

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
Wednesday
March 27, 1996

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

Prayer by the Honorable R. Leo Keiffer of Aroostook.

SENATOR KIEFFER: Good morning. Let us pray. Father in heaven, we turn to You, seeking peace and quiet. The world screams at us, legitimately so most of the time; but we still need some quiet. We don't ask to be excused from our responsibilities. We ask You only to give us a respite from pressure. Short of that, give us the stamina to persevere. If not that, make us good martyrs. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE
Non-concurrent Matter

JOINT ORDER - relative to recalling from the legislative files, Bill "An Act to Place Limited Rules on the Use of Personal Watercraft on Waters of the State" and all its accompanying papers to the House.

H.P. 1370

In House, March 26, 1996, **READ** and **PASSED**.

In Senate, March 26, 1996, **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Comes from the House, that body having **INSISTED**.

Senator **KIEFFER** of Aroostook moved that the Senate **ADHERE**.

Senator **LAWRENCE** of York moved that the Senate **RECEDE** and **CONCUR**.

Senator **LAWRENCE** of York requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **LAWRENCE** of York that the Senate **RECEDE** and **CONCUR**.

A Division has been requested.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

2 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator **LAWRENCE** of York to **RECEDE** and **CONCUR**, **FAILED**.

On motion by Senator **KIEFFER** of Aroostook, the Senate **ADHERED**.

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

(H "B" H-810; S "A" S-469 to C "A" H-707)

In House, March 20, 1996, **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**.

In Senate, March 21, 1996 **RECEDED** and **CONCURRED**. Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-707) AS AMENDED BY HOUSE AMENDMENT "D" (H-822)**, thereto, in **NON-CONCURRENCE**.

On motion by Senator **KIEFFER** of Aroostook, the Senate **RECEDED** and **CONCURRED**.

Non-concurrent Matter

Bill "An Act to Allow the Diagnosis of Biologically-based Mental Illness by Licensed Psychologists" (Emergency)

S.P. 622 L.D. 1630
(C "A" S-472)

In Senate, March 20, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-472)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-473)**, in **NON-CONCURRENCE**.

On motion by Senator **KIEFFER** of Aroostook, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION**.

Non-concurrent Matter

Bill "An Act to Amend the Laws Concerning Commercial Whitewater Rafting"

S.P. 719 L.D. 1820
(S "A" S-508 to C "A" S-486)

In House, March 21, 1996, **FAILED OF ENACTMENT**.

In Senate, March 22, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-486) AS AMENDED BY SENATE AMENDMENT "A" (S-508)**, thereto, in **NON-CONCURRENCE**.

Comes from the House that body having **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

The Senate **INSISTED** and **JOINED IN A COMMITTEE OF CONFERENCE**.

THE PRESIDENT: In reference to the action of the Senate, whereby it **INSISTED** and **JOINED IN A COMMITTEE OF CONFERENCE**, the Chair will appoint on the part of the Senate:

- Senator **HALL** of Piscataquis
- Senator **MICHAUD** of Penobscot
- Senator **MILLS** of Somerset

COMMUNICATIONS

The Following Communication:
**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

March 26, 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 Marine Resources has had under consideration the nomination of Marshall E. Alexander of Biddeford, for appointment to the Marine Resources Advisory Council.

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

YEAS: Sen. 3 Butland of Cumberland,
Goldthwait of Hancock,
Pingree of Knox
Rep. 8 Look of Jonesboro, Benedikt
of Brunswick, Etnier of
Harpswell, Volenik of
Sedgwick, Bigl of
Bucksport, Layton of
Cherryfield, Pinkham of
Lamoine, Rice of South
Bristol

NAYS: 0
ABSENT: 2 Rep. Cloutier of South
Portland, Rep. Adams of
Portland

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Marshall E. Alexander of Biddeford, for appointment to the Marine Resources Advisory Council be confirmed.

Signed:

S/Jeffrey H. Butland
Senate Chair

S/Theone F. Look
House Chair
S.C. 544

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on **MARINE RESOURCES** has recommended the nomination of Marshall E. Alexander of Biddeford be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: None
NAYS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT,
BERUBE, CAREY, CARPENTER,
CASSIDY, CIANCHETTE, CLEVELAND,
FERGUSON, GOLDTHWAIT, HALL,
HARRIMAN, KIEFFER, LAWRENCE,
LORD, McCORMICK, MICHAUD, O'DEA,
PENDEXTER, RAND, RUHLIN, SMALL,
STEVENS, and the PRESIDENT,
Senator BUTLAND
ABSENT: Senators: BUSTIN, ESTY, FAIRCLOTH, HANLEY,
HATHAWAY, LONGLEY, MILLS,
PARADIS, PINGREE

No Senator having voted in the affirmative and 26 Senators having voted in the negative, with 9 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 Marshall E. Alexander, for appointment to the Marine Resources Advisory Council, was **CONFIRMED**.

The Secretary informed the Speaker of the House.

The Following Communication:

MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333

March 26, 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 Marine Resources has had under consideration the nomination of J. Peter Angis of Scarborough, for reappointment to the Marine Resources Advisory Council.

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

YEAS: Sen. 3 Butland of Cumberland,
Goldthwait of Hancock,
Pingree of Knox
Rep. 8 Look of Jonesboro, Benedikt
of Brunswick, Etnier of
Harpswell, Volenik of
Sedgwick, Bigl of
Bucksport, Layton of
Cherryfield, Pinkham of
Lamoine, Rice of South
Bristol

NAYS: 0
ABSENT: 2 Rep. Cloutier of South
Portland, Rep. Adams of
Portland

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of J. Peter Angis of Scarborough, for reappointment to the Marine Resources Advisory Council be confirmed.

Signed:

S/Jeffrey H. Butland
Senate Chair

S/Theone F. Look
House Chair
S.C. 545

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on **MARINE RESOURCES** has recommended the nomination of J. Peter Angis of Scarborough be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: None
NAYS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT,
BERUBE, CAREY, CARPENTER,
CASSIDY, CIANCHETTE, CLEVELAND,
FERGUSON, GOLDTHWAIT, HALL,
HARRIMAN, KIEFFER, LAWRENCE,
LORD, McCORMICK, MICHAUD, O'DEA,
PENDEXTER, RAND, RUHLIN, SMALL,
STEVENS, and the PRESIDENT,
Senator BUTLAND

ABSENT: Senators: BUSTIN, ESTY, FAIRCLOTH, HANLEY,
HATHAWAY, LONGLEY, MILLS,
PARADIS, PINGREE

No Senator having voted in the affirmative and 26 Senators having voted in the negative, with 9 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 J. Peter Angis, for reappointment to the Marine Resources Advisory Council, was **CONFIRMED**.

The Secretary informed the Speaker of the House.

The Following Communication:

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

March 26, 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 Marine Resources has had under consideration the nomination of William L. Guptill of Addison, for appointment to the Marine Resources Advisory Council.

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

YEAS:	Sen. 3	Butland of Cumberland, Goldthwait of Hancock, Pingree of Knox
	Rep. 8	Look of Jonesboro, Benedikt of Brunswick, Etnier of Harpwell, Volenik of Sedgwick, Bigl of Bucksport, Layton of Cherryfield, Pinkham of Lamoine, Rice of South Bristol

NAYS:	0	
ABSENT:	2	Rep. Cloutier of South Portland, Rep. Adams of Portland

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of William L. Guptill of Addison, for appointment to the Marine Resources Advisory Council be confirmed.

Signed:

S/Jeffrey H. Butland Senate Chair	S/Theone F. Look House Chair S.C. 546
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Which was **READ** and **ORDERED PLACED ON FILE**.

THE PRESIDENT: The Joint Standing Committee on **MARINE RESOURCES** has recommended the nomination of William L. Guptill of Addison be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS:	Senators:	None
NAYS:	Senators:	ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, CAREY, CARPENTER, CASSIDY, CIANCHETTE, CLEVELAND, ESTY, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, KIEFFER, LAWRENCE, LORD, McCORMICK, MICHAUD, O'DEA, PENDEXTER, RAND, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

ABSENT: Senators: BUSTIN, FAIRCLOTH, HANLEY,
HATHAWAY, LONGLEY, MILLS,
PARADIS, PINGREE

No Senator having voted in the affirmative and 27 Senators having voted in the negative, with 8 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 William L. Guptill, for appointment to the Marine Resources Advisory Council, was **CONFIRMED**.

The Secretary informed the Speaker of the House.

The Following Communication:

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

March 26, 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 Marine Resources has had under consideration the nomination of Robert J. Peacock, II of E. Machias, for reappointment to the Marine Resources Advisory Council.

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

YEAS:	Sen. 3	Butland of Cumberland, Goldthwait of Hancock, Pingree of Knox
	Rep. 8	Look of Jonesboro, Benedikt of Brunswick, Etnier of Harpwell, Volenik of Sedgwick, Bigl of Bucksport, Layton of Cherryfield, Pinkham of Lamoine, Rice of South Bristol

NAYS:	0	
ABSENT:	2	Rep. Cloutier of South Portland, Rep. Adams of Portland

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Robert J. Peacock, II of E. Machias, for reappointment to the Marine Resources Advisory Council be confirmed.

Signed:

S/Jeffrey H. Butland
Senate Chair

S/Theone F. Look
House Chair
S.C. 547

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

THE PRESIDENT: The Joint Standing Committee on **MARINE RESOURCES** has recommended the nomination of Robert J. Peacock, II of East Machias be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: None
NAYS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, CAREY, CARPENTER, CASSIDY, CIANCHETTE, CLEVELAND, ESTY, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, KIEFFER, LAWRENCE, LONGLEY, LORD, McCORMICK, MICHAUD, O'DEA, PARADIS, PENDEXTER, RAND, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

ABSENT: Senators: BUSTIN, FAIRCLOTH, HANLEY, HATHAWAY, MILLS, PINGREE

No Senator having voted in the affirmative and 29 Senators having voted in the negative, with 6 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 Robert J. Peacock, II, for reappointment to the Marine Resources Advisory Council, was **CONFIRMED**.

The Secretary informed the Speaker of the House.

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **NATURAL RESOURCES** on Bill "An Act to Remove Statutory References to the Maine Waste Management Agency"

H.P. 1343 L.D. 1838

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-853).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-853).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-853) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Prohibit Stalking"

H.P. 1286 L.D. 1766

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-828).

Signed:

Senators:

BENOIT of Franklin
HALL of Piscataquis

Representatives:

GOOLEY of Farmington
PEAVEY of Woolwich
CLUKEY of Houlton
WHEELER of Bridgewater
REED of Dexter

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B"** (H-829).

Signed:

Senator:

O'DEA of Penobscot

Representatives:

CLARK of Millinocket
BUNKER, JR. of Kossuth Township
JOHNSON of South Portland
MCALEVEY of Waterboro
THOMPSON of Naples

Comes from the House with the Minority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-829).

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 **TRANSPORTATION** on Bill "An Act to Facilitate the Implementation of a Logo Sign Program on the Interstate"

H.P. 1359 L.D. 1864

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-849).

Signed:

Senators:

PARADIS of Aroostook
CASSIDY of Washington

Representatives:

STROUT of Corinth
RICKER of Lewiston
BOUFFARD of Lewiston
O'GARA of Westbrook
LINDAHL of Northport
CHARTRAND of Rockland
FARNUM of South Berwick
DRISCOLL of Calais
HEINO of Boothbay

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B"** (H-850).

Signed:

Senator:

STEVENS, JR. of Androscoggin

Representative:

BAILEY of Township 27

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-849).

Which Reports were **READ**.

Senator STEVENS of Androscoggin moved that the Senate ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-850) Report, in NON-CONCURRENCE.

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

Senator LONGLEY: I wish to pose a question through the Chair. My question is, there was a Task Force, as I understand it, that studied where these logo signs should go; and they came forward and said that possibly we would only need logo signs in rural areas, so when people, like the good Senator from York and his wife, are travelling, in some hinterlands, and want to find a quick place to eat, they would know where to get off, instead of driving all around the State of Maine. The Task Force made this recommendation and I'm not sure which report includes their recommendations.

THE PRESIDENT: The Senator from Waldo, Senator Longley, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Androscoggin, Senator Stevens.

Senator STEVENS: Thank you, Mr. President, Men and Women of the Senate. There was a committee that worked this summer on design and so forth; and it's for the rural areas; but for the present time, they can have the fork and spoon, or things of this nature. The logo would be, more or less, for the larger companies, like McDonald's or Burger King. Personally, I don't think it's necessary. On the B Report, what it does, would be to go back and take off what we put on the first session of the 117th, and start over again in the 118th. Thank you.

Senator LONGLEY of Waldo requested a Division.

Senator LAWRENCE of York moved to Table until Later in Today's Session, pending the motion by Senator STEVENS of Androscoggin that the Senate ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-850) Report, in NON-CONCURRENCE.

Senator KIEFFER of Aroostook requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator LAWRENCE of York to TABLE UNTIL LATER IN TODAY'S SESSION, pending the motion by Senator STEVENS of Androscoggin to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-850) Report, in NON-CONCURRENCE.

A Division has been requested.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

11 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator LAWRENCE of York to TABLE UNTIL LATER IN TODAY'S SESSION, pending the motion by Senator STEVENS of Androscoggin to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-850) Report, in NON-CONCURRENCE, FAILED.

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

Senator RAND: Thank you, Mr. President. Apparently, we don't want to Table this. The vote didn't go that way; so, I would like an explanation, please, of what these two amendments do, so that I can decide whether I want to go with Senator Stevens or not. Thank you.

THE PRESIDENT: the Chair recognizes the Senator from Aroostook, Senator Paradis.

Senator PARADIS: Thank you, Mr. President, Men and Women of the Chamber. The majority report is allowing logo signs in rural areas only. The good Senator Longley was absolutely right. If you are travelling this State, it is really hard to know what is at the end of that road. So, we worked long and hard on this report to make it possible. It would allow logos for gas, food, lodging, and camping, only, and only if that is close to that exit. It's a safety issue; because people find themselves wandering around at night, trying to find a place to stay. Right now, we have so little out there to indicate. It would allow more than one logo sign per exit, only when three or more businesses for each of two or more types of services are eligible for a logo at that exit. It's got to be a logo that people will recognize. We did spend hours trying to make sure that this will be done, because we are in a state that prides ourselves on not cluttering the highway. This would not. It would prohibit more than four logo sign panels at an exit. The minority report, that we are about to vote on, just repeals the logo sign program on the interstate, as enacted last year with Public Law 416. Thank you.

THE PRESIDENT: The Chair senses that there is some confusion out there, which is why the Chair was very lenient in allowing the good Senator from Aroostook, Senator Paradis, to explain a motion that is not before the body.

On motion by Senator KIEFFER of Aroostook, Tabled until Later in Today's Session, pending the motion by Senator STEVENS of Androscoggin that the Senate ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-850) Report, in NON-CONCURRENCE.

Divided Report

The Majority of the Committee on UTILITIES AND ENERGY on Bill "An Act to Provide Public Access to the Information Superhighway through Enhanced Library Telecommunications"

H.P. 618 L.D. 828

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-832).

Signed:

Senators:

CARPENTER of York
CLEVELAND of Androscoggin

Representatives:

KONTOS of Windham
ADAMS of Portland
GIERINGER, JR. of Portland
O'NEAL of Limestone
LUTHER of Mexico
HEESCHEN of Wilton

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-833).

Signed:

Senator:

HARRIMAN of Cumberland

Representatives:

TAYLOR of Cumberland
MARSHALL of Eliot
CAMERON of Rumford
STONE of Bangor

Comes from the House with 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-832).

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 As Amended**

Senator **MILLS** for the Committee on **JUDICIARY** on Bill "An Act to Amend the Freedom of Access Laws to Include Policy-influencing and Fact-finding Advisory Boards and Commissions in the Definition of Public Proceedings"

S.P. 739 L.D. 1847

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-529)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-529) **READ** and **ADOPTED**.

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

Senator **LONGLEY** for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Authorize the Disposition of Property Interests at the Pineland Center"

S.P. 749 L.D. 1859

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-528)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-528) **READ** and **ADOPTED**.

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

SECOND READERS

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

House

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

H.P. 1255 L.D. 1724

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

House As Amended

Bill "An Act to Establish a Catastrophic Health Care Expense Program"

H.P. 1025 L.D. 1440

(C "A" H-837)

Bill "An Act to Ensure Proper Withholding of State Income Tax"

H.P. 1249 L.D. 1711

(C "A" H-735)

Bill "An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Fiscal Year Ending December 31, 1997"

H.P. 1325 L.D. 1815

(C "A" H-846)

Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1996 and June 30, 1997" (Emergency)

H.P. 1336 L.D. 1830

(C "A" H-848)

Bill "An Act to Increase the Debt Limit of the Madawaska Water District"

H.P. 1361 L.D. 1869

(C "A" H-845)

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

Senate As Amended

Bill "An Act to Clarify Definitions Under the Laws Concerning Games of Chance" (Emergency)

S.P. 479 L.D. 1303

(C "A" S-517)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$26,500,000 to Investigate, Abate, Clean up and Mitigate Hazardous Substance Discharges, to Clean Up Tire Stockpiles, to Construct Water Pollution Control Facilities, to Close and Clean Up Municipal Solid Waste Landfills and to Address Environmental Health Deficiencies in Drinking Water Supplies"

S.P. 741 L.D. 1849

(C "A" S-522)

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

Sent down for concurrence.

Off Record Remarks

ENACTORS

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

An Act to Amend and Further Deregulate the Maine Consumer Credit Code

H.P. 1239 L.D. 1699

(C "A" H-805)

An Act Authorizing Officers of Closely Held Corporations to Represent those Corporations before Any Court

H.P. 1264 L.D. 1739

(C "A" H-770)

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

H.P. 1268 L.D. 1743

(C "A" H-785)

An Act to Revise the State Active Service Laws

H.P. 1269 L.D. 1744

(C "A" H-784)

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

H.P. 1285 L.D. 1765

(C "A" H-792)

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 Establish a Higher Education Tax Credit for Middle-class Families

H.P. 1171 L.D. 1603

(C "B" H-772)

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

An Act to Amend the Tax Laws Regarding Retail Business Registration and Penalty Relief to Taxpayers with Extensions

H.P. 1251 L.D. 1713
(C "A" H-798)

On motion by Senator BEGLEY of Lincoln, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Allow the Adjutant General to Sell Unfit and Unneeded Property and Apply Proceeds to the Military Bureau's Capital Repair Account, to Authorize the Adjutant General to Transfer Real Property, and to Authorize the Military Bureau to Retain the Proceeds of Armory Rentals

S.P. 660 L.D. 1720
(H "A" H-823 to C "A" S-489)

On motion by Senator BEGLEY of Lincoln, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Emergency

An Act to Support Abatement of Uncontrolled Tire Stockpiles

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

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 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

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

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 Regarding Survivor Benefits in the Event of Divorce and Remarriage

S.P. 723 L.D. 1825
(S "A" S-503 to C "A" S-495)

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

Emergency

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

S.P. 735 L.D. 1844

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

Resolve

Resolve, to Review the Role of the Department of Administrative and Financial Services in Approving School Construction Projects for School Administrative Units

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

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

Emergency Resolve

Resolve, to Require Additional Promotion of the Maine Quality Seal

H.P. 1294 L.D. 1776
(H "A" H-826)

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

Emergency Resolve

Resolve, to Extend the Reporting Deadline of the Export Financing Services Study Group

S.P. 752 L.D. 1865

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senator having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Mandate

An Act to Revise the Charter of the Boothbay Harbor Water System

H.P. 1194 L.D. 1638
(C "A" H-795)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, 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.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **LORD** for the Committee on **NATURAL RESOURCES** on Bill "An Act to Establish a General Permit for Agricultural Irrigation Ponds" (Emergency) S.P. 748 L.D. 1858

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-531)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-531) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Resolve, to Reimburse a Lumber Company in Connection with Sales Tax Paid by the Company

S.P. 747 L.D. 1857

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

Signed:

Senators:

HATHAWAY of York
FERGUSON, JR. of Oxford

Representatives:

REED of Falmouth
TRIPP of Topsham
BARTH, JR. of Bethel
GREEN of Monmouth
POIRIER of Saco
DORE of Auburn
KEANE of Old Town

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-532)**.

Signed:

Senator:

CAREY of Kennebec

Representatives:

TUTTLE, JR. of Sanford
MURPHY of Berwick

Which Reports were **READ**.

Senator **CAREY** of Kennebec moved that the Senate **ACCEPT** the Majority **UGHT NOT TO PASS** Report.

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

Senator **CAREY:** Thank you, Mr. President. This was a case of a lumber yard that was audited for a second time. It was a limited audit on the first time around. They had a computer problem and they were paying double the tax that they should have been paying. The State paid them for the past three years. The audit was done in August of 1995. The State went back the three years that they can go back, but the gentleman from Bond Brothers came in

and asked that we go back the additional two years to when they first put in their computer. We were unable to convince the majority of the Committee that, in fact, the State should go back. They had to come to the Legislature to get permission to go back beyond the three years. We could not convince the majority of the Committee; and, therefore, at least I, on the minority, am willing to bow to the majority in this instance.

On motion by Senator **CAREY** of Kennebec, the Majority **UGHT NOT TO PASS** Report **ACCEPTED**.
Sent down for concurrence.

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

COMMITTEE REPORT

Senate

Ought to Pass As Amended

Senator **PENDEXTER** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Amend the Hospital Cooperation Act of 1992 to Facilitate Integrated Health Care Delivery Systems by Authorizing and Supervising Certain Hospital Mergers" (Emergency) S.P. 636 L.D. 1644

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-533)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-533) **READ** and **ADOPTED**.

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

HELD BILL

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

Senator **AMERO:** Mr. President, is the Senate in possession of "An Act Concerning Technical Changes to the Tax Laws" S.P. 697 L.D. 1771?

THE PRESIDENT: The Chair would answer in the affirmative. The Bill having been held at the Senator's request.

Senator **AMERO** of Cumberland moved that the Senate **RECONSIDER** its action of yesterday whereby it **ADHERED** on:

Bill "An Act Concerning Technical Changes to the Tax Laws" (EMERGENCY)

S.P. 697 L.D. 1771

(In Senate, March 22, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-494) AS AMENDED BY SENATE AMENDMENT "A" (S-498)**, thereto.)

(In House, March 22, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-494)**, in **NON-CONCURRENCE**.)

(In Senate, March 26, 1996, **ADHERED**.)

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

Senator **CAREY:** Thank you, Mr. President. This is a bill out of Taxation on technical changes. We were able to remove from it the substantive changes that were being made. An amendment has been put on, which, while it has passed this body, it is doubtful that the bill will pass, period; because the amendment was a substantive change. There is an effort being made to find another bill to put that particular amendment on; and so, I would hope that we would Recede and Concur on this matter. Thank you.

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

Senator **GOLDTHMAIT**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just wanted to say, for the Record, how much I appreciate the support of this body for the boatyards of Maine. It is unfortunate that this item has to be caught in some procedural issues that will cause the great benefit of extending the existing exemption, at no cost to the State. I understand that that would be a rather nuclear way of causing the entire technical changes bill to fail; so I will be requesting a division and voting in the minority, I am sure. However, I did want to say that the boatyards of Maine are grateful for the support of this body. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator **AMERO** of Cumberland that the Senate **RECONSIDER** its action whereby it **ADHERED**.

A Division has been requested.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

20 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by Senator **AMERO** of Cumberland to **RECONSIDER** its action whereby it **ADHERED, PREVAILED**.

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

ORDERS OF THE DAY

Out of order, the Chair laid before the Senate the first Tabled and Today Assigned matter:

Bill "An Act to Establish a High School for the Visual and Performing Arts"

S.P. 687 L.D. 1756
(C "A" S-490)

Tabled - March 26, 1996, by Senator **KIEFFER** of Aroostook.

Pending - **FURTHER CONSIDERATION**.

(In Senate, March 25, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-490)**.)

(In House, March 25, 1996, the Majority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

On motion by Senator **KIEFFER** of Aroostook, the Senate **INSISTED**.

Sent down for concurrence.

Off Record Remarks

Senator **AMERO** of Cumberland 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 **GOLDTHMAIT** of Hancock was granted unanimous consent to address the Senate on the Record.

Senator **GOLDTHMAIT**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. Last night Mrs. David Rockefeller died. Though she was not a year-round Maine resident, certainly, her heart was in Maine. She is a woman who has contributed vast amounts of her time, her energy, and her personal resources to conservation, particularly on the coast in the State of Maine. Certainly, the residents in my area owe her a great debt of gratitude for all she has done to provide us with the beauty of the great amount of open space. Mr. President, I would request that when we adjourn today, we do so in the honor and memory of Peggy Rockefeller. Thank you.

On motion by Senator **LAWRENCE** of York, **RECESSED** until 3:00 o'clock this afternoon.

After Recess

Senate called to order by the Secretary.

Pursuant to Senate Rule 1, Senator **HARRIMAN** of Cumberland was appointed to serve as President Pro Tem for the remainder of today's session.

Senate called to Order by the President Pro Tem, Philip E. Harriman of Cumberland.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1996 (Emergency)

H.P. 1373 L.D. 1881

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 1290).

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

The Resolve **READ ONCE**.

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

The Committee on **TAXATION** on Bill "An Act to Extend the Milk Handling Tax"

H.P. 1372 L.D. 1880

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 1339).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**

Which Report was **READ**.

Senator **BUSTIN** of Kennebec requested a Roll Call.

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

Ought to Pass As Amended

The Committee on JUDICIARY on Bill "An Act to Improve Tribal and State Relations by Strengthening the Maine Indian Tribal-State Commission"

H.P. 1217 L.D. 1667

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-856)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-856)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-856) **READ** and **ADOPTED**, in concurrence.

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

SECOND READERS

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

House As Amended

Bill "An Act to Remove Statutory References to the Maine Waste Management Agency"

H.P. 1343 L.D. 1838

(C "A" H-853)

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

Senate As Amended

Bill "An Act to Amend the Hospital Cooperation Act of 1992 to Facilitate Integrated Health Care Delivery Systems by Authorizing and Supervising Certain Hospital Mergers" (Emergency)

S.P. 636 L.D. 1644

(C "A" S-533)

Bill "An Act to Amend the Freedom of Access Laws to Include Policy-influencing and Fact-finding Advisory Boards and Commissions in the Definition of Public Proceedings"

S.P. 739 L.D. 1847

(C "A" S-529)

Bill "An Act to Authorize the Disposition of Property Interests at the Pineland Center"

S.P. 749 L.D. 1859

(C "A" S-528)

Bill "An Act to Establish a General Permit for Agricultural Irrigation Ponds" (Emergency)

S.P. 748 L.D. 1858

(C "A" S-531)

Which were **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 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)

On motion by Senator AMERO of Cumberland, Tabled 1 Legislative Day, pending **ENACTMENT**.

Emergency

An Act to Clarify Certain Provisions Relating to Workers' Compensation Self-insurance

S.P. 635 L.D. 1643

(C "A" S-493)

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 to Implement Performance Budgeting in State Government

S.P. 700 L.D. 1790

(C "A" S-502)

On motion by Senator AMERO of Cumberland, the Senate **SUSPENDED THE RULES** for the purpose of **RECONSIDERATION**.

On further motion by the same Senate, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED, AS AMENDED**.

On further motion by the same Senator, the Senate **SUSPENDED THE RULES** for the purpose of **RECONSIDERATION**.

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-502).

On further motion by the same Senator, Senate Amendment "A" (S-525) to Committee Amendment "A" (S-502) **READ**.

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

Senator AMERO: Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amendment removes the Department of Corrections from participation in a job training demonstration project that is required under this new performance based budgeting plan. The Department of Corrections was mistakenly included with other departments that will be participating in this plan. It was a mistake in the final writing of the bill. So, this amendment will correct that mistake. Thank you.

On further motion by the same Senator, Senate Amendment "A" (S-525) to Committee Amendment "A" (S-502) **ADOPTED**.

Committee Amendment "A" (S-502), as Amended by Senate Amendment "A" (S-525), thereto, **ADOPTED**, in **NON-CONCURRENCE**.

The Bill **PASSED TO BE ENGROSSED, As Amended**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President Pro Tem.

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

COMMUNICATIONS

The Following Communication:

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333-0002**

March 27, 1996

Honorable May M. Ross
 Secretary of the Senate
 117th Legislature
 Augusta, Maine 04333
 Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Amend the Laws Concerning Commercial Whitewater Rafting" (EMERGENCY) (S.P. 719) (L.D. 1820):

Representative MITCHELL of Vassalboro
 Representative KEANE of Old Town
 Representative PERKINS of Penobscot
 Sincerely,
 S/ Joseph W. Mayo
 Clerk of the House
 S.C. 548

Which was READ and ORDERED PLACED ON FILE.

Senate at Ease

Senate called to order by the President Pro Tem.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:
 Bill "An Act to Allow the Diagnosis of Biologically-based Mental Illness by Licensed Psychologists" (Emergency)

S.P. 622 L.D. 1630
 (C "A" S-472)

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

Pending - FURTHER CONSIDERATION.

(In Senate, March 20, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-472).)

(In House, March 26, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-473), in NON-CONCURRENCE.)

Senator AMERO of Cumberland moved that the Senate INSIST and ASK FOR A COMMITTEE OF CONFERENCE.

Senate at Ease

Senate called to order by the President Pro Tem.

On motion by Senator AMERO of Cumberland, the Senate INSISTED and ASKED FOR A COMMITTEE OF CONFERENCE.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:
 HOUSE REPORTS - from the Committee on CRIMINAL JUSTICE on Bill "An Act to Prohibit Stalking"

H.P. 1286 L.D. 1766

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-828) (7 members)

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-829) (6 members)

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

Pending - ACCEPTANCE of Either Report.

(In House, March 26, 1996, the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-829).)

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

Senator BENOIT of Franklin moved that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-828) Report, in NON-CONCURRENCE.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Franklin, Senator Benoit.

Senator BENOIT: Thank you, Mr. President. May it please the Senate. This is a piece of legislation that, if enacted, would prohibit the offense of stalking. The only difference between the majority ought to pass report and the minority deals with a surcharge. If you read the majority report you will find no surcharge imposed on fines. In the minority report you will find that a surcharge be added to fines to come up with some money to take care of some costs concerning the bill. I want to point out to you that at the public hearing before the Criminal Justice Committee, the Maine Chiefs' of Police Association objected to a surcharge on fines concerning this legislation. They indicated to us that the proposed 2% surcharge, right now it is 10%, the minority report intends to add 2% to make it 12% on fines. The Association indicates that this proposed 2% surcharge, to an already overburdened fine structure, is a smoke screen to be utilized for operational purposes which should be appropriately addressed through the budgetary process. I also have a letter from Commissioner Skolfield of the Department of Public Safety. In these two pages, Colonel Skolfield does not come right out and ask for a surcharge. He is willing to accept the extra money, of course, if it is voted; but there is nothing in his correspondence that indicates a necessity for having these monies. In this letter he points out that the Maine Criminal Justice Informations System Policy Board, a long title for McJustice, is a statutorily created, independent board, operated under the Department of Public Safety. McJustice has developed a plan regarding the automation of criminal history records, and work is currently underway in all portions of the criminal justice system to implement the plan. The majority report would leave to the budgetary process the funding of this electronic system that is thought to be needed to pass around certain orders of court. The thing that bothers me about this surcharge is that we already have 10% on fines, with a surcharge; and we are going to add 2%, according to the minority report. Good luck in collecting the surcharge. Two years ago, in the District Court system in Maine, there was \$4 million in unpaid fines. The surcharges weren't collected either. Isn't it better to have a budgetary process in place to pay for the electronic procedure, than wondering if you are going to collect anything, and what it will be, out of a surcharge on fines. Moreover, the wrong people are going to be paying the surcharge under this stalking bill. It would be nice to have a surcharge attached to the lawbreakers who stalk people, and have them pay. No, that is not going to happen. Ninety percent of the monies, whatever it is that is collected, is going to come from traffic cases. You know, as well as I do, that the surcharge, the vast majority of that money, comes out of the traffic bureau, people who are speeding, going through stop signs, many who are committing civil violations, failing to yield in traffic. There is a whole host of traffic offenses, civil in nature, that will bring about the surcharge. Take a \$60 fine. Instead of \$6, which is the 10%, and pay \$66, you are going to pay \$67.20;

\$1.20 extra is going to go because of the stalking bill. I will ask you, as a matter of fairness, is it fair to tack on a surcharge for the stalking bill and have 90% of it paid by people who aren't stalking at all, never have been, but are doing, at most, the commission of a traffic infraction? It isn't fair, as far as I am concerned, having my constituents at heart.

Let me close by reading something from Chief Justice Wathen's State of the Judiciary; because you see, we have this electronic situation in place. It's funded. They told us that our total technology plan is priced at \$2.1 million. This past summer, with the help of Governor King, law enforcement, the Corrections Department, DHS and the Family Violence Project, we obtained federal grants and cleaned out our cupboards, raising a total of \$1.4 million. All we need is \$300,000 to \$400,000 to give us a fully functional system. He said we are going to get this through the Productivity Task Force cuts. The court is not asking us to attach this surcharge against our citizens, 90% of whom will be driving and committing traffic violations. Chief Justice Wathen said to us, "The courthouses are wired. We are connected by a network. The computer hardware is permanently installed at the Maine Judicial Center here in Augusta. I am pleased to announce that we have pilot courts on line. We will have them on line as early as June, and all courts will be fully automated within eighteen months."

I don't like the idea of passing the buck to the judiciary to collect money for the executive branch of government. You want to see some smiling faces in the court system? Go on down to the clerks' offices around the State, and tell them this didn't pass, and watch their faces beam. We are adding onto their shoulders another surcharge to collect. We don't need it. So, for these reasons, I ask that the majority report be accepted. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator O'Dea.

Senator O'DEA: Thank you, Mr. President, Men and Women of the Senate. I am pleased to see that all the members of the Committee were in favor of having a stalking bill this year. Some of the cases that we heard in Committee at the public hearing were compelling. Some of the stories about people who had been tracked from community, to community, to community, by people who were obsessed, and people who, in many cases, were violent. We heard from family members of people whose family members and friends had been killed by stalkers. Hunted down, tracked from community, to community, to community; year after year, after year, to the point where it drove victims to the brink of mental illness and drove families to relocate from the State. We heard from one young woman who had been stalked for a number of years, who had taken to carrying the court documents around with her, on her person, and bringing them to police stations when she relocated to a town, so that she could inform the local law enforcement people that there was, indeed, a restraining order against a stalker. We heard from people who moved from one town to another, whose court ordered restraining orders didn't follow them. People would pick up and move and the local authorities would have no record that these people weren't supposed to be together. The majority report is commendable in that it recognizes the need for this kind of legislation; but it is a little bit

irresponsible, to my mind; because it provides for no mechanism for the funding of implementation, other than to take it up in the budget. I would suggest that while this funding mechanism isn't perfect, it's one that we should use. I suppose I have been, at times, one of the more vocal opponents of the randomly assessed highway tax, the speeding ticket, in this chamber; and I hate to see us compound that misery; but in this case, we are funding this program. We would propose to fund this program with a surcharge on the fines of persons who have been convicted of violating our laws, some mere traffic infractions, and some very serious criminal offenses.

My colleague from the Criminal Justice Committee, Senator Benoit, made reference to the fact that we have uncollected fines, and that this would only aggravate and compound that problem. Yet, the courts have told us that bringing this system on line will aid in the collection; because, for the first time, the courts and the Department of Public Safety will be able to communicate with each other, and not only enhance the safety of our citizens, but enhance the ability of the government to collect fines from those criminals who aren't paying them now. If this funding mechanism is put into place, it will sunset as soon as the software and computer system is on line. The Fiscal and Program Review Office figures that this will be a year and a half to two years, hardly a hardship on our State's scofflaws and criminals. I can't imagine anything that would be worse, and we have all seen it around here hundreds of times before, than passing a bill, a good bill, and then not providing the funding; and to hold the general appropriations process out as an abstract possibility is cruel. It's cruel to those people who have been victims of stalking. It's cruel to hold out the promise of a solution without doing anything about it. The sponsors of the bill, and the supporters, have done a good job of putting together a funding mechanism that will ensure that this program will be up and running as quickly as possible; because it is a pressing problem. I would ask for your support on the minority report today. Mr. President, when the vote is taken, I request the yeas and nays. Thank you.

Senator O'DEA of Penobscot requested a Roll Call.

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

Senator HALL: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would like to second everything that the fine Senator from Franklin, Senator Benoit, said. I agree wholeheartedly. I hope that you listened when he told you that this is not necessary. Funding is in place. If one likes to raise taxes, increase the burden on our citizens, this is a great place to vote for the minority report. I don't happen to be one of those, nor should you. The sponsor tells us that, if we put this 2% surcharge on, it will be paid for within a year, or just a little over a year. Yet, if you look at the amendment, it says it doesn't sunset for five years. That should tell you something. Are we going to add surcharges to every new offense that we may want to impose upon our citizens in the future? Think about that. Have we done that to every criminal offense that we have done in the past? Think about that. Give it some serious thought now. The biggest part of this bill is unanimous, a stalking law. Do not consider it an end to all the evil stories that you have read in the past in the

newspapers. Just because we pass a law is not going to stop the tragic happening. There are some pitfalls to this law, as you will find in the future. When your son, maybe, is a little heartsick because his sweetheart dumped him, and he harrasses her, and she calls the police and says that she is being stalked. Think about it. We have. There are some pitfalls. Please, let's not burden everybody in the State of Maine with what I consider another tax. I urge you to vote for the majority report. Thank you.

On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending the motion by Senator BENOIT of Franklin that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-828) Report, in NON-CONCURRENCE.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:
HOUSE REPORTS - from the Committee on TRANSPORTATION on Bill "An Act to Facilitate the Implementation of a Logo Sign Program on the Interstate"

H.P. 1359 L.D. 1864
Majority - Ought to Pass as Amended by Committee Amendment "A" (H-849) (11 members)
Minority - Ought to Pass as Amended by Committee Amendment "B" (H-850) (2 members)
Tabled - earlier in the day by Senator KIEFFER of Aroostook.

Pending - the motion by Senator STEVENS of Androscoggin that the Senate ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-850) Report, in NON-CONCURRENCE.

(In House, March 26, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-849).)

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

On motion by Senator STEVENS of Androscoggin, the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-850) Report, ACCEPTED, in, NON-CONCURRENCE.

The Bill READ ONCE.

Senator BUSTIN of Kennebec requested a Roll Call.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Paradis.

Senator PARADIS: Thank you, Mr. President. When the Roll Call is taken I would hope that we would defeat this motion, in order to go on and accept the ought to pass report.

Senate at Ease

Senate called to order by the President Pro Tem.

Senator BUSTIN of Kennebec requested and received leave of the Senate to withdraw her request for a Roll Call.

Committee Amendment "B" (H-850) READ and ADOPTED, in NON-CONCURRENCE.

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

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

COMMITTEE REPORTS
House
Ought to Pass As Amended

The Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act to Increase the Reimbursement Levels for Forest Fire Suppression Costs"

H.P. 1321 L.D. 1808
Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-862).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-862).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-862) READ and ADOPTED, in concurrence.

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

The Committee on EDUCATION AND CULTURAL AFFAIRS on Resolve, to Reduce Reliance on the Property Tax for School Funding

H.P. 1112 L.D. 1560
Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-861).

Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-861).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-861) READ and ADOPTED, in concurrence.

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

ORDERS OF THE DAY
Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate the first Tabled and Specially Assigned (Monday, March 25, 1996) matter:

An Act Relating to Payment of Tri-state Lotto Prizes

H.P. 1304 L.D. 1785
(C "A" H-773)

Tabled - March 22, 1996, by Senator KIEFFER of Aroostook.

Pending - PASSAGE TO BE ENACTED.

(In House, March 21, 1996, PASSED TO BE ENACTED.)

On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending ENACTMENT.

The Chair laid before the Senate the second Tabled and Specially Assigned (Monday, March 25, 1996) matter:

HOUSE REPORT from the Committee on CRIMINAL JUSTICE on Bill "An Act to Facilitate the Lawful Detention of Juveniles" (Emergency)

H.P. 1312 L.D. 1796
Report - Ought to Pass as Amended by Committee Amendment "A" (H-776).

Tabled - March 22, 1996, by Senator KIEFFER of Aroostook.

Pending - **ACCEPTANCE OF THE REPORT.**

(In House, March 19, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-776).**)

(In Senate, March 20, 1996, Report **READ.**)

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

The Chair laid before the Senate the third Tabled and Later Today Assigned (March 26, 1996) matter: **HOUSE REPORTS** from the Committee on **BANKING AND INSURANCE** on Bill "An Act to Promote Additional Health Insurance Reform"

H.P. 1074 L.D. 1513

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-820)** (5 members)

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

Pending - **ACCEPTANCE OF EITHER REPORT.**

(In House, March 25, 1996, the Majority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED.**)

(In Senate, March 26, 1996, Reports **READ.**)

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

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

SENATE REPORTS from the Committee on **UTILITIES AND ENERGY**, pursuant to Public Law 1993, chapter 566, section 10 on Bill "An Act to Amend the Laws Concerning Enhanced 9-1-1"

S.P. 766 L.D. 1877

Majority - **Ought to Pass** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - March 26, 1996, by Senator **KIEFFER** of Aroostook.

Pending - **ACCEPTANCE OF EITHER REPORT.**

(In Senate, March 26, 1996, Reports **READ.**)

Senator **CARPENTER** of York moved that the Senate **ACCEPT** the Majority **UGHT TO PASS** Report.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you, Mr. President. I wish to offer an amendment to this bill. I don't believe the amendment has arrived, I haven't seen it. I would, therefore, ask that it be Tabled for one legislative day.

On motion by Senator **KIEFFER** of Aroostook, Tabled 1 Legislative Day, pending the motion by Senator **CARPENTER** of York that the Senate **ACCEPT** the Majority **UGHT TO PASS** Report.

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

Bill "An Act to Place Penobscot Land in Trust"

H.P. 1306 L.D. 1787

Tabled - March 26, 1996, by Senator **MILLS** of Somerset.

Pending - **ADOPTION** of Senate Amendment "A" (S-524).

(In Senate, March 14, 1996, **PASSED TO BE ENACTED.**)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order S.P. 765.)

(In Senate, March 26, 1996, Senate Amendment "A" (S-524) **READ.**)

Senate Amendment "A" (S-524) **ADOPTED.**

The Bill **PASSED TO BE ENGROSSED, As Amended, in NON-CONCURRENCE.**

Sent down for concurrence.

Senate at Ease

Senate called to order by the President Pro Tem.

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

HOUSE REPORT from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Create the Small Enterprise Growth Program"

H.P. 1337 L.D. 1831

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-844).**

Tabled - March 26, 1996, by Senator **KIEFFER** of Aroostook.

Pending - **ACCEPTANCE OF THE REPORT.**

(In House, March 25, 1996, **PASSED TO BE ENGROSSED BY COMMITTEE AMENDMENT "A" (H-844).**)

(In Senate, March 26, 1996, the Report **READ.**)

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **MCCORMICK:** Thank you, Mr. President. Is this a unanimous report? If not, could you read the reports?

THE PRESIDENT PRO TEM: The Chair would answer in the affirmative. This is a unanimous Committee report.

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-844) **READ** and **ADOPTED**, in concurrence.

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

Senate at Ease

Senate called to order by the President Pro Tem.

On motion by Senator **GOLDTHWAIT** of Hancock, **ADJOURNED** until Thursday, March 28, 1996 at 9:00 o'clock in the morning, in honor and memory of Peggy Rockefeller.