

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

**One Hundred And Seventeenth Legislature**

OF THE

**State Of Maine**

**VOLUME VII**

**SECOND REGULAR SESSION**

**Senate**

March 14, 1996 to April 3, 1996

**SECOND CONFIRMATION SESSION**

August 1, 1996

**SECOND SPECIAL SESSION**

**House of Representatives**

September 5, 1996 to September 7, 1996

**Senate**

September 5, 1996 to September 7, 1996

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**HOUSE AND SENATE LEGISLATIVE SENTIMENTS**

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

In Senate Chamber  
Thursday  
March 21, 1996

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

Prayer by the Honorable Vinton E. Cassidy of Washington.

**SENATOR CASSIDY:** Thank you, Mr. President. Good morning, Men and Women of the Senate. You know, I was thinking today, as I was getting ready to come over and do this, about just what to say and what would be appropriate, since this is Agriculture Day; and, of course, it is such an important industry to the State of Maine. I was thinking about all the little teeny prayers that at least I say during the day, and I think maybe some of you also do it and maybe not even realize it. Thinking that while I sit in the Senate, sometimes, for example, when Senator Bustin or Senator Hathaway get up to speak, and I say, "Please Lord, let them finish pretty quick." Or I might say, "Please Lord, don't let me jump up at the inappropriate time, and be out of order." Then, on a real close vote, I pray once in a while that Senator Benoit is not down stoking the furnace or something along those lines. Anyway, I put all of those together and I guess I can ask you to join me in prayer this morning on a serious note.

Heavenly Father, we thank You for this day. We thank You for our colleagues that we work with and the privilege that we have to represent and serve the people in our respective districts. On this day that we celebrate agriculture in the State of Maine, we give You thanks for the harvest that we have in this State. We pray, Lord, that there will be a day in the future when no man, woman, or child in our State will go to bed knowing hunger. We ask this in Thy name. Amen.

Reading of the Journal of Yesterday.

Out of order and under suspension of the Rules, on motion by Senator KIEFFER of Aroostook, the following Senate Order:

**ORDERED,** that a message be sent to the House of Representatives proposing a Joint Convention of both Branches in the Hall of the House at 10:30 o'clock in the morning for the purpose of extending to the Honorable Terrence MacTaggart, Chancellor of the University of Maine System, an invitation to attend the Convention and make such communication as pleases him.

S.O. 40

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

The President appointed the Senator from Aroostook, Senator KIEFFER to deliver the message.

Off Record Remarks

COMMITTEE REPORTS  
House  
Ought to Pass

The Committee on **HUMAN RESOURCES** on Bill "An Act to Amend the Home Health Laws"

H.P. 1303 L.D. 1784

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 **LATER ASSIGNED FOR SECOND READING**.

**Ought to Pass As Amended**

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Consolidate and Improve Delivery of International Trade Services in Maine"

H.P. 1318 L.D. 1802

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-789)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-789)**.

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

The Bill **READ ONCE**.

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

Senator **HARRIMAN:** Thank you, Mr. President. Before we go on to accept the Report, I just wanted to take a minute to share with the members of the Chamber that this bill is probably one of the best examples of ways that we have tried to work with, and not against, people who take the risk of creating jobs in Maine. As you may be aware, in the past, in the areas of international trade, we have had three separate, sometimes cross purposes, activities going on in international trade. This bill will now combine the resources of approximately \$500,000 that is currently being spent on international trade; and they will now be focusing to one effort and joined in a public/private partnership so that Maine can focus its international trade activities in a way that speaks consistently, responsibly, and enthusiastically. Also, part of this legislation is what I think is unique to our past legislative decisions, and that is that we, for the first time, will appoint, or the Governor will appoint and the Legislature will confirm, a president of this international trade organization, who will have the statutory ability to act as Maine's ambassador in other countries, and speak on behalf of the Maine government in the international trade arenas. I think it is a step in the right direction. It focuses taxpayer money in a way in which we can join with the private sector. I am confident that we will be able to show positive, measurable results as a result of this legislation. Thank you.

Committee Amendment "A" (H-789) **READ** and **ADOPTED**, in concurrence.

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

At this point the Senator from Aroostook, Senator KIEFFER reported that he had delivered the message with which he was charged.

At this point, a message was received from the House of Representatives, borne by Representative Jacques of Waterville, informing the Senate that the House concurred in the proposition for a Joint Convention, to be held in the Hall of the House, at 10:30 o'clock in the morning for the purpose of extending to the Honorable Terrence MacTaggart, Chancellor of the University of Maine System, an invitation to attend the Convention and make such communication as pleases him.

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act Concerning the Treatment of Ocular Diseases by Optometrists"

H.P. 1326 L.D. 1814

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-790)**.

Comes from the House with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-790)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-790) **READ and ADOPTED**, in concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Implement the Recommendations of the Committee to Study the Operations of the Governor Baxter School for the Deaf"

H.P. 370 L.D. 505

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-787)**.

Comes from the House with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-787)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-787) **READ and ADOPTED**, in concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Amend the Monetary Limit of Improvements That Must be Approved by the Department of Administrative and Financial Services for School Administrative Units"

H.P. 1210 L.D. 1660

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-786)**.

Comes from the House with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-786)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-786) **READ and ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Establish Consistency between Federal and State Drinking Water Laws"

H.P. 1268 L.D. 1743

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-785)**.

Comes from the House with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-785)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-785) **READ and ADOPTED**, in concurrence.

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

The Committee on **LABOR** on Bill "An Act to Exclude Services Provided by Direct Sellers from the Definition of Employment for Purposes of Unemployment Compensation"

H.P. 1320 L.D. 1807

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-781)**.

Comes from the House with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-781)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-781) **READ and ADOPTED**, in concurrence.

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

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Revise the State Active Service Laws" (Emergency)

H.P. 1269 L.D. 1744

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-784)**.

Comes from the House with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-784)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-784) **READ and ADOPTED**, in concurrence.

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

Off Record Remarks

The Committee on **NATURAL RESOURCES** on Bill "An Act to Support Abatement of Uncontrolled Tire Stockpiles"

H.P. 1298 L.D. 1781

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-782)**.

Comes from the House with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-782)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-782) READ and ADOPTED, in concurrence.  
The Bill, as Amended, LATER ASSIGNED FOR SECOND READING.

The Committee on TAXATION on Bill "An Act to Provide a New Jobs Tax Credit"

H.P. 1039 L.D. 1458

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-783).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-783) AND HOUSE AMENDMENT "A" (H-797).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-783) READ and ADOPTED, in concurrence.

House Amendment "A" (H-797) READ and ADOPTED, in concurrence.

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

The Committee on TRANSPORTATION on Resolve, to Name a Portion of Highway in Millinocket in Honor of Prisoners of War and Those Designated as Missing in Action (Emergency)

H.P. 1335 L.D. 1829

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-788).

Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-788).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-788) READ and ADOPTED, in concurrence.

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

**Divided Report**

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish a User Fee System for Towns Requiring Sheriff's Services"

H.P. 1125 L.D. 1570

Reported that the same Ought Not to Pass.

Signed:

Senators:

AMERO of Cumberland  
CARPENTER of York  
LONGLEY of Waldo

Representatives:

DAGGETT of Augusta  
AHEARNE of Madawaska  
LEMKE of Westbrook  
SAXL of Bangor  
GERRY of Auburn  
ROSEBUSH of East Millinocket  
LANE of Enfield  
SAVAGE of Union  
LOOK of Jonesboro

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-780).

Signed:

Representative:

ROBICHAUD of Caribou

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

Which Reports were READ.

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

**Senate**

**Ought to Pass**

Senator CARPENTER for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Authorizing County Commissioners to Enact Ordinances Concerning Addressing Standards for Enhanced 9-1-1 Services in the Unorganized Territories" (Emergency)

S.P. 735 L.D. 1844

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill LATER ASSIGNED FOR SECOND READING.

**Ought to Pass As Amended**

Senator BEGLEY for the Committee on LABOR on Bill "An Act Regarding Survivor Benefits in the Event of Divorce and Remarriage"

S.P. 723 L.D. 1825

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-495).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-495) READ and ADOPTED.

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

Senator HATHAWAY for the Committee on TAXATION on Bill "An Act Concerning Technical Changes to the Tax Laws" (Emergency)

S.P. 697 L.D. 1771

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-494).

Which Report was READ.

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

**Divided Report**

The Majority of the Committee on BANKING AND INSURANCE on Bill "An Act to Clarify Certain Provisions Relating to Workers' Compensation Self-insurance" (Emergency)

S.P. 635 L.D. 1643

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-493).

Signed:

Senators:

ABROMSON of Cumberland  
SMALL of Sagadahoc

Representatives:

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

LUMBRA of Bangor  
 THOMPSON of Naples  
 The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.  
 Signed:  
 Senator:  
 MCCORMICK of Kennebec  
 Representative:  
 GATES of Rockport  
 Which Reports were **READ**.  
 On motion by Senator KIEFFER of Aroostook, Tabled until Later in Today's Session, pending **ACCEPTANCE** of Either Report.

**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Establish a High School for the Visual and Performing Arts"  
 S.P. 687 L.D. 1756  
 Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (S-490).  
 Signed:  
 Senators:  
 SMALL of Sagadahoc  
 ESTY, JR. of Cumberland  
 ABROMSON of Cumberland  
 Representatives:  
 AULT of Wayne  
 BARTH, JR. of Bethel  
 DESMOND of Mapleton  
 STEVENS of Orono  
 CLOUTIER of South Portland  
 MARTIN of Eagle Lake  
 The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.  
 Signed:  
 Representatives:  
 LIBBY of Buxton  
 MCELROY of Unity  
 BRENNAN of Portland  
 WINN of Glenburn  
 Which Reports were **READ**.  
 On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Either Report.

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Improve the Hancock County Budget Procedure"  
 S.P. 685 L.D. 1754  
 Reported that the same **Ought Not to Pass**.  
 Signed:  
 Senators:  
 AMERO of Cumberland  
 CARPENTER of York  
 LONGLEY of Waldo  
 Representatives:  
 LANE of Enfield  
 SAVAGE of Union  
 LOOK of Jonesboro  
 ROBICHAUD of Caribou  
 The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (S-492).  
 Signed:  
 Representatives:  
 DAGGETT of Augusta

AHEARNE of Madawaska  
 SAXL of Bangor  
 GERRY of Auburn  
 ROSEBUSH of East Millinocket  
 LEMKE of Westbrook  
 Which Reports were **READ**.  
 The Majority **OUCHT NOT TO PASS** Report **ACCEPTED**.  
 Sent down for concurrence.

**SECOND READERS**

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

**Senate**

Bill "An Act to Clarify Certain Provisions of Law Pertaining to Lobster Management"  
 S.P. 673 L.D. 1733  
 (C "A" S-488)  
 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 Amend the Laws Pertaining to the Regulation of Denturists  
 S.P. 342 L.D. 947  
 (H "A" H-774 to C "A" S-460)  
 An Act to Amend the Law Concerning Tobacco Use by Juveniles  
 S.P. 628 L.D. 1635  
 (C "A" S-471)  
 An Act to Establish the Town Boundary between the Town of Canaan and the Town of Cornville and between the Town of Canaan and the Town of Skowhegan Located in the County of Somerset  
 H.P. 1230 L.D. 1683  
 An Act to Exempt Working Rural Mail Carriers and Taxicab Operators from Certain Provisions of the Seat Belt Law  
 H.P. 1265 L.D. 1740  
 (H "A" H-758 to C "A" H-747)  
 An Act to Establish the Boundary Line between the Town of Cornville and the Towns of Solon and Athens  
 S.P. 679 L.D. 1745  
 An Act to Authorize the Maine Photographic Workshops to Grant Degrees  
 S.P. 682 L.D. 1747  
 An Act to Amend the Definition of "State Agency Client"  
 H.P. 1281 L.D. 1760  
 An Act to Increase the Borrowing Capacity of the Ashland Water and Sewer District  
 H.P. 1190 L.D. 1631  
 (C "A" H-761)  
 (See Action Later Today)  
 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 Include Sexual Contact in the Definition of Prostitution  
 H.P. 1216 L.D. 1666  
 (C "A" H-712)

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

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

Senate at Ease  
Senate called to order by the President.

Under unanimous consent, on motion by Senator KIEFFER of Aroostook, the Senate RECONSIDERED its action whereby it PASSED TO BE ENACTED Bill:

An Act to Increase the Borrowing Capacity of the Ashland Water and Sewer District

H.P. 1190 L.D. 1631  
(C "A" H-761)

(In House, March 20, 1996, PASSED TO BE ENACTED.)

(In Senate, earlier in the day, PASSED TO BE ENACTED.)

On further motion by the same Senator, Tabled until Later in Today's Session, pending ENACTMENT.

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 Implement the Recommendations of the Productivity Realization Task Force and to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary for the Proper Operations of State Government for Fiscal Years Ending June 30, 1996 and June 30, 1997" (Emergency)

H.P. 1363 L.D. 1873

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

Comes from the House under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Which was, under suspension of the Rules, READ ONCE without reference to a Committee.

The Bill, LATER ASSIGNED FOR SECOND READING.

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on JUDICIARY on Bill "An Act to Amend the Standards for Appointing the Guardian of a Minor"

H.P. 1285 L.D. 1765

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-792).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-792).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-792) READ and ADOPTED, in concurrence.

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

The Committee on JUDICIARY on Bill "An Act Concerning Notice in Foreclosure Proceedings"

H.P. 1315 L.D. 1799

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-793).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-793).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-793) READ and ADOPTED, in concurrence.

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

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Transfer Land from the Town of Brownfield to the Town of Hiram"

H.P. 1333 L.D. 1828

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-791).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-791).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-791) READ and ADOPTED, in concurrence.

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

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act to Establish a Higher Education Tax Credit for Middle-class Families"

H.P. 1171 L.D. 1603

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-771).

Signed:

Representatives:

- REED of Falmouth
- TRIPP of Topsham
- TUTTLE, JR. of Sanford
- KEANE of Old Town
- BARTH, JR. of Bethel
- GREEN of Monmouth
- DUNN of Gray
- MURPHY of Berwick
- POIRIER of Saco
- DORE of Auburn

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-772).

Signed:

Senators:

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

Comes from the House with the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-771).

Which Reports were READ.

Senator HATHAWAY of York moved that the Senate ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-772) Report, in NON-CONCURRENCE.

On motion by Senator KIEFFER of Aroostook, Tabled until Later in Today's Session, pending the motion by Senator HATHAWAY of York that the Senate ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-772) Report, in NON-CONCURRENCE.

Out of order and under suspension of the Rules, the Senate considered the following:  
**PAPER FROM THE HOUSE**  
**Non-concurrent Matter**

Bill "An Act to Create the Motor Carrier Training Advisory Board"

H.P. 1299 L.D. 1782  
 (C "A" H-748)

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-748) AS AMENDED BY HOUSE AMENDMENT "A" (H-807) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

**Senate**  
**Ought to Pass As Amended**

Senator HANLEY for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide a Contingent Allocation to Establish a Federally Funded Military Rebuild Site to be Operated by the Maine National Guard at the former Loring Air Force Base" (Emergency)

S.P. 716 L.D. 1817

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-496).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-496) READ and ADOPTED.

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

Senate at Ease  
 Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

SENATE REPORTS - from the Committee on BANKING AND INSURANCE on Bill "An Act to Clarify Certain Provisions Relating to Workers' Compensation Self-insurance" (Emergency)

S.P. 635 L.D. 1643

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-493) (10 members)

Minority - Ought Not to Pass (2 members)

Tabled - earlier in the day by Senator KIEFFER of Aroostook.

Pending - ACCEPTANCE of Either Report.

(In Senate earlier in the day, Reports READ.)

On motion by Senator ABROMSON of Cumberland, the Senate ACCEPTED the Majority OUGHT TO PASS AS AMENDED Report.

The Bill READ ONCE.

Committee Amendment "A" (S-493) READ and ADOPTED.

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

Senate at Ease  
 Senate called to order by the President.

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

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

Off Record Remarks

On motion by Senator BUSTIN of Kennebec, RECESSED until 10:25 o'clock this morning.

After Recess  
 Senate called to order by the President.

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

**AFTER CONVENTION**  
**IN SENATE**

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 Place Limited Rules on the Use of Personal Watercraft on Waters of the State"

H.P. 1365 L.D. 1874

Reference to the Committee on INLAND FISHERIES AND WILDLIFE suggested and ORDERED PRINTED.

Comes from the House, referred to the Committee on INLAND FISHERIES AND WILDLIFE and ORDERED PRINTED.

On motion by Senator HALL of Piscataquis, Tabled until Later in Today's Session, pending REFERENCE.

**Joint Resolution**

The following Joint Resolution:

**JOINT RESOLUTION IN HONOR OF THE**  
**MAINE FARMER AND MAINE AGRICULTURE**

WHEREAS, farmers make up one-fifth of our national work force, producing food and fiber for local, national and world markets, and accounting for 19% of the gross national product; and

WHEREAS, Maine farmers provide \$500,000,000 in total farm income and are credited with a contribution of \$1,300,000,000 to Maine's economy; and

WHEREAS, Maine farms provide not only food for families but scenic views, open spaces, employment opportunities and a tangible link to our culture and heritage; now, therefore, be it



**RESOLVED:** That We, the Members of the One Hundred and Seventeenth Legislature of the State of Maine, now assembled in the Second Regular Session, pause in our deliberations to honor Maine farmers and innovators who have contributed so much to the betterment of our State and to pledge our support and encouragement, and urge the youth of Maine to pursue the growing opportunities for careers in today's technologically advanced agricultural industry; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Agriculture, Food and Rural Resources in token of the esteem in which those in this vital field are held.

H.P. 1362

Comes from the House **READ** and **ADOPTED**.  
Which was **READ** and **ADOPTED**, in concurrence.

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

**ENACTORS**

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

**Emergency**

An Act to Encourage Tire Stockpile Abatement  
H.P. 1208 L.D. 1658  
(C "A" H-768)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senator having voted in the negative, and 24 being 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 to Ensure the Proper and Humane Care of Persons Requiring Mental Health Services  
H.P. 1284 L.D. 1764  
(C "A" H-769)

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

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

An Act to Increase the Borrowing Capacity of the Ashland Water and Sewer District (Emergency)  
H.P. 1190 L.D. 1631  
(C "A" H-761)

Tabled - earlier in the day by Senator **KIEFFER** of Aroostook.

Pending - **ENACTMENT**.

(In House, March 20, **PASSED TO BE ENACTED**.)

(In Senate, earlier in the day, **PASSED TO BE ENACTED**, subsequently **RECONSIDERED**.)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senator having voted in the negative, and 24 being 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 **HANLEY** of Oxford 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 **CAREY** of Kennebec was granted unanimous consent to address the Senate off the Record.

Senator **CASSIDY** of Washington was granted unanimous consent to address the Senate off the Record.

Senator **HALL** of Piscataquis was granted unanimous consent to address the Senate off the Record.

On motion by Senator **HANLEY** of Oxford, **RECESSED** until 4:00 o'clock this afternoon.

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:

**SECOND READERS**

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

**House**

Bill "An Act to Implement the Recommendations of the Productivity Realization Task Force and to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for Fiscal Years Ending June 30, 1996 and June 30, 1997" (Emergency)  
H.P. 1363 L.D. 1873

Which was **READ A SECOND TIME**.

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

Senator **HANLEY:** Thank you, Mr. President, Men and Women of the Senate. I rise late this afternoon to let you know that, finally, if this body chooses to enact this legislation, the charge of the Productivity Task Force, and the savings of \$45.2 million over the course of this biennium, will have been met. This task has not been an easy one; and as I had stated earlier, I skinned it to a relay race, where the Task Force started the first leg of this relay race. Then they passed of the baton to the Governor who then made his changes to their recommendations, submitted that draft L.R. to the Legislature, which is running the third leg of this relay. As I told the Governor, you don't celebrate at the passing of the baton, you celebrate when the final runner crosses the line. In this case, by enacting this legislation, we will be passing off the baton to the State employees of the great State of

Maine. It is incumbent upon the employees of the State of Maine to make this work. We are putting a lot of faith and trust in them, and we are putting a lot of responsibilities on them, as well. We are asking them to change, in some instances, the way they have done business in the past, significantly in some areas, not so significantly in others. But, we are asking a lot of our State workforce. It's common knowledge that there will be less State workers after this Productivity Task Force legislation is adopted and signed into law by the Governor. How many? We are not quite sure, as to how many through attrition, how many have got other jobs in State government, how many have got jobs now in the private sector, contracting with State government, and how many have pursued other vocations. The bottom line is we have made technological advances; and as the good Senator from Kennebec pointed out earlier, these are not without glitches. In fact, in the Bureau of Taxation, with their optical scanning, which has increased their ability to process returns, that is making the process more efficient and we are realizing new technology. That I support. That I acknowledge. That I applaud. The bottom line comes down to the front-line workers who still have to answer for the kids who are being abused and neglected throughout the State, for the most needy of our citizens, the mentally ill. The work load is going to change on them. The requirements are going to change. So, as I said, I don't think it's appropriate for the Legislature to celebrate after we enact this, because it is only after we have allowed the State workforce to utilize the changes before we really know whether or not we really have cause to celebrate. That notwithstanding, the Legislature and the Executive Branch entered into a collective charge to save \$45.2 million over the course of the biennium through increasing productivity and increasing efficiency.

If you will allow me, for just a minute, to take you back to November 1995, when we gathered here and we enacted \$23 million worth of savings. This is the final piece. As the Governor presented this bill to us and the Appropriations Committee held hearings, consulted with the policy committees, as far as recommendations that they would have towards amending the bill, we have come forward with a bill unanimously approved by the Committee which meets the final \$45.2 million, which separates productivity from non-productivity, which has verifiable dollars in here, uses additional supplemental appropriations to meet the final mark, re-invests in technology, and re-invests in our State workforce. As is always said, no document is perfect. I believe the document before you will close the productivity chapter and allow the State to move forward. I would like to take a moment just to publicly thank the Productivity Task Force, specifically, the members of this Chamber who participated in it, Senator Michaud and Senator Pendexter, for their diligent and untiring efforts to try and bring forward creative solutions, creative options in making our State government more productive and more efficient. I'm happy to say that this chapter is finally closed, that we can move on now to other charges that are before this legislative body. As I know it will be clear that some people will have some problems with it, I just hope that when viewed in the whole that this bill will be embraced by this Chamber, by the other Chamber, and, hopefully, by the State employees as we move forward,

hopefully, into a new era for State government. Thank you.

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

Senator **CAREY:** Thank you, Mr. President. Bringing the Task Force to a close is probably one of the happier moments that I have had since this session started. I do have a problem, among others, because this bill was printed on the twentieth of March. We are currently at the twenty-first of March, and it has 320 pages, so it makes it a little difficult to try and read through it in that amount of time and still try to pay attention to the other business of this body. On page 307, for instance, they take \$500,000 away from liquor. To say that this goes into productivity and efficiency, when in fact it is money that is loaned by the general fund to the liquor people so that they can keep their inventory up. Whether or not the inventory will stay up with the million dollars that's left, it probably will, but I don't believe that that is a productivity measure. I have voted against this thing in the past. I will continue to do that because one of the things I think the people of Maine should come to realize is in a \$3.5 billion budget. The Productivity Task Force has struggled many days, many hours, many weeks to try to come up with \$45 million in total. So, anybody that campaigns with the idea that they are going to be taking the waste out of government has absolutely no idea where the waste is, because these people have been spending months at it and that is all they have been able to find, and all of it is not waste. Some people are really getting hurt by this. 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. I, too, am glad to get rid of this abomination. I am one of those who voted against the Task Force in the first place, as did the other good Senator from Kennebec, Senator Carey, so I feel privileged to be able to say that. I do have an amendment prepared that I was going to put on. I understand the time constraints of the good Senator from Oxford, Senator Hanley; and so, I am letting that go through, hoping that I will be able, if I need to put this amendment on, to have the courtesy of backing up the bill on enactment in order to put that amendment on. So, because I do honor the process, and because I know that if we don't vote on it this will be implemented in any case, other than the statutory issues, and we need to move the State forward. Also, I understand that there will be some opportunities on the supplemental budget to do some action, so I am doing that, but I do want to talk about a couple of issues that are encompassed in this bill. One is the Bath Children's Home. I have been around the horn on this for time and time again; and I just want it to be a matter of record on this bill that what we are doing is asking for a private contractor to come into the same building, on the same land, with the same children and the same workers. The only difference is the State is going to let the private contractor have the building, which is not adequate, nor will it ever be adequate to house these children. We have, in the past, put over \$1.5 million into that building. There will be a supplemental budget item that will ask for another \$400,000 of State money in order to get the building ready for the private contractor to come in. If that

makes some sense to you, I would like to hear it; because it doesn't make an ounce of sense to me. So, I just want to make a point that we ought to be doing something about the home and we ought to be doing something about the services delivered to those children; but this, folks, is not it. It should not be in this budget bill. It should be out of the bill and that's what the amendment does; but because I want to honor what we are doing here today, I am going to let that go. I am, in fact, working with both the Department of Human Services and Mental Health and Mental Retardation; and, hopefully, we can come up with something that is more reasonable.

The other thing that I would like to note that is in this bill, you have heard many, many times that there is no downsizing for AMHI and BMHI, that it does not shut down the institutions, any of the institutions. But, in fact, there are at least three positions there that you still have in this document, that you are taking out. One is your personnel manager over at AMHI. You are taking that out so you are only going to be left with a person who is the assistant to that manager. However, at BMHI, you are keeping the manager in. Where are we here? Are we downsizing or not? Are we closing an institution or not? You also, at AMHI, are taking out a position that is the deputy of the second in command to the superintendant, who is, in fact, the expert at carrying out the consent decree. The expert has a whole body of knowledge, years of knowledge, and you are replacing him with five people over at the department who know literally nothing about this. Does that make sense to you? It doesn't to me. I could go on and on, but we really ought to look at what we are doing before we do these things. I know the pressure of time, and all of that comes honestly, but it does not excuse us from making stupid decisions. And these are stupid decisions. Thank you.

Which was **PASSED TO BE ENGROSSED**, in concurrence.

**Off Record Remarks**

**Senate As Amended**

Bill "An Act Regarding Survivor Benefits in the Event of Divorce and Remarriage"

S.P. 723 L.D. 1825  
(C "A" S-495)

Which was **READ A SECOND TIME**.

On motion by Senator **CARPENTER** of York, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-495).

On further motion by the same Senator, Senate Amendment "A" (S-503) to Committee Amendment "A" (S-495) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Carpenter.

Senator **CARPENTER:** Thank you, Mr. President. I am presenting this amendment on behalf of the Committee on Bills in the Second Reading. This amendment makes technical changes to a provision of law that is parallel to another provision. I am making the same technical changes to the other parallel position. Thank you.

On further motion by the same Senator, Senate Amendment "A" (S-503) to Committee Amendment "A" (S-495) **ADOPTED**.

Committee Amendment "A" (S-495), as Amended by Senate Amendment "A" (S-503), thereto, **ADOPTED**.

Which was **PASSED TO BE ENGROSSED, As Amended**. Sent down for concurrence.

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

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

**SECOND READERS**

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

**House**

Bill "An Act to Amend the Home Health Laws"  
H.P. 1303 L.D. 1784

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

**House As Amended**

Bill "An Act to Implement the Recommendations of the Committee to Study the Operations of the Governor Baxter School for the Deaf"

H.P. 370 L.D. 505  
(C "A" H-787)

Bill "An Act to Provide a New Jobs Tax Credit"  
H.P. 1039 L.D. 1458  
(C "A" H-783 and H "A" H-797)

Bill "An Act to Amend the Monetary Limit of Improvements That Must be Approved by the Department of Administrative and Financial Services for School Administrative Units"

H.P. 1210 L.D. 1660  
(C "A" H-786)

Bill "An Act to Establish Consistency between Federal and State Drinking Water Laws"

H.P. 1268 L.D. 1743  
(C "A" H-785)

Bill "An Act to Revise the State Active Service Laws" (Emergency)

H.P. 1269 L.D. 1744  
(C "A" H-784)

Bill "An Act to Amend the Standards for Appointing the Guardian of a Minor"

H.P. 1285 L.D. 1765  
(C "A" H-792)

Bill "An Act to Support Abatement of Uncontrolled Tire Stockpiles"

H.P. 1298 L.D. 1781  
(C "A" H-782)

Bill "An Act Concerning Notice in Foreclosure Proceedings"

H.P. 1315 L.D. 1799  
(C "A" H-793)

Bill "An Act to Consolidate and Improve Delivery of International Trade Services in Maine"

H.P. 1318 L.D. 1802  
(C "A" H-789)

Bill "An Act to Exclude Services Provided by Direct Sellers from the Definition of Employment for Purposes of Unemployment Compensation"

H.P. 1320 L.D. 1807  
(C "A" H-781)

Bill "An Act Concerning the Treatment of Ocular Diseases by Optometrists"

H.P. 1326 L.D. 1814  
(C "A" H-790)

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

H.P. 1333 L.D. 1828  
(C "A" H-791)

Resolve, to Name a Portion of Highway in Millinocket in Honor of Prisoners of War and Those Designated as Missing in Action (Emergency)

H.P. 1335 L.D. 1829  
(C "A" H-788)

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

**Senate**

Bill "An Act Authorizing County Commissioners to Enact Ordinances Concerning Addressing Standards for Enhanced 9-1-1 Services in the Unorganized Territories" (Emergency)

S.P. 735 L.D. 1844

Which was **READ A SECOND TIME**.

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

Senator **CAREY:** Thank you, Mr. President. I would like to ask one question if I may. To any member of the Committee on State and Local Government, does this take away the authority of the municipalities to enact their own ordinances; or do we become pawns of the county government; or does, in fact, the county government dictate where we have any communication centers? Thank you.

**THE PRESIDENT:** The Senator from Kennebec, Senator Carey, 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. In response to the good Senator from Kennebec, this would only affect the unorganized territories of the State. As he probably knows, the County Commissioners are responsible for fire protection and ambulance service, and things of that nature, in the unorganized townships. Thank you.

Which was **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

**Senate As Amended**

Bill "An Act to Clarify Certain Provisions Relating to Workers' Compensation Self-insurance" (Emergency)

S.P. 635 L.D. 1643  
(C "A" S-493)

Bill "An Act to Provide a Contingent Allocation to Establish a Federally Funded Military Rebuild Site to be Operated by the Maine National Guard at the former Loring Air Force Base" (Emergency)

S.P. 716 L.D. 1817  
(C "A" S-496)

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

Sent down for concurrence.

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Ensure That Basic Health Care Needs of Women Are Covered in Insurance Policies"

H.P. 976 L.D. 1385  
(S "A" S-469 to C "A" H-707)

In Senate, March 19, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-707) AS AMENDED BY SENATE AMENDMENT "A" (S-469)** thereto, in **NON-CONCURRENCE**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-707) AS AMENDED BY HOUSE AMENDMENT "B" (H-810) AND SENATE AMENDMENT "A" (S-469)** thereto, in **NON-CONCURRENCE**.

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

**Non-concurrent Matter**

Bill "An Act to Revise Certain Fish and Wildlife Laws" (Emergency)

S.P. 637 L.D. 1645  
(C "A" S-485)

In Senate, March 19, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-485)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-485) AS AMENDED BY HOUSE AMENDMENT "B" (H-813)** thereto, in **NON-CONCURRENCE**.

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

**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, to Require the Department of Agriculture, Food and Rural Resources to Take Various Actions in Support of the Dairy Industry (Emergency)

H.P. 1296 L.D. 1778

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-801)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-801)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-801) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Strengthening the Laws That Prohibit the Drugging of Animals Competing in Pulling Events and Livestock Exhibitions"

H.P. 1322 L.D. 1809

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-802)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-802)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-802) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Allow the Removal from Public Office of Certain Elected County Officials" (Emergency)

H.P. 1240 L.D. 1700

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-803)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-803)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-803) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in Certain Real Estate and Personal Property Held by Various State Agencies at 6 Locations

H.P. 1329 L.D. 1821

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-806)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-806)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-806) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act to Develop the Maine Public Health Improvement Plan"

H.P. 1253 L.D. 1722

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-800)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-800)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-800) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act to Enable the Loring Development Authority to Establish the Loring Job Increment Financing Fund and to Impose Term Limits on Trustees of the Authority"

H.P. 1266 L.D. 1741

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-799)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-799)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-799) **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 Boothbay Harbor Water District"

H.P. 1194 L.D. 1638

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-795)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-795)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-795) **READ** and **ADOPTED**, in concurrence.

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

#### Senate

##### Ought to Pass

Senator **GOLDTHWAIT** for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Resolve, to Extend the Reporting Deadline of the Export Financing Services Study Group (Emergency)

S.P. 752 L.D. 1865

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

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

The Resolve **READ ONCE**.

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

##### Ought to Pass As Amended

Senator **LONGLEY** for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Implement Performance Budgeting in State Government" (Emergency)

S.P. 700 L.D. 1790

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-502)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-502) **READ** and **ADOPTED**.  
The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

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

#### COMMITTEE REPORT

##### Senate

##### Ought to Pass As Amended

Senator **CASSIDY** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-504)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-504) **READ** and **ADOPTED**.  
The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

SENATE REPORT - from the Committee on **TAXATION** on Bill "An Act Concerning Technical Changes to the Tax Laws" (Emergency)

S.P. 697 L.D. 1771

Report - Ought to Pass as Amended by Committee Amendment "A" (S-494)

Tabled - earlier in the day by Senator **KIEFFER** of Aroostook.

Pending - **ACCEPTANCE** of the Report.  
(In Senate, earlier in the day, Report **READ**.)  
Which Report was **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-494) **READ**.

On motion by Senator **GOLDTHWAIT** of Hancock, Senate Amendment "A" (S-498) to Committee Amendment "A" (S-494) **READ**.

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

Senator **GOLDTHWAIT**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill is a bill which makes so-called housekeeping changes. In the course of last winter I was contacted by some boatyards in the State of Maine, asking if we could extend the existing sales tax exemption on boats to cover a temporary period of storage in the State of Maine. Right now the sale of boats is exempted from the sales tax, presuming that you immediately remove the boat from the State. This amendment would provide for continuing that exemption for purposes of temporary storage in Maine. The significance of this to the boatyards is that people who are buying rather expensive vessels, would prefer to have them serviced, repaired, refitted, stored at the yard at which they are purchased. To do so now triggers that sales tax, which in the case of a \$300,000 boat would mean \$18,000. So, in some cases, that repair, storage, or refitting is lost to other states. In other cases the actual sale of the boat is lost. This is an amendment that has no fiscal impact because the current law exempts boat sales from the sales tax. So, we are not losing any revenue by making this change. Unfortunately, there seems to be an issue about what is a substantive change and what isn't. This was a piece of that bill that was caught in that issue. The boatyard owners, and the industry, including the Maine Marine Trade Association, are working on an industry growth strategy that includes the addition of as many as 2,000 new jobs in the industry by the year 2001. Extending this exemption would be significant in that the State of Rhode Island has no tax on this now, the State of Florida has just extended their exemption from ten days to ninety days, so we are rapidly losing our competitive advantage by triggering the tax with the storage of these boats in Maine. This amendment now is to rectify a situation that has developed over the past couple of weeks. I suggested this change in the proposed law last winter and the Bureau of Taxation advised me that it was a good idea, that it shouldn't be a problem, and that this was the proper vehicle. It was put into that bill at that time. It was sponsored by a number of members of the Committee at that time, without objection. It went to a public hearing where it had no objection. Subsequently, in a work session, this, and apparently some other pieces which I am unfamiliar with, were removed from this bill. The Bureau of Taxation continues to advise me that this is a positive thing to do for Maine's economy. A letter that I have from one Maine boatyard gives me some information. On a

\$600,000, forty-six foot boat out of this particular yard, that includes \$372,000 of labor, or 8,651 hours, which is the equivalent of five workers for a year. So, this is not a small issue for the yards. It would be a great help to them to include this in this bill at this time. All I have done is simply added back in to this bill the exact language that appeared in the bill as it was originally drafted and heard without objection, and now replaces that ability to exempt boats from the sales tax when they are temporarily stored in the State of Maine. I would urge you to support this amendment. Thank you.

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

Senator **CAREY**: Thank you, Mr. President. One of the reasons that it was taken out of the bill is that there were about eight different areas within the bill that were not technical changes. They were, in fact, very substantive changes. The Senator from Hancock, Senator Goldthwait, has taken, I think, the proper method so that, in fact, it would be heard. That substantive change would be heard by the members of this body, and they can base their decision on her testimony. I personally will be supporting that change, but I didn't feel, and neither did the members of the Committee, that the many changes that were being proposed in that bill; we had, for instance, a little technical change where the assessor would be able to name his own assistant and take him out of classified service. That was one of the more minor ones, if you will.

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

Senator **FERGUSON**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, too, would stand in support of Senator Goldthwait's amendment. I think this would be good for the State of Maine in regards to the marine industry, and strongly urge the Senate to vote affirmatively on her amendment. Thank you.

On further motion by Senator **GOLDTHWAIT** of Hancock, Senate Amendment "A" (S-498) to Committee Amendment "A" (S-494) **ADOPTED**.

Committee Amendment "A" (S-494), as Amended by Senate Amendment "A" (S-498), thereto, **ADOPTED**.

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

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

**HOUSE REPORTS** - from the Committee on **TAXATION** on Bill "An Act to Establish a Higher Education Tax Credit for Middle-class Families"

H.P. 1171 L.D. 1603

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-771) (10 members)

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-772) (3 members)

Tabled - earlier in the day by Senator **KIEFFER** of Aroostook.

Pending - the motion by Senator **HATHAWAY** of York that the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-772)** Report, in **NON-CONCURRENCE**.

(In House, March 21, 1996, the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-771)**.)

(In Senate, earlier in the day, Reports **READ**.)

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

Senator CAREY: Thank you, Mr. President. You will note, in that report, that the House went one way and the Senate went another. I would point out to you that the majority report limited the ability of the \$500 credit only to those who were going to a school within the State, or to an out-of-state institution of higher education which has an agreement between the State and the institution of higher education. Ours, in the Senate, and you will notice that we were unanimous as far as Senators were concerned, felt that as long as a taxpayer is a resident of Maine, and he is paying for that tuition, he ought to be able to send that child, no matter what institute they were going to, as long as it is an accredited school which would give a degree in higher education. That is simply the only difference between the two thoughts. There may be some schools, for instance, that didn't have an association with the State of Maine, and would teach some particular skill that is needed by the person who wants to go on to that college, and therefore, would be unable to get the \$500 credit. So, I would urge you to support Senator Hathaway's motion, if you would. Thank you.

On motion by Senator HATHAWAY of York, the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-772) Report, ACCEPTED, in NON-CONCURRENCE.

The Bill READ ONCE.

Committee Amendment "B" (H-772) READ and ADOPTED, in NON-CONCURRENCE.

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

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

Bill "An Act to Place Limited Rules on the Use of Personal Watercraft on Waters of the State"

H.P. 1365 L.D. 1874

Tabled - earlier in the day by Senator HALL of Piscataquis.

Pending - REFERENCE.

(Reference to the Committee on INLAND FISHERIES AND WILDLIFE suggested and ORDERED PRINTED.)

(In House, March 21, 1996, referred to the Committee on INLAND FISHERIES AND WILDLIFE and ORDERED PRINTED.)

Senator HALL of Piscataquis moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers, in NON-CONCURRENCE.

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

Senator HALL: Thank you, Mr. President. As you know, we have been referring the bills for the last few days to Committee, and yet we heard from the President earlier today on how many bills are left and what the deadlines are and so forth. It was a little disturbing to me to be passed this bill today and told we have to hurry up and have a hearing on this. It's an insignificant bill. There are only four items in it. It really doesn't affect the people that much and we need to do something. Well, that raised about six red flags immediately to me. Looking at it, and seeing what was coming behind it, I checked the scheduling and so on and so forth, as any bill should be given a weekend posting in a weekend paper. The earliest it could be done would be, hopefully, about three days after we adjourn. Well, not wanting to really do that, and having one hundred and fifty people come down here to entertain

a bill, and we aren't here, or we put a note on the door that says "Sorry, we were just fooling. We adjourned." That doesn't sound very smart to me. We thought maybe we could get special permission and advertise this bill in a daily paper. Knowing that Friday would be a poor day to do it, we could do it on Monday and maybe hold a hearing on Thursday. That still did not seem the right thing to do. I was afraid that notice would not be given out. I grant you that everyone of you, as I have, have received complaints. It says "personal watercraft". That's a jet ski. That's what they are talking about. Something needs to be done. I am the first to admit that something needs to be done. We need to review it. We need to look at it. We need to have a good, full, public hearing. We need to hear both sides of the issue and then decide what to do. We can't do that at the eleventh hour and do it fairly and properly, for this bill or any other bill, at this particular time. I was a little concerned because it is a Governor's bill. I went and talked with the Governor. He said he had reservations about sending it up this late. His intention was to let the Task Force work as long as they needed to and we would be coming in in January with some good, solid legislation recommendations. I appreciated his candor. I told him my feelings, that in order to be fair to the public, I wanted to indefinitely postpone the bill and wait, knowing full well we will all receive complaints that come in the summer. So be it. If we are going to err, let's err on the side of fair and justice for all. Thank you.

On motion by Senator HALL of Piscataquis the Bill and Accompanying Papers INDEFINITELY POSTPONED, in NON-CONCURRENCE.

Sent down for concurrence.

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Senate at Ease  
Senate called to order by the President.

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Off Record Remarks

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Senator CASSIDY of Washington was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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On motion by Senator BUSTIN of Kennebec, ADJOURNED until Friday, March 22, 1996, at 9:00 o'clock in the morning.