

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
Wednesday
March 6, 1996

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

Prayer by the Reverend Kenneth Woodhams, Wayne Community Church and Wales Presbyterian Church.

REVEREND KENNETH WOODHAMS: Let us gather our hearts and minds and be in a spirit of prayer. Creator of all that is seen and unseen, God of the sparrow and of the whale, bless those who hold office in this government in the State of Maine. There are many complicated questions before them this day, and in the days to come, which they will be asked to solve and to give answers to. May they, who this day gather as the Senate, do their work with energy and with compassion, in the spirit of wisdom and kindness and justice. Help them use their authority to serve the people faithfully, and to promote the general welfare and order of all persons. We pray in the name of the One who blesses us with the gift of life. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPER FROM THE HOUSE
Joint Order

Expression of Legislative Sentiment recognizing:
Senator R. Leo Kieffer, of Caribou, who was named the 1995 Caribou Citizen of the Year by the Caribou Chamber of Commerce, and in extending our congratulations to him;

HLS 944

Which was **READ**.

Senate at Ease
Senate called to order by the President.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Senator **CIANCHETTE:** Thank you, Mr. President. I just thought that it would be very appropriate if we set this one aside and looked at it for just a minute. It's regarding Senator Leo Kieffer of Caribou, who was named the 1995 Caribou Citizen of the Year by the Caribou Chamber of Commerce. This extends our congratulations to him, and I thought it would be very appropriate if we did just that. Would you please rise and join me in recognizing Senator Kieffer? (Applause, the members rising.)

Which was **PASSED**, in concurrence.

COMMUNICATIONS

The Following Communication:
117TH MAINE LEGISLATURE
March 5, 1996

Senator Stephen E. Hall
Representative Ernest C. Greenlaw
Chairpersons
Joint Standing Committee on
Inland Fisheries and Wildlife
117th Legislature
Augusta, Maine 04333

Dear Senator Hall and Representative Greenlaw:

Please be advised that Governor Angus S. King, Jr. has nominated Ellen N. Peters of New Gloucester, Richard A. Neal of East Lebanon and Russell E. Dyer of Bowdoinham for appointment as members of the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12 MRSA, Section 7033-A, these nominations will require review by the Joint Standing Committee on Inland Fisheries and Wildlife and confirmation by the Senate.

Sincerely,
S/Jeffrey H. Butland
President of the Senate
S/Dan A. Gwadosky
Speaker of the House
S.P. 725

Which was **READ** and referred to the Committee on **INLAND FISHERIES AND WILDLIFE**.
Sent down for concurrence.

The Following Communication:
117TH MAINE LEGISLATURE
March 5, 1996

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

Dear Senator Lord and Representative Dexter:

Please be advised that Governor Angus S. King, Jr. has nominated Alice H. Rand of Cape Elizabeth for reappointment as a member of the Land for Maine's Future Board.

Pursuant to Title 5 MRSA, Section 6204, this nomination 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. 726

Which was **READ** and referred to the Committee on **NATURAL RESOURCES**.
Sent down for concurrence.

The Following Communication:
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333

March 5, 1996
The Honorable Jeffrey H. Butland
President, Maine Senate
The Honorable Dan A. Gwadosky
Speaker of the House
Dear President Butland and Speaker Gwadosky:
Pursuant to Public Law 1995, chapter 395, as amended by Public Law 1996, chapter 509, I am pleased to submit the interim report and legislation proposed by

the Commission on Higher Education Governance. The Commission work plan and budget for the period beginning in January 1996 and ending in June 1996 were earlier submitted to the Legislative Council as required by chapter 509. A final report and any additional legislation will be submitted on June 30, 1996.

Sincerely,
S/Meg Weston, Chair
Commission on Higher Education Governance
S.C. 506

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

The Following Communication:

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

March 5, 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 Banking and Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 690 An Act to Provide Family Security through Quality, Affordable Health Care
- L.D. 1789 An Act to Clarify the Guaranteed Issuance Requirements for Small Group Health Plans
- L.D. 1798 An Act to Create a Multi-payor System for Universal Health Care
- L.D. 1803 An Act to Create a Single-payor System for Universal Health Care

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

Sincerely,

S/Sen. I. Joel Abromson S/Rep. Marc J. Vigue
Senate Chair House Chair
S.C. 507

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

The Following Communication:

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

March 5, 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 Marine Resources has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1763 An Act to Require a Municipality to Issue the Same Number of Nonresident Recreational Shellfish Licenses as Resident Licenses

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

Sincerely,

S/Sen. Jeffrey H. Butland S/Rep. Theone F. Look
Senate Chair House Chair
S.C. 508

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**

March 5, 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. 1736 An Act to Amend the Budget Process in Androscoggin County

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. 509

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

The Following Communication:

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

March 5, 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 Honorable Carl O. Bradford of Yarmouth, for reappointment as a Justice of the Maine Superior 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. 1	Mills of Somerset
	Rep. 9	Treat of Gardiner, Lemke of Westbrook, Jones of Bar Harbor, LaFountain of Biddeford, Watson of Farmingdale, Plowman of Hampden, Hartnett of Freeport, Madore of Augusta, Nass of Acton

NAYS:	0	
ABSENT:	3	Sen. Pendexter of Cumberland, Sen. Faircloth of Penobscot, Rep. Richardson of Portland

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 Honorable Carl O. Bradford of Yarmouth, for reappointment as a Justice of the Maine Superior Court be confirmed.

Signed:

S/S. Peter Mills Senate Chair
S/Sharon Anglin Treat House Chair
S.C. 510

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended the nomination of Carl O. Bradford of Yarmouth 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: Senator: None
NAYS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, BUSTIN, CAREY, CARPENTER, CASSIDY, CIANCHETTE, CLEVELAND, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LAWRENCE, LORD, McCORMICK, MICHAUD, PARADIS, PENDEXTER, PINGREE, RAND, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

ABSENT: Senators: ESTY, FAIRCLOTH, LONGLEY, MILLS, O'DEA

No Senator having voted in the affirmative, and 30 Senators having voted in the negative, with 5 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 the Honorable Carl O. Bradford, for reappointment as a Justice of the Maine Superior Court, was CONFIRMED.

The Secretary informed the Speaker of the House.

The Following Communication:

MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333

March 5, 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 Honorable Ellen A. Gorman of Durham, for reappointment 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. 1 Mills of Somerset
Rep. 9 Treat of Gardiner, Lemke of Westbrook, Jones of Bar Harbor, Lafountain of Biddeford, Watson of Farmingdale, Plowman of Hampden, Hartnett of Freeport, Madore of Augusta, Nass of Acton

NAYS: 0

ABSENT: 3 Sen. Pendexter of Cumberland, Sen. Faircloth of Penobscot, Rep. Richardson of Portland

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 Honorable Ellen A. Gorman of Durham, for reappointment 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. 511

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended the nomination of Ellen A. Gorman of Durham 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: Senator: None
NAYS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, BUSTIN, CAREY, CARPENTER, CASSIDY, CIANCHETTE, CLEVELAND, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LAWRENCE, LORD, McCORMICK, MICHAUD, PARADIS, PENDEXTER, PINGREE, RAND, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

ABSENT: Senators: ESTY, FAIRCLOTH, LONGLEY, MILLS, O'DEA

No Senator having voted in the affirmative, and 30 Senators having voted in the negative, with 5 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 the Honorable Ellen A. Gorman, for reappointment 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 Regarding Survivor Benefits in the Event of Divorce and Remarriage"

S.P. 723 L.D. 1825

Presented by Senator **SMALL** of Sagadahoc
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

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

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

Sent down for concurrence.

Bill "An Act to Allow a Change in the Speed Limit on Certain Highways"

S.P. 724 L.D. 1826

Presented by Senator **O'DEA** of Penobscot
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

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.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Amend the Law Regarding the Lease of Submerged Lands"

H.P. 993 L.D. 1404

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-728)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-728)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-728) **READ** and **ADOPTED**, in concurrence.

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

Off Record Remarks

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Increase the Municipal Share of Dog Licensing Fees"

H.P. 1250 L.D. 1712

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-729)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-729)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-729) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Provide for Record Checks of Elementary and Secondary Education Employees and Applicants"

H.P. 617 L.D. 827

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-724)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-724) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Allow Physicians' Offices to Receive Discounts from Pharmaceutical Manufacturers"

H.P. 1169 L.D. 1601

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-725)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-725)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-725) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Election Laws"

H.P. 1203 L.D. 1653

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-737)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-737)**.

Which Report was **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you, Mr. President. I feel compelled to speak briefly to this bill for a couple of reasons. One is that it seems to me that it is more likely to reinforce the sense that money carries the day in elections, because it provides the candidate with the opportunity to sign up for the voluntary pledge to limit spending, but also the opportunity to change their mind if their opponent does not sign up to do the same thing and withdraw that pledge, in which case the list of who did and who didn't would be corrected and redistributed, making it extremely difficult for voters to know who actually pledged to do it and who didn't. The other issue for me in this bill is, if my understanding of the bill is correct, is that it will allow members of political parties to spend twice the amount as non-members of political parties; because I understand that it refers to the primary and the

final election as separate elections, thereby allowing party members twice the exposure of unenrolled candidates. Therefore, I will be voting against this bill and I would request a Division. Thank you.

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

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? On House Amendment 737, page 3, beginning on line 12, could one of the Committee members please tell me what was in the law previous to this new section which is underlined? It says, "This paragraph does not require a Registrar to hold particular hours for the acceptance of registrations of applicants who appear in person." I would like to know what change is being made there, please. Thank you.

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

On motion by Senator **BUSTIN** of Kennebec, Tabled until Later in Today's Session, pending **ACCEPTANCE** of the Report.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Definition of Outdoor Stadium in the Liquor Licensing Laws" (Emergency)

H.P. 1267 L.D. 1742

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-726)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-726)**.

Which Report was **READ**.

Senator **BUSTIN** of Kennebec requested a Division.

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

Senator **FERGUSON:** Thank you, Mr. President. I would like to present an Amendment. It is Senate Amendment "A" to Committee Amendment "A".

THE PRESIDENT: The Senator will defer. The Chair would state that offering that is not in order at this time. The pending question before the Senate is acceptance of the **Ought to Pass as Amended Committee Report**. The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you, Mr. President. I request permission to pose a question through the Chair. To anyone who would be able to answer, as far as giving a brief explanation as far as the Committee's thoughts on passage of this legislation. Thank you.

THE PRESIDENT: The Senator from Oxford, Senator Hanley, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. The purpose of this bill is to allow a professional baseball team to participate in Orono. What this would do is allow them to sell beer, as a concession, at the stadium. This is essentially what it is. The owners of the baseball team wanted this in order to make it a more viable business.

Senator **BUSTIN** of Kennebec withdrew her request for a Division.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-726) **READ**.

On motion by Senator **FERGUSON** of Oxford, Senate Amendment "A" (S-447) to Committee Amendment "A" (H-726) **READ**.

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

Senator **FERGUSON:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a very simple amendment. All it does is change two words. It deletes "Commission" and inserts "Bureau". This is to make the statute conform to existing legislation. Thank you.

On further motion by the same Senator, Senate Amendment "A" (S-447) to Committee Amendment "A" (H-726) **ADOPTED**.

Committee Amendment "A" (H-726), as Amended by Senate Amendment "A" (S-447), thereto, **ADOPTED**, in **NON-CONCURRENCE**.

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

Senate at Ease

Senate called to order by the President.

The Committee on **TAXATION** on Bill "An Act to Correct a Technical Error Relating to the Research Expense Tax Credit" (Emergency)

H.P. 1212 L.D. 1662

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-727)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-727) **READ** and **ADOPTED**, in concurrence.

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

**Senate
Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Allow Limited Partnerships between Brewers and Wholesalers"

S.P. 607 L.D. 1611

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

Signed:

Senators:

STEVENS, JR. of Androscoggin

MICHAUD of Penobscot

Representatives:

TRUE of Fryeburg

NADEAU of Saco

CHIZMAR of Lisbon

CARR of Hermon

FISHER of Brewer

MURPHY of Berwick

BUCK of Yarmouth

GAMACHE of Lewiston

LEMONT of Kittery

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-446)**.

Signed:

Senator:

FERGUSON, JR. of Oxford

Representative:

LABRECQUE of Gorham

Which Reports were READ.

On motion by Senator STEVENS of Androscoggin, the Senate ACCEPTED the Majority OUGHT NOT TO PASS Report. Sent down for concurrence.

SECOND READERS

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

House

Bill "An Act to Simplify Applications for Tax Exemptions for Blind Individuals"

H.P. 1248 L.D. 1710

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

House As Amended

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

H.P. 1219 L.D. 1669

(C "A" H-723)

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

Senate As Amended

Bill "An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services by Providing Mandatory Reimbursement to Counseling Professionals who are Licensed to Assess and Treat Intrapersonal and Interpersonal Problems"

S.P. 38 L.D. 68

(C "B" S-441)

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

Sent down for concurrence.

ENACTORS

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

An Act to Reform the Standard of Fiduciary Prudence

S.P. 615 L.D. 1618

(C "A" S-432)

An Act to Clarify Professional Liability

S.P. 627 L.D. 1634

An Act to Extend Waivers of Certain Provisions of the Education Laws

S.P. 634 L.D. 1642

(C "A" S-433)

An Act to Provide Protection from Motor Vehicle Damage to Forest Lands

H.P. 1232 L.D. 1685

(C "A" H-701)

An Act to Create a Scallop Diving Tender License

S.P. 655 L.D. 1715

(C "A" S-430)

An Act to Enhance Amusement Ride Safety

H.P. 1256 L.D. 1728

(C "A" H-713)

An Act to Require Prisoners to Pay Their Fair Share of Victim Restitution

H.P. 1263 L.D. 1738

Which were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

An Act to Decrease the Paperwork Burden on Maine Businesses by Decreasing the Number of Tax Filings for Retailers

S.P. 79 L.D. 167

(C "B" S-431)

On motion by Senator HANLEY of Oxford, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Reestablish the Tax Credit for Intrastate Airlines

S.P. 245 L.D. 642

(C "B" S-428)

On motion by Senator HANLEY of Oxford, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Exempt from the Sales Tax Automobile Equipment Necessary for Paraplegics or People Who are Confined to Wheelchairs

H.P. 540 L.D. 736

(C "B" H-705)

On motion by Senator HANLEY of Oxford, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Provide a Tax Credit for the Rehabilitation of Historic Properties

H.P. 715 L.D. 972

(H "A" H-715 to C "B" H-703)

On motion by Senator HANLEY of Oxford, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Exempt Goods Sold by Scouting Organizations from the Sales Tax

H.P. 776 L.D. 1073

(C "B" H-706)

On motion by Senator HANLEY of Oxford, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Emergency

An Act to Conform the Maine Tax Laws for 1995 with the United States Internal Revenue Code

H.P. 1205 L.D. 1655

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senator having voted in the negative, and 25 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.

Emergency

An Act Allowing Towns to Form Regional Shellfish Management Committees

S.P. 657 L.D. 1717

(C "A" S-429)

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.

Resolve

Resolve, to Authorize the Maine Technical College System to Transfer Interests in Real Property
H.P. 1225 L.D. 1678
(C "A" H-710)

Resolve, to Establish a Tuition Rate for the Town of Dennysville and to Review the Provision of Education Services in the Unorganized Territory
H.P. 1297 L.D. 1780
(H "A" H-716)

Which were **FINALLY PASSED** and having been signed by the President, were presented by the Secretary to the Governor for his approval.

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Municipal Certification of Direct Initiative Petitions
H.P. 1187 L.D. 1628
(C "A" H-714)

On motion by Senator **HANLEY** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

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

PAPER FROM THE HOUSE

House Paper

Bill "An Act to Transfer Land from the Town of Brownfield to the Town of Hiram"

H.P. 1333 L.D. 1828

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.

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

COMMUNICATION

The Following Communication:

**STATE OF MAINE
OFFICE OF SECRETARY OF STATE
AUGUSTA, MAINE 04333-0148**

February 27, 1996

Hon. Joseph Mayo
Clerk of the House
2 State House Station
Augusta, ME 04333
Dear Clerk Mayo,

Enclosed please find my official certification to the 117th Legislature of the citizen initiative petition entitled "An Act to Seek Congressional Term Limits."

Sincerely,
S/ Bill Diamond
Secretary of State

State of Maine
Department of State

I, the Secretary of State of Maine, certify that written petitions bearing signatures of 54,889 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on January 29, 1996, requesting that the Legislature consider an act entitled "AN ACT to Seek Congressional Term Limits."

I further certify that the number of signatures submitted is in excess of ten percent of the total vote cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 51,131.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the twenty-seventh day of February in the year one thousand nine hundred and ninety-six.

S/BILL DIAMOND
Secretary of State
H.P. 1334

Comes from the House **READ** and, with Accompanying Papers, **ORDERED PLACED ON FILE**.

Which was **READ** and, with Accompanying Papers, **ORDERED PLACED ON FILE**, in concurrence.

The accompanying Bill "An Act to Seek Congressional Term Limits"

I.B. 6 L.D. 1827

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.

On motion by Senator **CARPENTER** of York, **ADJOURNED** until Thursday, March 7, 1996 at 10:00 o'clock in the morning.