

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

Volume 1

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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
Tuesday
February 4, 1997

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

Prayer by Rabbi Carolyn Braun of Temple Beth El in Portland.

RABBI CAROLYN BRAUN: O God of wisdom, of wonder and of creation, cause Your spirit to rest with these women and men of the Senate today, as every day, for they are the leaders who are constantly called upon to make most important decisions for our state. Help them to always remember that their decisions profoundly affect Your creatures, who are imbued with Your holy sparks. Guide them with wisdom. Grant them the courage and compassion to do what is right, to listen, to evaluate, and to act in ways which honor the dignity of all.

And finally, let us remember the words of the second century rabbi, Ben Zoma who said: "Who is wise? One who learns from everybody. Who is strong? One who overcomes his or her own desires. Who is rich? One who is happy with what he or she has. Who is honored? One who honors everybody."

May you be blessed with the wisdom to discern truth from falsehood, the strength to see the needs of others, the wealth of one who is fulfilled, and the honor accorded to one who truly honors all others.

Yisah Adonai panav elecha, v'yasem l'cha shalom

May the face of the Holy One be lifted towards you and may you be granted peace.

Doctor of the Day, Pamela J. Wansker, D.O., Falmouth.

Pledge of Allegiance led by Senator Jane Amero of Cumberland.

Reading of the Journal of Thursday, January 30, 1997.

COMMUNICATIONS

The Following Communication: S.C. 21

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

January 30, 1997

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

Dear Madam Secretary,

Please be advised that pursuant to Senate Rule 201.1, paragraph D, I am making the following appointments. To the Committee on Bills in Second Reading:

Senator Robert E. Murray, Jr. of Penobscot, Chair
Senator Marjorie L. Kilkelly of Lincoln
Senator Norman K. Ferguson, Jr. of Oxford
Senator Bruce W. MacKinnon of York

To the Committee on Engrossed Bills:

Senator Richard J. Carey of Kennebec, Chair
Senator John M. Nutting of Androscoggin
Senator Betty Lou Mitchell of Penobscot
Senator James D. Libby of York

Pursuant to Senate Rule 201.1, paragraph G, I am making the following appointments to the Committee on Conduct and Ethics:

Senator Anne M. Rand of Cumberland, Chair
Senator Beverly C. Daggett of Kennebec
Senator Lloyd P. LaFountain, III of York
Senator S. Peter Mills of Somerset
Senator Philip E. Harriman of Cumberland

Sincerely,

S/Mark W. Lawrence
President of the Senate

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

The Following Communication: S.C. 22

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

January 31, 1997

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

Pursuant to my authority under Chapter 395, Public Law 1995, I have made the following appointments to the Commission on Performance Budgeting:

Senator Michael H. Michaud of Penobscot
Senator John M. Nutting of Androscoggin
Senator Richard A. Bennett of Oxford

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 Prohibit the Docking of a Cow's Tail"
S.P. 231 L.D. 800

Presented by Senator PENDLETON of Cumberland
Cosponsored by Representative: BERRY of Livermore

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

Sent down for concurrence.

Bill "An Act to Promote Economic Development through Research"
S.P. 215 L.D. 674

Presented by Senator CATHCART of Penobscot
Cosponsored by Representative STEVENS of Orono and Senator: MURRAY, JR. of Penobscot, Representatives: BIGL of Bucksport, DUNLAP of Old Town, HATCH of Skowhegan, KNEELAND of Easton, MCELROY of Unity, SAXL of Bangor, WINN of Glenburn

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

Sent down for concurrence.

Bill "An Act to Amend the Laws Pertaining to Motor Vehicle Financial Responsibility and Insurance" S.P. 209 L.D. 668

Presented by Senator KIEFFER of Aroostook
Cosponsored by Senators: ABROMSON of Cumberland, AMERO of Cumberland, HALL of Piscataquis, PARADIS of Aroostook, Representatives: KNEELAND of Easton, O'NEAL of Limestone

Bill "An Act to Make Health Care More Affordable to Small Businesses" (Emergency) S.P. 217 L.D. 676

Presented by Senator KIEFFER of Aroostook
Cosponsored by Senator HALL of Piscataquis and Senators: AMERO of Cumberland, LIBBY of York, Representatives: KNEELAND of Easton, LANE of Enfield

Bill "An Act to Increase Access to Affordable Health Insurance for Citizens of Maine" S.P. 222 L.D. 681

Presented by Senator KIEFFER of Aroostook

Cosponsored by Senators: AMERO of Cumberland, PARADIS of Aroostook, Representative: LANE of Enfield

Bill "An Act to Include Health Maintenance Organizations in the Bureau of Insurance's Regulatory Assessment"
S.P. 237 L.D. 806

Presented by Senator LAFOUNTAIN III of York
Cosponsored by Senators: RAND of Cumberland, TREAT of Kennebec, Representatives: BULL of Freeport, CHARTRAND of Rockland
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Bill "An Act to Amend the Laws Governing Banking Institutions"
S.P. 239 L.D. 808

Presented by Senator LAFOUNTAIN III of York
Cosponsored by Representative CARLETON, JR. of Wells and Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act to Amend the Laws Relating to Auctioneers"
S.P. 219 L.D. 678

Presented by Senator HARRIMAN of Cumberland
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

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

Sent down for concurrence.

Resolve, to Create the Juvenile Crime Task Force to Develop a Continuum of Services for Juveniles (Emergency)
S.P. 235 L.D. 804

Presented by Senator TREAT of Kennebec
Cosponsored by Senators: JENKINS of Androscoggin, PENDLETON of Cumberland, Representatives: COLWELL of Gardiner, JONES of Greenville, PEAVEY of Woolwich, POVICH of Ellsworth, RICHARD of Madison

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

Sent down for concurrence.

Bill "An Act to Expand Asset Forfeiture Provisions"
S.P. 226 L.D. 795

Presented by Senator MURRAY, JR. of Penobscot

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

On motion by Senator **MURRAY** of Penobscot, referred to the Committee on **JUDICIARY**.

Sent down for concurrence.

Bill "An Act to Require that Medication in Schools be Administered by Licensed Personnel" S.P. 224 L.D. 793

Presented by Senator **PENDLETON** of Cumberland
Cosponsored by Representative **LEMAIRE** of Lewiston,
DESMOND of Mapleton, **FISHER** of Brewer, **GREEN** of
Monmouth, **MCKEE** of Wayne

Bill "An Act to Strengthen the Complaint Investigation Process Regarding Students with Disabilities" S.P. 232 L.D. 801

Presented by Senator **PENDLETON** of Cumberland

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

Sent down for concurrence.

Bill "An Act to Clarify Liability Coverage" S.P. 233 L.D. 802

Presented by Senator **ABROMSON** of Cumberland
Cosponsored by Representative **MAYO III** of Bath and
Senator: **LONGLEY** of Waldo
Submitted by the Department of Mental Health, Mental
Retardation and Substance Abuse Services pursuant to Joint
Rule 204.

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

Sent down for concurrence.

Bill "An Act to Protect the Department of Inland Fisheries and Wildlife from Unfunded Mandates" S.P. 229 L.D. 798

Presented by Senator **HALL** of Piscataquis
Cosponsored by Representatives: **MACK** of Standish,
UNDERWOOD of Oxford

Bill "An Act to Limit the Type of Hunting Equipment Used by Hunters Who Have Already Tagged a Deer" S.P. 230 L.D. 799

Presented by Senator **HALL** of Piscataquis

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

Sent down for concurrence.

Bill "An Act to Protect the Rights of Children Who Have Been Victims of Sexual Abuse by a Juvenile" S.P. 234 L.D. 803

Presented by Senator **AMERO** of Cumberland
Cosponsored by Representative **MUSE** of South Portland
and Senators: **BENOIT** of Franklin, **MITCHELL** of Penobscot,
PINGREE of Knox, Representative: **MCALEVEY** of
Waterboro

Committee on **JUDICIARY** suggested and **ORDERED PRINTED**.

On motion by Senator **MURRAY** of Penobscot, referred to the Committee on **CRIMINAL JUSTICE**.

Sent down for concurrence.

Bill "An Act Regarding the Penalty for Failure to Allow a Terminated Employee to Review Certain Files" S.P. 218 L.D. 677

Presented by Senator **CLEVELAND** of Androscoggin
Cosponsored by Senators: **CATHCART** of Penobscot,
TREAT of Kennebec, Representatives: **BOLDUC** of Auburn,
HATCH of Skowhegan, **LEMAIRE** of Lewiston, **SAMSON** of
Jay

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

Sent down for concurrence.

Bill "An Act to Prohibit the State Auditor and Constitutional Officers from Engaging in Political Fund-raising Activities" S.P. 213 L.D. 672

Presented by Senator **LIBBY** of York
Cosponsored by Senators: **AMERO** of Cumberland,
BUTLAND of Cumberland

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

Sent down for concurrence.

Bill "An Act Relating to Value of Property Held by Portland Yacht Club" S.P. 210 L.D. 669

Presented by Senator **ABROMSON** of Cumberland
Cosponsored by Representative: **FISK, JR.** of Falmouth

Committee on **LEGAL AND VETERANS AFFAIRS** suggested and **ORDERED PRINTED**.

On motion by Senator **DAGGETT** of Kennebec, referred to the Committee on **JUDICIARY**.

Sent down for concurrence.

Bill "An Act to Increase the Visibility of a Kayak on Salt Water" (Emergency) S.P. 211 L.D. 670

Presented by Senator GOLDTHWAIT of Hancock (By Request)

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

Sent down for concurrence.

Bill "An Act Concerning Towing in Cable Areas" S.P. 212 L.D. 671

Presented by Senator GOLDTHWAIT of Hancock
Cosponsored by Senator: PINGREE of Knox,
Representative: VOLENIK of Brooklin

Committee on **MARINE RESOURCES** suggested and **ORDERED PRINTED**.

On motion by Senator **CAREY** of Kennebec, **TABLED** until Later in Today's Session, pending **REFERENCE**.

Resolve, Establishing the Maine Council on Competitiveness S.P. 221 L.D. 680

Presented by Senator KIEFFER of Aroostook
Cosponsored by Senators: ABROMSON of Cumberland,
AMERO of Cumberland, BENNETT of Oxford,
Representative: LANE of Enfield

Bill "An Act to Ensure Ethical Conduct in the Office of Treasurer of State" S.P. 225 L.D. 794

Presented by Senator SMALL of Sagadahoc
Cosponsored by Senator: LIBBY of York, Representatives:
FISK, JR. of Falmouth, GERRY of Auburn

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

Sent down for concurrence.

Bill "An Act Relating to the Assessment of Land in Tree Growth Taxation" S.P. 216 L.D. 675

Presented by Senator RUHLIN of Penobscot
Cosponsored by Representatives: DUNLAP of Old Town,
TRIPP of Topsham, TUTTLE, JR. of Sanford

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory S.P. 223 L.D. 682

Presented by Senator RUHLIN of Penobscot
Cosponsored by Representative: TRIPP of Topsham

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Bill "An Act to Fully Fund the Tree Growth Tax Reimbursement Program" S.P. 227 L.D. 796

Presented by Senator LIBBY of York
Cosponsored by Representative BARTH, JR. of Bethel and
Senator: RUHLIN of Penobscot, Representatives: VOLENIK
of Brooklin, BRENNAN of Portland

Bill "An Act to Create Equity in the Taxation of Special Fuels" S.P. 228 L.D. 797

Presented by Senator AMERO of Cumberland
Cosponsored by Senator: KIEFFER of Aroostook

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

Sent down for concurrence.

Bill "An Act Regarding Electric Energy Demand Charges" S.P. 214 L.D. 673

Presented by Senator LIBBY of York

Committee on **TAXATION** suggested and **ORDERED PRINTED**.

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

Bill "An Act to Authorize the Department of Transportation to Use Design-build Contracting for Development of a New Bath-Woolwich Bridge" (Emergency) S.P. 220 L.D. 679

Presented by Senator SMALL of Sagadahoc
Cosponsored by Representative MAYO III of Bath and
Senators: HARRIMAN of Cumberland, KILKELLY of Lincoln,
Representatives: ETNIER of Harpswell, PEAVEY of
Woolwich, RINES, JR. of Wiscasset, SAVAGE of Union,
WINGLASS of Auburn
Submitted by the Department of Transportation pursuant to
Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act to Create the Oquossoc Standard Water District" (Emergency) S.P. 236 L.D. 805

Presented by Senator BENOIT of Franklin
Cosponsored by Representative BARTH, JR. of Bethel and
Senators: BUTLAND of Cumberland, CASSIDY of
Washington, Representative: LAVERDIERE of Wilton

Bill "An Act to Adopt a New Charter for the Winthrop Water District" S.P. 238 L.D. 807

Presented by Senator TREAT of Kennebec
Cosponsored by Representative MCKEE of Wayne and ,
Representative: FULLER of Manchester

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

Sent down for concurrence.

COMMITTEE REPORTS

Senate

Ought to Pass

Senator **GOLDTHWAIT** for the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Name the Body of Water on Route 27 in Coburn Gore "Fabian's Dunk" S.P. 15 L.D. 13

Reported that the same **Ought to Pass**.

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

The Resolve **READ ONCE**.

The Resolve **TOMORROW ASSIGNED FOR SECOND READING**.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

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

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (1/30/97)Assigned matter:

Bill "An Act to Require that Health Insurance Benefits for School District Employees Be Subject to the Mandatory Bid Process" H.P. 354 L.D. 477

Tabled - January 30, 1997, by Senator **LAFOUNTAIN** of York.

Pending - **REFERENCE**

(Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and **ORDERED PRINTED**.)

(In House, January 28, 1997, referred to the Committees on **EDUCATION AND CULTURAL AFFAIRS** and **BANKING AND INSURANCE**.)

On motion by Senator **PINGREE** of Knox, referred to the Committee on **BANKING AND INSURANCE** in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (1/30/97)Assigned matter:

Bill "An Act to Require the Forfeiture of Any Proceeds of Prostitution" H.P. 353 L.D. 476

Tabled - January 30, 1997, by Senator **MURRAY** of Penobscot.

Pending - **REFERENCE**

(In House, January 28, 1997, referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.)

On motion by Senator **MURRAY** of Penobscot, referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**, in concurrence.

The Chair laid before the Senate the following Tabled and Later (1/30/97)Assigned matter:

Bill "An Act to Provide Municipal Notification of Utility Services" S.P. 183 L.D. 601

Tabled - January 30, 1997, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

(Committees on **STATE AND LOCAL GOVERNMENT** and **UTILITIES AND ENERGY** suggested and **ORDERED PRINTED**, pursuant to Joint Rule 308.3.)

Which was referred to the Committees on **STATE AND LOCAL GOVERNMENT** and **UTILITIES AND ENERGY** and **ORDERED PRINTED**, pursuant to Joint Rule 308.3.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (1/30/97)Assigned matter:

Bill "An Act to Control Logging Exports" H.P. 373 L.D. 518

Tabled - January 30, 1997, by Senator **RAND** of Cumberland.

Pending - **INDEFINITE POSTPONEMENT**

(Committee on **TAXATION** suggested and **ORDERED PRINTED**.)

(In House, January 28, 1997, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.)

(In Senate, January 30, 1997, Bill and Accompanying Papers **INDEFINITELY POSTPONED**, in concurrence. Subsequently, on motion by Senator **RAND** of Cumberland, **RECONSIDERED**.)

Which was **INDEFINITELY POSTPONED**, in concurrence.

Senate at Ease

Senate called to order by the President.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency

"An Act to Increase Security at the Maine State Prison.
S.P. 152 L.D. 470
(S "A" S-9)

Tabled - January 30, 1997, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**

(In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-9)**, without reference to Committee.)

(In House January 30, 1997, **PASSED TO BE ENACTED**.)

Which was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

(See action later today.)

Senate at Ease

Senate called to order by the President.

Under suspension of the Rules, all matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

On motion by Senator **MICHAUD** of Penobscot the Senate **RECONSIDERED** whereby it **PASSED TO BE ENACTED**, in concurrence:

Emergency

"An Act to Increase Security at the Maine State Prison.
S.P. 152 L.D. 470
(S "A" S-9)

(In House January 30, 1997, **PASSED TO BE ENACTED**.)

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President, members of the Senate. Just one comment on this; when we went through the Productivity's Task Force stuff, the commissioner, Commissioner Lehman felt that he could really do away with a lot of people that he had. And now we're going to start putting them back, and I want to tell you that if anything is happening, this is only the first of many things that will be coming back in the budget, because they really overdid themselves down in the Administration.

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

House Papers

Bill "An Act to Clarify the Sanctions for Violating Laws Relating to Animal Pulling Events" H.P. 500 L.D. 691

Bill "An Act to Require That Dogs Be Kept on Leashes" H.P. 507 L.D. 698

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 Make Allocations from the Public Utilities Commission Regulatory Fund and the Public Utilities Commission Reimbursement Fund for the Fiscal Years Ending June 30, 1998 and June 30, 1999" (Emergency)

H.P. 537 L.D. 728

Bill "An Act to Make Allocations for the Administrative Expenses of the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, for the Fiscal Years Ending June 30, 1998 and June 30, 1999" (Emergency)

H.P. 543 L.D. 734

Bill "An Act Making Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1998, and June 30, 1999" (Emergency)

H.P. 567 L.D. 758

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Aid in the Construction of the Edmund S. Muskie School of Public Service on the Campus of the University of Southern Maine"

H.P. 600 L.D. 791

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 Amending the Maine Consumer Credit Code"

H.P. 519 L.D. 710

Bill "An Act to Require Certain Information on Insurance Bills"

H.P. 525 L.D. 716

Bill "An Act to Amend the Maine Consumer Credit Code"

H.P. 554 L.D. 745

Bill "An Act to Provide Options under Managed Care Plans for Counseling by a Primary Care Physician"

H.P. 575 L.D. 766

Bill "An Act to Require Certain Practices by Managed Care Plans"

H.P. 594 L.D. 785

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 Papers

Bill "An Act to Streamline the Registration Process for Drug Outlets, Manufacturers and Wholesalers" H.P. 495 L.D. 686

Bill "An Act to Require Notification of Changes in Product Lines from Beverage Distributors to Redemption Centers and to Clarify Beverage Distributors' Obligation to Pick Up Containers"

H.P. 496 L.D. 687

Bill "An Act to Require That Safety Features Be Added to Hot Water Heaters and Furnaces Powered by Natural Gas"

H.P. 499 L.D. 690

Bill "An Act to Define the Term "Occupational Therapy Practitioner" in the Laws Regulating Professions and Occupations"

H.P. 518 L.D. 709

Bill "An Act to Amend the Maine Pharmacy Act"

H.P. 538 L.D. 729

Bill "An Act to Create an Apprentice Registration Category and to Exempt Certain Persons from Licensure under the Propane and Natural Gas Act"

H.P. 546 L.D. 737

Bill "An Act to Clarify the Right of a Real Estate Broker to a Lien on Land, Improvements or Structures" H.P. 577 L.D. 768

Come from the House, referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

Which were referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, 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 Requiring State Reimbursement for Certain Services Provided by Counties" H.P. 534 L.D. 725

Bill "An Act to Allow Police to Take Intoxicated Persons into Custody" H.P. 562 L.D. 753

Bill "An Act to Increase Penalties for Subsequent Violations of the Laws Prohibiting Indecent Conduct" H.P. 569 L.D. 760

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

Which were referred to the Committee on **CRIMINAL JUSTICE**, 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 Organize Schools in the Unorganized Territory as a Single School Administrative Unit" H.P. 493 L.D. 684

Bill "An Act to Limit Reimbursement for Administrative Expenses Based on the Size of a Local Educational Unit" H.P. 494 L.D. 685

Bill "An Act to Repeal the Guiding Principles of the Learning Results System" H.P. 503 L.D. 694

Bill "An Act to Give Municipal Officials Oversight of School Administrative District Budgets" H.P. 506 L.D. 697

Resolve, to Establish a Tuition Rate for the Town of Dennysville (Emergency) H.P. 510 L.D. 701

Bill "An Act to Amend the Laws Regarding the Approval Process of Budgets of School Administrative Districts" H.P. 514 L.D. 705

Bill "An Act to Prohibit the Hiring of Tutors in Lieu of Employing Education Technicians" H.P. 523 L.D. 714

Bill "An Act to Reduce School Truancy" H.P. 530 L.D. 721

Resolve, to Create a Study Committee to Examine School Union Organization and Governance Issues H.P. 563 L.D. 754

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**, 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 Exempt Veteran Residents of the Maine Veterans' Homes from the Provisions on Medical Assessment of Eligibility for Medicaid Reimbursement" H.P. 498 L.D. 689

Bill "An Act to Assist 2-parent Families in which At Least One Parent Is Incapacitated" H.P. 505 L.D. 696

Bill "An Act to Establish a Residential Care Facility for Veterans in Washington County" H.P. 532 L.D. 723

Bill "An Act to Require Medicaid to Pay for Intravenous Drug Therapy at Home" H.P. 542 L.D. 733

Bill "An Act to Require That the Department of Human Services Bring Criminal Charges Promptly against a Custodian When a Child is Removed under Court Order" H.P. 580 L.D. 771

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**, in concurrence.

Bill "An Act to Provide Health Insurance Coverage to Children in Maine" H.P. 599 L.D. 790

Comes from the House, referred to the Committees on **HEALTH AND HUMAN SERVICES** and **TAXATION** and **ORDERED PRINTED**.

Which was referred to the Committees on **HEALTH AND HUMAN SERVICES** and **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 Promote Wildlife Rehabilitation Centers" H.P. 551 L.D. 742

Bill "An Act Concerning the Use of Leg Hold Traps for Coyote in the Unorganized Territory" H.P. 555 L.D. 746

Bill "An Act to Outlaw the Use of Eel Pots in Inland Waters" H.P. 560 L.D. 751

Bill "An Act to Ensure That Permit Requirements are Met before the Sale of Live Fish or Fish Eggs" H.P. 597 L.D. 788

Bill "An Act to List Specific Threatened and Endangered Species" H.P. 598 L.D. 789

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**, 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 Amend Procedures Relating to Extradition Proceedings" H.P. 502 L.D. 693

Bill "An Act to Clarify the General Powers of Attorney" H.P. 508 L.D. 699

Bill "An Act to Expand the Methods of Service of Disclosure Subpoenas" H.P. 526 L.D. 717

Bill "An Act to Limit Adverse Possession" H.P. 539 L.D. 730

Bill "An Act to Require Child Support for Juveniles in the Custody of the Department of Corrections" H.P. 547 L.D. 738

Bill "An Act to Amend the Maine Tort Claims Act to Specifically Include Members of the Maine State Retirement System Medical Boards and Other Designated Physicians in the Definition of Employee" H.P. 548 L.D. 739

Bill "An Act to Amend the Procedure for Foreclosure by Publication" H.P. 572 L.D. 763

Bill "An Act to Limit Landowner Liability for Injuries to Independent Contractors Engaged in Harvesting Activities" H.P. 578 L.D. 769

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

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

Bill "An Act to Amend the Laws of Murder and Manslaughter to Include the Death of a Fetus" H.P. 541 L.D. 732

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

On motion by Senator **LONGLEY** of Waldo, **TABLED** until Later in Today's Session, pending **REFERENCE**.

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

House Papers

Bill "An Act to Prohibit Residential Burning of Domestic, Household Trash" H.P. 557 L.D. 748

Bill "An Act to Clarify Sanitary District and Sewer District Authority to Adopt Impact Fees" H.P. 576 L.D. 767

Bill "An Act to Exempt Permitted Auto Recyclers from the Solid Waste Management Rules" H.P. 585 L.D. 776
Come from the House, referred to the Committee on **NATURAL RESOURCES** and **ORDERED PRINTED**.

Which were referred to the Committee on **NATURAL RESOURCES**, 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 Amend the Penobscot County Budget Committee Process" H.P. 511 L.D. 702

Bill "An Act to Amend the Washington County Budget Advisory Committee" H.P. 515 L.D. 706

Bill "An Act to Amend the Laws Regarding Confidentiality of Library Records" H.P. 529 L.D. 720

Resolve, to Establish a Board to Review State Spending and Budget Procedures H.P. 586 L.D. 777

Bill "An Act to Provide Legislators with the Same Health Benefits as State Employees" H.P. 590 L.D. 781

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**, in concurrence.

Bill "An Act to Change the Composition of the Loring Development Authority Board of Trustees" H.P. 522 L.D. 713

Bill "An Act to Abolish the Economic Development and Business Assistance Coordinating Council" H.P. 545 L.D. 736

Committee on **STATE AND LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.

Come from the House referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

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

Bill "An Act to Open to Public Scrutiny the Workings of the Maine Legislature" H.P. 527 L.D. 718

Committee on **STATE AND LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **JUDICIARY**.

Which was 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 Establish a Flat Tax Rate for the Maine Income Tax" H.P. 513 L.D. 704

Bill "An Act to Allow the State Tax Assessor to Waive Interest and Penalties Due to Economic Hardship and Catastrophic Health Problems" H.P. 524 L.D. 715

Bill "An Act to Exempt Farms from the Sales Tax on Electricity" H.P. 552 L.D. 743

Bill "An Act to Require That the State Adjust the Standard Income Tax Deduction to Coincide with Changes in the Federal Income Tax Deduction" H.P. 553 L.D. 744

Bill "An Act to Eliminate Fraud in the Maine Residents Property Tax Program" H.P. 558 L.D. 749

Bill "An Act to Allow Trade-in Credit for Lawn Tractors and Lawn Mowers" H.P. 568 L.D. 759

Bill "An Act to Repeal the Reimbursement of Personal Property Taxes Paid on Business Machinery and Equipment" H.P. 570 L.D. 761

Bill "An Act to Exempt Sales of Disposable Diapers from the Sales Tax" H.P. 571 L.D. 762

Bill "An Act Relating to the Application of the Real Estate Transfer Tax to Mobile Home Transfers" H.P. 579 L.D. 770

Resolve, to Establish a Commission to Study the Maine Residents Property Tax and Rent Refund Program and Make it More Accessible H.P. 588 L.D. 779

Bill "An Act to Ensure That Only Taxes That Are Paid and Not Otherwise Reimbursed Are Eligible for Reimbursement under the State's Business Property Tax Reimbursement Program" H.P. 589 L.D. 780

Resolve, Directing the Bureau of Taxation to Review Organizations Receiving Tax Exemptions H.P. 593 L.D. 784

Bill "An Act Concerning Technical Changes to the Tax Laws" (Emergency) H.P. 601 L.D. 792

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 Authorize the Department of Transportation to Cut Brush and Trees along a Highway at the Request of a Business" H.P. 509 L.D. 700

Bill "An Act to Allow Signs to Change an Unlimited Number of Times per Day" H.P. 512 L.D. 703

Bill "An Act to Require the Use of Headlights by Motor Vehicle Drivers at All Times" H.P. 520 L.D. 711

Bill "An Act to Exempt Certain Driver Education Schools from License Fees" H.P. 521 L.D. 712

Bill "An Act to Increase the Bonding Limits of the Maine Turnpike Authority" H.P. 535 L.D. 726

Resolve, to Name a Portion of Route 26 from Newry to Upton H.P. 556 L.D. 747

Bill "An Act to Allow Law Enforcement Agencies to Use Red Flashing Lights on Their Vehicles" H.P. 559 L.D. 750

Bill "An Act to Create Graduated Licenses" H.P. 566 L.D. 757

Resolve, Directing the Department of Transportation to Develop Guidelines for Municipal Public Works Departments H.P. 581 L.D. 772

Bill "An Act to Allow Flexible Toll Pricing on the Maine Turnpike" H.P. 583 L.D. 774

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 a Percentage of Natural Gas Flowing through the State to Be Reserved for Maine Users" H.P. 516 L.D. 707

Bill "An Act to Amend the Charter of the Portland Water District" (Emergency) H.P. 533 L.D. 724

Bill "An Act to Permit the Public Utilities Commission to Suspend Rate Regulation of Certain Telephone Utilities" H.P. 544 L.D. 735

Bill "An Act to Allow Certain Public Utilities to Extend Their Service into Areas Served by Other Public Utilities" H.P. 592 L.D. 783

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.

Off Record Remarks

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 Penalties for Violations of State Wage and Hour Laws" H.P. 492 L.D. 683

Bill "An Act to Increase Maine's Minimum Wage" H.P. 497 L.D. 688

Bill "An Act to Include in the Legislative and Judicial Retirement Systems the Same Provisions for Post-retirement Divorce That Are in the Maine State Retirement System" H.P. 561 L.D. 752

Bill "An Act to Continue the Participating Local District Consolidated Plan Advisory Committee" (Emergency) H.P. 565 L.D. 756

Bill "An Act to Prohibit the Use of Polygraph Tests by Employers in the Hiring Process" H.P. 574 L.D. 765

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 Amend Security Deposit Provisions for Residential Rental Units" H.P. 504 L.D. 695

Bill "An Act to Protect Small, Independent Businesses Not Meeting Minimum Lottery Sales Requirements" H.P. 517 L.D. 708

Bill "An Act to Provide Certain Renters with the Status of Tenant at Will" H.P. 528 L.D. 719

Bill "An Act to Aid Municipalities by Eliminating Same Day Registration" H.P. 540 L.D. 731

Bill "An Act to Permit the Temporary Removal of Gravestones from Cemeteries for the Purpose of Repair" H.P. 549 L.D. 740

Resolve, to Create a Voluntary Commission to Study the Integrity of Political Advertisements and Their Effect on the Voters H.P. 587 L.D. 778

Bill "An Act to Ensure the Availability of Expertise on Dam Safety" H.P. 591 L.D. 782

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 Concerning the Importation of Marine Organisms That May Be Dangerous to Indigenous Marine Life or Its Environment" H.P. 501 L.D. 692

Bill "An Act to Amend the Laws Regarding Scallop Harvesting" (Emergency) H.P. 531 L.D. 722

Bill "An Act to Change the Membership of the Lobster Advisory Council" H.P. 536 L.D. 727

Bill "An Act to Repeal the Lobster Promotion Council" H.P. 550 L.D. 741

Bill "An Act Concerning Regulatory Authority to Protect
Certain Marine Organisms" (Emergency) H.P. 573 L.D. 764

Bill "An Act to Study a Marine Ecological Reserves
Designation in State Coastal Waters" H.P. 582 L.D. 773

Bill "An Act Concerning Applied Aquaculture Research in the
Coastal Waters of the State" H.P. 584 L.D. 775

Bill "An Act to Increase the Department of Marine Resources'
Involvement in Dredge Permitting" H.P. 595 L.D. 786

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.

ORDERS OF THE DAY

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

Bill "An Act Concerning Towing in Cable Areas"
S.P. 212 L.D. 671

Tabled - February 4, 1997, by Senator **CAREY** of Kennebec.

Pending - **REFERENCE**

(Committee on **MARINE RESOURCES** suggested and
ORDERED PRINTED.)

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

Sent down for concurrence.

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

Bill "An Act Regarding Electric Energy Demand Charges"
S.P. 214 L.D. 673

Tabled - February 4, 1997, by Senator **PINGREE** of Knox

Pending - **REFERENCE**

(Committee on **TAXATION** suggested and **ORDERED
PRINTED**.)

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

Sent down for concurrence.

Senator **O'GARA** of Cumberland was granted unanimous
consent to address the Senate off the Record.

Off Record Remarks

Senator **KIEFFER**, of Aroostook was granted unanimous
consent to address the Senate off the Record.

Off Record Remarks

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

Off Record Remarks

On motion by Senator **MACKINNON** of York, **ADJOURNED**,
until Thursday, February 6, 1997, at 3:00 in the afternoon.