

MAINE STATE LEGISLATURE

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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
February 11, 1997

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

Prayer by Reverend David Patrick of the Pine Tree Baptist Church of Easton.

REVEREND DAVID PATRICK: Our Heavenly Father, we thank You for this day. We thank You for this time to be able to come before You in prayer.

Lord, we sing a song that says "God Bless America, home of the brave and of the free". There is also another song that says "united we stand, and divided we fall". So Lord, I know that there is only one way to stand, and that is straight up and proud that we have a God that has given us so much.

Lord, we ask for Your guidance and wisdom and knowledge this day, as our government leaders meet here today to pass laws and resolutions pertaining to how we are to live. So Lord, I ask that we remember that "as Maine goes, so goes the nation". I believe, Lord, that this is still true today as it was in the times past. Lord, Your word says, "love thy neighbor as thyself". I pray Lord, that we also stand up for moral values because our country was founded on Your word.

Let us remember, God, that You are the one that gives with grace, and also the one who can take it away. Lord, we must remember all of the people's needs. We have children depending on us for their future, as well as our senior citizens, and Lord, we must persevere for those less fortunate. I pray, Lord, that we stand together for a better world for tomorrow. Amen.

Doctor of the Day, Kenneth L. Raessler, Yarmouth.

Pledge of Allegiance led by Senator R. Leo Kieffer of Aroostook.

Reading of the Journal of Thursday, February 6, 1997.

Out of order and under suspension of the Rules, on motion by Senator **PINGREE** of Knox the following Senate Order:
S.O. 13

ORDERED, that a message be sent to the House of Representatives proposing a Joint Convention to be held in the Hall of the House at 11:00 in the morning for the purpose of extending to the Honorable Daniel E. Wathen, Chief Justice of the Supreme Judicial Court, the Associate Justices of the Supreme Judicial Court, Justices of the Maine Superior Court

and Judges of the District Court, an invitation to attend the Convention and make such communication as pleases them.

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

The Chair appointed the Senator from Knox, Senator **PINGREE** to deliver the message. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

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. 23

118th MAINE LEGISLATURE

January 10, 1997

Daniel E. Wathen, Chief Justice
Kennebec County Court
95 State Street
Augusta, Maine 04330

Dear Chief Justice Wathen:

We are pleased to invite you to address a Joint Session of the 118th Maine Legislature on Tuesday, February 11, 1997 at 11:00 a.m. concerning the State of the Judiciary and any other matters that you may care to bring to our attention.

We look forward to seeing you then. Best wishes.

Sincerely,

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

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

The Following Communication: S.C. 24

**STATE OF MAINE
SUPREME JUDICIAL COURT
JUDICIAL CENTER
65 STONE STREET
AUGUSTA, MAINE 04330**

January 17, 1997

Hon. Mark W. Lawrence
President of the Senate
SHS 3
Augusta, Maine 04333

Hon. Elizabeth H. Mitchell
Speaker of the House
SHS 2
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

February 11, 1997

Thank you for your kind invitation to address a Joint Session of the 118th Maine Legislature. The State of the Judiciary Address serves my purposes very well because it forces me to organize my thinking as to the needs, obligations, and opportunities for the third branch of government.

As always, I look forward to this opportunity to speak with all of you and appreciate your courtesy. I look forward to seeing you on February 11, 1997 at 11:00 a.m.

Sincerely yours,

S/Daniel E. Wathen
Chief Justice

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

The Following Communication: S.P. 299

118th MAINE LEGISLATURE

February 11, 1997

Senator John Jenkins
Representative Marc Vigue
Chairpersons
Joint Standing Committee on Business and Economic
Development
118th Legislature
Augusta, Maine 04333

Dear Senator Jenkins and Representative Vigue:

Please be advised that Governor Angus S. King, Jr. has nominated Lyndel J. Wishcamper and Brian E. Thibeau for reappointment as members of the Loring Development Authority.

Pursuant to Title 5, Section 13080-B, these nominations will require review by the Joint Standing Committee on Business and Economic Development and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence
President of the Senate

S/Elizabeth H. Mitchell
Speaker of the House

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

Sent down for concurrence.

The Following Communication: S.P. 300

118th MAINE LEGISLATURE

Senator Peggy Pendleton
Representative Shirley Richard
Chairpersons
Joint Standing Committee on Education and Cultural Affairs
118th Legislature
Augusta, Maine 04333

Dear Senator Pendleton and Representative Richard:

Please be advised that Governor Angus S. King, Jr. has nominated Joan M. Kelly and W. Tom Sawyer, Jr. for appointment as members and Terrence C. Moore for appointment as the student member of the Maine Maritime Academy Board of Trustees.

Pursuant to P.L. 1975, Chapter 771, Section 428, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence
President of the Senate

S/Elizabeth H. Mitchell
Speaker of the House

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

Sent down for concurrence.

The Following Communication: S.C. 25

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

February 5, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 126 An Act to Limit Medicaid Coverage for Methadone Rehabilitation to One Year

L.D. 130 An Act to Provide Financial Incentives to a Company That Hires and Provides Health Insurance Benefits to a Medicaid Recipient

February 5, 1997

L.D. 179 An Act to Clarify Medicaid Reimbursement for Acadia Hospital Corporation

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Dear President Lawrence and Speaker Mitchell:

Sincerely,

S/Sen. Judy Paradis Senate Chair S/Rep. J. Elizabeth Mitchell House Chair

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

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

L.D. 23 An Act to Amend the Laws Governing Admission to Mental Health Institutions

L.D. 132 An Act to Prohibit the Plea Bargaining of Child Sex Abuse Cases

The Following Communication: S.C. 26

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

Sincerely,

February 5, 1997

S/Sen. Susan W. Longley Senate Chair S/Rep. Richard H. Thompson House Chair

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

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

Dear President Lawrence and Speaker Mitchell:

The Following Communication: S.C. 28

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bill out "Ought Not to Pass":

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

February 5, 1997

L.D. 68 An Act to Lower the Age for Free Fishing and Hunting Licenses

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

We have also notified the sponsor and cosponsors of the Committee's action.

Dear President Lawrence and Speaker Mitchell:

Sincerely,

S/Sen. Marjorie L. Kilkelly Senate Chair S/Rep. Norman R. Paul House Chair

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

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

L.D. 72 An Act Regarding the Timely Filing of Campaign Reports by Candidates for State Office

The Following Communication: S.C. 27

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY**

L.D. 239 An Act to Require Picture Identification to be Used by Persons Registering to Vote on Election Day

L.D. 247 An Act to Reduce the Hours Required of the Registrar to Register Voters Prior to Election Day

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Beverly C. Daggett
Senate Chair

S/Rep. John L. Tuttle, Jr.
House Chair

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

The Following Communication: S.C. 29

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

February 5, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 40 An Act to Require Appointment of a County Commissioner Whose District Includes Unorganized and Deorganized Areas to the Maine Land Use Regulation Commission

L.D. 137 An Act to Prohibit Omnibus Fish and Game Legislation

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John M. Nutting
Senate Chair

S/Rep. Douglas J. Ahearne
House Chair

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

The Following Communication: S.C. 30

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON TAXATION**

February 5, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 18 An Act to Give a Small Business Employer Health Benefit Tax Relief

L.D. 19 An Act to Provide an Income Tax Deduction for the Home Health Care of Relatives

L.D. 21 Resolve, Authorizing Reimbursement to John Calley for Expenses Incurred as a Result of an Overassessment of Sales Tax

L.D. 41 An Act to Repeal the Ability of Municipalities to Set Off Money Due against Taxes Owed

L.D. 58 An Act to Provide a State Income Tax Deduction for Rent

L.D. 164 An Act to Provide Tax Credits for Small Businesses Providing Health Insurance Benefits for Employees

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Richard P. Ruhlin
Senate Chair

S/Rep. Verdi L. Tripp
House Chair

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

The Following Communication: S.C. 31

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

February 5, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 28 An Act to Create Silver Star and Bronze Star License Plates

L.D. 48 An Act to Allow Escorts of Certain Motor Vehicles by Any Police Officer

L.D. 50 An Act to Clarify the Authority of the Department of Transportation to Designate Truck Routes

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. William B. O'Gara
Senate Chair

S/Rep. Joseph D. Driscoll
House Chair

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

The Following Communication: S.C. 32

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

February 5, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 233 An Act to Regulate Telephone Directory Entries

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Richard J. Carey
Senate Chair

S/Rep. Kyle W. Jones
House Chair

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

SENATE PAPERS

Bill "An Act to Amend the Laws Pertaining to the Boarding of Dogs" S.P. 289 L.D. 940

Presented by Senator GOLDTHWAIT of Hancock
Cosponsored by Representative: PINKHAM of Lamoine

Bill "An Act to Enhance the Potato Industry" S.P. 290 L.D. 941

Presented by Senator KIEFFER of Aroostook
Cosponsored by Representatives: BAKER of Dixfield,
CROSS of Dover-Foxcroft
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 to Restore Needed Positions at the Augusta Mental Health Institute and the Bangor Mental Health Institute" (Emergency) S.P. 307 L.D. 1015

Presented by Senator DAGGETT of Kennebec
Cosponsored by Representative: MADORE of Augusta
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 Infant Formulas" S.P. 308 L.D. 1016

Presented by Senator GOLDTHWAIT of Hancock
Cosponsored by Representative: PLOWMAN of Hampden

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

Sent down for concurrence.

Bill "An Act to Equalize the Energy Efficiency Standards for Multifamily Residential Structures Funded by Public Funds" S.P. 301 L.D. 1009

Presented by Senator MURRAY, JR. of Penobscot
Cosponsored by Senator: HARRIMAN of Cumberland,
Representatives: CAMPBELL of Holden, VIGUE of Winslow

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

Sent down for concurrence.

Bill "An Act to Include Youth in Public Service"
S.P. 296 L.D. 947

Presented by Senator JENKINS of Androscoggin
Cosponsored by Representative VIGUE of Winslow and
Senators: MACKINNON of York, MURRAY, JR. of
Penobscot, NUTTING of Androscoggin, RAND of
Cumberland

Bill "An Act Regarding Nonresident School Tuition"
S.P. 302 L.D. 1010

Presented by Senator GOLDTHWAIT of Hancock
Cosponsored by Representative JONES of Bar Harbor and
Senator: ABROMSON of Cumberland, Representative:
GIERINGER, JR. of Portland

Resolve, to Require the Department of Education to Develop
a Framework for the Study of Social Studies in Public Schools
S.P. 304 L.D. 1012

Presented by Senator MILLS of Somerset

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

Bill "An Act to Require Certain Employees of Health Care
Facilities to Wear Identification Badges" S.P. 288 L.D. 939

Presented by Senator GOLDTHWAIT of Hancock
Cosponsored by Senators: HARRIMAN of Cumberland,
PENDLETON of Cumberland, PINGREE of Knox,
Representatives: ETNIER of Harpswell, ROWE of Portland

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

Sent down for concurrence.

Bill "An Act to Include Incorporated Fire Departments
Recognized by Any Authority Created by Statute within the
Protection of the Maine Tort Claims Act" S.P. 287 L.D. 938

Presented by Senator KIEFFER of Aroostook
Cosponsored by Senators: CASSIDY of Washington,
HARRIMAN of Cumberland, Representatives: DONNELLY of
Presque Isle, WHEELER of Bridgewater

Resolve, Establishing a Commission to Study the Funding
and Distribution of Teletypewriters and Other
Telecommunications Equipment for People with Disabilities
S.P. 293 L.D. 944

Presented by Senator TREAT of Kennebec
Cosponsored by Representative JONES of Bar Harbor and
Senator: HARRIMAN of Cumberland, Representatives:
COLWELL of Gardiner, KERR of Old Orchard Beach,

MADORE of Augusta, O'NEAL of Limestone, ROWE of
Portland

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

Sent down for concurrence.

Bill "An Act to Give State Employees the Option of Entering
the Social Security System" S.P. 306 L.D. 1014

Presented by Senator MILLS of Somerset

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

Sent down for concurrence.

Bill "An Act Regarding the Wording of Ballot Questions"
S.P. 298 L.D. 949

Presented by Senator RUHLIN of Penobscot
Cosponsored by Representative FISHER of Brewer and
Senator: DAGGETT of Kennebec, Representatives: JOY of
Crystal, JONES of Bar Harbor

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

Sent down for concurrence.

At this point, a message was received from the House of
Representatives, borne by Representative SAXL of Portland,
informing the Senate that the House of Representatives
concurred with the proposition for a Joint Convention, to be held
in the Hall of the House, at 11:00 in the morning for the purpose
of extending to the Honorable Daniel E. Wathen, Chief Justice of
the Supreme Judicial Court, the Associate Justices of the
Supreme Judicial Court, Justices of the Maine Superior Court
and Judges of the District Court, an invitation to attend the
Convention and make such communications as pleases them.

Bill "An Act to Repeal the Scallop Season"
S.P. 291 L.D. 942

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 Amend the Law Governing Municipal Zoning with Respect to Community Living Arrangements" S.P. 292 L.D. 943

Presented by Senator DAGGETT of Kennebec
Cosponsored by Representative: GREEN of Monmouth

Bill "An Act to Establish Basic Standards and Procedures for Personal Services Contracting by the State" S.P. 294 L.D. 945

Presented by Senator DAGGETT of Kennebec
Cosponsored by Representative KONTOS of Windham and Senator: NUTTING of Androscoggin, Representative: GREEN of Monmouth

Bill "An Act to Protect the Confidentiality of Financial Records" S.P. 295 L.D. 946

Presented by Senator JENKINS of Androscoggin
Cosponsored by Representative VIGUE of Winslow

Bill "An Act to Permit County Commissioners to Retain the Services of a Road Commissioner" S.P. 297 L.D. 948

Presented by Senator MILLS of Somerset

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

Sent down for concurrence.

Bill "An Act to Ensure the Accurate Collection of Excise Tax on New Motor Vehicles" S.P. 303 L.D. 1011

Presented by Senator NUTTING of Androscoggin
Cosponsored by Representative MAILHOT of Lewiston and Senator: JENKINS of Androscoggin, Representatives: GREEN of Monmouth, MCKEE of Wayne, SPEAR of Nobleboro, TUTTLE, JR. of Sanford

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

Sent down for concurrence.

Bill "An Act to Implement Electronic Monitoring for Compliance with the Motor Vehicle Financial Responsibility Laws by 1999 and Make Other Changes in Those Laws" S.P. 305 L.D. 1013

Presented by Senator MILLS of Somerset

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

Sent down for concurrence.

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

SECOND READERS

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

House

Bill "An Act to Amend the Laws Specifying When an Indictment in a Criminal Case Is Not Required" H.P. 12 L.D. 8

Bill "An Act to Increase the Fees for Attachment of Real Estate and Personal Property" H.P. 20 L.D. 45

Which were **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 (2/6/97) Assigned matter:

Bill "An Act to Amend the Distribution of Revenue Sharing" S.P. 245 L.D. 814

Tabled - February 6, 1997, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

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

On motion by Senator **RUHLIN** of Penobscot, referred to the Committee on **TAXATION**.

Sent down for concurrence.

The President appointed the Senator from Knox, Senator **PINGREE** to serve as President Pro Tem for the session on Thursday, February 13, 1997.

On motion by Senator **AMERO** of Cumberland, **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

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

PAPERS FROM THE HOUSE

House Papers

Resolve, to Require the Animal Welfare Advisory Committee to Make Recommendations for the Licensing of Dog Groomers
H.P. 678 L.D. 930

Bill "An Act to Improve the Efficiency of the Department of Agriculture, Food and Rural Resources" H.P. 714 L.D. 978

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.

Bill "An Act to Require Recommended Silvicultural Stocking Standards on Land Ownerships Enrolled under the Tree Growth Tax Laws" H.P. 704 L.D. 968

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

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

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

Bill "An Act to Amend the Legislative Budget Process"
H.P. 721 L.D. 985

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

Which was 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 Require Disclosure to Consumers about the Availability of Private Insurance Adjusters" H.P. 670 L.D. 922

Resolve, to Establish a Commission to Study Insurance Fraud H.P. 681 L.D. 933

Bill "An Act to Authorize the Issuance of a Credit Card to Benefit the Scholarships for Maine Fund" H.P. 705 L.D. 969

Bill "An Act to Amend Provisions Applicable to Property Casualty Insurers and Reporting Requirements to the Bureau of Insurance" H.P. 716 L.D. 980

Bill "An Act to Ensure Choice of Physicians in Managed Care Programs" H.P. 736 L.D. 1000

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 Conform the Maine Fair Debt Collection Practices Act to Federal Laws" H.P. 730 L.D. 994

Bill "An Act to Provide for the Licensing of Building Contractors" H.P. 741 L.D. 1005

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

Bill "An Act to Increase the Penalties for Criminal OUI for Persons Previously Convicted of Vehicular Manslaughter" H.P. 666 L.D. 918

Bill "An Act Criminalizing the Failure of One Parent to Report a Sexual Assault or Exploitation of a Child by Another Parent" H.P. 668 L.D. 920

Bill "An Act to Amend the Definition of a Juvenile"
H.P. 732 L.D. 996

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 to Amend the School Construction Laws to Allow School Construction Projects That Expand Existing School Facilities beyond 8,000 Square Feet to Be Eligible for State School Construction Subsidies" H.P. 677 L.D. 929

Bill "An Act to Ensure That the Technical College System Is More Responsive to the Needs of the State" H.P. 689 L.D. 953

Bill "An Act to Allow Towns within a Community School District to Vote on a School Budget by Referendum" H.P. 709 L.D. 973

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 Repeal Medicaid Estate Recovery Laws" H.P. 696 L.D. 960

Resolve, to Address Issues Raised by the Select Committee to Study Rate Increases in Nursing Homes H.P. 727 L.D. 991

Bill "An Act to Amend the Certificate of Need Laws" H.P. 734 L.D. 998

Bill "An Act Requiring the Department of Human Services to Provide Custodial History of Children in the Care of the Department" H.P. 738 L.D. 1002

Bill "An Act to Legalize Marijuana for Medical Purposes" H.P. 742 L.D. 1006

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 Amend the Hunting Laws As They Pertain to Antlerless Deer" H.P. 686 L.D. 950

Bill "An Act to Require the State to Recognize Moose Hunting Permits Issued by the Passamaquoddy Tribe" H.P. 694 L.D. 958

Bill "An Act to Allow Handicapped Hunters to Hunt Does without a Permit" H.P. 695 L.D. 959

Bill "An Act to Prohibit the Use of Artificial Devices by Game Wardens for the Purpose of Causing Hunting Violations" H.P. 697 L.D. 961

Bill "An Act to Prohibit the Stocking of Alewives in Trip Lake" (Emergency) H.P. 729 L.D. 993

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 Permit the Joint Tribal Council of the Passamaquoddy Tribe to Change the Names of Geographical Locations within Passamaquoddy Territory" H.P. 691 L.D. 955

Bill "An Act to Repeal the Law Providing that State Laws Apply to Indian Lands" H.P. 692 L.D. 956

Bill "An Act to Require Full Faith and Credit for Decisions of the Tribal Court" (Emergency) H.P. 693 L.D. 957

Bill "An Act to Transfer Certain Tribal Holdings into a Trust" H.P. 700 L.D. 964

Bill "An Act to Make All Persons within Passamaquoddy Indian Territory Subject to Tribal Court Jurisdiction" H.P. 702 L.D. 966

Bill "An Act to Allow the State to Appeal Certain Sentences Imposed on Defendants" H.P. 710 L.D. 974

Bill "An Act to Provide for Accomplice Liability with Respect to Civil Violations" H.P. 731 L.D. 995

Bill "An Act to Amend the Maine Civil Legal Services Fund" H.P. 739 L.D. 1003

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 Allow Options within the Legislative Retirement System" H.P. 715 L.D. 979

Bill "An Act to Require the Maine State Retirement System to Release Part-time or Substitute Teachers and Coaches from Participation" H.P. 724 L.D. 988

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System H.P. 735 L.D. 999

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 the Laws Regarding Beano and Bingo" H.P. 669 L.D. 921

Bill "An Act to Permit Voters to Affirmatively Vote against All Named Candidates" H.P. 684 L.D. 936

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for a Passamaquoddy Representative District H.P. 701 L.D. 965

Bill "An Act to Allow Independent Voters to Vote in Primary Elections" H.P. 722 L.D. 986

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

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

Bill "An Act to Clarify the Responsibilities of Directors of Nonprofit Corporations" H.P. 672 L.D. 924

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

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

Bill "An Act to Put to Referendum the Option of Authorizing a Tribe-owned Casino" H.P. 706 L.D. 970

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

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

Bill "An Act to Protect Private Enterprise from Tax-subsidized Competition" H.P. 707 L.D. 971

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

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

Bill "An Act to Establish the Rider Safety Act" H.P. 713 L.D. 977

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

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

Bill "An Act to Provide Equal Political Rights for Classified State Employees" H.P. 739 L.D. 1004

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

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

Bill "An Act to Promote Snowmobile Safety by Restricting the Transport of Alcoholic Beverages to Sleds Pulled by Snowmobiles" H.P. 673 L.D. 925

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

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

Bill "An Act to Amend the Enhanced 9-1-1 Laws"
H.P. 712 L.D. 976

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

Comes from the House referred to the Committee on **UTILITIES AND ENERGY**.

Which was referred to the Committee on **UTILITIES AND ENERGY** 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 that Fish Raised in an Area Subject to a Lease Agreement with the Department of Marine Resources Be Processed in the United States" H.P. 687 L.D. 951

Bill "An Act to Amend the Sea Urchin Management Plan"
H.P. 728 L.D. 992

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.

Bill "An Act to Repeal the Tax on Mahogany Quahogs"
H.P. 723 L.D. 987

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

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

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

Bill "An Act to Expand Recycling through Reduced Burning"
H.P. 703 L.D. 967

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

Resolve, Creating a Special Commission to Erect a Plaque in the Hall of Flags Honoring Those Who Served in the Civilian Conservation Corps from Maine H.P. 674 L.D. 926

Bill "An Act Relating to the State's Deferred Compensation Plan" H.P. 685 L.D. 937

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

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

Bill "An Act Regarding Foster Parent Insurance"
H.P. 680 L.D. 932

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

Comes from the House referred to the Committee on **HEALTH AND HUMAN RESOURCES**.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, 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 Amend the Tax against Certain Casual Sales"
H.P. 671 L.D. 923

Bill "An Act to Amend the Maine Tree Growth Tax Law to Shift the Reimbursement from Municipality to Beneficiary"
H.P. 708 L.D. 972

Bill "An Act to Modify the Income Tax Rates"
H.P. 711 L.D. 975

Bill "An Act to Conform the Maine Tax Laws for 1996 with the United States Internal Revenue Code" (Emergency)
H.P. 718 L.D. 982

Bill "An Act to Enhance the Property Tax Circuit Breaker"
H.P. 719 L.D. 983

Bill "An Act to Exempt Unemployment Compensation Benefits from State Income Taxation" H.P. 726 L.D. 990

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Tax Relief for Maine Senior Citizens H.P. 733 L.D. 997

Bill "An Act to Establish Medical Savings Accounts" H.P. 743 L.D. 1007

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 Eliminate the Requirement for a Motor Vehicle Title upon Registration if the Motor Vehicle Is More than 10 Years Old" H.P. 675 L.D. 927

Bill "An Act to Amend the Laws Regarding Medical History Questions on an Application for a Driver's License" H.P. 679 L.D. 931

Bill "An Act to Establish a Passamaquoddy License Plate" H.P. 690 L.D. 954

Bill "An Act to Establish the Loon Plate as the Official State License Plate and Establish the Committee to Develop a Decal System for License Plates" H.P. 699 L.D. 963

Resolve, to Name the New Bridge over the Fore River in Portland H.P. 720 L.D. 984

Bill "An Act to Encourage Organ Donation by Establishing an Organ Donation Registry" H.P. 737 L.D. 1001

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 Add One Cent to the Gasoline Tax to Expand the Maine State Ferry Service between Frenchboro and Bass Harbor and Provide Municipalities with Road Maintenance Revenue" H.P. 682 L.D. 934

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

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

Resolve, to Review and Reform the Public Utilities Commission Order Related to School Access to Electronically Transmitted Information H.P. 667 L.D. 919

Bill "An Act to Deregulate Intrastate Long-distance Calling" H.P. 676 L.D. 928

Bill "An Act to Increase the Debt Limit of the Waldoboro Utility District" H.P. 683 L.D. 935

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.

**Pursuant to Statutes
Maine Turnpike Authority**

The **Maine Turnpike Authority**, pursuant to MRSA Title 23, section 1961, subsection 6, asked leave to report that the accompanying Bill "An Act to Make Allocation for Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 1998" H.P. 744 L.D. 1008

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

Comes from the House, the Report **READ** and **ACCEPTED**. The Bill referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**.

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

The Bill referred to the Committee on **TRANSPORTATION**, and **ORDERED PRINTED**, in concurrence, pursuant to Joint Rule 218.

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

COMMUNICATIONS

The Following Communication: H.P. 745

State of Maine
Office of the Secretary of State
Augusta, Maine 04333

February 7, 1997

Honorable Elizabeth H. Mitchell
Speaker of the House
State House Station #2
Augusta, ME 04333
Dear Speaker Mitchell:

Please find enclosed a certified copy of the Secretary of State's certification of validity for the petitions circulated on behalf of initiative legislation entitled, "An Act to Protect Traditional Marriage and Prohibit Same Sex Marriages." The original certification has been delivered to the Clerk of the House for introduction.

Sincerely,

S/Dan A. Gwadosky
Secretary of State

State of Maine
Department of State

I, Dan A. Gwadosky, Secretary of State, hereby certify that written petitions bearing signatures of 62,032 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on January 21, 1997, requesting that the Legislature consider an act entitled "An Act to Protect Traditional Marriages and Prohibit Same Sex Marriages."

I further certify that the number of signatures submitted is in excess of ten percent of the total vote cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 51,131.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the seventh day of February in the year one thousand nine hundred and ninety-seven.

S/Dan Gwadosky
Secretary of State

Comes from the House **READ** and **ORDERED PLACED ON FILE**.

Which was **READ** and **ORDERED PLACED ON FILE**, in concurrence.

The Chair laid before the Senate the following Accompanying Bill:

"An Act to Protect Traditional Marriage and Prohibit Same Sex Marriages" I.B. 1 L.D. 1017

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

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

ORDERS OF THE DAY

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

Bill "An Act Regarding Foster Parent Insurance" H.P. 680 L.D. 932

Tabled - February 11, 1997, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**.

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

(In House February 11, 1997, referred to the Committee on **HEALTH AND HUMAN RESOURCES**.)

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

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

Bill "An Act to Facilitate Removal of Certain Licensed Overboard Discharges" H.P. 653 L.D. 906

Tabled - February 6, 1997, by Senator **CAREY** of Kennebec.

Pending - **REFERENCE**

(In House, February 6, 1997, referred to the Committee on **NATURAL RESOURCES** and **ORDERED PRINTED**.)

(In Senate, February 6, 1997, referred to the Committee on **NATURAL RESOURCES**, in concurrence. Subsequently, on motion by Senator **CAREY** of Kennebec, **RECONSIDERED**.)

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

Senator **CAREY:** Thank you Mr. President. Mr. President, members of the Senate, the main purpose of this bill is really not as much utility-wise in extending a sewer line principally; it is

principally to get some 30,000 gallons of sewerage, really, out of the overboard area, and therefore, I would move that, if it may be allowed, to withdraw my motion for Reconsideration, or the motion to send this to Natural Resources, whatever your pleasure is, Mr. President.

On motion by Senator **CAREY** of Kennebec, referred to the Committee on **NATURAL RESOURCES** and **ORDERED PRINTED**, in concurrence.

On motion by Senator **GOLDTHWAIT** of Hancock, **ADJOURNED**, until Thursday, February 13, 1997, at 3:00 in the afternoon.