

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME VI

SECOND REGULAR SESSION

House of Representatives

January 3, 1996 to April 3, 1996

Senate

January 3, 1996 to March 13, 1996

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

In Senate Chamber
Thursday
January 18, 1996

January 16, 1996

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

Prayer by the Reverend Kevin Kopsa of the Church of Christ, Augusta.

REVEREND KEVIN KOPSA: Good morning. It is a pleasure to be with you. Thank you for the warm welcome. Will you pray with me?

Holy God, our Creator, thank You for this day. We thank You for the State of Maine, our beautiful home. We thank You for sustaining us thus far. We thank You for these women and men gathered here to serve today. I ask Your guidance today, that You will grant wisdom to those here this morning, and to all the residents of this State. I pray that You will help them remember the higher callings that have drawn these people here. May they treat each other, the people and the land which they serve, with the utmost respect. Please continue to sustain us. I offer my prayer through Jesus, the Christ. Amen.

Reading of the Journal of Tuesday, January 16, 1996.

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

ORDER

Joint Order

On motion by Senator **KIEFFER** of Aroostook, the following Joint Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 23, 1996, at 5:30 o'clock in the evening.

S.P. 663

Which was **READ** and **PASSED**.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Allow Voluntary Withholding of Federal and State Income Taxes from Unemployment Compensation Benefits"

S.P. 639 L.D. 1674

In Senate, January 9, 1996, referred to the Committee on **LABOR** and **ORDERED PRINTED**.

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

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
BUREAU OF BANKING
36 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0036

The Honorable Jeffrey H. Butland
President of the Senate
State House Station 3
Augusta, Maine 04333
Dear President Butland:

In accordance with Title 9-B MRSA §217, as amended, I am submitting to the members of the Maine House and Senate a report entitled "The Status of Maine's Financial Institutions."

This report contains the number, type and legal structure of all financial institutions operating in the State of Maine, as well as the location of offices and total deposits held by these institutions. Maine's financial institutions continued to show improvement in earnings and capital ratios for 1995.

The future course of the financial services industry will be shaped by recent changes in state and federal interstate bank branching laws. Governor King established a Task Force to study the issue of interstate banking and branching in Maine and draft legislation in response to changes in federal law. The Task Force completed its assignment at yearend, and its recommendations are summarized in Section III of this report. The Governor plans to propose legislation to implement the Task Forces' recommendations for the Second Regular Session of the 117th Maine Legislature.

Copies of this report have been distributed to the Secretary of the State Senate in order to provide one copy for each member of the Senate. The report will also be available in electronic format on the Maine Bureau of Banking's World Wide Web Home Page at "http://www.state.me.us/pfr/bkg/status96.htm".

Very truly yours,
S/H. Donald DeMatteis
Superintendent
S.C. 427

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

The Following Communication:

117TH MAINE LEGISLATURE

January 16, 1996

Senator Willis A. Lord
Representative Richard A. Gould
Chairpersons
Joint Standing Committee on Natural Resources
117th Legislature
Augusta, Maine 04333

Dear Senator Lord and Representative Gould:

Please be advised that Governor Angus S. King, Jr. has nominated George A. Smith of Mount Vernon, Sally Stockwell of Cumberland Center, Horace A. Hildreth, Jr. of Falmouth and Richard A. Fortier of Caribou for appointments as members of the Maine Outdoor Heritage Fund Board.

Pursuant to Public Law 1995, Chapter 494, these nominations will require review by the Joint Standing Committee on Natural Resources and confirmation by the Senate.

Sincerely,
S/Jeffrey H. Butland
President of the Senate
S/Dan A. Gwadosky
Speaker of the House
S.P. 662

Which was **READ** and referred to the Committee on **NATURAL RESOURCES**.

Sent down for concurrence.

The Following Communication:
STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY

January 17, 1996

The Honorable Jeffrey H. Butland
 President of the Senate of Maine
 117th Maine Legislature
 State House
 Augusta, Maine 04333
 Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 38 of the 117th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Christine Foster of Portland, for appointment as a Judge of the Maine District Court.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:	Sen. 3	Mills of Somerset, Pendexter of Cumberland, Faircloth of Penobscot
	Rep. 9	Treat of Gardiner, Lemke of Westbrook, Richardson of Portland, Jones of Bar Harbor, LaFountain of Biddeford, Watson of Farmingdale, Hartnett of Freeport, Madore of Augusta, Nass of Acton

NAYS: 0
 ABSENT: 1 Rep. Plowman of Hampden
 Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Christine Foster of Portland, for appointment as a Judge of the Maine District Court be confirmed.

Signed:

S/S. Peter Mills Senate Chair
 S/Sharon Anglin Treat House Chair

S.C. 428

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended the nomination of Christine Foster of Portland be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on JUDICIARY be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 117th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?
 The Doorkeepers will secure the Chamber.
 The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, BUSTIN, CAREY, CARPENTER, CASSIDY, CIANCHETTE, CLEVELAND, FAIRCLOTH, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LAWRENCE, LONGLEY, LORD, MICHAUD, PARADIS, PENDEXTER, PINGREE, RAND, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

ABSENT: Senators: ESTY, McCORMICK, MILLS, O'DEA
 No Senator having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Christine Foster, for appointment as a Judge of the Maine District Court, was CONFIRMED.

The Secretary informed the Speaker of the House.

Off Record Remarks

SENATE PAPERS

Bill "An Act to Clarify and Improve the Governor's Authority to Ban Out-of-door Fires and Restrict Human Activity during Periods of High Fire Danger"

S.P. 665 L.D. 1725

Presented by Senator CASSIDY of Washington
 Cosponsored by Representative KILKELLY of Wiscasset and Senator: PARADIS of Aroostook,
 Representative: SPEAR of Nobleboro
 Submitted by the Department of Conservation pursuant to Joint Rule 24.

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

Which was referred to the Committee on AGRICULTURE, CONSERVATION AND FORESTRY and ORDERED PRINTED.

Sent down for concurrence.

Pursuant to Public Law
TASK FORCE TO STUDY THE OPERATIONS OF THE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE
 Senator HALL for the TASK FORCE TO STUDY THE OPERATIONS OF THE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE, pursuant to Public Law 1995, chapter 455, section 44 asks leave to submit its findings and report, pursuant to Joint Rule 20, that the accompanying Bill "An Act to Implement the Recommendations of the Task Force to Study the Operations of the Department of Inland Fisheries and Wildlife" (Emergency)

S.P. 666 L.D. 1726

Be referred to the Committee on INLAND FISHERIES AND WILDLIFE for Public Hearing and ordered printed.
 Which Report was READ and ACCEPTED.

The Bill referred to the Committee on INLAND FISHERIES AND WILDLIFE and ORDERED PRINTED.

Sent down for concurrence.

ORDERS
 Joint Resolution

On motion by Senator **AMERO** of Cumberland. Cosponsored by: Senator **BUSTIN** of Kennebec, Senator **BUTLAND** of Cumberland, Senator **KIEFFER** of Aroostook, Senator **LAWRENCE** of York, Representative **CARLETON** of Wells, Representative **GWADOSKY** of Fairfield, Representative **JACQUES** of Waterville, Representative **MITCHELL** of Vassalboro, Representative **WHITCOMB** of Waldo.

JOINT RESOLUTION HONORING GERMAINE LONGLEY ON THE OCCASION OF HER RETIREMENT

WHEREAS, Germaine Longley has decided to retire after more than 37 years of dedicated service to the State of Maine; and

WHEREAS, she has served the Legislature in many capacities over the last 20 years; and

WHEREAS, she has truly participated in the transformation of the legislative process from the days when the House Docket was kept by hand on thousands of index cards to the electronic system that maintains the process today; and

WHEREAS, she has contributed her thoroughness and her knowledge of the legislative process to countless legislators, members of the public and colleagues on the legislative staff; now, therefore, be it

RESOLVED: That We, the Members of the 117th Legislature now assembled in the Second Regular Session, formally express our sincere thanks to Germaine Longley for her many years of dedicated service to the Legislature and Maine State Government and extend our best wishes to her for a happy, healthy and fulfilling retirement; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be presented to Germaine Longley with our deep appreciation.

S.P. 664

Which was **READ**.

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

Senator **AMERO**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. It's an honor to recognize such a long-time employee of the State of Maine. It's actually quite rare, in this day and age, to find people who stay with their job for so long. Her service to the State is much appreciated. Twenty of those thirty-seven years she spent serving the Legislature in many capacities, and saw the Legislature grow from a hands-on Legislature to a more technical, and electronic-type, Legislature. On behalf of the Legislative Council, and all members of the Legislature, we want Germaine Longley to know how much we appreciate her many years of service. We sincerely wish her a full and happy retirement. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY**: Thank you, Mr. President, Men and Women of the Senate. I would just like to add that I wish she were related. She is a wonderful, wonderful person. I have known her in the State Law Library and always had a friendly comment and a joke to keep people laughing as they trot through. Also, I would like to thank her, during the years when there was a Longley in the Blaine House, she was a Longley in Augusta who had to field a lot of late night calls from all the crackpots you get calls from when you happen to be Governor. She endured that and she also endured all of us and she has performed wonderfully. I would like to add my thanks for all of her years of service. Thank you.

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

Senator **BUSTIN**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. She may not be the Susan Longley Longley, but she is my Longley. She is a constituent of mine and I appreciate the honor that we are showing to the dedicated State servants that we have throughout State government. She is a reflection of one of them and I do wish her a very happy retirement. I hope that at some point in the not too distant future I can follow her. Thank you.

Which was **ADOPTED**.

Sent down for concurrence.

COMMITTEE REPORT

Senate

Change of Reference

Senator **BEGLEY** for the Committee on **LABOR** on Bill "An Act to Establish the Employee Partnership Reward Act"

S.P. 538 L.D. 1476

Reported that the same be **REFERRED** to the Committee on **TAXATION**.

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

The Bill **REFERRED** to the Committee on **TAXATION**.

Sent down for concurrence.

ENACTOR

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

Emergency

An Act to Repeal the Sunset Provision for Distribution from the Maine Environmental Trust Fund

H.P. 1180 L.D. 1619

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senator having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

Senator **LONGLEY** of Waldo was granted unanimous consent to address the Senate off the Record.

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

Off Record Remarks

Senate at Ease
Senate called to order by the President.

Off Record Remarks

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

On motion by Senator **RUHLIN** of Penobscot, 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:

COMMITTEE REPORT
House

Ought to Pass As Amended

The Committee on **TAXATION** on Bill "An Act to Reduce the State Tax Valuation for the Town of Hope" (Emergency)

H.P. 1164 L.D. 1597

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-682)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-682)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-682) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

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

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Clarify the Distribution of Funding for the Maine School of Science and Mathematics" (Emergency)

H.P. 1255 L.D. 1724

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

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

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

Resolve, Authorizing the Sale by the State of a Certain Parcel of Land to Joseph Squeglia

H.P. 1254 L.D. 1723

Reference to the Committee on **STATE AND LOCAL GOVERNMENT** 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.

Pursuant to Public Law
MAINE HEALTH CARE REFORM COMMISSION

The **MAINE HEALTH CARE REFORM COMMISSION**, pursuant to the Public Law 1993, chapter 707, Part AA, section 5, asked leave to submit its findings and to report, pursuant to Joint Rule 20; that the accompanying Bill "An Act to Develop the Maine Public Health Improvement Plan"

H.P. 1253 L.D. 1722

Be referred to the Committee on **HUMAN RESOURCES** for Public Hearing and **ORDERED PRINTED**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

Report **READ**.

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

Off Record Remarks

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

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

ENACTOR

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

Emergency

An Act to Reduce the State Tax Valuation for the Town of Hope

H.P. 1164 L.D. 1597
(C "A" H-682)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senator having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

Senator **STEVENS** of Androscoggin was granted unanimous consent to address the Senate off the Record.

Senator **PARADIS** of Aroostook 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.

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **LONGLEY** of Waldo, **ADJOURNED** until Tuesday, January 23, 1996, at 5:30 o'clock in the evening, in honor of Germaine Longley upon the occasion of her retirement, and in memory of former United States Representative Barbara Jordan, of Texas.