

# MAINE STATE LEGISLATURE

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**Senate Legislative Record**  
**One Hundred and Eighteenth Legislature**  
**State of Maine**

**Volume 1**

**First Regular & Special Session**  
**December 6, 1996 to May 19, 1997**

**Pages 1 - 980**

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

In Senate Chamber  
Thursday  
January 9, 1997

Senate Called to Order by the President, Mark W. Lawrence of York.

Prayer by Reverend Victor Stanley of the First Baptist Church in Gardiner.

**REVEREND VICTOR STANLEY:** Let us pray. Gracious God I thank You for these women and men who are here on this beautiful day, to serve the people of Maine. Bless them in every possible way. We thank You for Your blessing upon our State that gives us pride in the past, hope for the future, and peace, joy and laughter in the present. We pray for the people of our State, family, friends and neighbors. May our words and actions strengthen and encourage one another as we attempt to bring the vision of Your kingdom to the reality of today. This is our humble prayer. Amen.

Doctor of the Day, John Saucier, M.D., Yarmouth.

Reading of the Journal of Tuesday, January 7, 1997.

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Preserve the Life of Viable Fetuses"

H.P. 7 L.D. 4

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

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

Bill "An Act to Amend the Election Laws Concerning Vacancies in the Office of State Representative"

H.P. 8 L.D. 5

Bill "An Act to Allow the Town of Old Orchard Beach to Operate High-stakes Beano"

H.P. 10 L.D. 7

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

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

Bill "An Act to Allow County Commissioners to Serve on the Maine Land Use Regulation Commission" (Emergency)

H.P. 9 L.D. 6

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**, and **ORDERED PRINTED**, in concurrence.

**Pursuant to Public Law  
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to MRSA Title 17-A, Section 1354, subsection 2, asked leave to report that the accompanying Bill "An Act to Amend the Criminal Code Concerning the Crime of Assault on an Officer"

H.P. 13 L.D. 9

Be referred to the Committee on **CRIMINAL JUSTICE** for Public Hearing and printed pursuant to Joint Rule 218.

Comes from the House, with the Report **READ** and **ACCEPTED**. 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** and **ORDERED PRINTED**, in concurrence, pursuant to Joint Rule 218.

**Pursuant to Public Law  
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to MRSA Title 17-A, Section 1354, subsection 2, asked leave to report that the accompanying Bill "An Act to Amend the Laws Specifying When an Indictment in a Criminal Case Is Not Required"

H.P. 12 L.D. 8

Be referred to the Committee on **JUDICIARY** for Public Hearing and printed pursuant to Joint Rule 218.

Comes from the House, with the Report **READ** and **ACCEPTED**. 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 **CRIMINAL JUSTICE** and **ORDERED PRINTED**, in concurrence, pursuant to Joint Rule 218.

**Joint Order**

The following Joint Order: H.P. 5

**Ordered**, the Senate concurring, that Joint Rule 208 be amended as follows:

**Rule 208. Requirements for Drafting.**

A request for a bill or resolve filed with the Revisor of Statutes is considered complete when the request is properly titled and accompanied by sufficient instructions, information and data required for its preparation. Drafts prepared by an outside source must be filed in final form by the appropriate cloture date.

When directed by the sponsor, the Revisor of Statutes shall prepare a bill or resolve in concept form. The bill or resolve shall contain only an enacting clause and a summary of the proposed legislation and shall not be fully drafted by the Revisor of Statutes. The bill or resolve prepared in this form shall be printed and referred to a committee in the same manner as other legislation and may be reported by that committee in the same manner as other legislation. This method of drafting legislation is not allowed for legislation submitted by the Governor, by agencies or departments of state government, by study commissions, or pursuant to statute. Any request for a bill or resolve submitted after cloture must state if it is a request for a concept draft.

Any committee amendment must be germane to the detailed summary of the concept draft. This paragraph of Joint Rule 208 shall have a sunset date of March 1, 1997. This sunset date may be extended by a majority vote of both branches of the Legislature.

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

Which was **READ**.

On motion by Senator **PINGREE** of Knox, **TABLED**, until Later in Today's Session, pending, **PASSAGE**.

Senate at Ease

Senate called to order by the President.

**COMMUNICATIONS**

The Following Communication: S.C. 13

**MAINE STATE LEGISLATURE  
AUGUSTA, MAINE 04333**

December 27, 1996

Honorable Mark W. Lawrence    Honorable Elizabeth H. Mitchell,  
President of the Senate        Speaker of the House  
3 State House Station        2 State House Station  
Augusta, Maine 04333        Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell,

Public Law of 1995, Chapter 651, "An Act to Improve and Expand the Functions of the Department of Audit," was enacted by the Second Regular Session of the 117th Legislature. Among other things, this legislation required the Department of Audit to prepare a proposal to consolidate all of the audits of state financial records and to examine staffing levels in the Bureau of Accounts and Control related to financial reporting. The legislation went on to require some periodic progress reports and a final report on each issue to be submitted to the Joint Standing Committee on Appropriations and Financial Affairs no later than December 1, 1996.

State Auditor Rodney Scribner attended the last meeting of the 117th Legislature's Appropriations Committee, held on November 25, 1996, and told that committee that the Department of Audit would not be able to make the December 1st deadline. Mr. Scribner requested a 45-day extension to the deadline. Members of that Committee stated there was nothing they, as one committee of the Legislature, could do to waive or alter the reporting requirement.

The co-chairs of the 117th Appropriations' Committee asked us to write to you, the new presiding officers, in order to:

- 1) inform you of the missed deadline; and
- 2) seek your input on how to handle the past State Auditor's request for a 45-day reporting extension (to approximately January 15, 1997).

If it meets with your approval we would propose to amend the C. 651 reporting deadlines retroactively in the "Emergency FY 97 Budget" bill we expect from the Administration. The additional 45 days will allow the Department to complete its analyses and will also allow State Auditor Gail Chase to review their findings in advance of the report's submittal to the 118th Legislature.

We look forward to your input on this issue. Please call if you have any questions or need additional information.

Sincerely,

S/Michael H. Michaud,  
Senate Chair

S/George J. Kerr,  
House Chair

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

The Following Communication: S.C. 14

The Following Communication: S.P. 42

**STATE OF MAINE  
DEPARTMENT OF EDUCATION  
23 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0023**

**STATE OF MAINE  
DEPARTMENT OF EDUCATION  
23 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0023**

January 7, 1997

Honorable Mark W. Lawrence, President of the Senate  
State House  
Augusta, ME 04333

**TO:** The Honorable Mark W. Lawrence,  
President of the Senate

The Honorable Elizabeth H. Mitchell,  
Speaker of the House

**FROM:** J. Duke Albanese, Commissioner

**DATE:** December 18, 1996

**RE:** FY 97 Report of All School Administrative Unit State  
and Local Revenues

Dear President Lawrence:

I am transmitting, as a courtesy, the most recent draft of Maine's education standards, referred to as Learning Results, to each member of the 118th Legislature. The new draft represents the work of hundreds of educators, parents, and other community members who have worked tirelessly over the last eight months to improve the Learning Results. Their work has already been reviewed and commented upon, in writing, by over 2,500 Maine educators and citizens.

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 97 budgets has been compiled and a copy is provided for your use.

As you will recall, the 117th Legislature adopted Public Law 1996, chapter 649, which establishes a system of Learning Results consisting of high academic standards in eight areas for all Maine students. The law requires the Joint Standing Committee on Education, the State Board of Education, and the Department of Education to jointly review and, if necessary, redraft the content standards and student performance indicators introduced as part of the Learning Results in the 117th Legislature. Following the review, the State Board and the Department are required to provisionally adopt the Learning Results through the rulemaking process.

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:

In accordance with the rulemaking process, the Department and the State Board have scheduled public hearings around the state during the week of January 13th, 1997 (see schedule below) to gather public input prior to provisional adoption of the Learning Results. Following the hearings and a public comment period that extends from January 13 to January 27, the Department and the State Board will provisionally adopt the Learning Results in late February and introduce them to the Legislature for final approval, where the public will again have an opportunity to examine the Learning Results through the Legislature's public hearing process.

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.
4. The budget information for the town of Fayette is not included because the town of Fayette has not submitted the necessary data to the Department of Education.

Approximately 10,000 copies of the attached draft of the Learning Results have been distributed to educators and other members of the public for review prior to the statewide public hearings next week. My hope is that Legislators will carefully review the new draft and actively participate in the statewide dialogue on Learning Results that has been going on since 1993. The State Board of Education and the Department of Education would be happy to answer any questions or provide additional information at any member's request.

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

Thank you for your assistance in disseminating the Learning Results.

Sent down for concurrence.

Schedule:

Monday, January 13, 1997 Brunswick - Brunswick High School  
 Waterville - Waterville High School \*  
 Tuesday, January 14, 1997 Portland - Portland Arts & Tech High \*  
 South Paris - Oxford Hills High School  
 Wednesday, January 15, 1997 Auburn - Edward Little High School  
 Hermon - Hermon High School \*  
 Kennebunk - Kennebunk High School \*  
 Thursday, January 16, 1997 Caribou - Caribou High School \*  
 Machias - Machias High School  
 \*Sign Language Interpreting Services Provided

DATE: November 27, 1996  
 RE: Actual Education Costs for Base Year 1995-96

Pursuant to the provisions of 20-A MRSA section 15604, I am providing notification of the "actual education costs" as defined in subsection 1, of 20-A MRSA section 15604 for the base year 1995-96.

Sincerely,  
 S/J. Duke Albanese  
 Commissioner of Education

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

The Following Communication: S.C. 16

**118TH MAINE LEGISLATURE**

08 January 1997

Hon. Joy J. O'Brien  
 Secretary of the Senate  
 #3 State House Station  
 Augusta, Maine 04333

Dear Secretary O'Brien:

Please consider this as notification that we have reappointed Senator Jill Goldthwait of Hancock to serve as the legislative member on the Atlantic States Marine Fisheries Commission. This appointment is pursuant to our authority under Title 12 MRSA, Section 4603.

Sincerely,

S/Mark W. Lawrence S/Elizabeth H. Mitchell  
 President of the Senate Speaker of the House

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

The Following Communication: S.C. 15

**STATE OF MAINE  
 DEPARTMENT OF EDUCATION  
 23 STATE HOUSE STATION  
 AUGUSTA, MAINE  
 04333-0023**

TO: Members of the 118th Legislature  
 Bureau of the Budget

FROM: J. Duke Albanese, Commissioner

A.	Operating costs	
(1)	Elementary	\$566,333,847
(2)	Secondary	290,857,058
B.	Special education costs for programs operated by administrative units	110,857,296
C.	Special education tuition and board excluding medical costs	30,039,662
(1)	Tuition and board for pupils placed by administrative units	\$11,993,880
(2)	Tuition and board for State Wards and special education pupils placed directly by the State	5,574,145
(3)	Adjustments under section 15612, subsection 6 (Special Education Hardship grants)	0
(4)	Cost to the State for state agency clients (section 15613 subsection 5)	10,997,636
(5)	Adjustments under section 15612, subsection 11 (Out-of-District Placement Adjustment)	1,474,000
D.	Vocational education costs	23,256,351
E.	Transportation operating costs	60,890,490
F.	Bus Purchases	
(1)	Purchase of Buses-Regular Approvals	4,305,664
G.	Debt Service Costs	
(1)	Principal and Interest	62,833,501
(2)	Insured Value Factor	2,057,955
(3)	Leased (approved)	5,650,730
(4)	Other major capital costs	2,422,796
H.	Cost of reimbursement for private school services	201,000
I.	Cost of state expenditure for teacher retirement benefits	127,425,266
J.	Early childhood educational programs	327,937

These expenditures are from state and local monies only, except that Federal P.L. 81-874 (Impact Aid) funds are included.

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

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**SENATE PAPERS**

Bill "An Act to Grandfather Ambulance Attendants from Additional Rulemaking"

S.P. 34 L.D. 32

Presented by Senator LIBBY of York  
Cosponsored by Representatives: NASS of Acton, MCALEVEY of Waterboro

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

Sent down for concurrence.

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Bill "An Act to Criminalize Certain Photographing of Children"

S.P. 38 L.D. 36

Presented by Senator SMALL of Sagadahoc  
Cosponsored by Representative PEAVEY of Woolwich and Senators: HARRIMAN of Cumberland, MITCHELL of Penobscot, Representative: MCALEVEY of Waterboro

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

Sent down for concurrence.

---

Bill "An Act to Clarify the School Budget Approval Process"

S.P. 26 L.D. 24

Presented by Senator MILLS of Somerset

Bill "An Act to Permit Schools to Allow Credit toward a High School Diploma for Paid Driver Education Courses"

S.P. 39 L.D. 37

Presented by Senator MICHAUD of Penobscot

Bill "An Act to Exempt Schools with One Teacher from Continued Contracts for Teachers"

S.P. 40 L.D. 38

Presented by Senator GOLDTHWAIT of Hancock

Cosponsored by Representative VOLENIK of Brooklin and Senators: AMERO of Cumberland, PINGREE of Knox, Representative: JONES of Bar Harbor

Which were referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and **ORDERED PRINTED**.

Sent down for concurrence.

---

Bill "An Act Regarding Funding for the Extended Responsibilities of the Department of Inland Fisheries and Wildlife"

S.P. 19 L.D. 17

Presented by Senator RUHLIN of Penobscot  
Cosponsored by Representative PAUL of Sanford and , Representatives: CAMPBELL of Holden, DAVIDSON of Brunswick, DUNLAP of Old Town, JONES of Bar Harbor, PERKINS of Penobscot, PINKHAM of Lamoine

Bill "An Act to Designate 2 Weekends When a Person May Fish without a License"

S.P. 24 L.D. 22

Presented by Senator HALL of Piscataquis

Bill "An Act to Clarify Use of Tree Stands"

S.P. 28 L.D. 26

Presented by Senator HALL of Piscataquis

Which were referred to the Committee on **INLAND FISHERIES AND WILDLIFE** and **ORDERED PRINTED**.

Sent down for concurrence.

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Bill "An Act to Amend the Laws Governing Admission to Mental Health Institutions"

S.P. 25 L.D. 23

Presented by President LAWRENCE of York (By Request)

Resolve, to Extend the Reporting Deadline of the Task Force on Tribal-State Relations (Emergency)

S.P. 27 L.D. 25

Presented by Senator TREAT of Kennebec

Bill "An Act to Amend the Wrongful Death Laws"

S.P. 31 L.D. 29

Presented by Senator LAFOUNTAINIII of York

Cosponsored by Representative LEMAIRE of Lewiston and Senators: NUTTING of Androscoggin, TREAT of Kennebec, Representatives: AHEARNE of Madawaska, LEMKE of Westbrook, WATSON of Farmingdale

Bill "An Act to Exclude Intentional Tort Claims from the Application of the Maine Workers' Compensation Act of 1992"

S.P. 32 L.D. 30

Presented by Senator LAFOUNTAIN III of York  
Cosponsored by Representative DAVIDSON of Brunswick and Senator: TREAT of Kennebec, Representatives: LEMAIRE of Lewiston, MCALEVEY of Waterboro, WATSON of Farmingdale

Bill "An Act to Prohibit the Photographing or Transmittal of Jury Deliberations"

S.P. 37 L.D. 35

Presented by Senator LIBBY of York

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

Sent down for concurrence.

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Bill "An Act to Clarify the Law Concerning Evictions from Mobile Home Parks" (Emergency)

S.P. 22 L.D. 20

Presented by Senator FERGUSON, JR. of Oxford  
Cosponsored by Representative CHIZMAR of Lisbon

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

Sent down for concurrence.

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Resolve, to Name the Body of Water on Route 27 in Coburn Gore "Fabian's Dunk"

S.P. 15 L.D. 13

Presented by Senator CAREY of Kennebec

Bill "An Act to Allow Municipalities to Advertise Public Legal Notices in Weekly Papers"

S.P. 18 L.D. 16

Presented by Senator LIBBY of York

Bill "An Act to Require That a Vacancy in the Office of Sheriff Be Filled by an Appointee from the Same Political Party"

S.P. 33 L.D. 31

Presented by Senator FERGUSON, JR. of Oxford

Cosponsored by Representative BUNKER, JR. of Kossuth Township and Senator: NUTTING of Androscoggin

Bill "An Act to Change the Selection Process and Qualifications for State Auditor"

S.P. 35 L.D. 33

Presented by Senator AMERO of Cumberland  
Cosponsored by Representative DONNELLY of Presque Isle and Senators: FERGUSON, JR. of Oxford, GOLDTHWAIT of Hancock, HARRIMAN of Cumberland, KIEFFER of Aroostook, Representatives: FISK, JR. of Falmouth, GIERINGER, JR. of Portland

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Process for the Selection of the State Treasurer

S.P. 36 L.D. 34

Presented by Senator AMERO of Cumberland  
Cosponsored by Representative DONNELLY of Presque Isle and Senators: FERGUSON, JR. of Oxford, GOLDTHWAIT of Hancock, HARRIMAN of Cumberland, KIEFFER of Aroostook, LIBBY of York, Representatives: FISK, JR. of Falmouth, GIERINGER, JR. of Portland

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

Sent down for concurrence.

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Bill "An Act to Clarify the Law Governing Property Tax Exemptions for Charitable and Benevolent Institutions and Literary and Scientific Institutions" (Emergency)

S.P. 13 L.D. 11

Presented by Senator CAREY of Kennebec

Bill "An Act to Clarify Tax-exempt Status of Rental Inventory"

S.P. 14 L.D. 12

Presented by Senator CAREY of Kennebec

Bill "An Act to Exempt the Sale of Horses from the Sales Tax"

S.P. 16 L.D. 14

Presented by Senator LIBBY of York

Bill "An Act to Exempt Churches from the Real Estate Transfer Tax"

S.P. 17 L.D. 15



Presented by Senator LIBBY of York

Bill "An Act to Give a Small Business Employer Health Benefit Tax Relief"

S.P. 20 L.D. 18

Presented by Senator RUHLIN of Penobscot  
Cosponsored by Representative FISHER of Brewer and Senators: CAREY of Kennebec, PARADIS of Aroostook, Representatives: BUCK of Yarmouth, KANE of Saco, PAUL of Sanford, PERRY of Bangor, TRIPP of Topsham

Bill "An Act to Provide an Income Tax Deduction for the Home Health Care of Relatives"

S.P. 21 L.D. 19

Presented by Senator RUHLIN of Penobscot  
Cosponsored by Representative FISHER of Brewer and Senator: PARADIS of Aroostook, Representatives: BUCK of Yarmouth, KANE of Saco, PAUL of Sanford, PERRY of Bangor, TRIPP of Topsham

Resolve, Authorizing Reimbursement to John Calley for Expenses Incurred as a Result of an Overassessment of Sales Tax

S.P. 23 L.D. 21

Presented by Senator FERGUSON, JR. of Oxford  
Cosponsored by Representative TRUE of Fryeburg and

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

Sent down for concurrence.

Bill "An Act to Broaden the Requirements for Special Veterans Registration Plates"

S.P. 29 L.D. 27

Presented by Senator LAFOUNTAIN III of York  
Cosponsored by Representative MCALEVEY of Waterboro and Senator: TREAT of Kennebec, Representatives: LEMAIRE of Lewiston, MADORE of Augusta, WATSON of Farmingdale

Bill "An Act to Create Silver Star and Bronze Star License Plates"

S.P. 30 L.D. 28

Presented by Senator LAFOUNTAIN III of York  
Cosponsored by Representatives: DAVIDSON of Brunswick, LEMAIRE of Lewiston, MADORE of Augusta, MCALEVEY of Waterboro, WATSON of Farmingdale

Which was referred to the Committee on TRANSPORTATION and ORDERED PRINTED.

Sent down for concurrence.

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

Off Record Remarks

**ORDERS**

**Joint Resolution**

On motion by Senator DAGGETT of Kennebec (Cosponsored by Speaker MITCHELL of Vassalboro, President LAWRENCE of York, Representatives MADORE of Augusta, O'BRIEN of Augusta, CAMERON of Rumford, Senator: FERGUSON of Oxford) the following Joint Resolution:

S.P. 41

**JOINT RESOLUTION HONORING  
RODNEY L. SCRIBNER  
ON THE OCCASION OF HIS RETIREMENT**

WHEREAS, the State Auditor is elected by joint ballot of the Legislature and heads the Department of Audit, which has a variety of duties, such as performing postaudits of all accounts of State Government, county governments and under certain circumstances, municipal and quasi-municipal governments; reviews departmental budgets and capital programs; and serves as staff agency to the Legislature; and

WHEREAS, Rodney L. Scribner, a native of Rumford, Maine, is finishing his 3rd 4-year term as State Auditor after a successful career as Deputy Director of the Federal Revenue Sharing Program in President Carter's administration and as Commissioner of Finance and Administration, State Treasurer, State Budget Officer, State Controller, Legislative Finance Officer, Acting Commissioner of Indian Affairs and a member of the House of Representatives; and

WHEREAS, Rodney L. Scribner, a graduate of the Maine Maritime Academy, has served in the United States Navy and the Merchant Marine, has been awarded the Inspector General's Integrity Award from the federal Department of Health and Human Services and has been awarded both the state and the national Public Service Award from the American Institute of Certified Public Accountants; and

WHEREAS, it is the desire of the Members of the Senate and the Members of the House of Representatives and the citizens they represent to formally recognize the accomplishments of the State Auditor, Rodney L. Scribner, on the occasion of his

retirement, and to express the high esteem and affection in which he is held; now, therefore, be it

RESOLVED: That We, the Members of the 118th Legislature now assembled in the First Regular Session, take this opportunity to honor State Auditor Rodney L. Scribner, to recognize his distinguished service to the people of the State of Maine over many years and to offer our congratulations and very best wishes for the future; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be presented to Rodney L. Scribner as a tangible token of our high esteem.

Which was **READ** and **ADOPTED**.

Sent down for concurrence.

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

Senator **PINGREE** of Knox was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

**ORDERS**

**Joint Order**

On motion by Senator **PINGREE** of Knox the following Joint Order:

S.P. 43

**ORDERED**, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 14, 1997, at 3:00 in the afternoon.

Which was **READ** and **PASSED**.

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act Concerning Submission of the Legislative Budget within the Unified Budget Document"  
H.P. 48 L.D. 73

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$8,000,000 for Reconstruction, Renovations and Safety Improvements at the Governor Baxter School for the Deaf"  
H.P. 60 L.D. 85

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

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

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act to Aid Enforcement of the Laws Regarding Mandatory Insurance for Motor Vehicles"  
H.P. 87 L.D. 112

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

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

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act to Amend the Unclaimed Property Act"  
H.P. 89 L.D. 114

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** and **ORDERED PRINTED**, in concurrence.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act Concerning the Responsibility of Prisoners for Family Support"  
H.P. 22 L.D. 47

Bill "An Act to Increase the Fee That May Be Assessed against a Prisoner to Help Defray the Costs of Incarceration"  
H.P. 31 L.D. 56

Bill "An Act to Provide Reimbursement to Counties for Persons Jailed on Probation Revocations" (Emergency)  
H.P. 39 L.D. 64

Bill "An Act to Amend the Laws Regarding Reimbursement to the Counties for Community Corrections"  
H.P. 40 L.D. 65

Bill "An Act to Prohibit a Juvenile from Pleading to a Reduced Juvenile Crime"  
H.P. 44 L.D. 69

Bill "An Act to Increase the Period of Probation for Sex Offenders"  
H.P. 49 L.D. 74

Bill "An Act Concerning Prisoner Participation in Public Works Projects"  
H.P. 70 L.D. 95

Bill "An Act Concerning Threatening the Use of Deadly Force Against a Law Enforcement Officer Engaged in Carrying out Public Duty"  
H.P. 79 L.D. 104

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Encourage Art Education in the State"  
H.P. 29 L.D. 54

Bill "An Act to Provide for the Position of President of the University of Maine System"  
H.P. 42 L.D. 67

Resolve, to Require the Department of Education to Study and Make Recommendations to Alleviate Sexual Harassment in Schools  
H.P. 65 L.D. 90

Bill "An Act Regarding Balances Remaining in General Purpose Aid for Local Schools"  
H.P. 73 L.D. 98

Bill "An Act to Require Elementary and Secondary School Teachers to Be Certified in Cardiopulmonary Resuscitation and Basic First Aid"  
H.P. 75 L.D. 100

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Resolve, Establishing the Commission to Review the Effectiveness of Statewide Confidentiality Laws Dealing with the Care of People with Mental Illness  
H.P. 81 L.D. 106

Bill "An Act to Amend the Criteria for Reimbursement by the Medicaid Program for Nursing Facility Residents" (Emergency)

H.P. 83 L.D. 108

Come from the House, referred to the Committee on **HEALTH AND HUMAN SERVICES** and **ORDERED PRINTED**.

Which were referred to the Committee on **HEALTH AND HUMAN SERVICES** and **ORDERED PRINTED**, in concurrence.

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

**PAPERS FROM THE HOUSE**

**House Papers**

(Bill "An Act to Allow Bow Hunters to Take a Deer during Bow Hunting Season in Addition to the Deer Allowed during Firearm Season"

H.P. 28 L.D. 53

Bill "An Act to Lower the Age for Free Fishing and Hunting Licenses"

H.P. 43 L.D. 68

Bill "An Act to Improve the State's Moose Hunt"

H.P. 56 L.D. 81

Bill "An Act to Allow Field Testing of Unregistered Snowmobiles Repaired by Licensed Snowmobile Repair Shops"

H.P. 57 L.D. 82

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Strengthen the Laws Governing the Failure to Preserve the Life of a Live-born Person"

H.P. 32 L.D. 57

Bill "An Act to Require Reimbursement to Counties for Services Rendered by County Law Enforcement Officers" (Emergency)

H.P. 36 L.D. 61

Bill "An Act to Amend the Uniform Health Care Decisions Law"

H.P. 51 L.D. 76

Resolve, to Create a Task Force to Study the Adequacy of the Laws Regarding Involuntary Commitment

H.P. 80 L.D. 105

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

Which were referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**, in concurrence.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Provide for the Collection of Data Relating to the Risks from Exposure to Chemicals in the Workplace"

H.P. 35 L.D. 60

Bill "An Act to Prohibit an Employer from Hiring Replacement Workers During a Strike"

H.P. 41 L.D. 66

Bill "An Act to Provide that the Change in Calculation of Workers' Compensation Benefits to Include Fringe Benefits Does Not Apply Retroactively"

H.P. 50 L.D. 75

Bill "An Act to Clarify Eligibility for State Employee Health Insurance Program Benefits" (Emergency)

H.P. 61 L.D. 86

Bill "An Act to Exempt Seasonal Golf Course Employees from the Unemployment Compensation Laws"

H.P. 71 L.D. 96

Bill "An Act to Allow Public Safety Employees to Purchase Their Military Time for Retirement Purposes"

H.P. 76 L.D. 101

Bill "An Act to Prohibit the Employment of Professional Strikebreakers"

H.P. 88 L.D. 113

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Authorize Actions under the Unfair Trade Practices Act Regarding Habitability of Dwelling Units"

H.P. 34 L.D. 59

Bill "An Act Regarding the Timely Filing of Campaign Reports by Candidates for State Office"

H.P. 47 L.D. 72

Bill "An Act to Restrict the Size of Political Signs"

H.P. 54 L.D. 79

Bill "An Act to Prohibit the Gathering of Signatures at a Polling Place"

H.P. 64 L.D. 89

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Extend the Closed Season on Scallop Harvesting in a Certain Area of this State"

H.P. 27 L.D. 52

Bill "An Act to Repeal the Requirement That Lobster Traps Have Tags"

H.P. 68 L.D. 93

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Clarify the Authority of County Commissioners to Close Roads for Winter in the Unorganized Territories" (Emergency)

H.P. 14 L.D. 39

Bill "An Act to Require Appointment of a County Commissioner Whose District Includes Unorganized and Deorganized Areas to the Maine Land Use Regulation Commission"

H.P. 15 L.D. 40

Bill "An Act to Raise the Fee for Congressional and Legislative Registration Plates"

H.P. 19 L.D. 44

Bill "An Act to Increase the Fees for Attachment of Real Estate and Personal Property"

H.P. 20 L.D. 45

Bill "An Act to Change the Method for Setting Wages for Deputies"

H.P. 37 L.D. 62

Bill "An Act Concerning Dangerous Buildings in the Unorganized Territories"

H.P. 38 L.D. 63

Bill "An Act to Return a Certain Parcel of Land to Hartland from Pittsfield"

H.P. 46 L.D. 71

Bill "An Act to Change the Budgeting Process for York County"

H.P. 52 L.D. 77

Bill "An Act to Amend the Laws Requiring Notification for Public Hearings Concerning Ordinance Changes"

H.P. 58 L.D. 83

Bill "An Act to Reduce the Meal Allowance for Legislators from \$32 to \$16"

H.P. 59 L.D. 84

Bill "An Act to Clarify That a Town's Mooring Ordinance May Grandfather Existing Commercial or Noncommercial Moorings"

H.P. 63 L.D. 88

Bill "An Act to Establish State Auditor As an Appointed Position"

H.P. 67 L.D. 92

Bill "An Act Concerning the Format of Legislative Documents"

H.P. 74 L.D. 99

Bill "An Act to Make Legislative Information Available through the Internet"

H.P. 78 L.D. 103

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Repeal the Ability of Municipalities to Set Off Money Due against Taxes Owed"  
H.P. 16 L.D. 41

Bill "An Act to Decrease the State's Share of Real Estate Transfer Tax"  
H.P. 18 L.D. 43

Bill "An Act to Provide a State Income Tax Deduction for Rent"  
H.P. 33 L.D. 58

Bill "An Act to Provide a State Income Tax Credit for the Costs of Health Insurance Paid by Individuals"  
H.P. 45 L.D. 70

Bill "An Act to Include Slide-in Truck Campers in Property That May Be Included in the Trade-in Allowance Credit"  
H.P. 62 L.D. 87

Bill "An Act to Obtain Additional Funding for the Snowmobile Trail Fund, Law Enforcement and Snowmobile Safety Programs and Safety Training by Obtaining Revenue from Sales Tax Directly Related to Snowmobile and Accessory Sales"  
H.P. 66 L.D. 91

Bill "An Act to Authorize a Local Option Tax on Lodging and Meals in Hancock County to Fund the Ellsworth Convention and Trade Show Center"  
H.P. 69 L.D. 94

Bill "An Act Concerning the Taxation of Manufactured Homes That Are Stock-in-trade"  
H.P. 72 L.D. 97

Bill "An Act to Require Public Utilities to Pay Excise Tax on Motor Vehicles to the Town in Which the Motor Vehicle is Permanently Stationed"  
H.P. 82 L.D. 107

Bill "An Act to Exempt Capital Gains from the Maine Income Tax"  
H.P. 86 L.D. 111

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Allow Veterans to Get Vanity Veteran License Plates"  
H.P. 17 L.D. 42

Bill "An Act to Require Confidentiality of Law Enforcement Officers Involved in Motor Vehicle Accidents"  
H.P. 21 L.D. 46

Bill "An Act to Allow Escorts of Certain Motor Vehicles by Any Police Officer"  
H.P. 23 L.D. 48

Bill "An Act to Clarify the Authority of the Department of Transportation to Designate Truck Routes"  
H.P. 25 L.D. 50

Resolve, to Name the South Warren Bridge in Memory of James Andrew "Drew" Griffith  
H.P. 26 L.D. 51

Bill "An Act to Require Disclosure of Insurer on Motor Vehicle Registrations"  
H.P. 30 L.D. 55

Bill "An Act to Increase the Fee for Car Inspections"  
H.P. 53 L.D. 78

Bill "An Act to Repeal the Mandatory Driver Education Course"  
H.P. 77 L.D. 102

Bill "An Act to Eliminate the Fine for Exceeding the Axle Weight Limit"  
H.P. 84 L.D. 109

Bill "An Act to Exempt the American Legion from Certificates of Title and Registration Fees" (Emergency)  
H.P. 85 L.D. 110

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

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

Senate at Ease

Senate called to order by the President.

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On motion by Senator **PINGREE** of Knox,  
**ADJOURNED**, pursuant to the Joint Order, until  
Tuesday, January 14, 1997, at 3:00 in the afternoon.