

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

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

In Senate Chamber
Thursday
January 25, 1996

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

Prayer by the Reverend Steve Perry of the United Methodist Church, Winthrop.

REVEREND STEVE PERRY: Thank you, Mr. President and Senators and distinguished guests. It's nice to have Wendy Ault with us here this morning. She was in the office earlier, singing my praises and embarrassing me; and Edie Smith, also. As we enter into this prayer, I ask that we just take a moment of silence to center ourselves in this day, in this place, within ourselves and to the tasks that we have. Let us just spend some time in silence.

Almighty God, we pause to give You thanks for the gift of liberty, and for the privilege to serve the people of this great State. We also give You thanks for this new day, with all the positive potential and opportunity that lies hidden in each challenge, this potential and opportunity that only You can see. Lord, open our eyes our ears and our hearts. Illumine our minds to help us to see, help us to understand, and help us to serve, as this Senate, oh Lord, faces the impossible responsibility of governing this State, and as they grapple together with difficult challenges, even though today's agenda seems light; but Lord, if it isn't today, it will be in days to come. As they grapple together, help them to relate to one another and work with each other with respect, humility, compassion, and understanding. In all their ways, Lord, we pray that You will help them to lead this State with, and towards, peace and justice for all its people. We seek Your wisdom in all we do, God. Amen.

Reading of the Journal of Tuesday, January 23, 1996.

Off Record Remarks

Out of order and under suspension of the Rules, 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 30, 1996, at 10:00 o'clock in the morning.

S.P. 677

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Enhance Amusement Ride Safety"

H.P. 1256 L.D. 1728

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

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

Which was referred to the Committee on **CRIMINAL JUSTICE**, 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, asks leave to submit its findings and to report, pursuant to Joint Rule 20, that the accompanying Resolve, to Require the Study of the Medical Liability Pre-litigation Screening Panels

H.P. 1257 L.D. 1729

Be referred to the Committee on **BANKING AND INSURANCE** for Public Hearing and ordered printed.

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

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

The Bill referred to the Committee on **JUDICIARY**, in concurrence.

Joint Order

The following Joint Order:

ORDERED, the Senate concurring, that the Joint Standing Committee on Judiciary report out a bill incorporating recommendations for changes in the laws concerning protection from abuse and protection from harassment to the House.

H.P. 1258

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

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

COMMUNICATIONS

The Following Communication:

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

January 19, 1996

Honorable Jeffrey Butland, President

Maine Senate

Honorable Dan Gwadosky, Speaker

Maine House of Representatives

RE: Protection from Abuse and Protection from Harassment

Dear President Butland and Speaker Gwadosky:

During the First Regular Session, the Joint Standing Committee on Judiciary heard LD 1092, Resolve, Directing the Attorney General's Office to Review the Current Definition and Judicial Interpretation of Harassment. The Committee requested the Judicial Department to include the questions raised by the Resolve in the Department's TQM "Team" examining Protection from Abuse and Protection from Harassment, and voted ONTP on the LD. We asked the Department to report back to us this session with recommendations.

District Court Judge Joseph Field addressed the Committee on January 17, 1996, and presented the Judicial Department's recommendations. We are pleased to support the recommendations, and we are submitting a joint order directing the Committee to report out a bill containing the Judicial Department's recommendations.

Sincerely,

S/S. Peter Mills III
Senate Chair

S/Sharon Anglin Treat
House Chair
S.C. 431

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

SENATE PAPERS

Bill "An Act to Clarify Certain Provisions of Law Pertaining to Lobster Management"

S.P. 673 L.D. 1733

Presented by Senator **PINGREE** of Knox
Cosponsored by Representative: **RICE** of South Bristol

Submitted by the Department of Marine Resources pursuant to Joint Rule 24.

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.

Bill "An Act to Clarify the Agency Rule-making Process"

S.P. 678 L.D. 1735

Presented by Senator **AMERO** of Cumberland
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on **STATE AND LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.

Which was referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Amend the Commercial Vehicle Weight Laws"

S.P. 674 L.D. 1734

Presented by Senator **STEVENS, JR.** of Androscoggin
Cosponsored by Representatives: **BOUFFARD** of Lewiston, **FARNUM** of South Berwick, **HEINO** of Boothbay, **RICKER** of Lewiston

Submitted by the Department of Transportation pursuant to Joint Rule 24.

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

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

Sent down for concurrence.

COMMITTEE REPORT

Senate

Ought to Pass

Senator **MILLS** for the Committee on **JUDICIARY** on Bill "An Act to Restore the Safety Defense to the Maine Human Rights Act" (Emergency)

S.P. 620 L.D. 1625

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

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

The Bill **READ ONCE**.

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

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

On motion by Senator **BUSTIN** of Kennebec, **RECESSED** until the sound of the bell.

After Recess
Senate called to order by the President.

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Budget Process in Androscoggin County" (Emergency)

H.P. 1259 L.D. 1736

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.

Joint Resolution

The following Joint Resolution:

JOINT RESOLUTION IN MEMORY OF KAREN J. HUBBARD

WHEREAS, Karen J. Hubbard, who died January 20, 1996, worked for the Maine House of Representatives as a House reporter during the 106th to 117th Legislatures; and

WHEREAS, Karen was born in Augusta and raised and lived in this area, and she always gave back to her community by volunteering for the Fayette Fire Department and as an EMT for the Fayette Rescue; and

WHEREAS, Karen had also worked at Berry Hill Orchards in Livermore and had been an administrative assistant at Camp Keyes in Augusta; and

WHEREAS, Karen faithfully served the State of Maine and the Maine State Legislature since 1973 with great distinction through 23 legislative sessions; and

WHEREAS, Karen will be sadly missed by her loving family and many friends; now, therefore, be it

RESOLVED: That, We, the Members of the 117th Legislature now assembled in the Second Regular Session, formally express our condolences and deepest sympathies to the loving family and friends of Karen J. Hubbard; and be it further

RESOLVED: That our membership take this opportunity to commemorate the life of Karen J. Hubbard; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be presented to her family as a tangible token of our esteem.

H.P. 1261

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

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

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

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.

Off Record Remarks

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

Off Record Remarks

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **STEVENS** of Androscoggin, **ADJOURNED**, in honor and in memory of Karen J. Hubbard of Fayette, until Tuesday, January 30, 1996, at 10:00 o'clock in the morning.