

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

**One Hundred And Seventeenth Legislature**

OF THE

**State Of Maine**

**VOLUME IV**

**FIRST REGULAR SESSION**

**Senate**

May 2, 1995 to June 16, 1995

National Anthem by Corporal Donald B. Williams,  
Maine Sheriffs' Association.

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

In Senate Chamber  
Tuesday  
May 9, 1995

Off Record Remarks

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

Reading of the Journal of Thursday, May 4, 1995.

Off Record Remarks

Prayer by Corporal Donald B. Williams, Maine  
Sheriffs' Association Chaplain, Augusta.

**CORPORAL DONALD B. WILLIAMS:** Shall we pray? Oh God, our Heavenly Father, from whom we draw our very breath and life, we thank you for your love, your grace, and your mercy which you have so freely bestowed upon us. We thank you for our great country. A country where we can find freedom, and joy, and peace, and happiness. Lord, we thank you for the freedom that we have here. Help us, dear God, never to take that freedom lightly. Lord, we thank you, again, for those who work so diligently to keep that freedom alive in this great land. Those who are represented today, who are involved in law enforcement, God, we thank you for them. Lord, we ask that you will just lead and guide in their lives. We thank you for those who create our laws, and who try to work so diligently to keep our freedom intact in this great land. God, we thank you that you have allowed us to live in such a great nation. Lord, we realize that with this freedom, and the rights that we have, come great responsibilities. Lord, we would ask that you would help us, today, to be as concerned with our fulfilling of the responsibilities as we are about obtaining our rights. God, we would ask now for your wisdom and understanding to be upon these men and women who are gathered here this morning. You have told us, in your Holy Word, to lift our leaders up in prayer, and Lord, that is what we are doing. Lord, we are thankful for those who all over, not only in the State of Maine, but in our nation, who diligently pray for these, our leaders. We are asking now for you to give them your wisdom and guidance and blessings as they live for you and as they serve you. Please be with those that are here today that represent the law enforcement community, and with those officers that they represent. God, we would ask that you would keep them safe and secure. We ask that you would give them wisdom and understanding, also, as they make decisions, sometimes life changing, and many times decisions that can affect the lives of those who are around them. God, we ask that you would give them wisdom and understanding in this. Help to keep them safe and secure. These things we pray in thy Holy name. Amen.

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Reduce the Number of Days a  
Tenant May Be in Arrears for Rent Payments"  
S.P. 76 L.D. 164  
(C "A" S-28)

In Senate, March 30, 1995, **PASSED TO BE ENGROSSED  
AS AMENDED BY COMMITTEE AMENDMENT "A" (S-28).**

Comes from the House with the Bill **PASSED TO BE  
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"  
(S-28) AS AMENDED BY HOUSE AMENDMENT "B" (H-183)**  
thereto, in **NON-CONCURRENCE.**

On motion by Senator **FERGUSON** of Oxford, the  
Senate **RECEDED** from its action whereby the bill was  
**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE  
AMENDMENT "A" (S-28).**

**THE PRESIDENT:** The Chair recognizes the Senator  
from Oxford, Senator Ferguson.

Senator **FERGUSON:** Thank you Mr. President.  
There was an error in the Statement of Fact, and also  
an error in the body of the bill. I would move that  
this bill, and all of its accompanying papers, be  
recommitted to the Committee on Legal and Veterans  
Affairs.

On motion by Senator **FERGUSON** of Oxford, the Bill  
and Accompanying Papers, **RECOMMITTED** to the Committee  
on **LEGAL AND VETERANS AFFAIRS** in **NON-CONCURRENCE.**

Sent down for concurrence.

Posting of the Colors by the Maine Sheriffs'  
Association Color Guard under the direction of Staff  
Sergeant Randall Liberty.

**Non-concurrent Matter**

Bill "An Act to Include Individuals with Property in a Living Trust in the Maine Residents Property Tax Program"

S.P. 192 L.D. 501  
(C "A" S-52)

In Senate, April 12, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-52).**

Comes from the House with the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-52) AS AMENDED BY HOUSE AMENDMENT "A" (H-195)** thereto, in **NON-CONCURRENCE.**

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

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**Non-concurrent Matter**

Bill "An Act to Create the Franklin Utility District" (Emergency)

S.P. 256 L.D. 694  
(C "A" S-58)

In Senate, April 13, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-58).**

Comes from the House with the Bill **PASSED TO BE ENGROSSED BY COMMITTEE AMENDMENT "A" (S-58) AND HOUSE AMENDMENT "A" (H-192),** in **NON-CONCURRENCE.**

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

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**Non-concurrent Matter**

Bill "An Act to Create a Revolving Fund to Finance the Maine Quality Centers"

S.P. 543 L.D. 1491

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

In Senate, May 3, 1995, referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and **ORDERED PRINTED.**

Comes from the House referred to the Committee on **TAXATION,** in **NON-CONCURRENCE.**

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

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**House Papers**

Resolve, Authorizing the Town of Dennysville to Transfer a Certain Parcel of Property  
H.P. 1030 L.D. 1449

Reference to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and **ORDERED PRINTED.**

Comes from the House, referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED.**

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

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Bill "An Act to Create an Adopt-A-River Program"  
H.P. 1047 L.D. 1466

Reference to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and **ORDERED PRINTED.**

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

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

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Bill "An Act to Protect Consumers in High-cost Mortgages and Reverse Mortgages"  
H.P. 1068 L.D. 1503

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

Comes from the House, referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED.**

Which was referred to the Committee on **BANKING AND INSURANCE,** in concurrence.

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Bill "An Act to Increase Access to Primary Care Physician Services in Maine" H.P. 1063 L.D. 1498

Reference to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

Which was referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, in concurrence.

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Bill "An Act to Clarify Terms and Increase Effectiveness of the Lead Poisoning Control Act" H.P. 1069 L.D. 1504

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.

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Bill "An Act to Clarify the Operations of the Maine Board of Bar Examiners" H.P. 1062 L.D. 1497

Bill "An Act to Reduce Theft in the Forest Products Industry" H.P. 1065 L.D. 1500

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.

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Bill "An Act to Extend the Deadline for a Maine State Police Officer to Choose a Certain Retirement Option" H.P. 1064 L.D. 1499

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

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

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

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Bill "An Act to Include Child Care Centers in the Property Tax Exemptions and to Amend the Review Schedule for Property Tax Exemptions" H.P. 1066 L.D. 1501

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.

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Bill "An Act Concerning Municipal Electric Districts and the Development of a Competitive Energy Market" H.P. 1067 L.D. 1502

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.

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Off Record Remarks

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#### COMMUNICATIONS

The Following Communication: S.C. 165

**THE MAINE SENATE  
OFFICE OF THE PRESIDENT**

May 8, 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:

**Advisory Commission on Radioactive Waste;** Pursuant to Title 38, Section 1453:  
Steven Keegan of Kennebunk

**Oil Spill Advisory Committee;** Pursuant to Title 38, Section 551-A:  
John L. Stuart of South Portland.

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

Sincerely,

S/Jeffrey H. Butland  
President of the Senate

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

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The Following Communication: S.C. 166

**THE MAINE SENATE  
OFFICE OF THE PRESIDENT**

May 8, 1995

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

Dear Madam Secretary:

Pursuant to my authority under Resolve 1993, Chapter 1, I have appointed Webster L. Harrison of Auburn to the Special Commission to Erect a Plaque in the Hall of Flags Honoring Medal of Honor Recipients from Maine.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Jeffrey H. Butland  
President of the Senate

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

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The Following Communication: S.P. 554

**117TH MAINE LEGISLATURE**

May 8, 1995

Senator Philip E. Harriman  
Representative G. Steven Rowe  
Chairpersons  
Joint Standing Committee on Business and Economic Development  
117th Legislature  
Augusta, Maine 04333

Dear Senator Harriman and Representative Rowe:

Please be advised that Governor Angus S. King, Jr. has nominated Carol A. Epstein of Brewer for appointment as a member of the Maine Real Estate Commission.

Pursuant to Title 32, MRSA Section 13062, this nomination will require review by the Joint Standing Committee on Business and Economic Development and confirmation by the Senate.

Sincerely,

S/Jeffrey H. Butland  
President of the Senate

S/Dan A. Gwadosky  
Speaker of the House

Which was **READ** and referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

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The Following Communication: S.P. 555

**117TH MAINE LEGISLATURE**

May 8, 1995

Senator Mary E. Small  
Representative John L. Martin  
Chairpersons  
Joint Standing Committee on Education and Cultural Affairs  
117th Legislature  
Augusta, Maine 04333

Dear Senator Small and Representative Martin:

Please be advised that Governor Angus S. King, Jr. has nominated Alfred W. Kany, Jr. of Saco and Jana LaPoint of Falmouth for appointment as members of the Maine Technical College System Board of Trustees and Mark P. LeGassey of East Millinocket for appointment as a student member of the Maine Technical System Board of Trustees.

Pursuant to Title 20-A, MRSA Section 12705, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Jeffrey H. Butland  
President of the Senate

S/Dan A. Gwadosky  
Speaker of the House

Which was **READ** and referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent down for concurrence.

**SENATE PAPERS**

Bill "An Act to Ensure Fairness and Choice to Patients and Providers under Managed Health Care"  
S.P. 553 L.D. 1512

Presented by Senator **MCCORMICK** of Kennebec  
Cosponsored by Senator **AMERO** of Cumberland and Representative **LIBBY** of Buxton and Senators: **BUSTIN** of Kennebec, **BUTLAND** of Cumberland, **CAREY** of Kennebec, **CLEVELAND** of Androscoggin, **GOLDTHWAIT** of Hancock, **LONGLEY** of Waldo, **PARADIS** of Aroostook, **PENDEXTER** of Cumberland, **PINGREE** of Knox, **RAND** of Cumberland, **RUHLIN** of Penobscot, **SMALL** of Sagadahoc, **STEVENS, JR.** of Androscoggin, Representatives: **AHEARNE** of Madawaska, **AULT** of Wayne, **BARTH, JR.** of Bethel, **BRENNAN** of Portland, **CHARTRAND** of Rockland, **CHASE** of China, **CLOUTIER** of South Portland, **DONNELLY** of Presque Isle, **DORE** of Auburn, **ETNIER** of Harpswell, **FITZPATRICK** of Durham, **GATES** of Rockport, **JOYNER** of Hollis, **KILKELLY** of Wiscasset, **LEMAIRE** of Lewiston, **MADORE** of Augusta, **MITCHELL** of Vassalboro, **MITCHELL** of Portland, **MORRISON** of Bangor, **MURPHY** of Berwick, **O'GARA** of Westbrook, **OTT** of York, **PLOWMAN** of Hampden, **POVICH** of Ellsworth, **RICHARDSON** of Portland, **SAXL** of Bangor, **SAXL** of Portland, **SHIAH** of Bowdoinham, **SIROIS** of Caribou, **THOMPSON** of Naples, **TOWNSEND** of Portland, **TREAT** of Gardiner, **VIGUE** of Winslow, **WATSON** of Farmingdale, **WINN** of Glenburn

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 Prohibit the Sale of Firearms to Minors without Parental Approval"  
S.P. 550 L.D. 1509

Presented by Senator **CLEVELAND** of Androscoggin  
Cosponsored by Senator: **BENOIT** of Franklin, Representatives: **CLARK** of Millinocket, **JOHNSON** of South Portland

Bill "An Act to Make Comprehensive Changes to the Sex Offender Laws"  
S.P. 551 L.D. 1510

Presented by Senator **PINGREE** of Knox  
Cosponsored by Senators: **BUSTIN** of Kennebec, **CAREY** of Kennebec, **LAWRENCE** of York, **PARADIS** of Aroostook, Representatives: **LINDAHL** of Northport, **SHIAH** of Bowdoinham

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

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

Sent down for concurrence.

Bill "An Act to Increase the Maximum Lease Size for Bottom Culture Aquaculture" (Emergency)  
S.P. 552 L.D. 1511

Presented by Senator **GOLDTHWAIT** of Hancock  
Cosponsored by Senator: **PINGREE** of Knox, Representative: **LAYTON** of Cherryfield

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

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

Sent down for concurrence.

**COMMITTEE REPORTS**

**House**

**Ought to Pass**

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Enable the Department of Corrections to Share Information with Canadian Criminal Justice Agencies"  
H.P. 846 L.D. 1177

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**.

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The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Abolish the Local Government Records Board and to Assign Its Functions to the Archives Advisory Board"  
H.P. 988 L.D. 1396

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-197)**.

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

The Bill **READ ONCE**.

House Amendment "A" (H-197) **READ** and **ADOPTED**, in concurrence.

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

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**Ought to Pass As Amended**

The Committee on **HUMAN RESOURCES** on Resolve, to Implement the Recommendations of the Healthy Start Task Force  
H.P. 405 L.D. 540

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-185)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-185)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-185) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HUMAN RESOURCES** on Resolve, to Create a Task Force to Review the State's Involuntary Commitment Law  
H.P. 662 L.D. 885

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-187)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-187)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-187) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HUMAN RESOURCES** on Bill "An Act to Establish Standards for Preadmission Assessments for Long-term Care Services"  
H.P. 804 L.D. 1121

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-186)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-186)**.

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

The Bill **READ ONCE**.



Committee Amendment "A" (H-186) READ and ADOPTED, in concurrence.

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

**Divided Report**

The Majority of the Committee on CRIMINAL JUSTICE on Bill "An Act to Authorize Community Service Work as a Sentencing Alternative"

H.P. 20 L.D. 14

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-169).

Signed:

Senators:

BENOIT of Franklin  
HALL of Piscataquis  
O'DEA of Penobscot

Representatives:

CLARK of Millinocket  
BUNKER, JR. of Kossuth Township  
GOOLEY of Farmington  
MCALEVEY of Waterboro  
THOMPSON of Naples  
WATERHOUSE of Bridgton  
WHEELER of Bridgewater  
PEAVEY of Woolwich  
JOHNSON of South Portland

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

Signed:

Representative:

CLUKEY of Houlton

Comes from the House with the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-169).

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-169) READ and ADOPTED, in concurrence.

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

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.

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

After Recess

Senate called to order by the President.

Off Record Remarks

**Divided Report**

The Majority of the Committee on CRIMINAL JUSTICE on Bill "An Act to Increase Police Authority in Certain Cases of Disorderly Conduct"

H.P. 357 L.D. 477

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-173).

Signed:

Senators:

BENOIT of Franklin  
HALL of Piscataquis

Representatives:

CLARK of Millinocket  
BUNKER, JR. of Kossuth Township  
CLUKEY of Houlton  
GOOLEY of Farmington  
MCALEVEY of Waterboro  
PEAVEY of Woolwich  
WATERHOUSE of Bridgton  
WHEELER of Bridgewater

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

Signed:

Senator:

O'DEA of Penobscot

Representatives:

JOHNSON of South Portland  
THOMPSON of Naples

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.

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-173)**.

ROLL CALL

Which Reports were **READ**.

Senator **BENOIT** of Franklin moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate. This bill proposes a very minor change of the criminal code, as it deals with the criminal offense of disorderly conduct. It would add a sentence to the law that would put in the element of the law enforcement officers being able to proceed as complainants. Presently, the courts of the State are of the view that when you have a disorderly conduct situation, where you have a loud party with a lot of noise and so forth, much to the dismay of neighbors, that the officers will go to the scene and hear the unreasonable noise and give an order that it cease. They leave, and the noise picks up, they return, repeatedly it seems, there being an unwillingness, if you will, on the part of some of the people in the area to make a complaint. Often they are hesitant to make a complaint because it involves neighbors and then there will be retaliation, if you will. This bill would allow the law enforcement officers to be the complainant, thereby to remove the need of some of the local folks to be complainants in their own right. They still can be, of course, but this adds another feature to the law to make it somewhat easier for our constituents who are confronted with this type of situation. Thank you.

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

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

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **BENOIT** of Franklin that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

**YEAS:** Senators: **ABROMSON, AMERO, BEGLEY, BENOIT, CARPENTER, CASSIDY, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LORD, MILLS, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND**

**NAYS:** Senators: **BUSTIN, CAREY, CLEVELAND, ESTY, FAIRCLOTH, LAWRENCE, LONGLEY, MICHAUD, O'DEA, PARADIS, PINGREE, RAND**

**ABSENT:** Senators: **CIANCHETTE, McCORMICK, RUHLIN**

**EXCUSED:** Senator: **BERUBE**

19 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being absent and 1 Senator having been excused, the motion by Senator **BENOIT** of Franklin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-173) **READ** and **ADOPTED**, in concurrence.

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

**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Provide Adequate Counseling for Minors Incarcerated for Sex Offenses" H.P. 535 L.D. 731

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-170)**.

Signed:

Senators:

**BENOIT** of Franklin  
**O'DEA** of Penobscot

Representatives:

CLARK of Millinocket  
BUNKER, JR. of Kossuth Township  
GOOLEY of Farmington  
JOHNSON of South Portland  
MCALEVEY of Waterboro  
PEAVEY of Woolwich  
THOMPSON of Naples

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

Signed:

Senator:

HALL of Piscataquis

Representatives:

CLUKEY of Houlton  
WATERHOUSE of Bridgton  
WHEELER of Bridgewater

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-170).**

Which Reports were **READ.**

Senator **BENOIT** of Franklin moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate. This measure would, and it is a money bill, if you will, would provide one additional position at the Maine Youth Center. A counseling position. In the first year of the biennium the cost would be \$34,195, in the second year it would be \$37,464. It's felt that at the Youth Center, presently there are two counselors who give service to young people who are there because of juvenile offenses amounting to sex offenses, the number of counselors is not sufficient. In cottage nine, for example, where these young people are housed, there are twenty-five such young people in need of the counseling services. With a staff of two individuals, it is not considered to be a sufficient number. So, an additional person is sought for this important work. That's about it, in a nutshell, and I would ask the Senate to please give the Youth Center this additional position so that these young people might have the assistance they need at this young age, and not in their later years end up involved in the law in such a way that they are incarcerated, if you will, for this type of offense, at a cost to the people of the State much beyond the monies that this mentions. That's the small side of it. It seems to me that these young people who have this particular problem need assistance. They are getting it to a certain extent, but there is not enough staff there at the Center and this money would be very well spent. Thank you Mr. President.

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

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I do not disagree that the Maine Youth Center could use another counselor. I'm sure they could. They could probably use two or three more. Where I have the argument with this particular bill is that it was not a Department sponsored bill, and I feel that the Department, surely, has resources enough. I don't want to micromanage the Department. I feel that if they thought that this was a real high priority, they could shift personnel to accomodate it. The second reason why I opposed the bill is that it obviously is going to go to the Appropriations Committee and sit there. I do not believe they will fund it. I just don't think that we should be loading up that Table with a lot of bills, that we should be taking the hard stand and vote against some of these right here, and save them a lot of time and hardship, and not encourage anyone to think that just because a bill has passed it is going to be funded and they are going to have extra personnel. For that reason, I would urge you to vote against the ought to pass motion and would ask for a Division. Thank you.

Senator **HALL** of Piscataquis requested a Division.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator O'Dea.

Senator **O'DEA:** Thank you Mr. President, Men and Women of the Senate. I would encourage you to vote for the Ought to Pass as Amended Report on this bill, and I will tell you why. The class of people that we identify in this State as juvenile sex offenders, are people who are almost to the person, 100% guaranteed, to be adult offenders, if there isn't active intervention in their lives at this stage. When we don't deal with this population, and we have not dealt with them well over the course of the past several years, when we do not deal with them as juveniles we surely deal with them as adults. I take exception with the comments made by my friend from Piscataquis, Senator Hall, about this not being a Department priority, and about not wanting to micromanage the Department. I think it begs the question, who's in charge? I can think of many times when this Legislature sets up priorities that are different from those of the Departments, and I think that is appropriate. I think that this is one case where the Legislature must act in order to protect the people back in our Districts. When you sit and talk to some of the people who work with this class of offenders, the juvenile sex offenders, and hear the sorts of heinous crimes they are involved in, heinous, savage acts against humanity, and you realize that if you don't put the resources in you're going to have them committing more acts like this for the next thirty, forty, or fifty years of their lives. At what cost to our society and at what cost to our State? I would urge you to please vote for this bill.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Faircloth.

Senator **FAIRCLOTH:** Mr. President, Colleagues of the Senate. The good Senator from Penobscot, Senator

O'Dea, and I discussed this, briefly earlier today. He suggested that I pass along, to this body, some comments from a constituent of mine who called and expressed concerns to me about the current situation, from a law enforcement perspective. As it sits now, apparently, there is a policy with regard to youthful sex offenders that, because of the lack of counseling that is available, children who agree and seek to participate in counseling, are oft times afforded the opportunity to participate in that counseling. That's a good thing, but it translates to the fact that they often spend some more time in the Youth Center. Because of limited resources, which are so restricted, those young people who are sex offenders, who say, "No, I am not interested in participating in counseling. I do not intend to reform myself. I will not bother accepting any sort of participation in rehabilitation programs, other than to simply sit here and do nothing." Those types of children get discharged earlier. So there is an incentive, when you go into a Youth Center of this type, to say "I refuse to participate. I am not going to rehabilitate myself." The net result is that they are released earlier, which is, obviously, counter to what our instincts would have us believe. But, by the same token, those who are doing the counseling say we can either invest our time counseling someone who is going to participate, or someone who is not, but because of the limited space we are going to use it somewhere worthwhile. I think we need to have enough counselors available, and enough facilities available, so that we can make this process effective, more effective than it is now. I think it is desperately needed, and if we are going to get crime off the streets we should support it. I thank the members of the Senate and I urge the Ought to Pass as Amended Report. Thank you.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate. There are two particulars I would like to put on the Record. I misspoke when I mentioned the amount of money that is involved, because there is amendment that reduces the amounts of money here. Originally, the bill called for \$34,195 in the first year. That has been reduced to \$25,647. The second year figure that I mentioned remains the same. I want to be fair with members of the Senate, and one in particular, and perhaps give a complete picture here. You may not know, and I want you to have this bit of information to guide you, that the Associate Commissioner of the Department of Corrections spoke in opposition to this Legislative Document. In a nutshell, in supporting Ought Not to Pass, stated that while the Department of Corrections appreciated the concern expressed in the bill, it is unable to support it at this time. The position is not included in the Governor's budget. That's pretty much the bottom line of that person's position. Due to the continuing fiscal problems in the State, as well as the need to maintain current services as far as possible, the Department of Corrections made an expression in opposition to the bill. I wanted you to have that to guide you, in fairness. So, the amount of money is not as great an amount as I had first indicated to you, and it seems to me that, given the amount of money involved, it would be money very well spent. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **BENOIT** of Franklin that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

A Division has been requested.

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.

17 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **BENOIT** of Franklin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-170) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Permit Law Enforcement Officers to Transport Truants Back to School"

H.P. 204 L.D. 263

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (H-114).

Signed:

Senators:

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

Representatives:

**MARTIN** of Eagle Lake  
**AULT** of Wayne  
**BARTH, JR.** of Bethel  
**DESMOND** of Mapleton  
**CLOUTIER** of South Portland  
**LIBBY** of Buxton  
**MCELROY** of Unity  
**WINN** of Glenburn

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

Signed:

Representatives:

**BRENNAN** of Portland  
**STEVENS** of Orono

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-114)**.

Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-114) **READ** and **ADOPTED**, in concurrence.

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

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Clarify Professional Liability" H.P. 231 L.D. 311

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-172)**.

Signed:

Senators:

MILLS of Somerset  
PENDEXTER of Cumberland  
FAIRCLOTH of Penobscot

Representatives:

TREAT of Gardiner  
RICHARDSON of Portland  
LAFOUNTAIN, III of Biddeford  
WATSON of Farmingdale  
HARTNETT of Freeport  
MADORE of Augusta  
NASS of Acton  
PLOWMAN of Hampden  
LEMKE of Westbrook

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

Signed:

Representative:

JONES of Bar Harbor

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-172)**.

Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-172) **READ** and **ADOPTED**, in concurrence.

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

**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act Regarding the Testing of Public Employees for Drugs"

H.P. 223 L.D. 301

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

Signed:

Senators:

BEGLEY of Lincoln  
MILLS of Somerset

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-118)**.

Signed:

Senator:

RAND of Cumberland

Representatives:

HATCH of Skowhegan  
CHASE of China  
LEMAIRE of Lewiston  
SAMSON of Jay

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

Which Reports were **READ**.

Senator **BEGLEY** of Lincoln moved that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

Senator **RAND**: Thank you Mr. President, Men and Women of the Senate. I would ask you to oppose the motion made by the good Senator from Lincoln, Senator Begley, so we can accept the Ought to Pass as Amended Report. L.D. 301 would simply allow employees, who are subject to federal drug testing laws, to negotiate the conditions under which these tests are implemented in their collective bargaining agreements. This bill does not prevent drug testing or limit, in any way, the fact that employee drug testing will occur, be it random or otherwise. It merely allows the conditions under which the testing is done to be negotiated in the contract. I would urge you to reject the pending motion so we can accept the Ought to Pass as Amended Report. Thank you.

**THE PRESIDENT**: The pending question before the Senate is the motion by Senator **BEGLEY** of Lincoln that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in 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.

19 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **BEGLEY** of Lincoln to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act to Abolish the Legislative Retirement System" H.P. 363 L.D. 483

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

Signed:

Senator:  
    **BEGLEY** of Lincoln

Representatives:  
    **HATCH** of Skowhegan  
    **CHASE** of China  
    **LEMAIRE** of Lewiston  
    **PENDLETON, JR.** of Scarborough  
    **SAMSON** of Jay  
    **TUTTLE, JR.** of Sanford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass** as Amended by Committee Amendment "A" (H-149).

Signed:

Senators:  
    **MILLS** of Somerset  
    **RAND** of Cumberland

Representatives:  
    **JOY** of Crystal  
    **JOYCE** of Biddeford  
    **STEDMAN** of Hartland  
    **WINSOR** of Norway

Comes from the House with the Bill and Accompanying Papers **RECOMMENDED** to the Committee on **LABOR**.

Which Reports were **READ**.

The Bill and Accompanying Papers **RECOMMENDED** to the Committee on **LABOR**, in concurrence.

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**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act to Require the State to Pay for Mediation Sessions"

H.P. 439 L.D. 605

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

Signed:

Senators:  
    **BEGLEY** of Lincoln  
    **MILLS** of Somerset  
    **RAND** of Cumberland

Representatives:  
    **HATCH** of Skowhegan  
    **CHASE** of China  
    **JOY** of Crystal  
    **JOYCE** of Biddeford  
    **PENDLETON, JR.** of Scarborough  
    **STEDMAN** of Hartland  
    **TUTTLE, JR.** of Sanford  
    **WINSOR** of Norway

The Minority of the same Committee on the same subject reported that the same **Ought to Pass** as Amended by Committee Amendment "A" (H-130).

Signed:

Representatives:  
    **LEMAIRE** of Lewiston  
    **SAMSON** of Jay

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

Which Reports were **READ**.

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

---

**Divided Report**

The Majority of the Committee on **LABOR** on Bill  
"An Act to Amend the Composition of the Board of  
Trustees of the Maine State Retirement System"  
H.P. 572 L.D. 777

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

Signed:

Senators:

BEGLEY of Lincoln  
MILLS of Somerset  
RAND of Cumberland

Representatives:

HATCH of Skowhegan  
CHASE of China  
JOYCE of Biddeford  
LEMAIRE of Lewiston  
PENDLETON, JR. of Scarborough  
SAMSON of Jay  
STEDMAN of Hartland  
TUTTLE, JR. of Sanford

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

Signed:

Representatives:

JOY of Crystal  
WINSOR of Norway

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

Which Reports were **READ**.

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

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**Divided Report**

The Majority of the Committee on **LEGAL AND  
VETERANS AFFAIRS** on Bill "An Act to Create an Open  
Primary in the State"

H.P. 444 L.D. 610

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

Signed:

Senators:

FERGUSON, JR. of Oxford  
STEVENS, JR. of Androscoggin  
MICHAUD of Penobscot

Representatives:

NADEAU of Saco  
TRUMAN of Biddeford  
LABRECQUE of Gorham  
FISHER of Brewer  
TRUE of Fryeburg  
CHIZMAR of Lisbon  
MURPHY of Berwick  
LEMONT of Kittery  
GAMACHE of Lewiston

The Minority of the same Committee on the same  
subject reported that the same **Ought to Pass** as  
**Amended by Committee Amendment "A" (H-178)**.

Signed:

Representative:

BUCK of Yarmouth

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

Which Reports were **READ**.

**THE PRESIDENT** moved that the Senate **ACCEPT** the  
Majority **OUGHT NOT TO PASS** Report, in concurrence.

Senator **GOLDTHMAIT** of Hancock requested a  
Division.

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

A Division has been requested.

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.

25 Senators having voted in the affirmative and 1  
Senator having voted in the negative, **ACCEPTANCE** of  
the Majority **OUGHT NOT TO PASS** Report, in  
concurrence, **PREVAILED**.

---

**Divided Report**

The Majority of the Committee on **NATURAL  
RESOURCES** on Bill "An Act to Ensure the Protection of  
Tribal Fish Stocks and Other Natural Resources"  
H.P. 63 L.D. 99

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

Signed:

Senators:  
LORD of York  
HATHAWAY of York

Representatives:  
GOULD of Greenville  
POULIN of Oakland  
SAXL of Bangor  
GREENLAW of Standish  
DAMREN of Belgrade  
NICKERSON of Turner  
MARSHALL of Eliot

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-120).**

Signed:

Senator:  
RUHLIN of Penobscot

Representatives:  
BERRY of Livermore  
MERES of Norridgewock  
SHIAH of Bowdoinham

Comes from the House with the Bill and Accompanying Papers **RECOMMENDED** to the Committee on **NATURAL RESOURCES.**

Which Reports were **READ.**

The Bill and Accompanying Papers **RECOMMENDED** to the Committee on **NATURAL RESOURCES**, in concurrence.

---

**Divided Report**

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act to Change Certain Provisions of the Saco River Corridor Law" (Emergency)

H.P. 324 L.D. 445

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-151).**

Signed:

Senators:  
LORD of York  
RUHLIN of Penobscot

Representatives:  
GOULD of Greenville  
POULIN of Oakland  
MERES of Norridgewock  
GREENLAW of Standish  
DAMREN of Belgrade  
NICKERSON of Turner  
MARSHALL of Eliot

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-152).**

Signed:

Senator:  
HATHAWAY of York

Representatives:  
SAXL of Bangor  
BERRY of Livermore  
SHIAH of Bowdoinham

Comes from the House with the Minority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-152).**

Which Reports were **READ.**

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

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Increase the Tax Exemption on Church Properties"

H.P. 284 L.D. 388

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

Signed:

Senators:  
HATHAWAY of York  
FERGUSON, JR. of Oxford  
CAREY of Kennebec

Representatives:  
TRIPP of Topsham  
TUTTLE, JR. of Sanford  
MURPHY of Berwick  
SPEAR of Nobleboro  
DUNN of Gray  
REED of Falmouth

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



Signed:

Representatives:

DORE of Auburn  
KEANE of Old Town  
RICHARDSON of Portland  
GREEN of Monmouth

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-71)**.

Which Reports were **READ**.

**THE PRESIDENT** moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senator **HALL:** Thank you Mr. President. I would like to remind the Senate that this, indeed, is a mandate. I, for one, am not in favor of mandates. I would ask for a Division. Thank you.

Senator **HALL** of Piscataquis requested a Division.

**THE PRESIDENT:** The pending question before the Senate is **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

A Division has been requested.

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.

6 Senators having voted in the affirmative and 20 Senators having voted in the negative, **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED** in **NON-CONCURRENCE**.

Sent down for concurrence.

---

**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Permit Illuminated Advertisements on Motor Vehicles When Used for Commercial Purposes" H.P. 43 L.D. 37

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

Signed:

Senators:

STEVENS, JR. of Androscoggin  
PARADIS of Aroostook  
CASSIDY of Washington

Representatives:

O'GARA of Westbrook  
HEINO of Boothbay  
BAILEY of Township 27  
STROUT of Corinth  
DRISCOLL of Calais  
LINDAHL of Northport  
CHARTRAND of Rockland  
FARNUM of South Berwick

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-158)**.

Signed:

Representatives:

RICKER of Lewiston  
BOUFFARD of Lewiston

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

Which Reports were **READ**.

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

---

**Senate**

**Ought to Pass**

Senator **SMALL** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Amend the Procedures for Conducting a School District Referendum"

S.P. 317 L.D. 898

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 **PENDEXTER** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Remove Outdated and Duplicative Provisions from the Statute Governing the Office of Substance Abuse"

S.P. 349 L.D. 977

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 **PENDEXTER** for the Committee on **HUMAN RESOURCES** on Bill "An Act Regarding Abandoned Prescription Drugs at State Facilities"  
S.P. 419 L.D. 1142

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 **BENOIT** for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Clarify Juvenile Detention"  
S.P. 354 L.D. 982

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-114)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-114) **READ** and **ADOPTED**.

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

---

Senator **PENDEXTER** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Expand Eligibility for Benefits under the Adoption Assistance Program" (Emergency)  
S.P. 247 L.D. 644

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-109)**.

Which Report was **READ**.

On motion by Senator **KIEFFER** of Aroostook, Tabled 1 Legislative Day, pending **ACCEPTANCE** of the Report.

---

Senator **PENDEXTER** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Discourage Prescription Drug Fraud"  
S.P. 265 L.D. 705

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-120)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-120) **READ** and **ADOPTED**.

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

---

Senator **PENDEXTER** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Expand Access to Financing for Health and Social Service Agencies"  
S.P. 283 L.D. 771

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-122)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-122) **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 Clarify the Liquor Licensing Laws for Certain Eating Establishments"  
S.P. 94 L.D. 234

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-121)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-121) READ and ADOPTED.

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

---

Senator PENDEXTER for the Committee on HUMAN RESOURCES on Bill "An Act to Provide Funds for Family Crisis Shelters"

S.P. 307 L.D. 846

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-110).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-110) READ and ADOPTED.

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

---

Senator GOLDTHWAIT for the Committee on MARINE RESOURCES on Resolve, to Strengthen Fish Hatchery Capacity within the State by Establishing a Partnership between Public and Private Organizations (Emergency)

S.P. 365 L.D. 991

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-116).

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

Committee Amendment "A" (S-116) READ and ADOPTED.

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

---

Senator HATHAWAY for the Committee on TAXATION on Bill "An Act to Clarify the Tax Records Laws"

S.P. 140 L.D. 326

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-111).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-111) READ and ADOPTED.

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

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Senator HATHAWAY for the Committee on TAXATION on Bill "An Act to Clarify the Sales Tax Law Applicable to Packaging"

S.P. 207 L.D. 550

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-113).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-113) READ and ADOPTED.

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

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Senator HATHAWAY for the Committee on TAXATION on Bill "An Act to Reestablish the Tax Credit for Intrastate Airlines" (Emergency)

S.P. 245 L.D. 642

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-112).

Which Report was READ.

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

Senator RAND: Thank you Mr. President. May I pose a question through the Chair? The question is for the good Senator Hathaway. Could he please tell me if there is a fiscal note on this bill?

THE PRESIDENT: The Senator from Cumberland, Senator Rand, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from York, Senator Hathaway.

Senator HATHAWAY: Thank you Mr. President. I believe there is, but I'm afraid at this point I don't know exactly what it is. I would be happy to find out.

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

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Create an Income Tax Stabilization Program" (Emergency)

S.P. 98 L.D. 238

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (S-115).

Signed:

Senators:

HATHAWAY of York  
FERGUSON, JR. of Oxford  
CAREY of Kennebec

Representatives:

KEANE of Old Town  
TRIPP of Topsham  
MURPHY of Berwick  
SPEAR of Nobleboro  
DUNN of Gray  
TUTTLE, JR. of Sanford  
REED of Falmouth

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

Signed:

Representatives:

DORE of Auburn  
GREEN of Monmouth  
RICHARDSON of Portland

Which Reports were **READ**.

On motion by Senator **CAREY** of Kennebec, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Either Report.

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**Divided Report**

Eight Members of the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Release the Public Utilities Commission from Mandatory Participation in Welfare Programs"

S.P. 149 L.D. 335

Reported in Report "A" that the same **Ought Not to Pass**.

Signed:

Representatives:

KONTOS of Windham  
ADAMS of Portland  
GIERINGER, JR. of Portland  
O'NEAL of Limestone

POULIN of Oakland  
LUTHER of Mexico  
HEESCHEN of Wilton  
POIRIER of Saco

Four Members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended** by Committee Amendment "A" (S-117).

Signed:

Senators:

CARPENTER of York  
HARRIMAN of Cumberland

Representatives:

TAYLOR of Cumberland  
STONE of Bangor

One Member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended** by Committee Amendment "B" (S-118)

Signed:

Senator:

CLEVELAND of Androscoggin

Which Reports were **READ**.

Senator **CARPENTER** of York moved that the Senate **ACCEPT** Report B - **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-117).

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

Senator **CLEVELAND:** Thank you Mr. President. I rise to ask you not to support this amendment, because there is actually a better alternative available to us, under Committee Amendment "B". Essentially, Committee Amendment "A" really does not address the issue that was raised originally with the concern. The concern being that revenues from electric rates are used to fund an electric lifeline program to support individuals or to help them pay their electric rate bills within the utility structure. Amendment "A" simply caps the amount, which is currently capped under the Public Utilities Commission rules anyways, so it achieves no purpose there, and asks the Public Utilities Commission to conduct a study, the results of which we already know will be that there are those low-income folks who need assistance and that if there was money available in the General Fund that would be the preferable alternative, but since those funds are not available we have been utilizing the electric rate structure to provide necessary and desperate support for individuals. The "A" amendment achieves nothing. I would ask you to vote against it so that you may have an opportunity to consider amendment "B", which actually sets up a structure that will move us from potentially where we are, funding social programs from electric rates, to funding social programs from the General Fund without jeopardizing the low-income folks. So, I would ask you to vote against this amendment so that you can adopt a more productive one.

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

Senator **HARRIMAN:** Thank you Mr. President. Good afternoon Ladies and Gentlemen of the Senate. I rise and ask that you support the good Senator from York, Senator Carpenter's, motion to support Committee Amendment "A". If I could, Mr. President, I would just like to take a minute or two of your time to elaborate a little bit on what the good Senator from Androscoggin, Senator Cleveland, alluded to in terms of how this program has come to life and how it actually works. Before I do that, I would like to state, for my colleagues here, that I think, more than anything, people don't care how much you know until they know how much you care. I know that everyone of us are concerned about the plight of people who have, for whatever reason, found themselves in harm's way. Particularly our young and our elderly, who are trying to find a way toward independence, whether it is from welfare or general assistance or, in this case, electric lifeline programs. I firmly believe that it is a responsibility of our democratic society, as an organized society, indeed our government, to decide the priorities of the programs for assisting our citizens in harm's way. The program that exists today has come about in a little different way. The federal government, as you know, has had a program called LIHE, for Low Income Home Energy Program, which several years ago went through some budget cuts. As you are even more aware, more recently, the State of Maine has found itself with more expenditures than revenues, and, indeed, our General Assistance program, and our welfare programs and others, have found their budgets cut. So, what did the 115th Session of the Legislature decide to do to address these decreases in fundings? Rather than demonstrating the courage to make these programs a priority, we decided, instead, to force a mandatory welfare program on only three of the thirteen, or so, electric generators in the State of Maine. Indeed, we have passed our responsibility, our democratic responsibility, onto private industry, and not all of them, just the three largest ones. In fact, the most recent figures that I have been able to come up with, at least from the electric utility generator that served my constituents, they have spent, or are obligated to, close to \$6 million to provide welfare for electric rates. On top of that they are required to pay for the administrative costs. Yet, statewide, for all general assistance programs in the State of Maine, we spend \$9 million. In my opinion, for whatever that may be worth, I believe that the public policy mandates that have occurred over the years on electric utility generators, whether it has been forcing them into long-term contracts with non-utility generators, what appears to be, in my view, at times regulatory terrorism in legislative mandates, we have rendered the electric utility generators in the State of Maine in a position where their financial future is in dire straights, in my opinion. Indeed, we are entering a new era in the area of electric generation and rates.

Let me ask you, if this bill were pending today to ask you to vote for a program that would mandatorily ask one particular industry to subsidize low-income people, would you be voting for it? Let

me just share with you, if I may, how this program works. To participate one must have a household income of 150% or less of the federal poverty level. That's the first milestone. The second is, you must spend more than 6% of your household income on electricity. High-use customers are eligible if they spend more than 12% of their income. Mind you, they must be at 150% or less of the federal poverty level. On the other hand, if you are at or below 150% of the federal poverty level, or you spend less than 6%, or the 12% that I mentioned, you would not qualify. Nor would one be able to participate if your income was 150.1% above poverty level. In essence, many of the very same people these programs are seeking to help, are subsidizing it for others. Perhaps, more importantly, once someone is determined eligible, they receive benefits for the year, whether or not they need it. For people who utilize this program, it is yet another complicated piece of the welfare puzzle demanding the will to seek out where and how the pieces will fit with AFDC, food stamps, housing subsidies, Medicaid, et cetera, et cetera.

Realizing that the likelihood of a program like this being eliminated today, knowing the financial constraints the State of Maine is in, the compromise that is before you in Committee Amendment "A" simply says that whatever the electric utility companies are being assessed now, which is currently one half of one percent of their revenues, that is where they will stay. Whatever that number is today will be capped, and future increases in their revenues will not be used to continue to subsidize a low-income program. It justifiably belongs in this chamber, in our decision making process. The second point we hope to take a look at is why is it that there are ten other electric generators in the State who are not required to participate? Maybe there is a valid reason, but we should know that. I think this is a fair compromise. It gives the electric utilities a chance to prepare for the future. Make no mistake about it, competition is coming in the electric utility business. This is one way that we can show that we want to work with them, rather than tying a parachute to their back before the foot race of competition begins. I hope that you will join me in supporting the pending motion. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President, Men and Women of the Senate. I would ask you to take just a moment to read the Statement of Fact on either bill, they are very short, it will only take you a few moments to do that. There are those who have raised concerns, my good colleague from Cumberland, Senator Harriman, has raised issues of concern. He sits on the Committee, he had an opportunity to present those, and also an opportunity to present solutions to the whole host of problems. There is no argument from the utilities, or anyone else, that there are those low-income individuals who need, and deserve, support. As a matter of fact, they have testified themselves that their own customers, that they know of, require some support to pay some electric bills, and support programs being established to do that. They participated in, the Public Advocate participated in, the Public Utilities Commission participated in the 1991 study, which

identified the need to assist low-income individuals with their energy costs and recommended, at that time, that additional funds be appropriated from the State to meet the need. Given the financial situation in the General Fund at the time, we were not able to do it. This alternative of providing some assistance, through electric utilities, was proposed and is in place and is working adequately. But, take a look at what the solution is, as proposed, the solution is simply to create another study, not to solve the problem. To have the same folks who have looked at it in an extensive review come back with the same recommendations, that there is a need, it has to be met, if we had a preference we would do it out of the General Fund, absent that this is the second best alternative. We all know what that is going to be. This proposes no solution to the problem whatsoever when given the opportunity to provide a creative approach. I direct you to Report C. What it does is cap the amount at .5%, as Report B does, and provides a real mechanism by which, as funds are made available, through an appropriation process, to help pay for those low-energy costs, that they will be there to help reduce the burden on electric utilities and rates. It at least provides a realistic solution with a heart and a workable means, which, I think, is much better than sending out for one of these studies which is going to come back and tell us what we already know. So, I would ask you not to support a non-solution, but rather take a look at Report C, and see if that at least sets up the structure by which we head in the direction we all say we would like to go, and provides a realistic means of doing it. So, once again, I would ask you not to support the motion on the floor, and have an opportunity to support a real solution to the problem. Thank you.

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

**Senator HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This motion before you is an opportunity to begin the first step in a journey, I hope, that will eliminate the legislature mandating that industry participate in mandatory welfare programs. Hopefully, as the State's economic circumstances turn for the better, and competition does, indeed, spring in the electric utility generation industry, we can terminate this program, and deal with these issues where they rightly belong, in our general assistance efforts. The good Senator from Androscoggin, Senator Cleveland, wants you to defeat the pending motion and go on to accept Committee Amendment "B", which is, in my view, nothing more than an opportunity to continue to force these companies into mandatory welfare programs, and if, and when, we ever decide that this is a priority of this Legislature, that the State checkbook will be pulled out and the Treasurer will write a check to the utility company, reimbursing them for their own expenditures. I would ask how likely is that that this is going to happen? The pending motion is an opportunity to send a message that we are going to demonstrate the courage to change, and that we are going to find ways to assume responsibility that is justifiably ours. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator CARPENTER of York that the Senate **ACCEPT Report B - OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-117).**

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.

19 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator CARPENTER of York to **ACCEPT Report B - OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-117), PREVAILED**

The Bill **READ ONCE.**

Committee Amendment "A" (S-117) **READ and ADOPTED.**

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

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**Divided Report**

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Clarify the Intent of the Electric Rate Reform Act"

S.P. 253 L.D. 691

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

Signed:

Senators:

CARPENTER of York  
HARRIMAN of Cumberland  
CLEVELAND of Androscoggin

Representatives:

KONTOS of Windham  
TAYLOR of Cumberland  
GIERINGER, JR. of Portland  
POULIN of Oakland  
STONE of Bangor  
POIRIER of Saco

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-119).**

Signed:

Representatives:

ADAMS of Portland  
O'NEAL of Limestone  
LUTHER of Mexico  
HEESCHEN of Wilton

Which Reports were **READ.**

The Majority **OUGHT NOT TO PASS Report ACCEPTED.**

Sent down for concurrence.

Sent down for concurrence.

**SECOND READERS**

**ENACTOR**

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

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

**House As Amended**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit State Spending and Establish a Reserve Fund

H.P. 630 L.D. 855  
(C "A" H-177)

An Act to Create a Separate License Plate for Sheriffs

H.P. 139 L.D. 187  
C "A" (H-99)

On motion by Senator STEVENS of Androscoggin, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**.

Which was **READ A SECOND TIME**.

On motion by Senator LAWRENCE of York, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

**ORDERS OF THE DAY**

**Unfinished Business**

The following matter in the consideration of which the Senate was engaged at the time of Adjournment has preference in the Orders of the Day and continues with such preference until disposed of as provided by Senate Rule 29.

**Senate**

Bill "An Act to Amend the Displaced Homemakers Act"

S.P. 369 L.D. 1046

Bill "An Act to Require Unanimous Approval by the Hancock County Commissioners to Change the Recommendations of the Budget Committee"

S.P. 422 L.D. 1145

Bill "An Act to Increase Capitalization of the Seal Harbor Water Company"

S.P. 424 L.D. 1147

The Chair laid before the Senate the following Tabled and Specially Assigned (May 2, 1995) matter:

HOUSE REPORT from the Committee on **TRANSPORTATION** on Bill "An Act to Create a Purple Heart License Plate"

H.P. 102 L.D. 137

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**.

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-154)**.

Sent down for concurrence.

Tabled - April 27, 1995 by Senator KIEFFER of Aroostook.

Pending - **ACCEPTANCE OF THE REPORT**.

**Senate As Amended**

(In House, April 27, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-154)**.)

Bill "An Act to Ban the Tripping of Horses"  
S.P. 316 L.D. 897  
(C "A" S-107)

(In Senate, April 27, 1995, Report **READ**.)

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-154) **READ.**

On motion by Senator **PINGREE** of Knox, Senate Amendment "A" (S-123) to Committee Amendment "A" (H-154) **READ.**

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

Senator **PINGREE:** Thank you Mr. President. I would like to speak briefly to my amendment. I had a constituent who was very pleased that we are about to have Purple Heart license plates, but he was unable to qualify under the existing proposal because he has no car. The bill required proof of excise tax. So, this took a little time to get amended, but I appreciate the indulgence of the sponsors of this bill, as well as Senator Stevens, and the members of the Committee. They have all agreed on this amendment and say that it is okay. Basically what it does is say that to receive a Purple Heart license plate you must qualify, you don't have to own or operate a car, you get a void license plate, you pay for it, and it is yours. So, I hope that you will vote for this amendment on behalf of my constituent, Roger Young of Vinalhaven, and I'm sure anytime you are on Vinalhaven he would be proud to have you come and visit and see it hanging on his wall. Thank you very much.

On further motion by the same Senator, Senate Amendment "A" (S-123) to Committee Amendment "A" (H-154) **ADOPTED.**

Committee Amendment "A" (H-154) as amended by Senate Amendment "A" (S-123), thereto, **ADOPTED** in **NON-CONCURRENCE.**

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

years ago. Many gave the supreme sacrifice. Many suffered much pain of their wounds. All served us so well. May we never forget their sacrifices. Thank you Mr. President.

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Off Record Remarks

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On motion by Senator **BENOIT** of Franklin, **ADJOURNED** in memory and in honor of those individuals who fought and worked for the victory in Europe, until Wednesday, May 10, 1995, at 9:30 o'clock in the morning.

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

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Pursuant to Senate Rule 1, the Chair appointed Senator **HALL** of Piscataquis as President Pro Tem for tomorrow's session.

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Senator **BENOIT** of Franklin was granted unanimous consent to address the Senate on the Record.

Senator **BENOIT:** Thank you Mr. President. May it please the Senate. I respectfully ask that when we adjourn today, we do so in honor of those many men and women who served us so well regarding the terrible war in Europe that ended in victory fifty