senator ABROMSON of Cumberland to ACCEPT the Minority OUGHT NOT TO PASS Report, PREVAILED.

Sent down for concurrence.

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

SENATE REPORTS from the Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act Concerning the Required Distance between Agency Liquor Stores" S.P. 227 L.D. 587

Majority - Ought Not to Pass. (12 members)

Minority - Ought to Pass (1 member)

Tabled - April 13, 1995, on motion by Senator KIEFFER of Aroostook.

Pending - ACCEPTANCE OF EITHER REPORT.

(In Senate, April 13, 1995, Reports READ.)

On motion by Senator MICHAUD of Penobscot the Majority OUGHT NOT TO PASS Report ACCEPTED.

Sent down for concurrence.