

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME VI

SECOND REGULAR SESSION

House of Representatives

January 3, 1996 to April 3, 1996

Senate

January 3, 1996 to March 13, 1996

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

In Senate Chamber
Tuesday
January 16, 1996

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

Prayer by Reverend Stephen Hastings, Winthrop Congregational Church, Winthrop.

REVEREND STEPHEN HASTINGS: Let us be together in a spirit of prayer. May our spirits be one with You, oh God, Eternal and Great Spirit. Your spirit, God, is always in our presence, inspiring us to share our very best with others. You, God, whom some have known through creation, some have seen in the lives of others, and others have known through sacred traditions passed down through generations. You, God, have shown love and compassion for all of us and for all things. So we pray that each person here this morning would be loving and compassionate. We pray that each person here this morning would remember and consider the neediest among us here, in Maine. We pray that each person would be filled with courage, generosity, respect, and wisdom. May all that is done here uphold the value we place on security, justice, peace, and dignity. Amen.

Pledge of Allegiance led by **SENATOR GOLDTHWAIT** of Hancock.

Reading of the Journal of Thursday, January 11.

Off Record Remarks

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE
38 STATE HOUSE STATION
AUGUSTA, MAINE 04333

January 8, 1996

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
Members of the 117th Maine Legislature
Re: Annual Oil Overcharge Funds Report
Dear President Butland, Speaker Gwadosky, and
Honorable Members of the 117th Legislature:

I am pleased to submit the Governor's Report to the Legislature on Maine's Use of Exxon, Stripper Well, and Diamond Shamrock Oil Overcharge Funds.

The PVE report is submitted to the Legislature pursuant to Section 6 of Chapter 818 of the Public Laws of 1987 and Chapter 119 of the Private and Special Laws of 1989. A report to the Legislature was required of laws enacted for the spending of Exxon, Stripper Well, and Diamond Shamrock funds made available to the states from the courts in oil overcharge findings. Over the last several years, the spending of oil overcharge monies has been authorized by the Legislature with the passage of the budget. This report is submitted to the Legislature to follow the intent of the earlier laws.

Copies of the Report are being distributed to each member of the Legislature, agencies responsible for PVE-funded programs, and other interested parties.

Sincerely,
S/Evan D. Richert, AICP
Director
S.C. 425

Which was READ and, with Accompanying Report,
ORDERED PLACED ON FILE.

The Following Communication:

UNIVERSITY OF MAINE
MARGARET CHASE SMITH CENTER
FOR PUBLIC POLICY
5715 Coburn Hall
Orono, ME 04469-5715

January 8, 1996

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

Dear Ms. Ross:

In accordance with 1967 Public Law, Chapter 493, I am enclosing copies of the report for the 1995 Maine State Government Internship Program for members of the Senate.

I would appreciate your assistance in distributing a copy to each Senator.

If you have any questions or need more than the enclosed 40 copies, please let me know.

Again, thank you for your assistance.

Sincerely,
S/Kathryn H. Godwin, Ed.D.
Staff Associate and
Director, Maine State
Government Summer Internship
Program
S.C. 426

Which was READ and, with Accompanying Report,
ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Correct Omissions in the Productivity Realization Task Force Legislation Relating to the State Soil and Water Conservation Commission and the Animal Welfare Board"

S.P. 659 L.D. 1719

Presented by Senator **CASSIDY** of Washington

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

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

Which was referred to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act to Repeal and Replace the Charter of Bowdoin College" (Emergency)

S.P. 658 L.D. 1718

Presented by Senator **HARRIMAN** of Cumberland
Cosponsored by Representative **DAVIDSON** of Brunswick and Senators: **ABROMSON** of Cumberland, **BEGLEY** of Lincoln, **BUTLAND** of Cumberland, **LAWRENCE** of York, **SMALL** of Sagadahoc, Representatives: **BARTH, JR.** of Bethel, **GWADOSKY** of Fairfield, **HARTNETT** of Freeport, **LIBBY** of Buxton, **MARVIN** of Cape Elizabeth, **MAYO, III** of Bath, **PEAVEY** of Woolwich, **ROBICHAUD** of Caribou, **TRIPP** of Topsham

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Reference to the Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and **ORDERED PRINTED**. Which was referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and **ORDERED PRINTED**. Sent down for concurrence.

Bill "An Act Redefining the Community Services Structure of the Mental Health System"

S.P. 654 L.D. 1704

Presented by Senator **PENDEXTER** of Cumberland Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Bill "An Act to Allow the Department of Human Services to Release the Names of Individuals Who Receive Welfare Benefits as a Result of Serious, False Misrepresentation"

S.P. 656 L.D. 1716

Presented by Senator **BUSTIN** of Kennebec Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

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

Which were referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**. Sent down for concurrence.

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

S.P. 660 L.D. 1720

Presented by Senator **FERGUSON, JR.** of Oxford Cosponsored by Senator: **MICHAUD** of Penobscot, Representatives: **BUCK** of Yarmouth, **TRUE** of Fryeburg, **WINGLASS** of Auburn Submitted by the Department of Defense and Veterans' Services pursuant to Joint Rule 24.

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.

Bill "An Act to Create a Scallop Diving Tender License"

S.P. 655 L.D. 1715

Presented by Senator **GOLDTHMAIT** of Hancock Cosponsored by Representatives: **BIGL** of Bucksport, **VOLENIK** of Sedgwick Submitted by the Department of Marine Resources pursuant to Joint Rule 24.

Bill "An Act Allowing Towns to Form Regional Shellfish Management Committees"

S.P. 657 L.D. 1717

Presented by Senator **PINGREE** of Knox Cosponsored by Representative **SIMONEAU** of Thomaston and , Representatives: **BENEDIKT** of Brunswick, **ETNIER** of Harpswell, **RICE** of South Bristol

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

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

Which were referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**. Sent down for concurrence.

Resolve, to Form a Task Force to Examine Methods of Reimbursing Automobile Owners for Emissions Testing and Consequent Repair Costs (Emergency)

S.P. 661 L.D. 1721

Presented by Senator **CLEVELAND** of Androscoggin (By Request)

Cosponsored by Representative **ADAMS** of Portland and Senator: **LORD** of York, Representatives: **BUCK** of Yarmouth, **GERRY** of Auburn, **GREEN** of Monmouth, **HATCH** of Skowhegan, **KONTOS** of Windham, **LAFOUNTAIN, III** of Biddeford, **LEMAIRE** of Lewiston, **MITCHELL** of Vassalboro, **MITCHELL** of Portland, **ROWE** of Portland, **SAMSON** of Jay, **SHIAH** of Bowdoinham, **TOWNSEND** of Portland, **VOLENIK** of Sedgwick, **WATSON** of Farmingdale, **WINGLASS** of Auburn

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

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

Which was referred to the Committee on **NATURAL RESOURCES** and **ORDERED PRINTED**. Sent down for concurrence.

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

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

Senator **HANLEY** of Oxford was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senate at Ease
Senate called to order by the President.

Off Record Remarks

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

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

Off Record Remarks

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

Senate at Ease
Senate called to order by the President.

Off Record Remarks

On motion by Senator CIANCHETTE of Somerset, RECESSED until 11:00 o'clock this morning.

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
House Papers

Bill "An Act to Increase the Municipal Share of Dog Licensing Fees"

H.P. 1250 L.D. 1712

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

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

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

Bill "An Act to Establish a Sea Urchin Management Plan" (Emergency)

H.P. 1252 L.D. 1714

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.

Bill "An Act to Simplify Applications for Tax Exemptions for Blind Individuals"

H.P. 1248 L.D. 1710

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

H.P. 1249 L.D. 1711

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

H.P. 1251 L.D. 1713

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

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

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

Pursuant to Resolve
COMMISSION TO STUDY TRESPASS LAWS

The **COMMISSION TO STUDY TRESPASS LAWS**, pursuant to Resolve 1995, chapter 53 asks leave to submit its findings and report, pursuant to Joint Rule 20, that the accompanying Bill "An Act to Describe Property Posting under the Criminal Trespass and Trespass by Motor Vehicle Laws"

H.P. 1247 L.D. 1709

Be referred to the Committee on **CRIMINAL JUSTICE** for Public Hearing and ordered printed.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **CRIMINAL JUSTICE** and **ORDERED PRINTED**.

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

The Bill referred to the Committee on **CRIMINAL JUSTICE**, in concurrence.

Pursuant to Resolve
COMMITTEE TO PLAN FOR EDUCATION SERVICES
IN THE TOWN OF MECHANIC FALLS, MINOT AND POLAND
The **COMMITTEE TO PLAN FOR EDUCATION SERVICES IN THE TOWN OF MECHANIC FALLS, MINOT AND POLAND**, pursuant to Resolve 1995, chapter 55 asks leave to submit its findings and report, pursuant to Joint Rule 20, that the accompanying Bill "An Act to Establish Educational Services for Grades 7 to 12 in the Towns of Mechanic Falls, Minot and Poland" (Emergency)

H.P. 1243 L.D. 1705

Be referred to the Committee on **EDUCATION** for Public Hearing and ordered printed.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **EDUCATION** and **ORDERED PRINTED**.

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

The Bill referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence.

Pursuant to Resolve
COMMISSION TO STUDY TRESPASS LAWS
The **COMMISSION TO STUDY TRESPASS LAWS**, pursuant to Resolve 1995, chapter 53 asks leave to submit its findings and report, pursuant to Joint Rule 20, that the accompanying Bill "An Act to Clarify the Landowner Liability Laws"

H.P. 1245 L.D. 1707

Be referred to the Committee on **JUDICIARY** for Public Hearing and ordered printed.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

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

The Bill referred to the Committee on **JUDICIARY**, in concurrence.

Pursuant to Resolve
COMMISSION TO STUDY TRESPASS LAWS
The **COMMISSION TO STUDY TRESPASS LAWS**, pursuant to Resolve 1995, chapter 53 asks leave to submit its findings and report, pursuant to Joint Rule 20, that the accompanying Bill "An Act to Amend the Laws Relating to Recovery for Property Damage"

H.P. 1246 L.D. 1708

Be referred to the Committee on **JUDICIARY** for Public Hearing and ordered printed.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

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

The Bill referred to the Committee on **JUDICIARY**, in concurrence.

Pursuant to Resolve

TASK FORCE ON ALCOHOLIC BEVERAGE SALES

The **TASK FORCE ON ALCOHOLIC BEVERAGE SALES**, pursuant to Resolve 1995, chapter 54, section 6 asks leave to submit its findings and report, pursuant to Joint Rule 20, that the accompanying Bill "An Act to Implement the Recommendations of the Task Force on Alcoholic Beverage Sales" (Emergency)

H.P. 1244 L.D. 1706

Be referred to the Committee on **LEGAL AND VETERANS AFFAIRS** for Public Hearing and ordered printed.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **LEGAL AND VETERANS AFFAIRS** and **ORDERED PRINTED**.

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

The Bill referred to the Committee on **LEGAL AND VETERANS AFFAIRS**, in concurrence.

On motion by Senator **CAREY** of Kennebec, **ADJOURNED** until Thursday, January 18, 1996, at 10:00 o'clock in the morning.