

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

DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, MAINE 04333

January 17, 1996

TO: The Honorable Jeffrey H. Butland,
President of the Senate
The Honorable Dan A. Gwadosky,
Speaker of the House

FROM: S/Wayne L. Mowatt, Ed.D., Commissioner
SUBJECT: FY 96 Report of All School Administrative
Unit State and Local Revenues

In accordance with 20-A MRSA, section 15618-A, a report of all school administrative unit state and local revenues designated for K-12 education in their FY 96 budgets has been compiled and a copy is provided for your use.

It should be noted that the amounts budgeted in the various categories may not be the same as actual expenditures for these categories, for the following reasons:

1. Some budgeted amounts may be unexpended and carried forward to the following year. The statewide balance forward, for all budget categories, is usually between 2% and 3%.
2. School administrative units which do not utilize a line-item budget may transfer funds to other categories.
3. For certain types of funds that are transferred between school administrative units (for tuition costs and for transportation and other services provided to another school administrative unit), the amount is budgeted in both school administrative units, since each unit must appropriate these funds. Since these instances cannot be netted out in the State Total Summary, the state totals will overestimate actual expenditures to some degree.

S.C. 429

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

In Senate Chamber
Tuesday
January 23, 1996
Senate called to Order by the President, Jeffrey H. Butland of Cumberland.

Prayer by the Reverend Nancy Van Dyke Platt of St. Matthews Episcopal Church, Hallowell.

REVEREND NANCY VAN DYKE PLATT: Almighty God, source of freedom, life and justice, help us to put aside our hurries and ambitions to listen to You. Lead us along the path to a freedom which has inherent in it both accountability and responsibility. Remind us daily that justice is not law on a page, but people living with people. Teach us to act on principles, not out of reaction to personalities. Save us from stubborn self will, run riot, both personal and politic, which divides not unites. Let us see one another, not as Republicans or Democrats or Independents, but as the people of Maine and as Americans. Give us, therefore, those values which shape people with honest and humble lives, for we are all public servants. Grant us, finally, an ambition and an abundance of patience, tolerance and hope to share with one another, so that what must be done right now may be done in Your time and for Your creation, be that water, earth, trees, children or the elderly. In this we dare to ask as Your children. Amen.

Pledge of Allegiance led by SENATOR RUHLIN of Penobscot.

Reading of the Journal of Thursday, January 18, 1996.

Off Record Remarks

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

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both Branches in the Hall of the House at 6:30 o'clock this evening for the purpose of extending to Governor Angus S. King, Jr., an invitation to attend the Convention and make such communication as pleases him.

S.O. 37

Which was READ and PASSED.

The President appointed the Senator from Aroostook, Senator KIEFFER to deliver the message.

Senate at Ease
Senate called to order by the President.

Off Record Remarks

COMMUNICATIONS

The Following Communication:

The Following Communication:

117TH MAINE LEGISLATURE

January 18, 1996

Senator S. Peter Mills
Representative Sharon Treat
Chairpersons
Joint Standing Committee on Judiciary
117th Legislature
Augusta, Maine 04333

Dear Senator Mills and Representative Treat:

Please be advised that Governor Angus S. King, Jr. has nominated the Honorable David B. Griffiths of Presque Isle, the Honorable Peter J. Goranites of Cumberland, the Honorable Bernard C. Staples of Bar Harbor and the Honorable Jane S. Bradley of Freeport for reappointment as Judges of the Maine District Court.

Pursuant to Title 4, MRSA Section 157, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Jeffrey H. Butland
President of the Senate
S/Dan A. Gwadosky
Speaker of the House
S.P. 671

Which was READ and referred to the Committee on JUDICIARY.
Sent down for concurrence.

The Following Communication:
117TH MAINE LEGISLATURE
January 19, 1996

Senator Philip E. Harriman
Representative G. Steven Rowe
Chairpersons
Joint Standing Committee on Business and Economic Development
117th Legislature
Augusta, Maine 04333

Dear Senator Harriman and Representative Rowe:
Please be advised that Governor Angus S. King, Jr. has nominated Elsie B. Morris of Bath for reappointment and Nathan Smith of Portland for appointment as members of the Maine State Housing Authority.

Pursuant to Title 30-A, MRSA Section 4723, these nominations will require review by the Joint Standing Committee on Business and Economic Development and confirmation by the Senate.

Sincerely,
S/Jeffrey H. Butland
President of the Senate
S/Dan A. Gwadosky
Speaker of the House
S.P. 672

Which was READ and referred to the Committee on BUSINESS AND ECONOMIC DEVELOPMENT.
Sent down for concurrence.

The Following Communication:
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, MAINE 04333
MEMORANDUM

TO: May M. Ross, Secretary of the Senate
FROM: S/Wayne L. Mowatt, Ed.D., Commissioner
DATE: January 11, 1996
SUBJECT: Report on Habitual Truants, 1994-95

In accordance with 20-A MRSA, Section 5051, I am hereby submitting our Department's annual report on habitual truants identified by school superintendents during the 1993-94 school year. A habitual truant is defined under 20-A MRSA, Section 5051 as a student who is of compulsory school age (7 to 17) who "...has attained the equivalent of ten full days of nonexcused absences or seven consecutive school days of nonexcused absences during a school year."

Additional information regarding this report can be obtained from Frank J. Antonucci, Jr., Consultant for Truancy, Dropout, and Alternative Education, at 287-5110.

S.C. 430

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

SENATE PAPERS

Bill "An Act to Promote the Health of Newborns and Their Mothers" (Emergency)

S.P. 670 L.D. 1732

Presented by Senator GOLDTHWAIT of Hancock
Cosponsored by Senators: AMERO of Cumberland, BENOIT of Franklin, BUTLAND of Cumberland, LAWRENCE of York, LONGLEY of Waldo, MCCORMICK of

Kennebec, PENDEXTER of Cumberland, PINGREE of Knox, SMALL of Sagadahoc, Representatives: AULT of Wayne, CAMERON of Rumford, DAVIDSON of Brunswick, DORE of Auburn, ETNIER of Harpswell, GOULD of Greenville, LUTHER of Mexico, MADORE of Augusta, MARVIN of Cape Elizabeth, MCELROY of Unity, MERES of Norridgewock, PINKHAM of Lamoine, PLOWMAN of Hampden, RICE of South Bristol, ROWE of Portland, SHIAH of Bowdoinham, TREAT of Gardiner

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

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.

Bill "An Act to Require the Department of Human Services to Base Eligibility for Medicaid Reimbursement for Nursing Facility Care on a Person's Entire Medical Condition" (Emergency)

S.P. 668 L.D. 1730

Presented by Senator PINGREE of Knox
Cosponsored by Representative TREAT of Gardiner and Senators: BERUBE of Androscoggin, BUSTIN of Kennebec, CAREY of Kennebec, CIANCHETTE of Somerset, CLEVELAND of Androscoggin, ESTY, JR. of Cumberland, FAIRCLOTH of Penobscot, GOLDTHWAIT of Hancock, HARRIMAN of Cumberland, LAWRENCE of York, LONGLEY of Waldo, MICHAUD of Penobscot, MILLS of Somerset, O'DEA of Penobscot, PARADIS of Aroostook, RAND of Cumberland, RUHLIN of Penobscot, Representatives: ADAMS of Portland, BENEDIKT of Brunswick, BERRY of Livermore, BRENNAN of Portland, BUNKER, JR. of Kossuth Township, CAMERON of Rumford, CHARTRAND of Rockland, CHIZMAR of Lisbon, CLARK of Millinocket, CLOUTIER of South Portland, DAGGETT of Augusta, DAVIDSON of Brunswick, DESMOND of Mapleton, DIPIETRO of South Portland, DONNELLY of Presque Isle, DORE of Auburn, ETNIER of Harpswell, FISHER of Brewer, FITZPATRICK of Durham, GERRY of Auburn, GOULD of Greenville, GREEN of Monmouth, GWADOSKY of Fairfield, HEESCHEN of Wilton, JACQUES of Waterville, JOHNSON of South Portland, JONES of Bar Harbor, JOSEPH of Waterville, KERR of Old Orchard Beach, KILKELLY of Wiscasset, KONTOS of Windham, LAFOUNTAIN, III of Biddeford, LEMAIRE of Lewiston, LEMKE of Westbrook, LOOK of Jonesboro, LUTHER of Mexico, MCALEVEY of Waterboro, MITCHELL of Vassalboro, MITCHELL of Portland, MORRISON of Bangor, PLOWMAN of Hampden, POULIOT of Lewiston, RICE of South Bristol, ROSEBUSH of East Millinocket, SAMSON of Jay, SAVAGE of Union, SAXL of Bangor, SAXL of Portland, SHIAH of Bowdoinham, SIMONEAU of Thomaston, STEVENS of Orono, TOWNSEND of Portland, TUTTLE, JR. of Sanford, TYLER of Windham, WATSON of Farmingdale, WINGLASS of Auburn
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Bill "An Act to Amend the Mass Gathering Laws"

S.P. 669 L.D. 1731

Presented by Senator PARADIS of Aroostook
Cosponsored by Representative KNEELAND of Easton and Senator: BENOIT of Franklin
Submitted by the Department of Human Services pursuant to Joint Rule 24.

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 Concerning Special Licenses in the Department of Marine Resources"

S.P. 667 L.D. 1727

Presented by Senator **BUTLAND** of Cumberland
Cosponsored by Representative: **CLOUTIER** of South
Portland

Submitted by the Department of Marine Resources
pursuant to Joint Rule 24.

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

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

Sent down for concurrence.

ORDERS OF THE DAY

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

HOUSE REPORT - THE MAINE HEALTH CARE REFORM COMMISSION pursuant to Public Law 1993, chapter 707, part AA, section 5 and Joint Rule 20, Bill "An Act to Develop the Maine Public Health Improvement Plan"

H.P. 1253 L.D. 1722

Report - Refer to the Committee on **Human Resources**
Tabled - January 18, 1996, on Motion by Senator
KIEFFER of Aroostook.

Pending - **ACCEPTANCE OF THE REPORT**.

(In House, January 18, 1996, Report **READ** and
ACCEPTED and the Bill **REFERRED** to the Committee on
HUMAN RESOURCES and **ORDERED PRINTED**.)

(In Senate, January 18, 1996, Report **READ**.)

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

The Bill **REFERRED** to the Committee on **HUMAN RESOURCES**, in concurrence.

Off Record Remarks

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

COMMUNICATIONS

The Following Communication:

117TH MAINE LEGISLATURE

January 23, 1996

Senator Mary E. Small
Representative Wendy L. Ault
Chairpersons

Joint Standing Committee on Education and Cultural
Affairs

117th Legislature

Augusta, Maine 04333

Dear Senator Small and Representative Ault:

Please be advised that Governor Angus S. King,
Jr. has nominated William M. Cohen of Bangor for
appointment and Alfred W. Kany, Jr. of Saco and
Denison Gallaudet of Cumberland for reappointment as
members of the Maine Technical College System Board
of Trustees.

Pursuant to Title 20-A, MRSA Section 12705, these
nominations will require review by the Joint Standing
Committee on Education and Cultural Affairs and
confirmation by the Senate.

Sincerely,
S/Jeffrey H. Butland
President of the Senate
S/Dan A. Gwadosky
Speaker of the House
S.P. 675

Which was **READ** and referred to the Committee on
EDUCATION AND CULTURAL AFFAIRS.

Sent down for concurrence.

The Following Communication:

117TH MAINE LEGISLATURE

January 23, 1996

Senator Charles M. Begley
Representative Pamela H. Hatch
Chairpersons
Joint Standing Committee on Labor
117th Legislature
Augusta, Maine 04333

Dear Senator Begley and Representative Hatch:

Please be advised that Governor Angus S. King,
Jr. has nominated Grover B. MacLaughlin of Orono for
reappointment as a member of the Maine State
Retirement System Board of Trustees.

Pursuant to Title 5, MRSA Section 17102, this
nomination will require review by the Joint Standing
Committee on Labor and confirmation by the Senate.

Sincerely,
S/Jeffrey H. Butland
President of the Senate
S/Dan A. Gwadosky
Speaker of the House
S.P. 676

Which was **READ** and referred to the Committee on
LABOR.

Sent down for concurrence.

Senator **BUSTIN** of Kennebec was granted unanimous
consent to address the Senate off the Record.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

At this point the Senator from Aroostook, Senator
KIEFFER, reported that he had delivered the message
with which he was charged.

At this point, a message was received from the
House of Representatives, borne by Representative
WHITCOMB of Waldo, informing the Senate that the
House concurred in the proposition for a Joint
Convention, to be held in the Hall of the House at
6:30 o'clock, for the purpose of extending to
Governor Angus S. King, Jr., an invitation to attend
the Convention and make such communication as pleases
him.

On motion by Senator **BUSTIN** of Kennbec, **RECESSED**
until 6:25 o'clock this evening.

After Recess
Senate called to order by the President.

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

**AFTER CONVENTION
IN SENATE**
Senate called to order by the President.

Off Record Remarks

On motion by Senator LAMRENCE of York, **ADJOURNED** until Thursday, January 25, 1996 at 9:30 o'clock in the morning.