

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

Volume 1

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Pages 1 - 980

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

In Senate Chamber
Thursday
January 23, 1997

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

Prayer by Reverend Mary Ann Taylor of St. James Episcopal Church in Orono.

REVEREND MARY ANN TAYLOR: Blessed are You, God of the universe. You have created us and given us life. Blessed are You, God of the planet earth. You have set our world like a radiant jewel in the heavens, and filled it with action, beauty, suffering, struggle and hope. Blessed are You, God of the State of Maine in all the peoples who live here, in all the lessons we have learned, in all that remains for us to do.

Spirit of justice, Creator Spirit; help us to make and keep this State a home for all its different peoples. Grant to our government and all its representatives imagination, skill and energy so that harmony and peace may grow among us.

Eternal God, Fount of wisdom; we ask You to bless these senators; grant that through their discussions and decisions we may solve our problems effectively, enhance the well being of the State of Maine, and achieve together a fairer and more united society. You are the God of nations; You are our God. Amen.

Doctor of the Day, Paul M. Cox, M.D., Cumberland.

Reading of the Journal of Tuesday, January 21, 1997.

Out of Order and under suspension of the Rules, on motion by Senator **PINGREE** of Knox the following Joint Order:
S.P. 153

ORDERED, the House concurring, that when the House and Senate Adjourn they do so until Tuesday, January 28, 1997, at 3:00 in the afternoon.

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

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 19

**THE SENATE OF MAINE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

January 21, 1997

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

Dear Madam Secretary:

Pursuant to my authority under M.R.S.A. 38, § 1453, I have made the following appointments to the Advisory Commission on Radioactive Waste:

Senator Richard J. Carey of Kennebec (reappointment)
Senator Sharon Treat of Kennebec
Senator Norman K. Ferguson, Jr. of Oxford
Steven Keegan of Kennebunk (reappointment)

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Mark W. Lawrence
President of the Senate

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

SENATE PAPERS

Bill "An Act to Allow the Maine Forest Service to Retain Funds from the Sale of Real Estate" S.P. 117 L.D. 396

Presented by Senator KILKELLY of Lincoln
Cosponsored by Representative KNEELAND of Easton and
Senators: KIEFFER of Aroostook, PARADIS of Aroostook,
Representatives: CLARK of Millinocket, DEXTER of Kingfield,
O'NEAL of Limestone, PINKHAM of Lamoine, SPEAR of
Nobleboro
Submitted by the Department of Conservation pursuant to
Joint Rule 204.

Bill "An Act to Improve the Reporting of General Use Pesticide Sales" S.P. 141 L.D. 420

Presented by Senator KILKELLY of Lincoln
Cosponsored by Representative BUNKER, JR. of Kossuth
Township and Senator: KIEFFER of Aroostook,
Representatives: BAKER of Dixfield, CROSS of Dover-
Foxcroft
Submitted by the Department of Agriculture, Food and Rural
Resources pursuant to Joint Rule 204.

Bill "An Act to Protect the Potato Industry from the Spread of Serious Disease" (Emergency) S.P. 150 L.D. 429

Presented by Senator PARADIS of Aroostook
Cosponsored by Representative BUNKER, JR. of Kossuth Township and Senators: KIEFFER of Aroostook, KILKELLY of Lincoln, NUTTING of Androscoggin, Representatives: BAKER of Dixfield, BELANGER of Wallagrass, CROSS of Dover-Foxcroft, KNEELAND of Easton
Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act Requiring Masonry Work to Comply with State and Local Building and Fire Codes" S.P. 111 L.D. 390

Presented by Senator MITCHELL of Penobscot (By Request)
Cosponsored by Senators: BENNETT of Oxford, BENOIT of Franklin, Representative: STEDMAN of Hartland

Bill "An Act to Grandfather Certain Practicing Naturopathic Doctors" S.P. 142 L.D. 421

Presented by Senator RAND of Cumberland
Cosponsored by Representative: BRENNAN of Portland

Bill "An Act to Amend the Employee Leasing Company Registration Process" S.P. 147 L.D. 426

Presented by Senator CATHCART of Penobscot
Cosponsored by Representative: HATCH of Skowhegan
Submitted by the Department of Labor pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act to Amend the Operating Under the Influence Laws to Discern whether an Offender Was Served Alcohol at a Licensed Establishment" S.P. 105 L.D. 384

Presented by Senator BUTLAND of Cumberland

Bill "An Act to Prohibit the Selling of Children" S.P. 148 L.D. 427

Presented by Senator KILKELLY of Lincoln
Cosponsored by Representative MADORE of Augusta and Senators: CATHCART of Penobscot, DAGGETT of Kennebec, NUTTING of Androscoggin, Representatives: BUNKER, JR. of Kossuth Township, HATCH of Skowhegan, O'NEIL of Saco, RINES, JR. of Wiscasset, SAXL of Portland

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

Sent down for concurrence.

Bill "An Act to Increase Security at the Maine State Prison" (Emergency) S.P. 152 L.D. 470

Presented by Senator MURRAY, JR. of Penobscot (GOVERNOR'S BILL)
Cosponsored by Representative POVICH of Ellsworth and Senators: MITCHELL of Penobscot, O'GARA of Cumberland, Representatives: BUNKER, JR. of Kossuth Township, MCALEVEY of Waterboro, PEAVEY of Woolwich, TOBIN, JR. of Dexter, WHEELER of Bridgewater

Committee on **CRIMINAL JUSTICE** suggested and **ORDERED PRINTED.**

On motion by Senator MURRAY of Penobscot, under suspension of the Rules, **READ ONCE**, without reference to Committee.

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

Bill "An Act to Prohibit Schools from Charging Activity Fees for Participation in Extracurricular Events" S.P. 113 L.D. 392

Presented by Senator LIBBY of York

Bill "An Act to Extend Certain Survivor Benefits to the Spouses of Firefighters and Law Enforcement Officers and Expand the Definition of Law Enforcement Officers" S.P. 120 L.D. 399

Presented by Senator AMERO of Cumberland
Cosponsored by Senators: CATHCART of Penobscot, MILLS of Somerset, RAND of Cumberland, SMALL of Sagadahoc, Representative: CIANCHETTE of South Portland

Bill "An Act to Clarify Tuition Rates for Middle School Students" S.P. 149 L.D. 428

Presented by Senator NUTTING of Androscoggin
Cosponsored by Representative: SNOWE-MELLO of Poland

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

Sent down for concurrence.

Bill "An Act to Consider Cost-effectiveness When Providing Medicaid Coverage for Dental Services" S.P. 95 L.D. 374

Presented by Senator BENOIT of Franklin
Cosponsored by Senator: MITCHELL of Penobscot,
Representatives: LOVETT of Scarborough, MARVIN of Cape
Elizabeth, MITCHELL of Portland

Bill "An Act to Ensure State Payment to Nursing Homes of
Costs Associated with State Adult Protection Custody Orders"
S.P. 109 L.D. 388

Presented by Senator GOLDTHWAIT of Hancock
Cosponsored by Representatives: DAVIDSON of Brunswick,
ETNIER of Harpswell

Bill "An Act to Allow Volunteer Work in a State Licensed Day-
care Facility to Fulfill Requirements of the ASPIRE-JOB Program
and to Establish a Statewide Toll-free Telephone Line for
Reporting Welfare Fraud" S.P. 112 L.D. 391

Presented by Senator MITCHELL of Penobscot
Cosponsored by Representative LOVETT of Scarborough
and Senators: BENOIT of Franklin, CASSIDY of Washington,
PARADIS of Aroostook, Representatives: MARVIN of Cape
Elizabeth, SNOWE-MELLO of Poland, STEDMAN of Hartland

Bill "An Act to Preserve Senior Volunteerism"
S.P. 115 L.D. 394

Presented by Senator PENDLETON of Cumberland
Cosponsored by Representative CAMPBELL of Holden and
Senators: DAGGETT of Kennebec, KIEFFER of Aroostook,
PARADIS of Aroostook, RAND of Cumberland,
Representatives: GERRY of Auburn, PENDLETON, JR. of
Scarborough, SAXL of Portland, VIGUE of Winslow

Bill "An Act to Require the Purchaser of Tobacco Products to
Produce Suitable Identification" S.P. 133 L.D. 412

Presented by Senator MILLS of Somerset
Cosponsored by Representative: TOWNSEND of Portland

Bill "An Act to Ban All Smoking within Workplaces,
Restaurants and Public Accommodations" S.P. 134 L.D. 413

Presented by Senator MILLS of Somerset
Cosponsored by Representative TOWNSEND of Portland

Bill "An Act to Improve the Delivery of Substance Abuse
Services in Maine" S.P. 143 L.D. 422

Presented by Senator NUTTING of Androscoggin
Cosponsored by Representative MCKEE of Wayne and

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

Sent down for concurrence.

Bill "An Act to Restore Funds to the Office of Substance
Abuse to 1996 Levels" S.P. 114 L.D. 393

Presented by Senator DAGGETT of Kennebec
Cosponsored by Representative TRUE of Fryeburg and

Committee on **HEALTH AND HUMAN SERVICES** suggested
and **ORDERED PRINTED**.

On motion by Senator **MICHAUD** of Penobscot, referred to
Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Sent down for concurrence.

Bill "An Act to Create a Special Senior Citizen Moose Lottery"
S.P. 96 L.D. 375

Presented by Senator LIBBY of York (By Request)

Bill "An Act to Improve Wildlife Habitat" S.P. 98 L.D. 377

Presented by Senator RUHLIN of Penobscot
Cosponsored by Senators: FERGUSON, JR. of Oxford, HALL
of Piscataquis, Representative: FISHER of Brewer

Bill "An Act to Amend the Hunting Laws as They Pertain to
Hunting from a Vehicle" S.P. 99 L.D. 378

Presented by Senator RUHLIN of Penobscot
Cosponsored by Senators: FERGUSON, JR. of Oxford, HALL
of Piscataquis, Representatives: FISHER of Brewer, PAUL of
Sanford

Bill "An Act to Repeal the Requirement That All-terrain
Vehicles Be Equipped with Brake Lights" S.P. 101 L.D. 380

Presented by Senator LIBBY of York

Bill "An Act Dealing with the Registration of Snowmobiles by
Nonresidents" S.P. 116 L.D. 395

Presented by Senator BENOIT of Franklin
Cosponsored by Representative: BARTH, JR. of Bethel

Bill "An Act to Offer a Free Subsistence Fishing License to
Persons 70 Years of Age or Older" S.P. 124 L.D. 403

Presented by Senator BUTLAND of Cumberland

Bill "An Act to Amend the Laws Regarding Snowmobile
Registration" S.P. 125 L.D. 404

Presented by Senator KIEFFER of Aroostook
Cosponsored by Representative UNDERWOOD of Oxford
and Senators: CAREY of Kennebec, HALL of Piscataquis,
PARADIS of Aroostook, RUHLIN of Penobscot,
Representatives: AHEARNE of Madawaska, CHICK of
Lebanon

Bill "An Act to Regulate the Use of Personal Watercraft"
S.P. 137 L.D. 416

Presented by Senator KILKELLY of Lincoln
Cosponsored by Senator: RUHLIN of Penobscot,
Representatives: CAMERON of Rumford, PAUL of Sanford,
SPEAR of Nobleboro

Bill "An Act to Require a Person Applying for a Moose Permit
to Possess a Hunting License" S.P. 146 L.D. 425

Presented by Senator RUHLIN of Penobscot

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

Sent down for concurrence.

Bill "An Act to Amend the Civil Order of Arrest Procedures for
Enforcement of Money Judgments" S.P. 107 L.D. 386

Presented by Senator BENOIT of Franklin
Cosponsored by Representative GOOLEY of Farmington

Bill "An Act to Change the Burden of Proof for Timber
Trespass and Timber Theft Violations" S.P. 118 L.D. 397

Presented by Senator LONGLEY of Waldo
Cosponsored by Senators: BENOIT of Franklin, MICHAUD of
Penobscot, Representatives: NASS of Acton, PLOWMAN of
Hampden, WATSON of Farmingdale
Submitted by the Department of Conservation pursuant to
Joint Rule 204.

Bill "An Act to Recover Economic Loss Attributable to
Tobacco Use" S.P. 119 L.D. 398

Presented by Senator MILLS of Somerset
Cosponsored by Representative TOWNSEND of Portland

Bill "An Act to Revise Judicial Separation"
S.P. 128 L.D. 407

Presented by Senator LAFOUNTAIN III of York
Cosponsored by Senator: PENDLETON of Cumberland

Bill "An Act to Amend the Fee Schedule for Probate Filings"
S.P. 138 L.D. 417

Presented by Senator MILLS of Somerset

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

Sent down for concurrence.

Resolve, to Exempt Matthew Scott from Maine State
Retirement System Restrictions on Income Earned as Deputy
Commissioner of Inland Fisheries and Wildlife (Emergency)
S.P. 94 L.D. 373

Presented by Senator CAREY of Kennebec

Bill "An Act to Exclude from the Definition of "Employment"
Services Provided by Lessees of Taxicabs" S.P. 110 L.D. 389

Presented by Senator MURRAY, JR. of Penobscot
Cosponsored by Representatives: BOLDUC of Auburn,
CLARK of Millinocket

Bill "An Act to Amend the Family Medical Leave Laws"
S.P. 123 L.D. 402

Presented by Senator LAFOUNTAIN III of York
Cosponsored by Senator: PENDLETON of Cumberland

Bill "An Act to Bring Certain State Retirement Laws into
Compliance with Federal Laws" S.P. 132 L.D. 411

Presented by Senator LONGLEY of Waldo

Bill "An Act to Change the Weekly Employee Pay
Requirement in State Law" S.P. 140 L.D. 419

Presented by Senator CATHCART of Penobscot
Cosponsored by Representative: HATCH of Skowhegan
Submitted by the Department of Labor pursuant to Joint Rule
204.

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

Sent down for concurrence.

Bill "An Act to Eliminate the Requirement That Agency Liquor
Stores Be a Certain Distance Apart" S.P. 97 L.D. 376

Presented by Senator MICHAUD of Penobscot

Bill "An Act to Restrict Circulators of Initiated Petitions from
Being within 250 Feet of Voting Places" S.P. 102 L.D. 381

Presented by Senator CAREY of Kennebec
Cosponsored by Senator: CLEVELAND of Androscoggin,
Representative: JONES of Bar Harbor

Bill "An Act to Clarify the Reporting Responsibility of
Lobbyists" S.P. 104 L.D. 383

Presented by Senator BUTLAND of Cumberland

Bill "An Act to Amend the Laws Pertaining to Wine Tasting"
S.P. 108 L.D. 387

Presented by Senator GOLDTHWAIT of Hancock
Cosponsored by Representative: DAVIDSON of Brunswick

Bill "An Act to Amend the Election Laws Pertaining to
Absentee Ballots" S.P. 127 L.D. 406

Presented by Senator MICHAUD of Penobscot

Resolve, Authorizing the Theta Chi Building Association to
File with the Secretary of State as a Nonprofit Corporation
S.P. 145 L.D. 424

Presented by Senator TREAT of Kennebec
Cosponsored by Senator: CATHCART of Penobscot,
Representatives: COLWELL of Gardiner, STEVENS of Orono

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

Sent down for concurrence.

Bill "An Act Concerning Commercial Marine Fishing
Licenses" S.P. 130 L.D. 409

Presented by Senator GOLDTHWAIT of Hancock
Cosponsored by Representative ETNIER of Harpswell
Submitted by the Department of Marine Resources pursuant
to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act to Clarify the Reimbursement of Legislators'
Expenses" S.P. 100 L.D. 379

Presented by Senator BUTLAND of Cumberland

RESOLUTION, Proposing an Amendment to the Constitution
of Maine to Require That Constitutional Officers Be Appointed by
the Governor S.P. 121 L.D. 400

Presented by Senator HARRIMAN of Cumberland
Cosponsored by Senator: ABROMSON of Cumberland,
Representatives: MAYO III of Bath, TRUE of Fryeburg

RESOLUTION, Proposing an Amendment to the Constitution
of Maine to Require the Election of the Secretary of State in
Statewide Elections S.P. 122 L.D. 401

Presented by Senator AMERO of Cumberland
Cosponsored by Senators: BENNETT of Oxford,
FERGUSON, JR. of Oxford, KIEFFER of Aroostook,
Representatives: CAMPBELL of Holden, CARLETON, JR. of
Wells, CIANCHETTE of South Portland

Bill "An Act to Include Operation and Maintenance in the Life-
cycle Costs Analysis Required for Public Improvements"
S.P. 129 L.D. 408

Presented by Senator NUTTING of Androscoggin
Cosponsored by Representative KERR of Old Orchard
Beach and Senators: FERGUSON, JR. of Oxford, LIBBY of
York, Representative: AHEARNE of Madawaska
Submitted by the Department of Administrative and Financial
Services pursuant to Joint Rule 204.

Bill "An Act to Amend Certain Benefits Offered Legislators"
S.P. 139 L.D. 418

Presented by Senator GOLDTHWAIT of Hancock
Cosponsored by Senator: AMERO of Cumberland,
Representative: MCELROY of Unity

Bill "An Act to Clarify the Provisions that Implement
Performance Budgeting in State Government"
S.P. 151 L.D. 430

Presented by Senator AMERO of Cumberland
Cosponsored by Representative AHEARNE of Madawaska
and Senator: DAGGETT of Kennebec, Representative: LANE
of Enfield
Submitted by the State Planning Office pursuant to Joint Rule
204.

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

Sent down for concurrence.

Bill "An Act to Create an Historic Preservation Tax Credit"
S.P. 126 L.D. 405

Presented by Senator HARRIMAN of Cumberland
Cosponsored by Senator: AMERO of Cumberland,
Representatives: MAYO III of Bath, VIGUE of Winslow

Bill "An Act to Eliminate the Income Tax Cap"
S.P. 131 L.D. 410

Presented by Senator LONGLEY of Waldo

Resolve, to Create a Commission to Study the Tax
Implications for Municipalities Resulting from the Repeal of the
Uniform Property Tax S.P. 135 L.D. 414

Presented by Senator DAGGETT of Kennebec
Cosponsored by Representatives MADORE of Augusta,
GAGNON of Waterville

Bill "An Act to Facilitate the Withholding of State Income
Taxes from Federal Pensions" S.P. 136 L.D. 415

Presented by Senator LONGLEY of Waldo
Cosponsored by President LAWRENCE of York,
Representatives: DUNLAP of Old Town, WINGLASS of
Auburn

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

Sent down for concurrence.

Resolve, to Name the Portland-South Portland Bridge the
"George Cleeve Memorial Bridge" S.P. 106 L.D. 385

Presented by Senator BUTLAND of Cumberland
Cosponsored by Representative BUCK of Yarmouth and
Senators: ABROMSON of Cumberland, AMERO of
Cumberland, Representative: KONTOS of Windham

Bill "An Act to Require That Headlights Be on during
Inclement Weather" S.P. 144 L.D. 423

Presented by Senator AMERO of Cumberland
Cosponsored by Senators: ABROMSON of Cumberland,
O'GARA of Cumberland, Representatives: LOVETT of
Scarborough, MCALEVEY of Waterboro

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

Sent down for concurrence.

Bill "An Act to Prohibit the Public Utilities Commission from
Directing Utility Overcharges to Any Program Other Than
Repayment to Ratepayers" (Emergency) S.P. 103 L.D. 382

Presented by Senator CAREY of Kennebec

Which was referred to the Committee on **UTILITIES AND
ENERGY** and **ORDERED PRINTED.**

Sent down for concurrence.

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

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:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Regarding Disclosure of Pesticide Use to a Buyer
of Blueberry Land" H.P. 325 L.D. 447

Bill "An Act to Repeal the Laws That Pertain to the Licensing
of Dogs" H.P. 338 L.D. 460

Bill "An Act to Include Domestic Water Fowl in the Animal
Trespass Statutes" H.P. 339 L.D. 461

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

Which were referred to the Committee on **AGRICULTURE,
CONSERVATION AND FORESTRY** 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 a General Fund Bond Issue to
Improve Indoor Air Quality in Public Schools" H.P. 343 L.D. 465

Bill "An Act to Fund Certain Collective Bargaining
Agreements and Benefits for Certain Employees Excluded from
Collective Bargaining" (Emergency) H.P. 348 L.D. 471

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 Papers

Bill "An Act to Allow Self-referral for Obstetrical Care in
Managed Care Plans" H.P. 243 L.D. 307

Bill "An Act to Amend the Laws Governing Medical Payments
Coverage Limits on Priority Liens" H.P. 245 L.D. 309

Bill "An Act to Prohibit Certain Activities by Insurance Adjusters" H.P. 271 L.D. 335

Resolve, to Establish a Task Force to Study the Feasibility of a Single Claims Processing System for 3rd-party Payors of Health Care Benefits H.P. 286 L.D. 350

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

Which were 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

Resolve, to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Microenterprise Needs H.P. 266 L.D. 330

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Prohibit the Inhaling of Toxic Vapors for Effect" H.P. 241 L.D. 305

Bill "An Act to Permit Investigative Officers within the Employ of the Department of Corrections to Exercise the Powers of Law Enforcement Officers" H.P. 246 L.D. 310

Bill "An Act to Increase the Penalty for Burglary When the Actor has Prior Convictions for Certain Enumerated Crimes" H.P. 264 L.D. 328

Bill "An Act to Require Fire and Rescue Departments to Reimburse Costs of Training" H.P. 292 L.D. 356

Resolve, to Establish a Study Group to Assess the Needs of the Office of the State Fire Marshal and Ensure Prompt, Effective Response to the Public's Fire Safety Needs H.P. 295 L.D. 359

Bill "An Act to Allow Individuals to Participate in Training at the Criminal Justice Academy" H.P. 345 L.D. 467

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Regarding Rabies Vaccinations for Animals on School Grounds" H.P. 255 L.D. 319

Bill "An Act to Set the Amount of State Funding for School Building Projects at \$75 a Foot" H.P. 256 L.D. 320

Bill "An Act to Assist Smaller School Districts Regarding Hiring Practices" H.P. 259 L.D. 323

Bill "An Act to Expand Access to Maine's Technical Colleges" H.P. 263 L.D. 327

Bill "An Act to Provide Additional Funds to Educate Students with Limited English Proficiency" H.P. 288 L.D. 352

Bill "An Act to Require That Public Schools Adopt a Conflict Resolution Model" H.P. 301 L.D. 365

Bill "An Act to Allow Municipalities to Set Tuition Rates for Nonresident Students" H.P. 310 L.D. 432

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.

Bill "An Act to Amend the Process of Competitive Bidding for Insurance by School Boards" H.P. 296 L.D. 360

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

On motion by Senator **LAFOUNTAIN** of York, referred to the Committees on **BANKING AND INSURANCE** and **EDUCATION CULTURAL AFFAIRS**, in **NON-CONCURRENCE**.

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 to Exempt the Dental Profession from the Reporting Requirements of the Maine Health Data Organization" H.P. 237 L.D. 301

Bill "An Act to Study Job Creation for Welfare Recipients" H.P. 238 L.D. 302

Bill "An Act to Prohibit Nursing Facilities from Disposing of Medications of Patients Temporarily Absent from the Facilities" H.P. 239 L.D. 303

Bill "An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Child Care Funding" H.P. 269 L.D. 333

Resolve, to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to an Annual Report Card on Poverty H.P. 270 L.D. 334

Bill "An Act to Prohibit Family Planning Agencies from Using State Funds for Certain Expenses Related to Abortion Services" H.P. 319 L.D. 441

Bill "An Act to Require Criminal Background Checks for Home Health Care Workers" H.P. 321 L.D. 443

Bill "An Act to Assist Low-income Working Parents" H.P. 323 L.D. 445

Bill "An Act to Create a Compliance Plan for Certain Residents of Mental Health Facilities" H.P. 333 L.D. 455

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.

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 Hunting Day" H.P. 273 L.D. 337

Bill "An Act Regarding the Funding of Search and Rescues by the Department of Inland Fisheries and Wildlife" H.P. 274 L.D. 338

Bill "An Act to Allow the Department of Inland Fisheries and Wildlife to Create Lifetime Fishing and Hunting Licenses" H.P. 304 L.D. 368

Bill "An Act to Limit the Landowner Deer Permit System to One Application per Household" H.P. 305 L.D. 369

Bill "An Act to Amend the Laws Governing Hunting Licenses for Residents 70 Years of Age and Older" H.P. 317 L.D. 439

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Streamline the Eviction Process" H.P. 262 L.D. 326

Bill "An Act to Decrease Infectious Disease Transmission" H.P. 287 L.D. 351

Bill "An Act to Clarify the Manner in Which Decedents' Estates Are to Be Distributed" (Emergency) H.P. 299 L.D. 363

Bill "An Act to Amend the Entry and Detainer Law as It Relates to Occupancy Incidental to Short-term Employment" H.P. 313 L.D. 435

Bill "An Act to Establish the Maximum and Minimum Number of Grand Jurors to Be Summoned and Impaneled" H.P. 322 L.D. 444

Bill "An Act to Give District Attorneys the Option of Appearing in Civil Proceedings" H.P. 331 L.D. 453

Bill "An Act to Discourage Frivolous Lawsuits by Prisoners" H.P. 335 L.D. 457

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Prohibit an Employer from Hiring Replacement Workers during a Strike" H.P. 236 L.D. 300

Resolve, Directing the Commissioner of Labor to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Pay Discrimination Based on Gender H.P. 265 L.D. 329

Resolve, to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Unemployment Compensation H.P. 268 L.D. 332

Bill "An Act Regarding Survivor Benefits in the Event of Divorce and Remarriage" H.P. 272 L.D. 336

Bill "An Act to Exempt Retail Shoe Store Employees Who Are Paid on a Commission Basis from the Minimum Wage Laws" H.P. 282 L.D. 346

Bill "An Act to Require Overtime Pay for Employees of Large Agricultural Employers" H.P. 283 L.D. 347

Bill "An Act to Further Define Disqualification for Unemployment Benefits" H.P. 291 L.D. 355

Bill "An Act to Restore State Funding for Mediation Services Provided by the Maine Labor Relations Board" H.P. 294 L.D. 358

Bill "An Act to Protect the Rights of Employees Who Volunteer Their Time as Firefighters" H.P. 330 L.D. 452

Bill "An Act to Amend the Drug Testing Program Approval Laws" H.P. 332 L.D. 454

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 Remove Instant Lottery Ticket Vending Machines" H.P. 248 L.D. 312

Bill "An Act to Establish Maine as a Sponsor of the Women in Military Service for America Memorial in Arlington National Cemetery" H.P. 275 L.D. 339

Bill "An Act to Open a Discount State Liquor Store in Calais" H.P. 277 L.D. 341

Bill "An Act to Require Responsibility of the Employers of Persons who Collect Signatures" H.P. 318 L.D. 440

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Establish the Status of New Fisheries" H.P. 247 L.D. 311

Bill "An Act to Amend the Laws Regarding Fees Charged in the Elver Fishery" H.P. 251 L.D. 315

Bill "An Act to Establish a 30-day Temporary Sea Urchin and Scallop Diving Tender License" H.P. 252 L.D. 316

Bill "An Act to Improve Management in the Elver Fishery" H.P. 289 L.D. 353

Bill "An Act Authorizing the St. George River Shellfish Management Committee to Determine Availability of and Fees for Clam Licenses" H.P. 314 L.D. 436

Bill "An Act to Return Revenue from Lease Sites for Aquaculture to Municipalities" H.P. 334 L.D. 456

Bill "An Act Pertaining to the Aquaculture Lease Law" H.P. 346 L.D. 468

Come from the House, referred to the Committee on **MARINE RESOURCES**

Which were referred to the Committee on **MARINE RESOURCES**, 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 Establish Guidelines for the Utilization of Municipal Solid Waste Incinerator Ash and Its Derivatives"
H.P. 344 L.D. 466

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

Which was referred to the Committee on **NATURAL RESOURCES** 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 Require a Disclaimer of the Dollar Value of Benefits for Public Employee Positions" H.P. 249 L.D. 313

Bill "An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to a Living Wage in State Subcontracted Work"
H.P. 267 L.D. 331

Bill "An Act to Amend the Report Criteria for a Municipality's Annual Postaudit" H.P. 280 L.D. 344

Bill "An Act to Modify the Prequalification Laws to Allow the Disqualification of Contractors for a Time Not to Exceed One Year"
H.P. 285 L.D. 349

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of Constitutional Officers
H.P. 290 L.D. 354

Bill "An Act to Encourage Regionalization of Municipal Services"
H.P. 297 L.D. 361

Bill "An Act to Revise the Procurement of Products and Services from Rehabilitation Facilities and Work Centers"
H.P. 298 L.D. 362

Bill "An Act to Establish a Commemorative Day Recognizing the Children of this State"
H.P. 306 L.D. 370

Bill "An Act to Create a Legislative Finance Office"
H.P. 327 L.D. 449

Bill "An Act to Amend the Date for Recognizing Marginal Discharges of Mortgages"
H.P. 328 L.D. 450

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Manner in Which the Legislature Calls Itself into Special Session
H.P. 336 L.D. 458

Comes 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.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Ensure the Rights of Parents to Direct the Upbringing and Education of Their Children
H.P. 341 L.D. 463

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

On motion by Senator **PINGREE** of Knox **TABLED** 1 Legislative Day, pending **REFERENCE**.

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 Income Tax Credit for Employer-assisted Day Care"
H.P. 240 L.D. 304

Bill "An Act to Guarantee That Real Estate Taxes Are Paid"
H.P. 242 L.D. 306

Bill "An Act to Continue the Vendor's Tax for One Year by Delaying the Repeal Date"
H.P. 244 L.D. 308

Bill "An Act to Exempt Lobster Traps from the Personal Property Tax"
H.P. 250 L.D. 314

Bill "An Act Relating to the State Valuation of the Town of Corinna" (Emergency)
H.P. 253 L.D. 317

Bill "An Act to Amend the Law Determining What Foods Are Considered Snacks"
H.P. 254 L.D. 318

Bill "An Act to Decrease the State's Share of Real Estate Transfer Taxes"
H.P. 260 L.D. 324

Bill "An Act to Increase Eligibility for the Maine Residents Property Tax Program"
H.P. 279 L.D. 343

Bill "An Act to Eliminate the Sales Tax on the Sale of Hay and Animal Bedding" (Emergency)
H.P. 281 L.D. 345

Bill "An Act to Exempt from the Maine Income Tax Persons Earning Less Than a Certain Amount"
H.P. 284 L.D. 348

Bill "An Act to Amend the Laws Regarding Penalties for Late Filing by a Municipality under the Maine Tree Growth Tax Law" H.P. 293 L.D. 357

Bill "An Act to Clarify the Appointment of Deputy Excise Tax Collectors and Facilitate the Collection of Excise Tax" H.P. 311 L.D. 433

Bill "An Act to Amend the Veteran's Estate Tax Exemption" H.P. 312 L.D. 434

Bill "An Act to Amend the Laws Regarding When a Merchant Must Remit Sales Tax to the State" H.P. 315 L.D. 437

Resolve, to Reimburse a Lumber Company in Connection with Sales Tax Paid by the Company H.P. 316 L.D. 438

Bill "An Act to Exempt from the Sales Tax Automobile Equipment Necessary for Paraplegics or People Who Are Confined to Wheelchairs" H.P. 320 L.D. 442

Resolve, to Study Sales Tax Exemptions (Emergency) H.P. 337 L.D. 459

Bill "An Act Regarding Potato Bin Pilers and Refund of Sales Tax" H.P. 342 L.D. 464

Bill "An Act to Provide a Quality Jobs Tax Credit" H.P. 347 L.D. 469

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 Require the Secretary of State to Revoke the Driver's License of a Person Involved in a Fatal Accident while Committing a Violation of the Maine Revised Statutes, Title 29-A" H.P. 258 L.D. 322

Bill "An Act Relating to Consumer Rental Vehicles" H.P. 276 L.D. 340

Bill "An Act to Change the Eligibility Requirements for Free Registration Plates for Certain Veterans" H.P. 278 L.D. 342

Bill "An Act to Provide That the Operator of a Limousine Is Not Responsible for Securing in a Seat Belt a Passenger Transported for a Fee" H.P. 303 L.D. 367

Bill "An Act to Improve the Rail Lines in Washington County and Establish an Intermodal Railroad Facility" (Emergency) H.P. 309 L.D. 431

Bill "An Act to Make the Use of Stop Arm Warning Devices Mandatory on School Buses" H.P. 324 L.D. 446

Resolve, to Name the Entrances to the Donald V. Carter Bridge Connecting Winslow and Waterville the "Purple Heart Highway" H.P. 326 L.D. 448

Bill "An Act to Expand the Number of Lights Firefighters May Use on Their Cars" H.P. 329 L.D. 451

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Require Regular Disclosure of Low-cost Telephone Calling Plans to Telephone Customers: H.P. 302 L.D. 366

Bill "An Act to Clarify the Definition of Qualifies School for Telecommunications Network Purposes" H.P. 307 L.D. 371

Bill "An Act to Require Employees of Public Utilities to Be Licensed When Providing Services Outside the Regulated Activities of the Utility" H.P. 308 L.D. 372

Come from the House, referred to the Committee on **UTILITIES AND ENERGY** and **ORDERED PRINTED**.

Which were referred to the Committee on **UTILITIES AND ENERGY** and **ORDERED PRINTED**, in concurrence.

Senate at Ease

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

JOINT ORDER - relative to Adjournment to Tuesday, January
28, 1997. S.P. 153

In Senate, January 23, 1997, **READ** and **PASSED**.

Comes from the House, **READ** and **PASSED**, as **VERBALLY
AMENDED** to 6:00 in the evening in **NON-CONCURRENCE**.

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

On motion by Senator **CAREY** of Kennebec, **ADJOURNED**,
until Tuesday, January 28, 1997, at 6:00 in the evening, pursuant
to the Joint Order.