

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME III

FIRST REGULAR SESSION

Senate

December 7, 1994 to April 27, 1995

Reading of the Journal of Thursday, March 9, 1995.

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

Off Record Remarks

In Senate Chamber
Tuesday
March 14, 1995

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

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

S.P. 308

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 21, 1995, at 9:30 o'clock in the morning.

Which was READ and PASSED

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

Prayer by Pastor Donald Booker of the Bradford Baptist Church in Bradford.

PASTOR DONALD BOOKER: I wish to thank Senator Hall for his invitation to serve you this morning by opening today's Senate session in prayer. Mr. President, Secretary of the Senate, Senators, and honored guests, please join me in prayer.

Father, God in Heaven, we recognize you as the Creator and Supreme Judge of the world, as our Declaration of Independence so aptly describes you. As Creator, we thank you for the beauty of this land that you have given to us to be stewards of. We thank you for the beauty of our great State of Maine, and we ask that you would help us to be good stewards. As Supreme Judge, Father, we yield to your sovereign rule over us, and we rely on you to protect us and to provide for our needs. As President Franklin Pierce said, "We acknowledge dependence on you and your overruling providence." Father, I know that your word instructs us to pray for those who are in authority over us, and I thank you for the privilege to be able to do this this morning. I pray for each of the Senators, that they would seek, and that you would grant them your wisdom and guidance as they fulfill the tremendous responsibilities you have appointed them to. We think of their families this morning, that you would strengthen them and give them safety as well. We pray for our Governor, each government official in our State, and our county, for its citizens, and Father, in our respective leadership roles, we would pray, as Abraham Lincoln prayed, "Oh God, I cannot lead this people, Oh God, unless thou dost help us, we shall have no victory. Oh God, help me, thou Lord must help." Father, I thank you for being a personal God and for offering to each one of us the free gift of forgiveness and eternal life through faith in your Son, the Lord Jesus, in whose name we pray. Amen.

PAPERS FROM THE HOUSE

Joint Order

The Following Joint Order: H.P. 582

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government report out to the House such legislation as is necessary to revise the salaries of county officers and lay the county taxes for the year 1995.

Comes from the House READ and PASSED.

Which was READ and PASSED, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 95

**THE MAINE SENATE
OFFICE OF THE PRESIDENT**

Pledge of Allegiance led by SENATOR STEVENS of Androscoggin.

March 10, 1995

The Honorable May M. Ross
Secretary of the Senate
State House Station #3
Augusta, ME 04333

Dear Madam Secretary:

Please be advised that I have made the following appointments:

Regional Agricultural Committee; Pursuant to Resolve 1983, Chapter 46:
Senator Vinton Cassidy of Washington

Commission on Interstate Cooperation; Pursuant to Title 3 MRSA, Section 201:
Senator Sean Faircloth of Penoscot

Maine State 175th Anniversary Commemoration Commission; Pursuant to Resolve 1993, Chapter 26:
Senator Norman Ferguson of Oxford

Advisory Committee on Mental Retardation; Pursuant to Title 34-B MRSA, Section 1210:
Senator Rochelle Pingree of Knox.

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Jeffrey H. Butland
President of the Senate

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

SENATE PAPERS

Bill "An Act to Extend the Final Determination of a Fresh Start Policy Year Status" S.P. 299 L.D. 838

Presented by Senator **KIEFFER** of Aroostook
Cosponsored by Senators: **ABROMSON** of Cumberland, **CIANCHETTE** of Somerset, **MCCORMICK** of Kennebec,
Representative: **VIGUE** of Winslow

Bill "An Act to Amend the Approval Requirements for Medicare Supplement Insurance Policies" S.P. 302 L.D. 841

Presented by Senator **CARPENTER** of York
Cosponsored by Senator **LORD** of York and Senators: **CAREY** of Kennebec, **RUHLIN** of Penobscot,
Representatives: **GATES** of Rockport, **MARVIN** of Cape Elizabeth, **NADEAU** of Saco

Bill "An Act Regarding Insurance Rates for Volunteer Drivers" S.P. 309 L.D. 847

Presented by Senator **MCCORMICK** of Kennebec
Cosponsored by Senators: **BEGLEY** of Lincoln, **BERUBE** of Androscoggin, **PARADIS** of Aroostook,
Representatives: **AULT** of Wayne, **CARLETON, JR.** of Wells, **CHASE** of China, **JONES, JR.** of Pittsfield, **MADORE** of Augusta

Reference to the Committee on **BANKING AND INSURANCE** suggested and **ORDERED PRINTED**.

Which were referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act Allowing Retailers to Limit the Number of Returnables They Accept"

S.P. 291 L.D. 789

Presented by Senator **HATHAWAY** of York

Bill "An Act to Amend the Loring Development Authority Law"

S.P. 304 L.D. 843

Presented by Senator **KIEFFER** of Aroostook
Cosponsored by Representative **ROWE** of Portland and Senators: **AMERO** of Cumberland, **BUTLAND** of Cumberland, **CIANCHETTE** of Somerset, **HARRIMAN** of Cumberland, **LAWRENCE** of York, **PARADIS** of Aroostook, Representatives: **AHEARNE** of Madawaska, **CLUKEY** of Houlton, **DONNELLY** of Presque Isle, **GWADOSKY** of Fairfield, **JACQUES** of Waterville, **JOY** of Crystal, **KNEELAND** of Easton, **MARTIN** of Eagle Lake, **O'NEAL** of Limestone, **ROBICHAUD** of Caribou

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED**.

Which were referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Improve Efficiency in Contracting and Program Evaluation for Social Services" (Emergency)

S.P. 305 L.D. 844

Presented by Senator **PENDEXTER** of Cumberland
Cosponsored by Senators: **CLEVELAND** of Androscoggin, **HARRIMAN** of Cumberland,
Representatives: **BRENNAN** of Portland, **DAGGETT** of Augusta, **MAYO, III** of Bath

Bill "An Act to Provide Funds for Family Crisis Shelters"

S.P. 307 L.D. 846

Presented by Senator **AMERO** of Cumberland
Cosponsored by Senators: **ABROMSON** of Cumberland,
PINGREE of Knox, **RAND** of Cumberland,
Representatives: **AULT** of Wayne, **DESMOND** of
Mapleton, **MARVIN** of Cape Elizabeth

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

Which were referred to the Committee on **HUMAN**
RESOURCES and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act Requiring Unsuccessful Parties in
Civil Suits to Pay Costs"

S.P. 293 L.D. 791

Presented by Senator **HATHAWAY** of York
Cosponsored by Senators: **BENOIT** of Franklin,
HARRIMAN of Cumberland, **KIEFFER** of Aroostook,
Representative: **AULT** of Wayne

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

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

Sent down for concurrence.

Bill "An Act to Allow the Workers' Compensation
Board to Submit Legislative Proposals Annually"

S.P. 292 L.D. 790

Presented by Senator **BEGLEY** of Lincoln
Cosponsored by Representative **CHASE** of China and

Submitted by the Workers' Compensation Board
pursuant to Joint Rule 24.

Bill "An Act to Allow the Workers' Compensation
Board to Regulate Nonfinancial Aspects of Workers'
Compensation Arbitration"

S.P. 300 L.D. 839

Presented by Senator **BEGLEY** of Lincoln
Cosponsored by Representative **CHASE** of China and

Submitted by the Workers' Compensation Board
pursuant to Joint Rule 24.

Bill "An Act to Preserve the Solvency of the
Unemployment Compensation Fund" (Emergency)

S.P. 303 L.D. 842

Presented by Senator **BEGLEY** of Lincoln
Cosponsored by Representative: **HATCH** of Skowhegan

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

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

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

Sent down for concurrence.

Bill "An Act to Protect Landlords from Certain
Types of Fraud"

S.P. 298 L.D. 837

Presented by Senator **BERUBE** of Androscoggin
Cosponsored by Senators: **CIANCHETTE** of Somerset,
FERGUSON, JR. of Oxford, Representatives: **DAGGETT**
of Augusta, **MURPHY** of Berwick

Bill "An Act to Promote the Health of Maine's
Children by Preventing Illegal Tobacco Sales"

S.P. 306 L.D. 845

Presented by Senator **PARADIS** of Aroostook
Cosponsored by Senators: **ABROMSON** of Cumberland,
AMERO of Cumberland, **BUSTIN** of Kennebec, **BUTLAND**
of Cumberland, **CLEVELAND** of Androscoggin, **ESTY,**
JR. of Cumberland, **FAIRCLOTH** of Penobscot,
FERGUSON, JR. of Oxford, **GOLDTHWAIT** of Hancock,
HALL of Piscataquis, **KIEFFER** of Aroostook,
LAWRENCE of York, **LONGLEY** of Waldo, **LORD** of York,
MCCORMICK of Kennebec, **MICHAUD** of Penobscot,
MILLS of Somerset, **PENDEXTER** of Cumberland,
PINGREE of Knox, **RAND** of Cumberland, **RUHILIN** of
Penobscot, Representatives: **ADAMS** of Portland,
AHEARNE of Madawaska, **AULT** of Wayne, **BARTH, JR.**
of Bethel, **BENEDIKT** of Brunswick, **BERRY** of
Livermore, **BOUFFARD** of Lewiston, **BRENNAN** of
Portland, **BUNKER, JR.** of Kossuth Township,
CAMERON of Rumford, **CAMPBELL** of Holden, **CARLETON,**
JR. of Wells, **CHASE** of China, **CHICK** of Lebanon,
CLUKEY of Houlton, **DAVIDSON** of Brunswick, **DESMOND**
of Mapleton, **DEXTER** of Kingfield, **DONNELLY** of
Presque Isle, **DRISCOLL** of Calais, **ETNIER** of
Harpwell, **FISHER** of Brewer, **FITZPATRICK** of
Durham, **GERRY** of Auburn, **GOOLEY** of Farmington,
GOULD of Greenville, **GREEN** of Monmouth, **GUERRETTE**
of Pittston, **GWADOSKY** of Fairfield, **JOHNSON** of
South Portland, **JOYNER** of Hollis, **KEANE** of Old
Town, **KILKELLY** of Wiscasset, **KNEELAND** of Easton,
LAFOUNTAIN, III of Biddeford, **LEMAIRE** of
Lewiston, **LEMKE** of Westbrook, **LEMONT** of Kittery,
LOOK of Jonesboro, **LOVETT** of Scarborough, **LUMBRA**
of Bangor, **LUTHER** of Mexico, **MARTIN** of Eagle
Lake, **MARVIN** of Cape Elizabeth, **MAYO, III** of
Bath, **MERES** of Norridgewock, **MITCHELL** of
Portland, **MORRISON** of Bangor, **MURPHY** of Berwick,
O'GARA of Westbrook, **O'NEAL** of Limestone, **PEAVEY**
of Woolwich, **PENDLETON, JR.** of Scarborough,
PERKINS of Penobscot, **PINKHAM** of Lamoine, **PLOWMAN**
of Hampden, **POIRIER** of Saco, **POULIOT** of Lewiston,
REED of Dexter, **RICHARDSON** of Portland, **ROWE** of

Portland, SAMSON of Jay, SAVAGE of Union, SAXL of Bangor, SAXL of Portland, SHIAH of Bowdoinham, SIROIS of Caribou, SPEAR of Nobleboro, STEDMAN of Hartland, THOMPSON of Naples, TOWNSEND of Portland, TREAT of Gardiner, TRIPP of Topsham, TRUMAN of Biddeford, TYLER of Windham, UNDERWOOD of Oxford, VIGUE of Winslow, VOLENIK of Sedgwick, WATSON of Farmingdale, WHEELER of Bridgewater, WHITCOMB of Waldo, WINGLASS of Auburn

Bill "An Act to Further the Privatization of Liquor Stores within the State"
S.P. 310 L.D. 848

Presented by Senator STEVENS, JR. of Androscoggin
Cosponsored by Representatives: BARTH, JR. of Bethel, BUCK of Yarmouth, KERR of Old Orchard Beach, LIBBY of Kennebunk, REED of Falmouth

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

Which were referred to the Committee on **LEGAL AND VETERANS AFFAIRS** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Promote the Beneficial Reuse of Residual Lime"
S.P. 297 L.D. 836

Presented by Senator KIEFFER of Aroostook
Cosponsored by Senators: CASSIDY of Washington, LORD of York, PARADIS of Aroostook, Representatives: AHEARNE of Madawaska, BAILEY of Township 27, DEXTER of Kingfield, GOOLEY of Farmington, MERES of Norridgewock, ROSEBUSH of East Millinocket

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

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

Sent down for concurrence.

Bill "An Act to Amend the Purchasing Laws"
S.P. 290 L.D. 788

Presented by Senator AMERO of Cumberland
Cosponsored by Representative: AHEARNE of Madawaska

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 24.

Bill "An Act to Consolidate the Functions of the Bureau of Consumer Credit Protection within the Bureau of Banking in Order to Streamline the Regulation of Creditors and Financial Institutions"
S.P. 294 L.D. 792

Presented by Senator CAREY of Kennebec
Cosponsored by Senators: BERUBE of Androscoggin, CIANCHETTE of Somerset, KIEFFER of Aroostook, LAWRENCE of York, PINGREE of Knox, SMALL of Sagadahoc, STEVENS, JR. of Androscoggin, Representatives: AULT of Wayne, BIRNEY of Paris, CAMERON of Rumford, CAMPBELL of Holden, DRISCOLL of Calais, GOOLEY of Farmington, GWADOSKY of Fairfield, LEMONT of Kittery, LIBBY of Buxton, LINDAHL of Northport, LOOK of Jonesboro, MARSHALL of Eliot, MAYO, III of Bath, MORRISON of Bangor, PINKHAM of Lamoine, RICE of South Bristol, SIMONEAU of Thomaston, SPEAR of Nobleboro, TAYLOR of Cumberland

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

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

Sent down for concurrence.

Bill "An Act to Award an Income Tax Credit for Value-added Wood Production"
S.P. 295 L.D. 834

Presented by Senator LONGLEY of Waldo
Cosponsored by Senators: FERGUSON, JR. of Oxford, LORD of York, MICHAUD of Penobscot, Representatives: DORE of Auburn, LINDAHL of Northport, MCELROY of Unity, ROSEBUSH of East Millinocket, TOWNSEND of Portland, TUFTS of Stockton Springs, WHITCOMB of Waldo

Bill "An Act to Encourage the Use of Maine Ports by Allowing a State Income Tax Credit on Taxes Assessed by the Federal Government on Shippers"
S.P. 296 L.D. 835

Presented by Senator RAND of Cumberland
Cosponsored by Senators: CIANCHETTE of Somerset, LAWRENCE of York, PINGREE of Knox, Representatives: DIPIETRO of South Portland, KERR of Old Orchard Beach, REED of Falmouth, RICHARDSON of Portland

Resolve, to Establish the Commission to Study the Payment of Excise Taxes
S.P. 301 L.D. 840

Presented by Senator AMERO of Cumberland
Cosponsored by Senators: CAREY of Kennebec, FERGUSON, JR. of Oxford, HATHAWAY of York, Representative: DUNN of Gray

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

Which were referred to the Committee on **TAXATION** and **ORDERED PRINTED**.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

On motion by Senator **KIEFFER** of Aroostook, the Senate **RECONSIDERED** its action of earlier in the day whereby it **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**:

Bill "An Act to Promote the Health of Maine's Children by Preventing Illegal Tobacco Sales"
S.P. 306 L.D. 845

On further motion by the same Senator, Tabled 1 Legislative Day, pending **REFERENCE**.

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Lower the Age of Eligibility to Serve in the Legislature

H.P. 114 L.D. 149

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-14)**

Signed:

Senators:

AMERO of Cumberland
CARPENTER of York
LONGLEY of Waldo

Representatives:

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

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

Signed:

Representatives:

ROBICHAUD of Caribou
YACKOBITZ of Hermon

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

Which Reports were **READ**.

Senator **AMERO** of Cumberland moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

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

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

Senator **RAND**: Thank you Mr. President. Mr. President, may I pose a question through the Chair? Unfortunately, I am not familiar with this piece of legislation. If someone could give us a brief explanation of how much we are lowering the age, et cetera, I would appreciate it. Thank you.

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

Senator **AMERO**: Thank you Mr. President, Ladies and Gentlemen of the Senate. This bill would provide for a constitutional amendment, which would have to go out for referendum. It would lower the age at which people can serve in the House, to age eighteen. It would lower the age at which people can serve in the Senate, to age twenty-one. Our reasoning in the Committee was that you can serve in the military, you can vote, or get elected to a municipal office at age eighteen, that people mature at different ages and maybe age shouldn't be the determination of whether a person is mature enough to serve in the Legislature. That ought to be left up to the voters. There are seventeen states that provide for eighteen-year-olds to be elected to the House and there are twenty-three states that provide for people between the ages of eighteen and twenty-one to be elected to the Senate. The majority of the Committee felt that age was an arbitrary measure, and as a result, we recommended that this be sent out to the voters to let them decide.

On motion by Senator **KIEFFER** of Aroostook, Tabled until Later in Today's Session, pending the motion by Senator **AMERO** of Cumberland that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

Senate

Ought to Pass As Amended

Senator **BENOIT** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Require State or Independent Fair Hearing Examiners in the Grievance Process of the Department of Mental Health and Mental Retardation"

S.P. 28 L.D. 58

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-20)**

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-20) **READ** and **ADOPTED**.

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

Senator **GOLDTHMAIT** for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Resolve, to Extend the Deadline to Report for the Commission on the Future of Maine's Paper Industry (Emergency)

S.P. 65 L.D. 94

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-21)**

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-21) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act to Amend the Laws Pertaining to Bulkheads and Retaining Walls on Scarborough River"

S.P. 160 L.D. 422

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

Signed:

Senators:

LORD of York
HATHAWAY of York
RUHLIN of Penobscot

Representatives:

GOULD of Greenville
POULIN of Oakland
SAXL of Bangor
BERRY of Livermore
MERES of Norridgewock
GREENLAW of Standish
DAMREN of Belgrade
NICKERSON of Turner
MARSHALL of Eliot

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-19)**

Signed:

Representative:

SHIAH of Bowdoinham

Which Reports were **READ**.

On motion by Senator **LORD** of York, the Senate **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report.

Sent down for concurrence.

SECOND READERS

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

House

Bill "An Act to Allow Disclosure of Residential Natural Gas Costs"

H.P. 235 L.D. 315

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

Senate

Bill "An Act to Continue the Health Occupations Training Project"

S.P. 106 L.D. 282

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Aid the Administration of the Motor Vehicle Excise Tax by Ensuring that the Manufacturer's Suggested Retail Price is Made Available to the Excise Tax Collector"
S.P. 45 L.D. 75
(C "A" S-16)

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

Sent down for concurrence.

Majority - **Ought to Pass** (10 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - March 9, 1995, by Senator **KIEFFER** of Aroostook

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate March 9, 1995, Reports **READ**.)

On motion by Senator **KIEFFER** of Aroostook, Tabled until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

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 following Tabled and Specially Assigned (March 9, 1995) matter:

Bill "An Act to Increase Access to Primary Care by Redefining the Practice of Advanced Nursing"
S.P. 282 L.D. 754

Tabled - March 7, 1995, by Senator **HARRIMAN** of Cumberland

Pending - **REFERENCE**

(Reference to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested and ordered printed.)

On motion by Senator **HARRIMAN** of Cumberland, Tabled until Later in Today's Session, pending **REFERENCE**.

The Chair laid before the Senate the following Tabled and Later Today Assigned (March 9, 1995) matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Establish the Chesuncook Soil Series as the Official State Soil"
S.P. 117 L.D. 292

Off Record Remarks

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

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

On motion by Senator **LAWRENCE** of York, **RECESSED** until the sound of the bell.

After Recess

Senate called to Order by the President.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Lower the Age of Eligibility to Serve in the Legislature
H.P. 114 L.D. 149

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-14) (11 members)

Minority - Ought Not to Pass (2 members)

Tabled - Earlier in the day by Senator KIEFFER of Aroostook

Pending - the motion by Senator AMERO of Cumberland that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED Report in NON-CONCURRENCE (Division requested)

(In House, March 9, 1995, Minority OUGHT NOT TO PASS Report READ and ACCEPTED.)

(In Senate, March 14, 1995, Reports READ.)

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

Senator CAREY: Thank you Mr. President, Members of the Senate. I would hope that we do not accept the Senator from Cumberland's motion, so that we can move on and vote ought not to pass, and put ourselves in concurrence with the House in this matter. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator AMERO of Cumberland that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED 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.

6 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion of Senator AMERO of Cumberland to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report in NON-CONCURRENCE, FAILED.

The Minority OUGHT NOT TO PASS Report ACCEPTED, in concurrence.

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

SENATE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish the Chesuncook Soil Series as the Official State Soil"
S.P. 117 L.D. 292

Majority - Ought to Pass (10 members)

Minority - Ought Not to Pass (3 members)

Tabled - Earlier in the day by Senator KIEFFER of Aroostook

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, March 9, 1995, Reports READ.)

Senator AMERO of Cumberland moved that the Senate ACCEPT the Minority OUGHT NOT TO PASS Report.

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

Senator AMERO: Thank you Mr. President, Ladies and Gentlemen of the Senate. This is an item which came before the Committee on State and Local Government, and which we had testimony on which lasted well over an hour. I think it was very good intentioned testimony. We had students, who appeared before the Committee, who wanted to bring attention to the Chesuncook soil and to the State establishing a State-supported soil. The arguments brought to our attention in favor of establishing a State soil had to do basically with this item becoming an educational tool, for students to learn more about the State's soils, et cetera. It's my belief, and I think the members of the minority side on this issue, that this matter can become an educational tool without it having to be a State symbol. I would just like to bring to the attention of the members of this body, the fact that we already have twelve State symbols. We were fortunate today, in our Caucus, to have four young middle school students. I took the opportunity to ask them a couple of questions about some of the present State symbols we have. For example, did you know that we already have a State fossil? I wonder how many of you know what that is. Certainly the students did not know what it was, and certainly I didn't even know we had a State fossil until this came before our Committee's attention. We also have a State song, we have a State animal, we have a State cat. The list could go on and on. I think it is already too long.

Another issue that came before the Legislative Council two weeks ago was, and it came to us as an after deadline bill, meaning it must be really important that we address it, that was to establish a State dance. I think that there are many important issues that this body has to address and creating more State symbols doesn't seem to me to be a very valuable use of our time. For that reason, I hope that you will vote with me on the minority ought not to pass on this item. Thank you.

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

Senator O'DEA: Thank you Mr. President, Men and Women of the Senate. Good morning. I don't intend to take much of the Senate's time on this matter this morning, but I would like to tell you how this bill came here. In 1992, I was contacted by a

constituent, a gentleman who is a professor at the University of Maine in the Soil Science Department, a gentleman who holds the chair that was held for many years by the now President of the University, Fred Hutchinson. He asked me if I would consider sponsoring legislation to establish a State soil. I told him that pigs would sprout wings and fly before I ever put in a bill like that. Then I told him why. I told him that it was the sort of bill that lent itself to trivialization on the floor, that it was the sort of bill that had a lot of questions surrounding it, and I told him that there didn't appear to be any great consensus on what the State soil should be. I was a little bit surprised when, fourteen months later, the same gentleman approached me again, saying that he had contacted and surveyed all of the soil scientists in the State, in government, and in industry, and had been well-received in his effort. There was good consensus for establishing the Chesuncook soil series as the official State soil. I didn't know anything about soils, but when I saw that this soil is found in half of our counties, covering 70,000 acres of land, and that it supports a rich diversity of life, I started to look a little bit farther. These people did their homework, they got good support from industry. The paper companies, Bean's, all of the major players in soil conservation were active. I would just ask today that you look at some of the material that has been provided and see if we can't put this symbol out as an educational tool, as Senator Amero said, for the children in our State. Also, to call awareness to the issue of soil conservation. Thank you very much.

Off Record Remarks

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

Senator LORD: Thank you Mr. President. I have farmed for fifty-five years. I am a member of the York County Soil and Water Conservation District. I have been the district supervisor, I have been President of the State Association, and I have never heard of this type of soil. If you want to talk about Charleston, or Gloucester, or Buxton, or Sutton, then I can talk with you. This may be a soil in the northern part of the State, but it certainly isn't in the southern part of the State. Unless we can come up with a soil that is statewide, I don't believe we should be having this type of soil named as the soil for the State. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator AMERO of Cumberland that the Senate ACCEPT the Minority OUGHT NOT TO PASS Report.

The Chair ordered a Division.

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 9 Senators having voted in the negative, the motion by Senator AMERO of Cumberland to ACCEPT the Minority OUGHT NOT TO PASS Report, PREVAILED.

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator CIANCHETTE of Somerset, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 633

JOINT RESOLUTION COMMEMORATING THE 150TH ANNIVERSARY OF THE INCORPORATION OF THE TOWN OF WALDO

WHEREAS, Waldo is a charming and historic small town located near the center of Waldo County; and

WHEREAS, the first clearing for the Town of Waldo was made in 1798, its first family came to settle in 1811 and it was organized as a plantation in 1821; and

WHEREAS, it was 150 years ago, in 1845, that Waldo was incorporated as a town, taking its name from the family of whose estate it was once a part; and

WHEREAS, Waldo best exemplifies the small-town virtues and ideals of the State of Maine and America; 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 First Regular Session, take this occasion to recognize the sesquicentennial anniversary of the Town of Waldo and to extend our congratulations and warmest wishes; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of this proud community in honor of the occasion.

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:

PAPERS FROM THE HOUSE

House Papers

Resolve, Establishing the Commission to Study Procedures for Documentation of Feline Rabies Inoculations

H.P. 624 L.D. 849

Reference to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and **ORDERED PRINTED**.

Which was referred to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in concurrence.

Bill "An Act to Dedicate the State Lottery Fund for School Funding"

H.P. 606 L.D. 816

Bill "An Act to Improve Legislative Oversight of Lease-purchase Agreements"

H.P. 615 L.D. 825

Resolve, to Direct the Department of Administrative and Financial Services to Limit the Administrative Costs of State Agencies to 10%
H.P. 593 L.D. 803

Resolve, to Initiate an Outside Audit to Identify Savings and Duplicate or Unnecessary Programs within State Government (EMERGENCY)

H.P. 601 L.D. 811

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit State Spending and Establish a Reserve Fund

H.P. 630 L.D. 855

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

Come from the House referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

Which were referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

Bill "An Act to Dedicate a Percentage of the Actual Individual Income Taxes from Each Community to Be Returned to the Community for School Funding"
H.P. 613 L.D. 823

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

Comes from the House referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

On motion by Senator CAREY of Kennebec, referred to the Committee on **TAXATION** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act Concerning the Lapse of Auto Insurance"

H.P. 612 L.D. 822

Reference to the Committee on **BANKING AND INSURANCE** suggested and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED**.

Which was referred to the Committee on **BANKING AND INSURANCE**, in concurrence.

Bill "An Act to Amend the Laws Related to Optometry"

H.P. 590 L.D. 800

Bill "An Act to Protect Natural Gas Customers and the Public through Licensing and Regulation of Natural Gas Technicians"

H.P. 622 L.D. 832

Reference to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED**.

Come from the House referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

Which were referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, in concurrence.

Bill "An Act to Clarify the Licensing Authority of the Board of Trustees of the Maine Criminal Justice Academy"

H.P. 591 L.D. 801

Bill "An Act to Enhance Criminal Penalties for Hate Crimes"

H.P. 592 L.D. 802

Bill "An Act to Amend the Laws Specifying the Place of Imprisonment"

H.P. 602 L.D. 812

Bill "An Act to Amend the Sexual Abuse Laws by Including 18-year-olds Who are Still in School in the Provisions for the Sexual Abuse of Minors"

H.P. 616 L.D. 826

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

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

Which were referred to the Committee on **CRIMINAL JUSTICE**, in concurrence.

Bill "An Act to Amend the Laws Regarding the Procedures for Emergency Admissions to a Mental Hospital (EMERGENCY)"

H.P. 611 L.D. 821

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

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

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

Bill "An Act to Require the State Agency Placing a Child in Foster Care to Pay for Special Education for the Child"

H.P. 585 L.D. 795

Bill "An Act to Require That School Buildings Be Renovated Unless New Construction Is More Cost-effective"

H.P. 600 L.D. 810

Bill "An Act to Provide for Record Checks of Elementary and Secondary Education Employees and Applicants"

H.P. 617 L.D. 827

Bill "An Act to Establish Charter Schools"

H.P. 620 L.D. 830

Reference to the Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and **ORDERED PRINTED**.

Come from the House referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and **ORDERED PRINTED**.

Which were referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence.

Bill "An Act to Replace Existing Child Support Guidelines"

H.P. 603 L.D. 813

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

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

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

Bill "An Act to Require Firearm Hunters to Wear Blaze Orange"

H.P. 586 L.D. 796

Bill "An Act to Control the Overpopulation of Coyotes"

H.P. 594 L.D. 804

Resolve, to Encourage the Harvest of Coyotes
H.P. 583 L.D. 793

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

Come from the House referred to the Committee on **INLAND FISHERIES AND WILDLIFE** and **ORDERED PRINTED**.

Which were referred to the Committee on **INLAND FISHERIES AND WILDLIFE**, in concurrence.

Bill "An Act to Clarify the Registration of Snowmobiles by Nonresidents"

H.P. 604 L.D. 814

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 **CAREY** of Kennebec, Tabled 1 Legislative Day, pending **REFERENCE**.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Schedule for Paying Off the Unfunded Liability of the Maine State Retirement System

H.P. 631 L.D. 856

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

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

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

Bill "An Act to Limit the Size and Display Period of Campaign Signs"

H.P. 584 L.D. 794

Bill "An Act to Make Appropriations to Improve Services to Veterans"

H.P. 595 L.D. 805

Bill "An Act to Better Enable Small Businesses to Keep On-line Lottery Machines"

H.P. 598 L.D. 808

Bill "An Act to Strengthen Maine's Live Harness Racing Industry" (EMERGENCY)

H.P. 619 L.D. 829

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

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

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

Bill "An Act to Limit the Size of Drag Nets Used in South Bay in Eastport"

H.P. 605 L.D. 815

Bill "An Act to Regulate the Use of Gill Nets in the Coastal Waters of the State"

H.P. 625 L.D. 850

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

Come from the House referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**.

Which were referred to the Committee on **MARINE RESOURCES**, in concurrence.

Bill "An Act to Establish a System of Recycling Credits for Processed Wood Products"

H.P. 607 L.D. 817

Bill "An Act to Require Notification to the Landowner When Land Is Being Considered for Placement in a Resource Protection Zone"

H.P. 609 L.D. 819

Bill "An Act to Amend Certain Laws Pertaining to the Department of Environmental Protection, Bureau of Hazardous Materials and Solid Waste Control" (EMERGENCY)

H.P. 614 L.D. 824

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

Come from the House referred to the Committee on **NATURAL RESOURCES** and **ORDERED PRINTED**.

Which were referred to the Committee on **NATURAL RESOURCES**, in concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Legislative Review of Agency Rulemaking

H.P. 588 L.D. 798

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

Comes from the House referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED**.

Which was referred to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

Bill "An Act to Eliminate the Sales Tax Exemption for Certain Property Purchased by Out-of-State Purchasers"

H.P. 596 L.D. 806

Bill "An Act to Expand the Definition of "Taxable Services""

H.P. 597 L.D. 807

Bill "An Act Regarding the Payment of Excise Taxes on Leased Motor Vehicles Registered in One Municipality and Garaged in Another Municipality"

H.P. 599 L.D. 809

Bill "An Act to Require Review by the Attorney General of Purchases of Large Tracts of Land under the Maine Tree Growth Tax Law"

H.P. 610 L.D. 820

Bill "An Act to Establish Individual Medical Savings Accounts"

H.P. 621 L.D. 831

Bill "An Act to Conform the Maine Tax Laws for 1994 with the United States Internal Revenue Code" (EMERGENCY)

H.P. 626 L.D. 851

Bill "An Act to Create the Position of Problems Resolution Officer in the Bureau of Taxation"

H.P. 627 L.D. 852

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

Come from the House referred to the Committee on **TAXATION** and **ORDERED PRINTED**.

Which were referred to the Committee on **TAXATION**, in concurrence.

Bill "An Act to Provide Recipients of the Purple Heart Medal with a Special Motor Vehicle Registration Plate"

H.P. 587 L.D. 797

Bill "An Act to Require One License Plate for a Motor Vehicle"

H.P. 623 L.D. 833

Resolve, Directing the Maine Turnpike Authority to Establish a Formula to Reimburse Municipalities for the Costs of Municipal Services Provided

H.P. 608 L.D. 818

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

Come from the House referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**.

Which were referred to the Committee on **TRANSPORTATION**, in concurrence.

Bill "An Act to Provide Public Access to the Information Superhighway through Enhanced Library Telecommunications"

H.P. 618 L.D. 828

Bill "An Act to Amend the Charter of the Searsport Water District" (EMERGENCY)

H.P. 629 L.D. 854

Reference to the Committee on **UTILITIES AND ENERGY** suggested and **ORDERED PRINTED**.

Come from the House referred to the Committee on **UTILITIES AND ENERGY** and **ORDERED PRINTED**.

Which were referred to the Committee on **UTILITIES AND ENERGY**, in concurrence.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator **BUSTIN** of Kennebec, **RECESSED**
until 1 o'clock this afternoon.

After Recess

Senate called to order by the President.

The **ADJOURNMENT ORDER** having been returned from
the House **READ** and **PASSED**, in concurrence, on motion
by Senator **ABROMSON** of Cumberland, **ADJOURNED** until
Tuesday, March 21, 1995, at 9:30 o'clock in the
morning.