

# 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

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

In Senate Chamber  
Thursday  
April 6, 1995

Senate called to Order by the Secretary, May M. Ross.

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Pursuant to Senate Rule 1, the Senator from Aroostook, SENATOR R. LEO KIEFFER, was appointed to preside as President Pro Tem.

The Secretary requested the Sergeant-at-Arms escort the Senator from Aroostook, Senator KIEFFER to the Rostrum where he assumed the duties as President Pro Tem.

Senate called to Order by the President Pro Tem, R. LEO KIEFFER of Aroostook.

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Prayer by the Reverend Richard Petersen of the Glenwood Square Baptist Church in Portland.

**REVEREND RICHARD PETERSEN:** First of all, let me thank you all very much for the distinct honor of being able to be with you this morning to offer a prayer on our behalf. I have had the pleasure of meeting a number of you Senators, and I hope that I can meet even more of you. I have also had a chance to meet some of the students that are here today. I know it thrill you, as it thrills me, to see students interested in the government of the State of Maine. I asked President Butland, since we had served together on the Academic Decathlon as judges about a month ago, what kind of a prayer do the Senators most appreciate. He had a one word answer, he said "brief". I appreciate that. I have a brief prayer, but I have an introduction to the prayer. The introduction is a quotation of Benjamin Franklin. It was given at the Constitutional Convention meeting in Philadelphia in May of 1787. I have listed, on this sheet of paper, an acknowledgement as to where this statement can be found. The attempts to form the Constitution of the United States were bogging down. I suppose that is as old as the hills, and still goes on, and will continue to go on.

The distinguished, old, Franklin stood up and made this statement, which I think is appropriate for us as we prepare ourselves for a moment of prayer. Franklin said, "In the beginning of the contest with Britain, when we were sensible of danger, we had daily prayers in this room for Divine protection.

Our prayers, Sir, were heard, and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a superintending Providence in our favor. And have we now forgotten this powerful Friend? Or do we imagine we no longer need His assistance?

I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth: "that God governs the affairs of man." And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid?

We have been assured, Sir, in the Sacred Writings that except the Lord build the house, they labor in vain who build it. I firmly believe this. I also believe that, without His concurring aid, we shall succeed in this political building no better than the builders of Babel; we shall be divided by our little, partial local interests; our projects will be confounded; and we ourselves shall become a reproach and a byword down to future ages. And what is worse, mankind may hereafter, from this unfortunate instance, despair of establishing government by human wisdom and leave it to chance, war, or conquest.

I therefore beg leave to move that, henceforth, prayers imploring the assistance of Heaven and its blessing on our deliberation be held in this assembly every morning before we proceed to business."

Aren't those beautiful words from two hundred years ago? And don't they still speak to us today? Now, as President Butland said, we will have a "brief" prayer. Shall we pray?

Almighty God, You have created for our heritage and place of dwelling this beautiful land which we call the State of Maine. We pray that You will bless it with honorable industry, sound institutions of learning, and security in all its cities and towns and villages and plantations. We commend to Your love and guidance all our citizens, together with all who serve in the Executive, Legislative, and Judicial branches of this Government of, by and for the people of the State of Maine. We pray today especially for the Senate of the State of Maine. By Your Providence endue these Senators with such a spirit of wisdom that, through obedience to Your divine Commandments, they may enact such laws as shall be pleasing to You and bring justice, prosperity, and well-being to all the citizens of the State of Maine. Fill their hearts with a spirit of thanksgiving, so that their trust in You shall never be lacking. O God, our heavenly Father, as we remember that You gave Your perfect Law to Your children on Mt. Sinai during the ministry of Moses, even so now, we make our prayers in the Name of Him who is called Wonderful Counselor, Mighty God, Everlasting Father, the Prince of Peace, Jesus Christ. Amen.

Thank you, again, for the privilege of being with you. I do have copies of this quotation and prayer for as many as there are. I hope that there are enough to satisfy everyone. I thank you very much for the privilege of being with you. May I just mention one last thing? I have been involved in the life of the State of Maine for something over thirty years. I am not a native of this State but I love

the State of Maine. This is indeed a high privilege to be with you here today. I serve, among other things, as Second Vice President of the Christian Civic League of Maine, and have been very much a part of helping to create that organization to become a very responsible voice in the State of Maine for a Biblical witness to our life together as citizens of this beautiful State. Thank you again for the privilege of being with you. God bless you all.

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Reading of the Journal of Yesterday.

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Off Record Remarks

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Out of Order and under suspension of the Rules, on motion by Senator AMERO of Cumberland, the following Joint Order:

S.P. 452

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, April 11, 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.

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**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

SENATE REPORTS from the Committee on STATE AND LOCAL GOVERNMENT on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-year Terms for Senators

S.P. 155 L.D. 378  
(C "A" S-25)

Majority-Ought Not to Pass

Minority-Ought to Pass as Amended by Committee Amendment "A" (S-25).

In Senate, March 30, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-25).

In House, April 5, 1995, Majority OUGHT NOT TO PASS Report READ and ACCEPTED, in NON-CONCURRENCE.

On motion by Senator AMERO of Cumberland, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

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**Non-concurrent Matter**

SENATE REPORTS—from the Committee on STATE AND LOCAL GOVERNMENT on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature Following Redistricting in the Year 2003

S.P. 170 L.D. 431  
(C "A" S-26)

Majority-Ought Not to Pass

Minority-Ought to Pass as Amended by Committee Amendment "A" (S-26).

In Senate, March 30, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-26).

In House, April 5, 1995, Majority OUGHT NOT TO PASS Report READ and ACCEPTED, in NON-CONCURRENCE.

On motion by Senator AMERO of Cumberland, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

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**House Papers**

Bill "An Act to Amend the Laws Pertaining to the Duties of Skiers and Tramway Passengers by Defining Inherent Risks"

H.P. 801 L.D. 1118

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

Comes from the House, referred to the Committee on BUSINESS AND ECONOMIC DEVELOPMENT and ORDERED PRINTED.

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

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**Joint Orders**

The following Joint Order: H.P. 882

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Transportation report out a bill, "An Act Concerning Environmental Registration Plates," to the House of Representatives.

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

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

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**SENATE PAPERS**

Bill "An Act to Prevent Age Discrimination in the Purchase of Loan Insurance"

S.P. 449 L.D. 1222

Presented by Senator **BEGLEY** of Lincoln (By Request)

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

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

Sent down for concurrence.

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Bill "An Act Concerning Suspension of Drivers' Licenses of Minors Who Operate Motor Vehicles Under the Influence"

S.P. 447 L.D. 1220

Presented by Senator **HATHAWAY** of York

Bill "An Act to Establish Responsibility for the Investigation of the Use of Deadly Force by Law Enforcement Officers"

S.P. 448 L.D. 1221

Presented by Senator **BENOIT** of Franklin

Submitted by the Department of the Attorney General pursuant to Joint Rule 24.

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

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

Sent down for concurrence.

Bill "An Act to Reform Campaign Financing by Changing the Nature of Television Advertising by Candidates"

S.P. 450 L.D. 1223

Presented by Senator **CIANCHETTE** of Somerset

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

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

Sent down for concurrence.

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**RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Provide for Runoff Elections  
S.P. 451 L.D. 1224

Presented by Senator **CIANCHETTE** of Somerset  
Cosponsored by Senator: **O'DEA** of Penobscot

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

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

Sent down for concurrence.

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

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

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

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On motion by **THE CHAIR**, **RECESSED** until the sound of the bell.

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After Recess

Senate called to order by the President.

**COMMITTEE REPORTS**

**House**

**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Provide for Resident State Police Officers for Municipalities without a Police Force" H.P. 16 L.D. 10

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

Signed:

Senators:

BENOIT of Franklin  
HALL of Piscataquis

Representatives:

CLARK of Millinocket  
BUNKER, JR. of Kossuth Township  
GOOLEY of Farmington  
JOHNSON of South Portland  
MCALEVEY of Waterboro  
WATERHOUSE of Bridgton  
WHEELER of Bridgewater

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-63)**

Signed:

Senator:

O'DEA of Penobscot

Representatives:

CLUKEY of Houlton  
PEAVEY of Woolwich  
THOMPSON of Naples

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

Which Reports were **READ.**

Senator **BENOIT** of Franklin moved that the Senate **ACCEPT** the Majority **UGHT NOT TO PASS** Report, in concurrence.

**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. This bill came to the Criminal Justice Committee a couple of weeks ago. It dealt with the issue of allowing municipalities to enter into a contract with the Maine State Police to provide a resident trooper in their town. This would be very similar to the situation that many small towns find themselves in, where they contract with Sheriff's offices to provide a resident deputy. The way that this would be structured there would be no cost to the State, and it would be an opportunity for the municipality to enter into an agreement with the State Police to have a resident trooper right there. There is no mandate in this bill. It doesn't cost the State anything. For those reasons I would urge you to reject the ought not to pass motion and, instead, move on to pass this measure.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate. This is not a bill that has the support of the State Police, but as the good Senator O'Dea has indicated, comes from the municipality of Gray, Maine. The town had some difficulty with the Sheriff's Department there in Cumberland County over contracting to receive a deputy locally, in view of the fact that they did not have an organized police force. If this bill is enacted, the Chief of the State Police will wear two hats, one supervising the regular force of State Troopers, and the other wearing a hat to supervise the local municipal State Troopers. You will notice that the measure allows for a contract not to exceed three years. What is going to happen after the close of the three year contract term with these Troopers? Will they have bumping rights against State Troopers in the regular force? What is going to happen to them? Are we going to be picking up the tab, moving them on into the regular State Police compliment? That is not answered here by this measure. Right now, there is a law that allows a municipality, as you know, to contract with the County Sheriff for local law enforcement. Enactment of this measure will mean that a municipality will then contract with the State Police or the County Sheriff. They will be vying, I suppose, each of these entities, with the municipality as to who will provide the service. We don't need that. We heard, in the Committee session, that the bill offering a State Trooper locally will be more expensive by far than what is presently available to municipalities. Contracts now between a municipality and the Sheriff's Department is your lowest cost of obtaining a local law enforcement officer. This bill, perhaps for that reason, would hardly ever be used.

I like the idea of the municipality being in a contract with a county, as opposed to contracting with an entity like the State Police, who are further removed. For these several reasons I urge you to support the ought not to pass report of the committee, reported out nine to four. The House has sent us the measure in the same labor. Thank you.

**THE PRESIDENT:** The Chair would remind Members not to refer to previous actions of the House. The Chair recognizes the Senator from Kennebec, Senator McCormick.

**Senator McCORMICK:** Thank you Mr. President, Men and Women of the Senate. I am going to be supporting this bill and, therefore, voting against the ought not to pass report because several of my selectpersons have called me about this bill, particularly one that is on the Maine Municipal Association Legislative Committee who very much is interested in having a choice, a competitive choice out there for towns, especially small towns that do not have a local police constabulary. There's a word for the day, constabulary. Unlike what the Senator from Franklin, Senator Benoit, said, my selectmen are telling me that, in fact, cost is one of the reasons why they are interested in this bill. They believe that it will help put some market forces out there that will help to increase competition and drive down the cost to them. So, I hope that we turn this ought not to pass motion down so that we can vote on the amendment. Thank you.

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

**Senator BENOIT:** Mr. President. With regard to the cost, the measure indicates that a certain portion of the cost; the cost of compensation including wages, fringe benefits, equipment and other expenses assigned to the officer will be paid. I'm not sure that that measure includes all of the cost he could obtain. Another particular that bothers me a little bit is the circumstance of suability. These days, I guess it is a fact of life, people are prone to bring legal actions against law enforcement officers. Let's assume this bill passes and an officer gets into a municipality under a contract with the State Police, and that officer, in the performance of his or her duties, performs a function that brings about a law suit. Is that law suit going to be against the State of Maine as well as the municipality? If it is, and there is a judgement, who pays it?

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

**Senator PARADIS:** Thank you Mr. President, Men and Women of the Senate. Last summer, on my rounds, I encountered this State Trooper that I didn't recognize. I asked him where he was from, and he was from Mars Hill. He was seventy or eighty miles out of his area. I suspect that on Sunday afternoon there weren't too many State Troopers on the road because we were very understaffed at the time. This is simply a freedom of choice. The least little accident, for example, can take an hour to two hours to get a State Trooper on board. This would give choices to communities to better protect themselves. It is not taking anything from anybody but this is really giving choices to people. I urge you to reject the ought not to pass motion.

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

**Senator HALL:** Thank you Mr. President. I listened to this bill intently in the Criminal Justice Committee. Basically it was brought about because a particular municipality didn't really care to do business with the Sheriff's Department, which

already has this arrangement. It's not really used a lot around the State. There are a few resident deputy sheriffs but it is an expensive ordeal for the towns to take on. As the State Police admitted that they really wasn't in favor of this, they were asked to put together some figures, and they did so as hastily as they could, for the bill. Admittedly, there were still some other costs that had not been brought forth. The municipality would have to pay for supervision of that officer and so on and so forth, and all the training. The cost is just outstanding for what this would be for a municipality. I truly don't believe that any municipality would take this on if we do pass it. If they did, they would surely realize in a very short period of time just how expensive it was to only be able to have that officer on duty for forty hours a week at the most, and that is not counting the time that he is going to be off for vacations, training, or sick leave, or whatever the case may be. I think the best thing we can do is vote this bill down at this particular time.

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

**Senator O'DEA:** Thank you very much Mr. President, Men and Women of the Senate. I would take this opportunity to disagree with the Senator from Piscataquis about whether or not municipalities would enter into this sort of agreement. I believe that there would be some municipalities who would enter into this sort of agreement. I have two small towns in my former district that have this sort of agreement right now with their County Sheriff's Office. It works out very well. They write a check yearly, and for that they receive a deputy and a car and supervision for that deputy. There is no overhead on the part of the municipality. There is no additional cost to the town. They have a deputy for forty hours a week, plus somebody who can be called out who is right there in the municipality. If you want to talk about community policing, having somebody in the town certainly is a big part of it. This would allow communities that wanted to have the option to, the opportunity to contract with the State Police, to do the same thing, to be able to put a Trooper in the town, to be their full-time law enforcement person. Many towns across the State, not just in Penobscot County, and not just in Cumberland County where there have been needs for these services, are finding themselves pressed between tax payers on the one hand who don't want to spend a whole lot of money, or who can't spend a whole lot of money, and demands for law enforcement services that go beyond what is available from the Sheriff's Office in rural patrol, or from the State Police.

I would encourage you to reject the vote today and move to accept this bill. Let me add one other thing for you to think about. When we had the discussion in committee there were some who were concerned that this would turn into a bidding war between the Sheriffs' offices and the State Police. The State Police conceded that their costs would be higher than the Sheriffs' offices; but the more some of us thought about it, the more we saw that there could be some advantages to that, not only in terms of holding the costs down for that resident law enforcement officer, but also in terms of driving the

training standards up. If you don't think that training accounts for the larger part of the additional cost, you are mistaken. I would urge you to please reject the motion before you and accept the ought to pass. Thank you.

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

**Senator RAND:** Thank you Mr. President. May I pose a question through the Chair? First, and this question is directed to the Senator from Franklin, Senator Benoit, I would ask him to please expound a little bit on the question of liability and whether it has been settled in this bill or not, should the officer involved become involved in a suit. Also, if the State Police are not in favor, from what I have heard they certainly are not overwhelmingly in favor of anyways, of this bill, I would like to know where it came from. 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 Franklin, Senator Benoit.

**Senator BENOIT:** Thank you Mr. President. The liability question is one that I pose and one that the bill does not address, as I understand the measure. I'm just offering, for your consideration, the situation that if one of these officers should become involved in a lawsuit, and we know that is not uncommon, it is becoming more common it seems these days, who is going to pay the judgement? As I see it, the judgement is going to be, because this person is a State employee, a suit could be brought against the municipality, and join up the State of Maine as well as a defendant, and the judgement running against both the town and the State. Be prepared for something like that happening if this measure is enacted. On the other point, this measure comes from a municipality, the sponsor is from Gray, Maine. That municipality had some difficulty in contracting with the Sheriff's Department in Cumberland County. There was a falling out, if you will, or some circumstance between the town and the county that sponsored this measure coming to the Criminal Justice Committee. Looking for this option, well, we are having difficulty in Gray contracting with the County, let's see if we can make a contract with the State. So, that is how it comes about. This isn't anything the State Police are asking for. They did appear to be helpful, but this is not something that the State is seeking. I hope that that is helpful to the good Senator.

Perhaps I could, as well, take this opportunity to apologize to my good Senate colleagues for having made a reference to the calendar earlier. I'm new here and do not want to breach any of our rules in making reference to the calendar from the House. I apologize for that. Thank you.

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

**Senator CLEVELAND:** Thank you Mr. President, Women and Men of the Senate. I rise today to share with you a little bit of perspective as a former municipal official, I know that many of you have

served at the municipal level as well. All of us are aware of the ever-rising costs and burdens on local property taxes to provide services in our local communities. We encourage them to find creative solutions and to keep cost down. One of those is by sharing services on a broader basis. Whether it is highway services or whether it is mutual aid with the local fire departments within the area, whether it is transportation, education, or the like, this provides, simply, another option of choice. It is not mandatory on either the State Police or municipalities. It simply provides an option by which mature, informed, intelligent parties can enter into a discussion on whether they can come to an agreement on the terms of providing some law enforcement services. It allows many of our small towns, there are some 497 municipalities in this State, many of whom are very small and on their own, the cost of providing a public service of police security from scratch would be prohibitive, but sharing those expenses with other agencies or other towns allows it to be an affordable expense. It allows them to discuss the terms, the cost, including liability. I happen to have a town in my district, the town of Poland, which has had an agreement for several years with the local Sheriffs' office, it has worked very well. Those costs include such items as the issue of liability. The municipalities have to carry liability insurance. They have to ensure that the officer is included within their liability and that they will hold harmless other parties, should there be an occasion to bring suit.

I think it is an opportunity to allow creative solutions for individuals who wish to willingly join into them on mutually agreeable terms to do so, with little or no risk at all to other parties. It is also my understanding that given the usual changes in positions and vacancies and illnesses and resignations and leaves of absences and family needs, that there is no real concern that should an officer who had been contracted to a town wouldn't be able to be used in a State Police department to fill one of those vacancies. I think it makes some good sense. It provides no risk at all, that I see, that is measurable to the State, and it helps our local municipalities have another tool to be creative and to try to keep costs down and provide security and police protection for communities where sometimes, given the reduction in our own State Police force because of our budget crisis, is pretty thin at times. I would urge you to not support the motion on the floor and to allow this measure to pass.

Senator O'DEA of Penobscot requested a Division.

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 NOT TO PASS Report, in concurrence.

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Off Record Remarks

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Senate at Ease

Senate called to order by the President.

**Divided Report**

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Require that Employees in 24-Hour Convenience Stores Have Access to Telephones and Alarms"

H.P. 127 L.D. 175

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-52)**

Signed:

Senator:

GOLDTHWAIT of Hancock

Representatives:

ROWE of Portland  
BIRNEY of Paris  
BRENNAN of Portland  
CAMERON of Rumford  
DAVIDSON of Brunswick  
KONTOS of Windham

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

Signed:

Senators:

HARRIMAN of Cumberland  
CIANCHETTE of Somerset

Representatives:

LIBBY of Kennebunk  
POVICH of Ellsworth  
REED of Dexter  
SIROIS of Caribou

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-52).**

Which Reports were **READ.**

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

Senate

**Ought to Pass As Amended**

Senator **HALL** for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Change the Law That Determines When a Sentence in Excess of 20 Years May Be Imposed for a Class A Crime"

S.P. 203 L.D. 546

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-44)**

Which Report was **READ and ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-44) **READ and ADOPTED.**

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

Senator **MILLS** for the Committee on **JUDICIARY** on Bill "An Act Concerning the System of State Law Libraries" (Emergency)

S.P. 212 L.D. 554

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-50)**

Which Report was **READ and ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-50) **READ and ADOPTED.**

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

Senator **HATHAWAY** for the Committee on **TAXATION** on Bill "An Act to Decrease the Paperwork Burden on Maine Businesses by Decreasing the Number of Tax Filings for Retailers"

S.P. 79 L.D. 167

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-45)**

Which Report was **READ and ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-45) **READ and ADOPTED.**

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

**Divided Report**

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Enhance the Clam Industry in the State"

S.P. 103 L.D. 243

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (S-48)

Signed:

Senators:

BUTLAND of Cumberland  
GOLDTHWAIT of Hancock

Representatives:

CLOUTIER of South Portland  
ADAMS of Portland  
BENEDIKT of Brunswick  
BIGL of Bucksport  
ETNIER of Harpswell  
LOOK of Jonesboro  
VOLENIK of Sedgwick

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

Signed:

Representatives:

LAYTON of Cherryfield  
PINKHAM of Lamoine  
RICE of South Bristol

Which Reports were **READ.**

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-48) **READ** and **ADOPTED.**

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

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Require the Popular Election of the Secretary of State

S.P. 49 L.D. 79

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (S-47)

Signed:

Senators:

AMERO of Cumberland  
CARPENTER of York

Representatives:

LANE of Enfield  
SAVAGE of Union  
ROBICHAUD of Caribou  
YACKOBITZ of Hermon  
GERRY of Auburn

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

Signed:

Senator:

LONGLEY of Waldo

Representatives:

DAGGETT of Augusta  
LEMKE of Westbrook  
ROSEBUSH of East Millinocket  
SAXL of Bangor  
AHEARNE of Madawaska

Which Reports were **READ.**

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

**SECOND READERS**

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

**House**

Resolve, to Make the Monument Erected at the Mount Hope Cemetery in Bangor the Official State Memorial Honoring Veterans from Maine Who Died during the Korean War

H.P. 23 L.D. 17

Bill "An Act Concerning Municipal Shellfish Conservation Program Penalties"

H.P. 194 L.D. 253

Resolve, to Name the Connector Road from Exit 6 of the Maine Turnpike to Route 1 in Scarborough the Dr. Philip Haigis Memorial Parkway

H.P. 533 L.D. 729

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

Bill "An Act to Amend Certain Laws Relating to the Collection of Property Taxes" H.P. 421 L.D. 578

Which was READ A SECOND TIME.

On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

Bill "An Act Relating to the Maine Health Program" (Emergency) H.P. 271 L.D. 373

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, in NON-CONCURRENCE.

Sent down for concurrence.

House As Amended

Bill "An Act to Require an Endorser's Authorization for a Candidate To Use an Endorsement" H.P. 45 L.D. 39 (C "A" H-54)

Bill "An Act to Allow Wine Tasting in Fine Wine Stores" H.P. 62 L.D. 98 (C "A" H-59)

Bill "An Act to Simplify the Procedure for Making Anatomical Gifts under the Motor Vehicle Laws" H.P. 160 L.D. 208 (C "A" H-60)

Resolve, to Reduce the Paperwork Required in the Purchase of a Vehicle H.P. 172 L.D. 220 (C "A" H-61)

Bill "An Act to Exempt the Custom Sawing of Lumber from the Sales Tax" H.P. 339 L.D. 459 (C "A" H-64)

Bill "An Act to Require That the Dollar Value of the Employee Benefit Package Be Included in All Official Statements Concerning State and Municipal Salaries" H.P. 378 L.D. 513 (C "A" H-47)

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

Senate

Bill "An Act to Establish the Chesuncook Soil Series as the Official State Soil" S.P. 117 L.D. 292

Which was READ A SECOND TIME.

On motion by Senator AMERO of Cumberland, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

Senate As Amended

Bill "An Act to Repeal the Prohibition against Nursing Home Owners and Employees Becoming Guardians of Patients" S.P. 56 L.D. 85 (C "A" S-42)

Bill "An Act to Amend the Laws Pertaining to the Return of Security Deposits and Nonpayment of Rent or Utility Charges" S.P. 152 L.D. 338 (C "A" S-43)

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

Sent down for concurrence.

Off Record Remarks

Senate at Ease

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

House Papers

Bill "An Act Relating to the Training and Certification of Law Enforcement Officers" (Emergency) H.P. 873 L.D. 1228

Bill "An Act to Provide for a 10-Year License Suspension of Any Person Having 4 or More Operating-under-the-influence Convictions"  
H.P. 876 L.D. 1231

Bill "An Act to Amend the Maine Criminal Code to Ensure Fairness in Classifying a Crime Based on the Value of Loss or Damage"  
H.P. 897 L.D. 1234

Bill "An Act to Transfer Juvenile Correctional Functions to the Department of Human Services"  
H.P. 880 L.D. 1235

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.

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Resolve, to Establish the Commission to Evaluate and Reduce Medical Paperwork  
H.P. 877 L.D. 1232

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

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

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

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Resolve, to Establish a Task Force to Identify the Part-time Workforce in the State  
H.P. 872 L.D. 1227

Bill "An Act Concerning Educational Technicians"  
H.P. 875 L.D. 1230

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

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

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

Bill "An Act to Amend the Laws Pertaining to the Selling of Clams and Sea Urchins to Protect Certified Sellers of Clams and Sea Urchins"  
H.P. 871 L.D. 1226

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

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

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

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Bill "An Act to Create the Emergency Management Advisory Board"  
H.P. 874 L.D. 1229

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.

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Bill "An Act Concerning License Plates for Firefighters"  
H.P. 870 L.D. 1225

Bill "An Act to Provide Uniform Weight Limits for Public Ways in the State"  
H.P. 878 L.D. 1233

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.

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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. 881

**JOINT RESOLUTION MEMORIALIZING THE STATE OF GEORGIA TO AID IN EXPEDITING THE RETURN OF THE BATTLE FLAG OF THE 17TH MAINE VOLUNTEER REGIMENT**

WE, your Memorialists, the Members of the One Hundred and Seventeenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the Governor and the General Assembly of the State of Georgia, as follows:

**WHEREAS**, the Atlanta Historical Society is in possession of the battle flag of the 17th Maine Infantry Regiment and has been urged since 1992 by curators of the State of Maine to expedite the flag's return to its rightful place in Maine; and

**WHEREAS**, the battle flag, issued in February 1864 by the merchants of Portland, Maine to replace the then-current battleworn flag, was carried with great valor and honor in the Wilderness, Spotsylvania, Cold Harbor and final Virginia campaigns and was never surrendered on the battlefield; and

**WHEREAS**, subsequent to the final scenes of the Civil War at Appomattox, the "Merchant's Flag" was brought home and placed in the possession of the State of Maine and never legally left the State; and

**WHEREAS**, it is only honorable that, however the 17th Maine Infantry Regiment's flag came into the possession of the Atlanta Historical Society Museum, it should be returned forthwith to the State of Maine; and

**WHEREAS**, the State of Maine set a national example by being the first state of the Union to return all of its captured battle flags as an act of reconciliation; it was a Maine soldier, Major General Joshua L. Chamberlain, who ordered a salute of honor to the defeated Army of Northern Virginia on April 12, 1865; and it was a Georgia soldier, Lieutenant General John B. Gordon, who returned that gracious gesture, "honor saluting honor"; now, therefore, be it

**RESOLVED:** That We, your Memorialists, respectfully urge and request the State of Georgia to expedite the immediate return of the 17th Maine Infantry Regiment's battle flag to the State of Maine; and be it further

**RESOLVED:** That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable Zell Miller, Governor of the State of Georgia, and to the President of the Senate and the Speaker of the House of the State of Georgia, to be transmitted through them to the General Assembly and the People of the State of Georgia.

(Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

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

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

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Allow Election Officials to Request Identification from Prospective Voters"  
H.P. 251 L.D. 353  
(C "A" H-43)

In House, March 30, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-43)**.

In Senate, April 5, 1995, Bill and Accompanying Papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Comes from the House with the Bill and Accompanying Papers **RECOMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in **NON-CONCURRENCE**.

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

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Senate at Ease

Senate called to order by the President.

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On motion by Senator **CIANCHETTE** of Somerset, the Senate **RECONSIDERED** its action whereby it **RECEDED** and **CONCURRED** on:

Bill "An Act to Allow Election Officials to Request Identification from Prospective Voters"  
H.P. 251 L.D. 353  
(C "A" H-43)

(In Senate, April 5, 1995, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.)

(In House, April 6, 1995, Bill and Accompanying Papers **RECOMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in **NON-CONCURRENCE**.)

The same Senator moved that the Senate **ADHERE**.

Senator **HALL** of Piscataquis requested a Division.

**THE PRESIDENT:** The pending question before the Senate is the motion of the Senator **CIANCHETTE** of Somerset that the Senate **ADHERE**.

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.

12 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator **CIANCHETTE** of Somerset to **ADHERE**, **FAILED**.

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

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

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Off Record Remarks

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Senator **FAIRCLOTH** of Penobscot was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **MICHAUD** of Penobscot, **ADJOURNED** until Tuesday, April 11, 1995, at 9:30 o'clock in the morning.