

# 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  
February 15, 1996

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

Prayer by the Honorable Albert G. Stevens, Jr. of Androscoggin.

**SENATOR STEVENS:** Good morning. It's always good to be among friends and neighbors. I thought it would be a good morning for us all to recite the Lord's Prayer.

Our Father, Who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread and forgive us our debts as we forgive our debtors. Lead us not into temptation but deliver us from evil, for Thine is the kingdom, the power and the glory forever. Amen.

Reading of the Journal of Tuesday, February 13, 1996.

Off Record Remarks

The President requested the Sergeant-at-Arms to escort the Senator from Cumberland, Senator **ABROMSON** to the rostrum where he assumed the duties as President Pro Tem.

The President took a seat on the floor of the Senate.

The Senate called to Order by the President Pro Tem.

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, February 20, 1996, at 10:00 o'clock in the morning.

S.P. 699

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

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

PAPER FROM THE HOUSE  
Joint Order

The following Joint Order:

**ORDERED**, the Senate concurring, that the Joint Standing Committee on State and Local Government report out to the House such legislation as is necessary to revise the salaries of county officers and lay the county taxes for the year 1996.

H.P. 1290

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 AGRICULTURE, CONSERVATION AND FORESTRY  
February 12, 1996

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

Dear President Butland and Speaker Gwadosky:

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

- L.D. 1267 An Act to Establish the Maine Outdoor Recreation Council
- L.D. 1686 An Act to Remove the 50-foot Buffer Requirement When Cutting Trees

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

Sincerely,

S/Sen. Vinton E. Cassidy S/Rep. Robert W. Spear  
Senate Chair House Chair  
S.C. 471

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

The Following Communication:

STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON HUMAN RESOURCES  
February 12, 1996

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

Dear President Butland and Speaker Gwadosky:

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

- L.D. 1716 An Act to Allow the Department of Human Services to Release the Names of Individuals Who Receive Welfare Benefits as a Result of Serious, False Misrepresentation

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Joan M. Pendexter S/Rep. Michael J. Fitzpatrick  
Senate Chair House Chair  
S.C. 472

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

The Following Communication:

STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON JUDICIARY  
February 12, 1996

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 1371 An Act Relating to Civil Actions, Providing for the Defense of Assumption of Risk, Providing for Standards of Liability in Product Liability Actions and Providing for Standards and Procedures in Awarding Punitive Damages

L.D. 1448 An Act to Reconcile Rights and Responsibilities with Respect to Sexual Orientation and Related Matters

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

Sincerely,

S/Sen. S. Peter Mills S/Rep. Sharon Anglin Treat  
Senate Chair House Chair  
S.C. 473

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

The Following Communication:

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

February 12, 1996

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 926 An Act to Prevent Impasse in Collective Bargaining by Allowing Parties of Either Side to Request Mediation

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Charles M. Begley S/Rep. Pamela H. Hatch  
Senate Chair House Chair  
S.C. 474

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

The Following Communication:

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

February 12, 1996

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 848 An Act to Further the Privatization of Liquor Stores within the State

L.D. 1621 An Act to Amend the Campaign Finance Laws

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

Sincerely,

S/Sen. Norman K. Ferguson, Jr. S/Rep. Harry G. True  
Senate Chair House Chair  
S.C. 475

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

The Following Communication:

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

February 12, 1996

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 1623 Resolve, Authorizing the Dredging of Wells Harbor and Sand Renourishment of Wells Beaches by the United States Army Corps of Engineers

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Willis A. Lord S/Rep. Edward L. Dexter  
Senate Chair House Chair  
S.C. 476

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

The Following Communication:

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

February 12, 1996

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 1185 An Act to Give the Washington County Legislative Delegation a Role in the County Budget Process

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,  
S/Sen. Jane A. Amero S/Rep. Beverly C. Daggett  
Senate Chair House Chair  
S.C. 477  
Which was READ and, with Accompanying Bill,  
ORDERED PLACED ON FILE.

The Following Communication:  
STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON TAXATION  
February 12, 1996

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

Dear President Butland and Speaker Gwadosky:  
Pursuant to Joint Rule 15, we are writing to  
notify you that the Joint Standing Committee on  
Taxation has voted unanimously to report the  
following bills out "Ought Not to Pass":  
L.D. 586 An Act to Establish a Flat Income  
Tax Rate for Certain Persons  
L.D. 1476 An Act to Establish the Employee  
Partnership Reward Act  
L.D. 1521 An Act to Make the Maine Income  
Tax a Percentage of the Federal  
Income Tax

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

Sincerely,  
S/Sen. W. John Hathaway S/Rep. Gary W. Reed  
Senate Chair House Chair  
S.C. 478

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

The Following Communication:  
STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON UTILITIES AND ENERGY  
February 12, 1996

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

Dear President Butland and Speaker Gwadosky:  
Pursuant to Joint Rule 15, we are writing to  
notify you that the Joint Standing Committee on  
Utilities and Energy has voted unanimously to report  
the following bill out "Ought Not to Pass":  
L.D. 1641 An Act to Amend the Maine Sanitary  
District Enabling Act

We have also notified the sponsor and cosponsors of  
the Committee's action.

Sincerely,  
S/Sen. David L. Carpenter S/Rep. Carol A. Kontos  
Senate Chair House Chair  
S.C. 479

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

The Following Communication:  
MAINE STATE LEGISLATURE  
AUGUSTA, MAINE 04333

February 13, 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 Agriculture,  
Conservation & Forestry has had under consideration  
the nomination of Colon E. Durrell of Farmington, for  
reappointment to the Maine Milk Commission.

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. 2 Cassidy of Washington, Lord  
of York  
Rep. 8 Spear of Nobleboro,  
Hichborn of Lagrange, Tyler  
of Windham, Strout of  
Corinth, Cross of  
Dover-Foxcroft, Kneeland of  
Easton, Dexter of  
Kingfield, Pendleton of  
Scarborough

NAYS: 0  
ABSENT: 3 Sen. Paradis of Aroostook,  
Rep. Kilkelly of Wiscasset,  
Rep. Ahearne of Madawaska

Ten 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 Colon E.  
Durrell of Farmington, for reappointment to the Maine  
Milk Commission be confirmed.

Signed:  
S/Vinton E. Cassidy S/Robert W. Spear  
Senate Chair House Chair  
S.C. 480

Which was READ and ORDERED PLACED ON FILE.  
THE PRESIDENT PRO TEM: The Joint Standing  
Committee on AGRICULTURE, CONSERVATION & FORESTRY has  
recommended the nomination of Colon E. Durrell of  
Farmington be confirmed.

The pending question before the Senate is:  
"Shall the recommendation of the Committee on  
AGRICULTURE, CONSERVATION & FORESTRY be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section  
151 and with Joint Rule 38 of the 117th, 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: AMERO, BEGLEY, BENOIT, BERUBE,  
BUSTIN, BUTLAND, CAREY,  
CARPENTER, CASSIDY, CIANCHETTE,  
FERGUSON, GOLDTHWAIT, HALL,  
HANLEY, HARRIMAN, HATHAWAY,  
KIEFFER, LAWRENCE, LONGLEY,

LORD, McCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PENDEXTER, PINGREE, RUHLIN, SMALL, STEVENS, and the PRESIDENT PRO TEM, Senator ABROMSON

ABSENT: Senators: CLEVELAND, ESTY, FAIRCLOTH, RAND  
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 Colon E. Durrell, for reappointment to the Maine Milk Commission, was **CONFIRMED**.

The Secretary informed the Speaker of the House.

Off Record Remarks

The Following Communication:

**MAINE STATE LEGISLATURE  
AUGUSTA, MAINE 04333**

February 13, 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 Agriculture, Conservation & Forestry has had under consideration the nomination of Katherine O. Musgrave of Orono, for reappointment to the Maine Milk Commission.

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. 2 Cassidy of Washington, Paradis of Arrostook  
Rep. 8 Spear of Nobleboro, Hichborn of Lagrange, Tyler of Windham, Strout of Corinth, Cross of Dover-Foxcroft, Kneeland of Easton, Dexter of Kingfield, Pendleton of Scarborough

NAYS: 0  
ABSENT: 3 Sen. Lord of York, Rep. Kilkelly of Wiscasset, Rep. Ahearne of Madawaska

Ten 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 Katherine O. Musgrave of Orono, for reappointment to the Maine Milk Commission be confirmed.

Signed:

S/Vinton E. Cassidy  
Senate Chair

S/Robert W. Spear  
House Chair  
S.C. 481

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

**THE PRESIDENT PRO TEM:** The Joint Standing Committee on **AGRICULTURE, CONSERVATION & FORESTRY** has recommended the nomination of Katherine O. Musgrave of Orono be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION & FORESTRY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 117th, 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: AMERO, BEGLEY, BENOIT, BERUBE, BUSTIN, BUTLAND, CAREY, CARPENTER, CASSIDY, CIANCHETTE, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LAWRENCE, LONGLEY, LORD, McCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PENDEXTER, PINGREE, RUHLIN, SMALL, STEVENS, and the PRESIDENT PRO TEM, Senator ABROMSON

ABSENT: Senators: CLEVELAND, ESTY, FAIRCLOTH, RAND  
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 Katherine O. Musgrave, for reappointment to the Maine Milk Commission, was **CONFIRMED**.

The Secretary informed the Speaker of the House.

The Following Communication:

**MAINE STATE LEGISLATURE  
AUGUSTA, MAINE 04333**

February 14, 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 Natural Resources has had under consideration the nomination of Osmond C. Bonsey of Surry, for reappointment to the Board of Environmental Protection.

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. 2 Lord of York, Ruhlin of Penobscot  
Rep. 9 Dexter of Kingfield, Gould of Greenville, Poulin of Oakland, Berry of Livermore, Shiah of Bowdoinham, Damren of Belgrade, Marshall of Eliot, Meres of Norridgewock, Waterhouse of Bridgton

NAYS: 0  
 ABSENT: 2 Sen. Hathaway of York, Rep.  
 Nickerson of Turner

Eleven 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 Osmond C. Bonsey of Surry, for reappointment to the Board of Environmental Protection be confirmed.

Signed:

S/Willis A. Lord Senate Chair  
 S/Edward L. Dexter House Chair  
 S.C. 482

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT PRO TEM: The Joint Standing Committee on NATURAL RESOURCES has recommended the nomination of Osmond C. Bonsey of Surry be confirmed.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 117th, 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: AMERO, BEGLEY, BENOIT, BERUBE, BUSTIN, BUTLAND, CAREY, CARPENTER, CASSIDY, CIANCHETTE, CLEVELAND, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LAWRENCE, LONGLEY, LORD, MCCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PENDEXTER, PINGREE, RUHLIN, SMALL, STEVENS, and the PRESIDENT PRO TEM, Senator ABROMSON

ABSENT: Senators: ESTY, FAIRCLOTH, RAND  
 No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 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 Osmond C. Bonsey, for reappointment to the Board of Environmental Protection, was CONFIRMED.

The Secretary informed the Speaker of the House.

The Following Communication:  
**TASK FORCE TO MONITOR DEREGULATION OF HOSPITALS**  
**MAINE STATE LEGISLATURE**  
**AUGUSTA, MAINE 04333**

January 23, 1996

Honorable Jeffrey H. Butland, President of the Senate  
 Honorable Dan A. Gwadosky, Speaker of the House  
 Dear President Butland and Speaker Gwadosky:

In accordance with P.L. 1995, c. 368, Sec. W-12 (effective June 29, 1995), the Task Force to Monitor Deregulation of Hospitals hereby submits its findings and recommendations regarding the impact of deregulation of hospitals on providers and consumers

and the need to continue to maintain and expand a health information database that is currently maintained and administered by the Maine Health Care Finance Commission.

Enclosed is the Report of the Task Force to Monitor Hospital Deregulation, accompanied by suggested statutory changes necessary to implement the elimination of the regulatory functions of the Maine Health Care Finance Commission. Also attached is proposed legislation that would establish the Maine Health Data Organization and implement the recommendations of the Task Force.

Sincerely,  
 S/Senator I. Joel Abromson  
 Chair  
 S.C. 483

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

The Following Communication:  
**117TH MAINE LEGISLATURE**  
 February 14, 1996

Senator S. Peter Mills  
 Representative Sharon Treat  
 Chairpersons  
 Joint Standing Committee on Judiciary  
 117th Legislature  
 Augusta, Maine 04333

Dear Senator Mills and Representative Treat:

Please be advised that Governor Angus S. King, Jr. has nominated the following:  
 The Honorable Carl O. Bradford of Yarmouth for reappointment as a Justice of the Maine Superior Court, pursuant to the Constitution, Article V, Part 1, Section 8, and  
 The Honorable Ellen A. Gorman of Durham for reappointment as Maine District Court Judge, pursuant to Title 4, MRSA, Section 157.

These nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,  
 S/Jeffrey H. Butland  
 President of the Senate  
 S/Dan A. Gwadosky  
 Speaker of the House  
 S.P. 702

Which was READ and referred to the Committee on JUDICIARY.  
 Sent down for concurrence.

**SENATE PAPERS**

Bill "An Act to Initiate Education Reform in Maine"

S.P. 701 L.D. 1791

Presented by Senator AMERO of Cumberland (GOVERNOR'S BILL)

Cosponsored by Representative MITCHELL of Vassalboro and Senators: BENOIT of Franklin, KIEFFER of Aroostook, PARADIS of Aroostook, Representatives: BARTH, JR. of Bethel, BENEDIKT of Brunswick, BIGL of Bucksport, CAMERON of Rumford, DAMREN of Belgrade, DORE of Auburn, GIERINGER, JR. of Portland, GOOLEY of Farmington, HICHBORN of Lorange, JOSEPH of Waterville, LIBBY of Kennebunk, LIBBY of Buxton, LOVETT of Scarborough, MCELROY of Unity, MURPHY of Berwick, O'GARA of Westbrook, POIRIER of Saco, RICE of South Bristol, TUFTS of Stockton Springs

Reference to the Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and **ORDERED PRINTED**.  
Which was referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and **ORDERED PRINTED**.  
Sent down for concurrence.

Bill "An Act to Implement Performance Budgeting in State Government" (Emergency)

S.P. 700 L.D. 1790

Presented by Senator **AMERO** of Cumberland (GOVERNOR'S BILL)

Cosponsored by Representative **DAGGETT** of Augusta and Senators: **BERUBE** of Androscoggin, **HANLEY** of Oxford, Representatives: **JOSEPH** of Waterville, **MORRISON** of Bangor, **SIMONEAU** of Thomaston  
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.

Under suspension of the Rules, these matters were sent down forthwith for concurrence.

**COMMITTEE REPORTS**

**House**

**Ought to Pass**

The Committee on **MARINE RESOURCES** on Bill "An Act to Amend the Laws Regarding Drag Limits in South Bay"  
H.P. 1235 L.D. 1695

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**.

The Committee on **TRANSPORTATION** on Bill "An Act Pertaining to the Northern New England Passenger Rail Authority"

H.P. 1228 L.D. 1681

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**.

**Ought to Pass As Amended**

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Provide for Confidential Treatment of State and Federal Regulatory Information in the Application Process for Financial Institutions"

H.P. 1206 L.D. 1656

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-694).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-694).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-694) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Repeal an Insurance Law Relating to Motor Vehicle Damage Appraisal"

H.P. 1207 L.D. 1657

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-693).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-693).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-693) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of Milbridge Water District"

H.P. 1168 L.D. 1600

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-690).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-690).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-690) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Bowdoinham Water District Charter to Remove the Debt Limit" (Emergency)

H.P. 1170 L.D. 1602

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-691).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-691).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-691) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the East Pittston Water District"

H.P. 1173 L.D. 1605

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-692).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-692).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-692) **READ** and **ADOPTED**, in concurrence.



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

**Divided Report**

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Encourage Job Creation by Exempting Small Businesses from the Current Workers' Compensation System"

H.P. 664 L.D. 887

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-689).**

Signed:

Senators:

ABROMSON of Cumberland  
MCCORMICK of Kennebec  
SMALL of Sagadahoc

Representatives:

VIGUE of Winslow  
SAXL of Portland  
MAYO, III of Bath  
JONES, JR. of Pittsfield  
CAMPBELL of Holden  
CHASE of China  
GUERRETTE of Pittston  
LUMBRA of Bangor

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

Signed:

Representative:

GATES of Rockport

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 "B" (H-689).**

Which Reports were **READ.**

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-689)** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE.**

Committee Amendment "B" (H-689) **READ** and **ADOPTED**, in concurrence.

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

**Senate**

**Ought to Pass As Amended**

Senator **CASSIDY** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Correct Omissions in the Productivity Realization Task Force Legislation Relating to the State Soil and Water Conservation Commission and the Animal Welfare Board"

S.P. 659 L.D. 1719

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-426).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-426) **READ** and **ADOPTED.**

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

Senator **ABROMSON** for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Confirm That Nonprofit Health Care Providers May Achieve Cost Savings on Professional and General Liability Coverage"

S.P. 651 L.D. 1703

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-425).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-425) **READ** and **ADOPTED.**

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

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 "B" (S-427).**

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

The Bill **READ ONCE.**

Committee Amendment "B" (S-427) **READ** and **ADOPTED.**

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

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 "B" (S-428).**

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

The Bill **READ ONCE.**

Committee Amendment "B" (S-428) **READ** and **ADOPTED.**

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

**SECOND READERS**

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

**House**

Bill "An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 1997" (Emergency)

H.P. 1193 L.D. 1637

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

**House As Amended**

Bill "An Act to Clarify the Laws Regarding the Issuance of a Credit Card to Benefit the Land for Maine's Future Fund" (Emergency)

H.P. 1213 L.D. 1663

(C "A" H-688)

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

**Senate at Ease**

Senate called to order by the President Pro Tem.

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

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

Off Record Remarks

On motion by the **PRESIDENT PRO TEM**, **RECESSED** until the sound of the bell.

**After Recess**

Senate called to order by the President Pro Tem.

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 Home Health Laws"

H.P. 1303 L.D. 1784

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

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

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

Bill "An Act to Place Penobscot Land in Trust"

H.P. 1306 L.D. 1787

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

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

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

Bill "An Act Relating to Payment of Tri-state Lotto Prizes"

H.P. 1304 L.D. 1785

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

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

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

Bill "An Act to Repeal the Sunset and Reporting Requirements Regarding Transportation of Unscheduled Freight in Casco Bay"

H.P. 1302 L.D. 1783

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.

**Pursuant to Public Law**

**JOINT STANDING COMMITTEE ON BANKING AND INSURANCE**

The **JOINT STANDING COMMITTEE ON BANKING AND INSURANCE**, pursuant to the Public Law 1995, chapter 332, Part Q, section 1, asked leave to submit its findings and to report, pursuant to Joint Rule 20, that the accompanying Bill "An Act to Clarify the Guaranteed Issuance Requirements for Small Group Health Plans"

H.P. 1308 L.D. 1789

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

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

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

The Bill referred to the Committee on **BANKING AND INSURANCE**, in concurrence.

**Pursuant to Public Law**

**TASK FORCE TO MONITOR DEREGULATION OF HOSPITALS**

The **TASK FORCE TO MONITOR DEREGULATION OF HOSPITALS**, pursuant to the Public Law 1995, chapter 368, Part W, section 12, asked leave to submit its findings and to report, pursuant to Joint Rule 20, that the accompanying Bill "An Act to Implement the Recommendations of the Task Force to Monitor Deregulation of Hospitals" (Emergency)

H.P. 1307 L.D. 1788

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

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

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

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

**Pursuant to Resolve**

**COMMISSION TO STUDY OPTIONS FOR**

**PRESERVING THE DAIRY INDUSTRY IN THE STATE**

The **COMMISSION TO STUDY OPTIONS FOR PRESERVING THE DAIRY INDUSTRY IN THE STATE**, pursuant to Resolve 1995, chapter 35, section 6 asked leave to submit its findings and report, pursuant to Joint Rule 20, that the accompanying Bill "An Act to Transfer the Agricultural Education Consultant to the Department of Agriculture, Food and Rural Resources"

H.P. 1305 L.D. 1786

Be referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS** for Public Hearing and ordered printed.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and **ORDERED PRINTED**.

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

The Bill referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence.

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

**PAPER FROM THE HOUSE**

**Joint Resolution**

The following Joint Resolution:  
**JOINT RESOLUTION MEMORIALIZING THE SECRETARY OF TRANSPORTATION OF THE UNITED STATES TO TAKE APPROPRIATE ACTION TO ENSURE CONTINUED AIR SERVICE TO AROOSTOOK COUNTY**

**WE**, your Memorialists, the Members of the One Hundred and Seventeenth Legislature of the State of Maine, now assembled in the Second Regular Session, most respectfully present and petition the Secretary of Transportation of the United States, as follows:

**WHEREAS**, air service has been provided to Aroostook County, Maine for a period of years by Delta Business Express; and

**WHEREAS**, Delta Business Express has announced the intention to discontinue the daily business express service to Aroostook County and the intention to seek administrative approvals for that discontinuation; and

**WHEREAS**, the daily airline service provided to Northern Maine Regional Airport by Delta Business Express constitutes one of Aroostook County's important economic and cultural links to the rest of the State; and

**WHEREAS**, Aroostook County is in the midst of a significant economic realignment occasioned by the closure of Loring Air Force Base and the discontinuation of daily air service will serve as a disincentive to the relocation of potential employers to the county; and

**WHEREAS**, the termination of this air service means that the nearest scheduled daily air service available to residents of Aroostook County is 200 miles away; and

**WHEREAS**, Delta Business Express has been a responsible corporate citizen in Maine and in Aroostook County and the residents of the county and the State wish to preserve this valued relationship; now, therefore, be it

**RESOLVED:** That We, your Memorialists, respectfully recommend and urge the Secretary of Transportation of the United States to disapprove the proposed termination of this service and to take all appropriate regulatory actions to ensure that this service is retained; and be it further

**RESOLVED:** That We request that the President of Delta Business Express reevaluate this proposal in consideration of the economic dislocation the suspension of service would cause and in consideration of the strong community and government support for continued service; and be it further

**RESOLVED:** That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Secretary of Transportation of the United States, to the President of Delta Business Express and to each Member of the Maine Congressional Delegation.

H.P. 1309

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

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

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

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Off Record Remarks

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Senate at Ease

Senate called to order by the President Pro Tem.

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The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **LAWRENCE** of York, **ADJOURNED** until Tuesday, February 20, 1996, at 10:00 o'clock in the morning.