

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate

May 2, 1995 to June 16, 1995

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

In Senate Chamber
Tuesday
June 13, 1995

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

Prayer by Pastor Art Mott of the East Wilton Union Church in East Wilton.

PASTOR ART MOTT: Mr. President, Ladies and Gentlemen of the Senate. It's a joy to be with you. It's a privilege to be with you. This is an historic day for me, as every day is for you. Let us be in an attitude of prayer.

We thank you, Father, this morning that you are our creator and our sustainer and you have given us this day to do with it what you would have us to do. To follow after righteousness and truth. We thank you that in your Word you have ordained three wonderful institutions. You have provided those and given those to us and we are so very grateful. The family, which certainly needs our prayer, the foundation and the fabric of our nation. The church, which is to take your word and share and proclaim that work. And the government. Father, you have ordained, in those institutions, that there are two sides to them. You have ordained the leadership side and the submitting side. We are certainly privileged to live in a nation where that freedom is so greatly enjoyed. We know there are responsibilities that come with it. We, in the United States, are given great blessing because we live in a country that is founded on those very thoughts and ideals of family and religion and government. Yet the results will be seen. So many other countries should take their eyes off you if we take our eyes off you. So, Father we ask that we might do what is righteous on the leadership side, and might do what is righteous on the submission side of this ordained government institution. I thank you, Father, that unless the Lord builds the house, they labor in vain that build it. So, we ask that our attention might be founded upon you. We might remember what Thomas Jefferson said, "Oh God, how little do my countrymen know what precious blessings they are in possession of, which no other people enjoy." I just pray, Father, that this body, this day would be blessed of you as it takes very seriously its righteous responsibility, its precious blessings that come from you, and the sustenance that you give as we all focus on your principles and precepts that you have given to us. Bless each member, their families, as we rejoice in the precious day you have given to us. May we seek to do your will. We pray in the precious name, and matchless name of Jesus Christ. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Resolve, Authorizing Verne Lee to Sue the Department of Human Services and the State of Maine
H.P. 89 L.D. 124

In House, June 7, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-356).**

In Senate, June 8, 1995, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

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

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

Senator **KIEFFER** of Aroostook 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.

10 Senators having voted in the affirmative and 12 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 **INSISTED**.

Non-concurrent Matter

Bill "An Act to Amend the Law Relating to Municipal Service Fees and to Modify the Reimbursement Policy for Hospitals to Recover Service Fees Paid"

H.P. 550 L.D. 746

In House, June 6, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-244).

In Senate, June 7, 1995, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED, in NON-CONCURRENCE.

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-244) AS AMENDED BY HOUSE AMENDMENT "A" (H-407), thereto, in NON-CONCURRENCE.

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

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

12 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion of Senator LAWRENCE of York to INSIST and JOIN IN A COMMITTEE OF CONFERENCE, FAILED.

THE PRESIDENT: The pending question before the Senate is the motion of Senator KIEFFER of Aroostook that the Senate ADHERE.

Senator LAWRENCE of York requested 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.

12 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion of Senator KIEFFER of Aroostook to ADHERE, FAILED.

On motion by THE PRESIDENT, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

Non-concurrent Matter

Bill "An Act to Establish Qualifications for Public Utilities Commissioners"

H.P. 713 L.D. 970

In House, June 7, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-345).

In Senate, June 8, 1995, the Minority OUGHT NOT TO PASS Report READ and ACCEPTED, in NON-CONCURRENCE.

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

Senator KIEFFER of Aroostook moved that the Senate ADHERE.

Senator LAWRENCE of York moved that the Senate INSIST and JOIN IN A COMMITTEE OF CONFERENCE.

Senator KIEFFER of Aroostook requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator LAWRENCE of York that the Senate INSIST and JOIN IN A COMMITTEE OF CONFERENCE.

A Division has been requested.

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

Non-concurrent Matter

Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to Be Rendered in Fiscal Year 1995-96" (Emergency)

H.P. 701 L.D. 959
(H "A" H-368 to C
"A" H-336)

In Senate, June 7, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-336) AS AMENDED BY HOUSE AMENDMENT "A" (H-368), thereto, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-336) in NON-CONCURRENCE.

Senator KIEFFER of Aroostook moved to Table until Later in Today's Session, pending FURTHER CONSIDERATION.

On motion by Senator AMERO of Cumberland, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The President noted the absence of Senator McCORMICK of Kennebec, and excused her from today's Roll Call votes.

THE PRESIDENT: The pending question before the Senate is the motion by Senator KIEFFER of Aroostook to Table until Later in Today's Session, pending **FURTHER CONSIDERATION.**

A vote of Yes will be in favor of **TABLING UNTIL LATER.**

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: AMERO, BEGLEY, BERUBE, BUSTIN, CAREY, CARPENTER, CASSIDY, CIANCHETTE, CLEVELAND, FAIRCLOTH, GOLDTHWAIT, HALL, HARRIMAN, KIEFFER, LAWRENCE, MILLS, PARADIS, PENDEXTER, PINGREE, RAND, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

NAYS: Senators: FERGUSON, LONGLEY, MICHAUD, O'DEA

ABSENT: Senators: ABROMSON, BENOIT, ESTY, HANLEY, HATHAWAY, LORD, RUHLIN

EXCUSED: Senator: McCORMICK

In Senate, June 12, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-387), in NON-CONCURRENCE.**

Comes from the House, that Body having **ADHERED.**

Senator KIEFFER of Aroostook moved to Table pending **FURTHER CONSIDERATION.**

Senator LAWRENCE of York requested a Division.

On further motion by the same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The pending question before the Senate is the motion by Senator KIEFFER of Aroostook to **TABLE**, pending **FURTHER CONSIDERATION.**

A vote of Yes will be in favor of **TABLING.**

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: AMERO, BEGLEY, CARPENTER, CASSIDY, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, KIEFFER, MILLS, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

NAYS: Senators: BERUBE, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, FAIRCLOTH, LAWRENCE, LONGLEY, MICHAUD, O'DEA, PARADIS, PINGREE, RAND

ABSENT: Senators: ABROMSON, BENOIT, ESTY, HANLEY, HATHAWAY, LORD, RUHLIN

EXCUSED: Senator: McCORMICK

14 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 7 Senators being absent and 1 Senator having been excused, the motion by Senator KIEFFER of Aroostook to **TABLE**, pending **FURTHER CONSIDERATION, PREVAILED.**

Off Record Remarks

Non-concurrent Matter

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1996 and June 30, 1997" (Emergency)
H.P. 516 L.D. 706
(C "B" H-387)

In House, June 8, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-386) AS AMENDED BY HOUSE AMENDMENT "A" (H-402), thereto.**

House Papers

Resolve, Prohibiting the Maine Court Facilities Authority from Locating Court Facilities upon Certain Property

H.P. 1124 L.D. 1569

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

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

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-418) **READ** and **ADOPTED**, in concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Implement the Recommendations of the Commission to Study Potato Quality Issues"

H.P. 1060 L.D. 1489

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-408)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-408)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-408) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Concerning Potato Blight Eradication and the Disposal of Cull Potatoes" (Emergency)

H.P. 1096 L.D. 1540

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-418)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-418)**.

The Committee on **LABOR** on Bill "An Act to Amend the Substance Abuse Testing Laws"

H.P. 860 L.D. 1191

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-415)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-415)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-415) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **NATURAL RESOURCES** on Bill "An Act to Encourage the Use of Tire-derived Fuel"

H.P. 558 L.D. 759

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-409)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-409)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-409) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act to Include Child Care Centers in the Property Tax Exemptions and to Amend the Review Schedule for Property Tax Exemptions"

H.P. 1066 L.D. 1501

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-406)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-406)**.

Which Report was **READ**.

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

Senator CLEVELAND: Thank you Mr. President. I wish to pose a question through the Chair. Does this bill have any fiscal impact? I didn't notice, if there is, what it is, and I didn't note a fiscal note on the bill.

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

Senator LONGLEY: Thank you Mr. President. There is no fiscal note. Basically, child care centers, if they are filed in their charter as non-profit with the state and with the feds, are already exempted under benevolent charitable in the tax law. The reason it was added was because in a couple of towns they are starting to reach for property tax dollars and may come after child care centers. This was a clarification procedure. Thank you.

Which Report was **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-406) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Relating to the Renewal of a Teacher Certificate That Has Lapsed for More Than 5 Years"

H.P. 759 L.D. 1033

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-400)**.

Signed:

Senators:

SMALL of Sagadahoc
ESTY, JR. of Cumberland
ABROMSON of Cumberland

Representatives:

AULT of Wayne
BARTH, JR. of Bethel
DESMOND of Mapleton
STEVENS of Orono
CLOUTIER of South Portland
MARTIN of Eagle Lake
MCELROY of Unity
BRENNAN of Portland

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

Signed:

Representative:

LIBBY of Buxton

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-400)**.

Which Reports were **READ**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-400) **READ** and **ADOPTED**, in concurrence.

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

Senate

Ought to Pass

Pursuant to Joint Order

Senator **CARPENTER** for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Establish Legislative Guidelines for Secession"

S.P. 587 L.D. 1571

Reported that the same **Ought to Pass** pursuant to Joint Order S.P. 565.

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

The Bill READ ONCE.

The Bill LATER ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator HARRIMAN for the Committee on BUSINESS AND ECONOMIC DEVELOPMENT on Resolve, to Determine the Effectiveness of Economic Development Incentives in Maine (Emergency)

S.P. 494 L.D. 1353

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-245).

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

Committee Amendment "A" (S-245) READ and ADOPTED.

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

Senator HARRIMAN for the Committee on BUSINESS AND ECONOMIC DEVELOPMENT on Bill "An Act to Modify the Electricians' Examining Board Law"

S.P. 495 L.D. 1354

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-244).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-244) READ and ADOPTED.

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

Senator MILLS for the Committee on JUDICIARY on Bill "An Act to Amend the Law Pertaining to Grievance Procedures Concerning Discrimination on the Basis of Disability"

S.P. 486 L.D. 1320

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-246).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-246) READ and ADOPTED.

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

Senator PINGREE for the Committee on MARINE RESOURCES on Bill "An Act to Enhance Export Markets for Maine Sardines and Other Canned Herring Products by Clarifying the Maine Sardine Law" (Emergency)

S.P. 426 L.D. 1149

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-253).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-253) READ and ADOPTED.

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

Senator BUTLAND for the Committee on MARINE RESOURCES on Bill "An Act to Increase the Maximum Lease Size for Bottom Culture Aquaculture" (Emergency)

S.P. 552 L.D. 1511

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-252).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-252) READ and ADOPTED.

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

Senator CARPENTER for the Committee on UTILITIES AND ENERGY on Resolve, to Require a Study of the Structure of the Electric Utility Industry by the Public Utilities Commission

S.P. 386 L.D. 1063

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-251).

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-251) **READ**.

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

Senator **CLEVELAND:** Thank you Mr. President. Before this bill moves on to its next step, I just wanted to take a moment to bring it to the attention of the members of the Senate that this is actually a very significant bill, unanimously supported by the Committee and very ably guided through the process by our Senate Chair, Senator Carpenter, from York. What this bill will do is provide a two-stage process by which a committee will be formed to look at and make recommendations regarding all issues surrounding electric utility use, moving towards a competitive market structure for utilities, as opposed to a command and control structure. The second stage would be moving to the Public Utilities Commission to deal with any issues that may not be resolved in the first stage. This bill, hopefully, will take us to a process by which we will begin to structure the electric utility industry for the needs of the people of this state in the future. I think it may well become a model for the country. It is a major piece of legislation and I appreciate your support. Thank you.

Committee Amendment "A" (S-251) **ADOPTED**.

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

Senator **CARPENTER** for the Committee on **UTILITIES AND ENERGY** on Bill "An Act Relating to Procedures before the Public Utilities Commission"

S.P. 472 L.D. 1268

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-250)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-250) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Revise and Add to the Laws Regulating the Practice of Professional Engineering"

S.P. 475 L.D. 1271

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-243)**.

Signed:

Senators:

CIANCHETTE of Somerset
GOLDTHWAIT of Hancock

Representatives:

ROWE of Portland
BIRNEY of Paris
BRENNAN of Portland
CAMERON of Rumford
DAVIDSON of Brunswick
KONTOS of Windham
LIBBY of Kennebunk
POVICH of Ellsworth
REED of Dexter
SIROIS of Caribou

The Minority of the same Committee on the same subject reported that the same **Ought to Pass**.

Signed:

Senator:

HARRIMAN of Cumberland

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 **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Require That Additions to the Endangered Species List Be Approved by the Legislature" (Emergency)

S.P. 167 L.D. 428

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-248)**.

Signed:

Senators:

HALL of Piscataquis
KIEFFER of Aroostook

Representatives:

ROTONDI of Madison
JACQUES of Waterville
CLARK of Millinocket
TUFTS of Stockton Springs
CHICK of Lebanon
PERKINS of Penobscot
UNDERWOOD of Oxford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass** as Amended by Committee Amendment "B" (S-249).

Signed:

Senator:

MICHAUD of Penobscot

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 **LABOR** on Bill "An Act to Increase Paid Health Insurance Benefits to Retired Teachers"

S.P. 232 L.D. 597

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

Signed:

Senators:

BEGLEY of Lincoln
MILLS of Somerset
RAND of Cumberland

Representatives:

HATCH of Skowhegan
CHASE of China
LEMAIRE of Lewiston
JOY of Crystal
PENDLETON, JR. of Scarborough
SAMSON of Jay
STEDMAN of Hartland
TUTTLE, JR. of Sanford

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

Signed:

Representatives:

JOYCE of Biddeford
WINSOR of Norway

Which Reports were **READ**.

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

The Bill **READ ONCE**.

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

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Provide Funds for the Bigelow Laboratory for Ocean Sciences in Boothbay Harbor"
S.P. 568 L.D. 1537

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

Signed:

Senators:

BUTLAND of Cumberland
PINGREE of Knox
GOLDTHWAIT of Hancock

Representatives:

LOOK of Jonesboro
RICE of South Bristol
LAYTON of Cherryfield
BIGL of Bucksport
BENEDIKT of Brunswick

The Minority of the same Committee on the same subject reported that the same **Ought to Pass**.

Signed:

Representatives:

CLOUTIER of South Portland
ETNIER of Harpswell
PINKHAM of Lamoine
VOLENIK of Sedgwick

Which Reports were **READ**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine Regarding the Constitutional Amendment Process

S.P. 440 L.D. 1208

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

Signed:

Senators:

AMERO of Cumberland
CARPENTER of York
LONGLEY of Waldo

Representatives:

DAGGETT of Augusta
SAXL of Bangor
GERRY of Auburn
ROSEBUSH of East Millinocket
ROBICHAUD of Caribou
LANE of Enfield
SAVAGE of Union
YACKOBITZ of Hermon

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-242).**

Signed:

Representatives:

AHEARNE of Madawaska
LEMKE of Westbrook

Which Reports were **READ.**

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED.**

Sent down for concurrence.

Bill "An Act to Reestablish the Office of Environmental Evaluation and Lake Studies"
H.P. 1031 L.D. 1450
(C "A" H-395)

Resolve, to Create Educational Options for Exceptional Children
H.P. 1054 L.D. 1483
(C "A" H-398)

Bill "An Act Regarding School Construction in School Administrative District No. 49" (Emergency)
H.P. 1092 L.D. 1535
(C "A" H-399)

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

Bill "An Act to Repeal the 7% Gross Receipts Tax on Nursing Homes"
H.P. 33 L.D. 27
(C "A" H-372)

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

Sent down for concurrence.

SECOND READERS

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

House As Amended

Bill "An Act to Make the Workers' Compensation Laws for Temporary Employees Consistent with Those Laws for Permanent Employees"
H.P. 85 L.D. 121
(C "A" H-401)

Bill "An Act to Improve Maine Students' Preparedness for the Global Economy by Enhancing Opportunities for Global Education"
H.P. 716 L.D. 973
(C "A" H-396)

Bill "An Act to Prevent the Loss of Federal Impact Aid Funds to Schools Required to Reimburse under Federal Law"
H.P. 722 L.D. 996
(C "A" H-397)

Bill "An Act to Require the Commissioner of Defense and Veterans' Services to Be Confirmed by the Legislature"
H.P. 935 L.D. 1324
(C "A" H-394)

Bill "An Act to Create Fair School Bus Driver Licensing"
H.P. 950 L.D. 1339
(C "A" H-388)

Senate As Amended

Bill "An Act to Clarify Insurance Coverage Regarding Breast Reconstruction after Mastectomy Surgery"
S.P. 80 L.D. 168
(C "A" S-229)

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

Sent down for concurrence.

ENACTORS

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

An Act to Extend to Businesses the Laws Concerning Protection from Harassment
H.P. 275 L.D. 377
(C "A" H-328)

An Act to Reimburse Former Temporary Hearing Officers of the Workers' Compensation Board for Lapsed Vacation Time

S.P. 234 L.D. 599
(C "A" S-88)

An Act to Exempt Bows from the Firearms Discharge Ordinances

H.P. 785 L.D. 1102
(C "A" H-335)

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Under suspension of the Rules, all matters thus acted on, with the exception of those matters being held, were sent forthwith.

Senator **LAWRENCE** of York called for the **ORDERS OF THE DAY**.

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORTS from the Committee on **TAXATION** on Bill "An Act to Increase the Property Tax Exemption for Farm Machinery"

H.P. 17 L.D. 11

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-242)** (10 members)

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

Tabled - June 12, 1995, by Senator **AMERO** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**.

(In House, May 18, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-242)**.)

(In Senate, May 23, 1995, Reports **READ**.)

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

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

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1995 (EMERGENCY)

H.P. 1098 L.D. 1542

Tabled - June 12, 1995, by Senator **AMERO** of Cumberland.

Pending - **FURTHER CONSIDERATION**.

(In House, May 23, 1995, **PASSED TO BE ENGROSSED**.)

(In Senate, May 25, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-174)**, in **NON-CONCURRENCE**.)

(In House, May 30, 1995, **ADHERED**.)

(In Senate, May 31, 1995, **ADHERED**. Subsequently, on June 1, 1995, the Senate **RECONSIDERED** whereby it **ADHERED**.)

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

On further motion by the same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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

A vote of Yes will be in favor of **RECEDING** and **CONCURRING**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: BERUBE, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, ESTY, FAIRCLOTH, GOLDTHWAIT, LAWRENCE, LONGLEY, MICHAUD, O'DEA, PARADIS, PINGREE, RAND, RUHLIN

NAYS: Senators: AMERO, BEGLEY, CARPENTER, CASSIDY, FERGUSON, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, MILLS, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

ABSENT: Senators: ABROMSON, BENOIT, LORD

EXCUSED: Senator: McCORMICK

Senator FERGUSON of Oxford requested and received leave of the Senate to change his vote from YEA to NAY.

16 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 3 Senators being absent and 1 Senator having been excused, the motion by Senator LAWRENCE of York to RECEDE and CONCUR, PREVAILED.

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

Bill "An Act to Amend the Laws Governing HIV Testing at the Request of Victims of Sexual Assault" H.P. 589 L.D. 799 (C "A" H-299)

Tabled - June 12, 1995, by Senator AMERO of Cumberland.

Pending - FURTHER CONSIDERATION.

(In Senate, May 31, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-299), in concurrence.)

(In House, June 7, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-299) AS AMENDED BY HOUSE AMENDMENT "A" (H-393), thereto, in NON-CONCURRENCE.)

Senator AMERO of Cumberland moved that the Senate INSIST.

Senator LAWRENCE of York requested a Division.

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

Senator PENDEXTER: Thank you Mr. President, Men and Women of the Senate. I just want to comment, briefly, on the difference between the bills as they stand. House Amendment H-393, which puts us in non-concurrence, basically says that if anyone is alleged to have created a sexual act, the victim may request HIV testing. The bill, as written, said that the person had to be convicted of the crime before you could insist that HIV testing take place. We did discuss this in Committee, and it was the general sense of the Committee that using the alleged scenario would really create some big problems. There is something to be said for being innocent until proven guilty. On top of all that we have had a lot of debate in our Committee this year relative to HIV testing. Even though people tend to get peace of mind from HIV testing, we need to understand that to acquire HIV requires an exchange of body fluids. There is sort of a perception out there that it is sort of an easy disease to contract, and it isn't. The whole debate around HIV testing is an interesting one because, though it may give you peace of mind, it really doesn't tell you a whole lot. It may tell you that for the moment this particular person is negative, but it doesn't mean that just because that person hasn't converted, or whatever, there is a whole lot of issues around HIV testing, and in testimony we heard, and the Committee is pretty much in agreement, that we felt using the alleged scenario was not right and we didn't support it. So, we would ask that you would support the motion to Insist. Thank you.

On motion by Senator LAWRENCE of York, Tabled 1 Legislative Day, pending the motion by Senator AMERO of Cumberland to INSIST.

Senator GOLDTHWAIT of Hancock was granted unanimous consent to address the Senate off the Record.

Senator LAWRENCE of York called for the ORDERS OF THE DAY.

Senate at Ease

Senate called to order by the President.

THE PRESIDENT: In response to the Senator from York, Senator Lawrence's, request to have the Orders of the Day, the Chair would rule that the Orders of the Day have been presented.

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

On motion by Senator **KIEFFER** of Aroostook, **RECESSED** until 3 o'clock this afternoon.

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

Non-concurrent Matter

Bill "An Act to Extend the Reporting Deadline for the Blue Ribbon Commission on Hunger and Food Security"

S.P. 583 L.D. 1568

In Senate, June 12, 1995, **PASSED TO BE ENGROSSED.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-433)**, in **NON-CONCURRENCE.**

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **BEGLEY** for the Committee on **LABOR** on Bill "An Act to Institute a Yearly Series Labor-Management Systems Conferences"

S.P. 395 L.D. 1083

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-255).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-255) **READ** and **ADOPTED.**

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 Encourage the Use of Tire-derived Fuel"

H.P. 558 L.D. 759
(C "A" H-409)

Bill "An Act Relating to the Renewal of a Teacher Certificate That Has Lapsed for More Than 5 Years"

H.P. 759 L.D. 1033
(C "A" H-400)

Bill "An Act to Implement the Recommendations of the Commission to Study Potato Quality Issues"

H.P. 1060 L.D. 1489
(C "A" H-408)

Bill "An Act to Include Child Care Centers in the Property Tax Exemptions and to Amend the Review Schedule for Property Tax Exemptions"

H.P. 1066 L.D. 1501
(C "A" H-406)

Bill "An Act Concerning Potato Blight Eradication and the Disposal of Cull Potatoes" (Emergency)
H.P. 1096 L.D. 1540
(C "A" H-418)

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

Bill "An Act to Increase the Maximum Lease Size for Bottom Culture Aquaculture" (Emergency)
S.P. 552 L.D. 1511
(C "A" S-252)

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

Sent down for concurrence.

Senate

Bill "An Act to Increase Paid Health Insurance Benefits to Retired Teachers"
S.P. 232 L.D. 597

Bill "An Act to Establish Legislative Guidelines for Secession"
S.P. 587 L.D. 1571

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

Sent down for concurrence.

Senate As Amended

Resolve, to Require a Study of the Structure of the Electric Utility Industry by the Public Utilities Commission
S.P. 386 L.D. 1063
(C "A" S-251)

Bill "An Act to Enhance Export Markets for Maine Sardines and Other Canned Herring Products by Clarifying the Maine Sardine Law" (Emergency)
S.P. 426 L.D. 1149
(C "A" S-253)

Bill "An Act Relating to Procedures before the Public Utilities Commission"
S.P. 472 L.D. 1268
(C "A" S-250)

Bill "An Act to Amend the Law Pertaining to Grievance Procedures Concerning Discrimination on the Basis of Disability"
S.P. 486 L.D. 1320
(C "A" S-246)

Resolve, to Determine the Effectiveness of Economic Development Incentives in Maine (Emergency)
S.P. 494 L.D. 1353
(C "A" S-245)

Bill "An Act to Modify the Electricians' Examining Board Law"
S.P. 495 L.D. 1354
(C "A" S-244)

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 Smoking in One-room Establishments with Lunch Counters That Post Smoking Signs"
H.P. 984 L.D. 1392

In Senate, June 12, 1995, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

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

Senator **CLEVELAND** of Androscoggin moved that the Senate **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**.

Senator **KIEFFER** of Aroostook requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **CLEVELAND** of Androscoggin that the Senate **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**.

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.

14 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion of Senator **CLEVELAND** of Androscoggin to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**, **FAILED**.

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

COMMITTEE REPORTS

House

Divided Report

Five Members of the Committee on **JUDICIARY** on Bill "An Act to Allow Physician Assisted Deaths with Dignity for Terminally Ill Persons in Maine" H.P. 552 L.D. 748

Report in Reported "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-411).**

Signed:

Senator:

FAIRCLOTH of Penobscot

Representatives:

TREAT of Gardiner
WATSON of Farmingdale
PLOWMAN of Hampden
LEMKE of Westbrook

Five Members of the same Committee on the same subject reported in Report "B" that the same **Ought Not to Pass.**

Signed:

Senator:

PENDEXTER of Cumberland

Representatives:

LAFOUNTAIN, III of Biddeford
HARTNETT of Freeport
MADORE of Augusta
NASS of Acton

Three Members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-412).**

Signed:

Senator:

MILLS of Somerset

Representatives:

RICHARDSON of Portland
JONES of Bar Harbor

Comes from the House with the Bill and Accompanying Papers **INDEFINITELY POSTPONED.**

Which Reports were **READ.**

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

Senate

Divided Report

Six Members of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Establishing the Maine Council on Privatization (Emergency) S.P. 81 L.D. 169

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-254).**

Signed:

Senators:

AMERO of Cumberland
CARPENTER of York

Representatives:

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

Six Members of the same Committee on the same subject reported in Report "B" that the same **Ought Not to Pass.**

Signed:

Senator:

LONGLEY of Waldo

Representatives:

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

Which Reports were **READ.**

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Improve Bicycle Safety in This State" S.P. 580 L.D. 1557

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

Signed:

Senators:

STEVENS, JR. of Androscoggin
CASSIDY of Washington

Representatives:

O'GARA of Westbrook
RICKER of Lewiston
HEINO of Boothbay
BAILEY of Township 27
DRISCOLL of Calais
LINDAHL of Northport
STROUT of Corinth

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-256).**

Signed:

Senator:

PARADIS of Aroostook

Representatives:

BOUFFARD of Lewiston
CHARTRAND of Rockland
FARNUM of South Berwick

Which Reports were **READ**.

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

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

COMMITTEE REPORT

Senate

Ought to Pass As Amended

Senator **ABROMSON** for the Committee on **BANKING AND INSURANCE** on Bill "An Act Concerning Reports of Material Transactions and Other Provisions of the Maine Insurance Code"

S.P. 561 L.D. 1528

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-257).**

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-257) **READ** and **ADOPTED**.

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

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

Bill "An Act to Amend the Law Relating to Municipal Service Fees and to Modify the Reimbursement Policy for Hospitals to Recover Service Fees Paid"

H.P. 550 L.D. 746

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

Pending - **FURTHER CONSIDERATION**.

(In House, June 6, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-244).**)

(In Senate, June 7, 1995, the Majority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.)

(In House, June 12, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-244) AS AMENDED BY HOUSE AMENDMENT "A" (H-407)**, thereto, in **NON-CONCURRENCE**.)

On motion by Senator HATHAWAY of York, the Senate **RECEDED** from its action whereby it **ACCEPTED** the Majority **UGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

On further motion by the same Senator, the Minority **UGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-244) **READ**.

On further motion by the same Senator, Senate Amendment "A" (S-258) to Committee Amendment "A" (H-244) **READ**.

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

Senator **LAWRENCE:** Thank you Mr. President. May I pose a question through the Chair? I was wondering if anyone in this body could give us a brief explanation of what that amendment does.

THE PRESIDENT: The Senator from York, Senator Lawrence, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from York, Senator Hathaway.

Senator **HATHAWAY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. What the amendment does is it obviously changes at least my position from the ought not to pass report and accepting the ought to pass, by lowering the fiscal note from about \$8,400 to about \$1,000.

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

Senator **LONGLEY**: Thank you Mr. President. I would like to pose a question. I'm reading House Amendment "A" to Committee Amendment "A", and it mentions hospital assessments. I understood this bill to concern service fees, and I hope to speak to that at some point, but now I am reading the amendment and it doesn't seem to be matching what my idea of this whole bill is. I would appreciate an explanation.

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 York, Senator Hathaway.

Senator **HATHAWAY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. Yes, the bill that we voted ought not to pass on before was quite different from the original bill. It eventually turned into a study on tax exempt property. That was what we voted on a few days ago, ought not to pass. The amendment essentially is for the ought to pass on the study of property tax exemption, but to lower the fiscal note from the original \$8,400 down to \$1,000.

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

Senator **LONGLEY**: Thank you Mr. President. May I pose another question? What is the status of the service fee component of the original bill?

On motion by Senator **LAWRENCE** of York, Tabled 1 Legislative Day, pending the motion by Senator **HATHAWAY** of York that the Senate **ADOPT** Senate Amendment "A" (S-258) to Committee Amendment "A" (H-244).

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

Bill "An Act to Establish Qualifications for Public Utilities Commissioners" H.P. 713 L.D. 970

Tabled - earlier in the day by **THE PRESIDENT**.

Pending - **FURTHER CONSIDERATION**.

(In House, June 7, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-345).)

(In Senate, June 8, 1995, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.)

(In House, June 12, 1995, **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.)

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

Senator **LAWRENCE** of York moved that the Senate **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**.

On further motion by the same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **LAWRENCE** of York that the Senate **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**.

A vote of Yes will be in favor of **INSISTING** and **JOINING IN A COMMITTEE OF CONFERENCE**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: **BERUBE, BUSTIN, CAREY, CLEVELAND, ESTY, FAIRCLOTH, LAWRENCE, LONGLEY, MICHAUD, O'DEA, PARADIS, PINGREE, RAND, RUHLIN**

NAYS: Senators: **AMERO, BEGLEY, BENOIT, CARPENTER, CASSIDY, CIANCHETTE, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, MILLS, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND**

ABSENT: Senators: **ABROMSON, LORD**

EXCUSED: Senator: **McCORMICK**

14 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being absent and 1 Senator having been excused, the motion of Senator **LAWRENCE** of York to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**, **FAILED**.

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

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

Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to Be Rendered in Fiscal Year 1995-96" (Emergency) H.P. 701 L.D. 959 (H "A" H-368 to C "A" H-336)

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

Pending - **FURTHER CONSIDERATION.**

(In Senate, June 7, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-336) AS AMENDED BY HOUSE AMENDMENT "A" (H-368)**, thereto, in concurrence.)

(In House, June 12, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-336) in NON-CONCURRENCE.**)

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

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-248). (9 members)

Minority - Ought to Pass as Amended by Committee Amendment "B" (S-249). (1 member)

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

Pending - **ACCEPTANCE** of Either Report.

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

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

Senate at Ease

Senate called to order by the President.

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

SENATE REPORTS - from the Committee on BUSINESS AND ECONOMIC DEVELOPMENT on Bill "An Act to Revise and Add to the Laws Regulating the Practice of Professional Engineering"

S.P. 475 L.D. 1271

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-243). (12 members)

Minority - Ought to Pass. (1 member)

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

Pending - **ACCEPTANCE** of Either Report.

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

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

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

SENATE REPORTS - from the Committee on INLAND FISHERIES AND WILDLIFE on Bill "An Act to Require That Additions to the Endangered Species List Be Approved by the Legislature" (Emergency)

S.P. 167 L.D. 428

SENATE REPORTS - from the Committee on TRANSPORTATION on Bill "An Act to Improve Bicycle Safety in This State"

S.P. 580 L.D. 1557

Majority - Ought Not to Pass. (9 members)

Minority - Ought to Pass as Amended by Committee Amendment "A" (S-256). (4 members)

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

Pending - **ACCEPTANCE** of Either Report.

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

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

Senator ESTY of Cumberland 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.

Off Record Remarks

On motion by Senator AMERO of Cumberland, RECESSED until 4:30 o'clock this afternoon.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator MILLS for the Committee on JUDICIARY on Bill "An Act Concerning the Judicial Endorsement of Persons Held for Evaluation Treatment" S.P. 501 L.D. 1360

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-261).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-261) READ and ADOPTED.

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

Senator MILLS for the Committee on JUDICIARY on Bill "An Act to Establish the Maine Judicial Compensation Commission" S.P. 536 L.D. 1474

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-260).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-260) READ and ADOPTED.

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

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:

ENACTORS

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

An Act to Provide Merchants Greater Recourse to Combat Deceptive and Illegal Practices H.P. 359 L.D. 479 (C "A" H-360)

An Act Concerning Grandparents' Rights of Visitation and Custody H.P. 364 L.D. 484 (H "A" H-379 to C "A" H-210)

An Act to Create an Honorary Position of Maine State Poet Laureate H.P. 692 L.D. 943 (C "A" H-350)

An Act to Require Licensure for Use of the Title Athletic Trainer H.P. 699 L.D. 957 (H "B" H-392 to C "A" H-282)

An Act to Increase the Amount of Reimbursement to Animal Shelters Housing Stray Dogs

S.P. 387 L.D. 1064
(C "A" S-209)

An Act to Amend the Maine Cancer Registry Law to Require the Reporting of All Cancer Cases to the Department of Human Services

H.P. 845 L.D. 1176
(C "A" H-370)

An Act to Delegate Permit-granting Authority to Municipalities

S.P. 467 L.D. 1263
(C "A" S-206)

An Act to Amend the Laws Relating to Administrator Certification

S.P. 493 L.D. 1352
(C "A" S-207)

An Act to Provide for the Dissolution of the Town of York School District

H.P. 1009 L.D. 1424
(H "A" H-378)

An Act to Amend the Laws Regarding Workers' Compensation Pilot Projects

H.P. 1017 L.D. 1432
(C "A" H-362)

An Act to Create Wet-weather Water Quality Standards

H.P. 1023 L.D. 1438
(C "A" H-366)

An Act to Clarify the Operations of the Maine Board of Bar Examiners

H.P. 1062 L.D. 1497

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 Concerning the Labeling of Refundable Beverage Containers

S.P. 21 L.D. 52
(C "A" S-210)

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

An Act to Reduce the Amount of Good Time and Meritorious Good Time Available to Persons Sentenced to Terms of Imprisonment

S.P. 201 L.D. 544
(S "A" S-212 to C "A" S-204)

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

An Act to Change Eligibility for the Elderly Low-cost Drug Program

H.P. 963 L.D. 1372
(C "A" H-364)

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

Emergency

An Act Concerning Technical Changes to the Tax Laws

H.P. 686 L.D. 937
(C "A" H-347)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senator having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Conform Maine Law with the Provisions of the Federal Clean Air Act and the Internal Revenue Code Pertaining to the Use of Dyed Fuel on Highways

H.P. 919 L.D. 1295
(C "A" H-371; H "A" H-391)

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 **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 Amend the Maine State Retirement System with Respect to the Consolidated Plan for Participating Local Districts

S.P. 559 L.D. 1518

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 to Clarify the Municipal Bounds of the Town of Eliot

S.P. 566 L.D. 1536

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 Resolve

Resolve, to Improve Postsecondary Education in the State

H.P. 361 L.D. 481
(H "A" H-390)

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

Emergency Mandate

An Act Regarding School Construction in School Administrative District No. 49

H.P. 1092 L.D. 1535
(C "A" H-399)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, 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 **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Under suspension of the Rules, all matters thus acted on, with the exception of those matters being held, were sent forthwith.

On motion by Senator **CARPENTER** of York, **ADJOURNED** until Wednesday, June 14, 1995, at 9 o'clock in the morning.