

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

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

In Senate Chamber
Tuesday
January 28, 1997

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

Prayer by Reverend Johanne Dame of the Brackett Memorial United Methodist Church of Peaks Island.

REVEREND JOHANNE DAME: Oh Lord our God, we ask for Your wisdom and Your guidance. We pray that You will bless these men and women chosen by the people of this state, for You know them, and their needs, and their motives, and their hopes, and their fears. We ask You to give them strength and wisdom greater than that of their own. May they hear Your voice and seek Your guidance. And, oh Lord, as they seek Your guidance, we ask that we be able to see not the distant scene, but only one step at a time. Make that first step plain, we ask, that we may see where our duty lies, but give us a push, that we may start in the right direction. And to this prayer we say, Amen.

Doctor of the Day, Myron K. Krueger, M.D., Brunswick.

Pledge of Allegiance led by Senator Jill Goldthwait of Hancock.

Reading of the Journal of Thursday, January 23, 1997.

Out of order and under suspension of the Rules, on motion by Senator **PINGREE** of Knox the following Senate Order:
S.O. 12

ORDERED, that a message be sent to the House of Representatives proposing a Joint Convention of both Branches in the Hall of the House at 6:30 in the 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.

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

The Chair appointed the Senator from Knox, Senator **PINGREE** to deliver the message to the House.

Subsequently, the Senator from Knox, Senator **PINGREE** reported that she had delivered the message with which she was charged.

COMMUNICATIONS

The Following Communication: S.C. 20

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

TO: Joy J. O'Brien, Secretary of the Senate
FROM: J. Duke Albanese, Commissioner
DATE: January 9, 1997
RE: Report of Habitual Truants, 1995 - 96 School Year.

In accordance with 20-A MRSA, Section 5051, I hereby submit the annual report of habitual truants identified by school superintendents during the 1995-96 school year. A summary of habitual truants for previous school years is included with the report for your information. The Commissioner's Advisory Committee on Truancy, Dropout and Alternative Education has reviewed this information and may be submitting recommendations for addressing the need to revise Maine statutes regarding truancy enforcement at the local level of government.

Additional information regarding this report can be obtained by contacting Frank Antonucci, Consultant for Truancy, Dropout and Alternative Education at 287-5111.

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

SENATE PAPERS

Bill "An Act to Reallocate Environmental Registration License Plate Revenue" S.P. 169 L.D. 498

Presented by Senator HALL of Piscataquis
Cosponsored by Senator: KIEFFER of Aroostook,
Representatives: CROSS of Dover-Foxcroft, TRUE of Fryeburg, UNDERWOOD of Oxford, USHER of Westbrook

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

On motion by Senator **KILKELLY** of Lincoln, referred to the Committee on **INLAND WILDLIFE AND FISHERIES**.

Sent down for concurrence.

At this point, a message was received from the House of Representatives, borne by Representative **KONTOS** of Windham, informing the Senate that the House of Representatives concurs with the proposition for a Joint Convention, to be held in the Hall of the House, at 6:30 in the 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.

Bill "An Act to Strengthen the Career Advantage Program"
(Emergency) S.P. 177 L.D. 560

Presented by Senator AMERO of Cumberland
Cosponsored by Representative KERR of Old Orchard
Beach and Senators: ABROMSON of Cumberland,
BENNETT of Oxford, CASSIDY of Washington, HARRIMAN
of Cumberland, MACKINNON of York, SMALL of Sagadahoc,
Representatives: KONTOS of Windham, SAXL of Bangor

Which was referred to the Committee on **APPROPRIATIONS
AND FINANCIAL AFFAIRS** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act Prohibiting Financial Institutions from Charging
Fees for Verification of Sufficient Funds" S.P. 157 L.D. 486

Presented by Senator PINGREE of Knox
Cosponsored by Senator: RAND of Cumberland,
Representatives: CHARTRAND of Rockland, SPEAR of
Nobleboro, TOWNSEND of Portland

Bill "An Act to Provide the Maine Turnpike Authority with
Representation on the State Employee Health Commission"
S.P. 178 L.D. 561

Presented by Senator O'GARA of Cumberland
Cosponsored by Senators: DAGGETT of Kennebec,
LAFOUNTAIN III of York, Representatives: DRISCOLL of
Calais, SAVAGE of Union, SAXL of Bangor, USHER of
Westbrook

Which were referred to the Committee on **BANKING AND
INSURANCE** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act to Amend Certain Provisions Dealing with the
Subjects of Juvenile Petition, Adjudication and Disposition"
S.P. 175 L.D. 504

Presented by Senator BENOIT of Franklin
Cosponsored by Representative BUNKER, JR. of Kossuth
Township and Representatives: CLUKEY of Houlton,
GOOLEY of Farmington, WATERHOUSE of Bridgton

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

Sent down for concurrence.

Bill "An Act to Provide for State and Federal Criminal Record
Checks on Educational Personnel in the State"
S.P. 174 L.D. 503

Presented by Senator PENDLETON of Cumberland

Cosponsored by Representative O'BRIEN of Augusta and
Senator: SMALL of Sagadahoc, Representative: O'NEAL of
Limestone
Submitted by the Department of Education pursuant to Joint
Rule 204.

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

Sent down for concurrence.

Resolve, to Make Maine Welfare Laws Conform to Federal
Welfare Laws S.P. 176 L.D. 559

Presented by Senator MITCHELL of Penobscot
Cosponsored by Representative DONNELLY of Presque Isle
and Senators: BENOIT of Franklin, HALL of Piscataquis,
KIEFFER of Aroostook, RUHLIN of Penobscot,
Representative: LOVETT of Scarborough

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

Sent down for concurrence.

Bill "An Act to Amend the Laws Pertaining to Moose Hunting"
S.P. 179 L.D. 562

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

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

Sent down for concurrence.

Bill "An Act to Increase Fees and Allowances for Jury
Service" S.P. 161 L.D. 490

Presented by Senator MILLS of Somerset

Bill "An Act to Repeal Provisions of the Probate Code
Relating to Depositing Wills in Court within the Testator's
Lifetime" S.P. 162 L.D. 491

Presented by Senator MILLS of Somerset

Bill "An Act to Adjust the Residency Requirement for District
Court Judges to Include the Counties in Which They Reside"
S.P. 163 L.D. 492

Presented by Senator MILLS of Somerset

Bill "An Act to Change the Time for Appointment of a Visitor
or Guardian Ad Litem after Appointment of a Temporary
Conservator or Guardian" S.P. 165 L.D. 494

Presented by Senator MILLS of Somerset

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

Sent down for concurrence.

Bill "An Act Relating to Alcohol Beverage Price Promotions and Price Posting" S.P. 155 L.D. 484

Presented by Senator FERGUSON, JR. of Oxford
Cosponsored by Senator: CAREY of Kennebec,
Representative: BOUFFARD of Lewiston

Bill "An Act to Eliminate the Requirement of Cash on Delivery for Beer and Wine Sales to Businesses" S.P. 167 L.D. 496

Presented by Senator LIBBY of York

Bill "An Act to Prohibit Political Action Committee and Corporate Contributions in State Elections" S.P. 172 L.D. 501

Presented by Senator LIBBY of York
Cosponsored by Representative: VEDRAL, III of Buxton

Bill "An Act to Clarify Enforcement Provisions of the Gambling Laws" S.P. 180 L.D. 563

Presented by Senator MILLS of Somerset
Cosponsored by Senator: CLEVELAND of Androscoggin

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

Sent down for concurrence.

Bill "An Act to Limit the Taking of Sea Urchins" S.P. 156 L.D. 485

Presented by Senator PINGREE of Knox
Cosponsored by Representatives: CHARTRAND of Rockland, POWERS of Rockport, SKOGLUND of St. George, VOLENIK of Brooklin

Bill "An Act to Protect Near-shore Groundfish Spawning Areas" (Emergency) S.P. 171 L.D. 500

Presented by Senator HARRIMAN of Cumberland
Cosponsored by Senator: ABROMSON of Cumberland,
Representative: HONEY of Boothbay

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

Sent down for concurrence.

Bill "An Act to Exempt Certain Incinerators from Environmental Laws and Department of Environmental Protection Regulations" S.P. 168 L.D. 497

Presented by Senator HALL of Piscataquis

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

Sent down for concurrence.

Bill "An Act Concerning the Charter of the Northern Maine Development Commission, Inc." (Emergency) S.P. 158 L.D. 487

Presented by Senator KIEFFER of Aroostook
Cosponsored by Representative DONNELLY of Presque Isle and Senator: PARADIS of Aroostook, Representatives: AHEARNE of Madawaska, BELANGER of Caribou, CLUKEY of Houlton, JOY of Crystal, O'NEAL of Limestone, WHEELER of Bridgewater

Bill "An Act to Change the Laws Pertaining to the Issuance of Copies of Birth, Marriage or Death Certificates by Towns" S.P. 159 L.D. 488

Presented by Senator MICHAUD of Penobscot
Cosponsored by Senator: NUTTING of Androscoggin,
Representative: STANLEY of Medway

RESOLUTION, Proposing An Amendment to the Constitution of Maine to Alter the Requirements for Redistricting S.P. 166 L.D. 495

Presented by Senator MICHAUD of Penobscot

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

Sent down for concurrence.

Bill "An Act to Reduce the Maine State Sales Tax to 5%" S.P. 164 L.D. 493

Presented by Senator LIBBY of York
Cosponsored by Senator: MACKINNON of York,
Representatives: GERRY of Auburn, GOODWIN of Pembroke, MACK of Standish, UNDERWOOD of Oxford, JOYNER of Hollis, MCALEVEY of Waterboro, WATERHOUSE of Bridgton

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

Sent down for concurrence.

Bill "An Act Relative to the Improvement of the Maine Turnpike Authority" S.P. 160 L.D. 489

Presented by Senator MACKINNON of York
Cosponsored by Senator: LIBBY of York, Representatives: MACDOUGALL of North Berwick, WHEELER of Eliot, WRIGHT of Berwick

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

Sent down for concurrence.

Bill "An Act to Create Industrial Enterprise Districts to Promote Economic Development and to Retain and Increase Good Quality Jobs by Providing More Competitive Electric Rates within the Districts" S.P. 154 L.D. 483

Presented by Senator O'GARA of Cumberland
Cosponsored by Representatives: DRISCOLL of Calais,
USHER of Westbrook

Bill "An Act to Amend the Charter of the Canton Water District" (Emergency) S.P. 170 L.D. 499

Presented by Senator FERGUSON, JR. of Oxford
Cosponsored by Representative: BERRY of Livermore

Bill "An Act to Require Fair Compensation for Ratepayer Assets Used by a Subsidiary or an Affiliate of a Utility" S.P. 173 L.D. 502

Presented by Senator CLEVELAND of Androscoggin
Cosponsored by Representative KONTOS of Windham and
Senators: KIEFFER of Aroostook, MILLS of Somerset,
Representative: LAVERDIERE of Wilton
Submitted by the Office of Public Advocate pursuant to Joint
Rule 204.

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

Sent down for concurrence.

COMMITTEE REPORTS

Senate

Change of Reference

Senator **KILKELLY** for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Offer a Free Subsistence Fishing License to Persons 70 Years of Age or Older" S.P. 124 L.D. 403

Reported that the same be **REFERRED** to the Committee on **MARINE RESOURCES**.

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

The Bill **REFERRED** to the Committee on **MARINE RESOURCES**.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following matter:

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

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

(In Senate, January 23, 1997, under suspension of the Rules, **READ ONCE**, without reference to a Committee.)

Which was **READ A SECOND TIME**.

On motion by Senator **MURRAY** of Penobscot, Senate Amendment "A" (S-9) **READ** and **ADOPTED**.

Which was **PASSED TO BE ENGROSSED, as Amended**.

Sent down for concurrence.

The Chair moved to Suspend the Rules and send it forthwith.

At the request of Senator **AMERO** of Cumberland, a Division was had. 14 Senators having voted in the affirmative, and 14 Senators having voted in the negative, **SUSPENSION OF THE RULES, FAILED**.

Senate at Ease

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Specially (1/16/97) Assigned matter:

SENATE ORDER-relative to amending Joint Rule 308; Reference of bills to Committee S.P. 67

Tabled - January 14, 1997, by Senator **MILLS** of Somerset.

Pending - **PASSAGE**

(In Senate, January 14, 1997, **READ**.)

On motion by Senator **MILLS** of Somerset, **INDEFINITELY POSTPONED**.

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-1) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, as Amended**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 182

JOINT RESOLUTION HONORING SAMUEL D. SHAPIRO ON THE OCCASION OF HIS RETIREMENT

WHEREAS, the Treasurer of State is a constitutional officer of the State of Maine, who is authorized to receive and keep records of all items of income accruing to the State, and to deposit, reconcile and invest funds for the State, and to sell and keep records of all bonds for the State; and

WHEREAS, Samuel D. "Sam" Shapiro, of Waterville, was first elected Treasurer of State by the 109th Legislature in 1980 and has served for the last 16 years with his unique sense of humor, dedication and hard work. He has been an activist Treasurer of State who has helped restore the State's strong bond rating and has also managed a program that has generated as much as \$3,000,000 a year for the state budget in abandoned property; and

WHEREAS, Sam Shapiro was a former high school teacher, coach and businessman who was selected Northeast Treasurer

of the Year by the Northeast Treasurers Association, and who also has earned a reputation as a talented gardener and political fund-raiser; 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 Treasurer of State, Sam Shapiro, 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 Treasurer of State Sam Shapiro, 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 Samuel D. Shapiro as a tangible token of our high esteem.

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

Which was **READ** and **ADOPTED**, in 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

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

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

On motion by Senator **PINGREE** of Knox, **ADJOURNED**, until Thursday, January 30, 1997, at 10:00 in the morning.