

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

Volume 1

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

Pages 1 - 980

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

In Senate Chamber
Tuesday
February 18, 1997

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

Prayer by Reverend Norman Rust of the Sebago Center Community Church in East Sebago.

REVEREND NORMAN RUST: We come before You, O Master of the Universe, asking for guidance and understanding of the complex issues that will come before this session of the Senate this day. Be with the members of this body, the members of the House, and our Governor Angus King. We ask You, O God, to strengthen their hands as they work for justice, righteousness, fairness, and peace. Guide their hearts and minds that those who represent citizens of Maine in this Senate may seek first Your Kingdom and the establishment of peace and happiness, truth and justice, not only for today, but for those generations which are to come. All this we ask in the name of the One who is the Way, the Truth, and Life, even Jesus the Christ. Amen.

Doctor of the Day, John Garofalo, M.D., Hallowell.

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

Reading of the Journal of Thursday, February 13, 1997.

Off Record Remarks

House Papers

Bill "An Act to Amend the Revised Maine Securities Act"
H.P. 717 L.D. 981

Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED**.

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

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

Bill "An Act to Promote Commercial Aquaculture"
H.P. 688 L.D. 952

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

Comes from the House, referred to the Committee on **INLAND FISHERIES AND WILDLIFE**.

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

Bill "An Act to Grandfather Existing Structures in Relation to Fire Doors and Exits"
H.P. 725 L.D. 989

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

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

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

Bill "An Act to Make the Commissioner of Inland Fisheries and Wildlife an Elected Position"
H.P. 698 L.D. 962

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

Comes from the House, referred to the Committees on **STATE AND LOCAL GOVERNMENT** and **INLAND FISHERIES AND WILDLIFE**.

Which was referred to the Committees on **STATE AND LOCAL GOVERNMENT** and **INLAND FISHERIES AND WILDLIFE** and **ORDERED PRINTED**, in concurrence.

(See action later today.)

Bill "An Act to Amend the Watercraft Registration Laws" (Emergency)
H.P. 564 L.D. 755

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and **ORDERED PRINTED**.

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

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

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 34

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

February 13, 1997

The Honorable Mark W. Lawrence
President of the Senate of Maine
118th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 118th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of David S. Wakelin of South Portland, for reappointment to the Maine State Retirement System Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Cathcart of Penobscot, Treat of Kennebec
	Representatives	9	Hatch of Skowhegan, Samson of Jay, Bolduc of Auburn, Clark of Millinocket, Rines of Wiscasset, Stanley of Medway, Joy of Crystal, Pendleton of Scarborough, Treadwell of Carmel
NAYS		0	
ABSENT		2	Sen. Mills of Somerset, Rep. Joyce of Biddeford

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of David S. Wakelin of South Portland, for reappointment to the Maine State Retirement System Board of Trustees be confirmed.

Signed:

S/Mary R. Cathcart
Senate Chair

S/Pamela H. Hatch
House Chair

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

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 506 of the 118th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CAREY, CASSIDY, CATHCART, CLEVELAND, DAGGETT, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, JENKINS, KIEFFER, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MICHAUD, MITCHELL, MURRAY, NUTTING, PARADIS, PENDLETON, RAND, RUHLIN, SMALL, TREAT, PINGREE, THE PRESIDENT-MARK W. LAWRENCE

ABSENT: Senators: MACKINNON, MILLS, O'GARA

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **David S. Wakelin**, for reappointment to the Retirement System Board of Trustees, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Off Record Remarks

SENATE PAPERS

Bill "An Act to Protect Loons"

S.P. 333 L.D. 1111

Presented by Senator CLEVELAND of Androscoggin
Cosponsored by Senator: TREAT of Kennebec,
Representatives: FISK, JR. of Falmouth, USHER of
Westbrook

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

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

Bill "An Act to Increase Access to Education, Training and Employment for Displaced Homemakers" S.P. 328 L.D. 1106

Presented by Senator **PINGREE** of Knox
Cosponsored by Representative **SAXL** of Bangor and
Senators: **AMERO** of Cumberland, **CATHCART** of
Penobscot, **MICHAUD** of Penobscot, **MILLS** of Somerset,
Representatives: **ROWE** of Portland, **SNOWE-MELLO** of
Poland, **TOWNSEND** of Portland, **TRUE** of Fryeburg

Bill "An Act to Flat Fund the Legislative Budget" (Emergency)
S.P. 329 L.D. 1107

Presented by Senator **KIEFFER** of Aroostook
Cosponsored by Senator: **LIBBY** of York, Representatives:
BRUNO of Raymond, **DONNELLY** of Presque Isle, **JOY** of
Crystal, **TRUE** of Fryeburg, **WATERHOUSE** of Bridgton,
WHEELER of Bridgewater

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

Sent down for concurrence.

Bill "An Act to Provide for International Banking in the State and Enhanced Enforcement Authority over Financial Institution Holding Companies" S.P. 341 L.D. 1119

Presented by Senator **KIEFFER** of Aroostook
Cosponsored by Representative **DAVIDSON** of Brunswick
and Senator: **MURRAY, JR.** of Penobscot, Representative:
BRUNO of Raymond
Submitted by the Department of Professional and Financial
Regulation pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act to Amend the Oil and Solid Fuel Board Laws"
S.P. 340 L.D. 1118

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.

Bill "An Act to Amend the State Share Percentage for Public School Tuition Students" S.P. 331 L.D. 1109

Presented by Senator **RUHLIN** of Penobscot
Cosponsored by Senator: **CAREY** of Kennebec,
Representatives: **FISHER** of Brewer, **POVICH** of Ellsworth

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

Sent down for concurrence.

Bill "An Act to Assist Low-income Parents to Obtain Access to Education" S.P. 339 L.D. 1117

Presented by Senator **PINGREE** of Knox
Cosponsored by Representative **KONTOS** of Windham and
Senators: **CATHCART** of Penobscot, **PARADIS** of Aroostook,
Representatives: **ETNIER** of Harpswell, **LOVETT** of
Scarborough, **PIEH** of Bremen, **SAVAGE** of Union, **SNOWE-MELLO** of Poland, **TOWNSEND** of Portland

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

On motion by Senator **PINGREE** of Knox, referred to the
Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

Bill "An Act Allowing Registered Nurses Employed by Licensed Home Health Care Agencies to Possess and Administer Certain Noncontrolled Prescription Drugs under Certain Conditions" S.P. 325 L.D. 1063

Presented by Senator **PENDLETON** of Cumberland
Cosponsored by Representative **COLWELL** of Gardiner and
Senators: **AMERO** of Cumberland, President **LAWRENCE** of
York, Representatives: **BRUNO** of Raymond, **DONNELLY** of
Presque Isle, **FULLER** of Manchester, **WINGLASS** of Auburn

Bill "An Act Regarding Medicaid Reimbursement for Nursing Facility Care" S.P. 330 L.D. 1108

Presented by Senator **JENKINS** of Androscoggin
Cosponsored by Senator: **RUHLIN** of Penobscot,
Representatives: **RICHARD** of Madison, **SKOGLUND** of St.
George

Bill "An Act to Require Mental Health Hospitals to Accept into Care Former Patients Who Refuse to Take Medication"
S.P. 334 L.D. 1112

Presented by Senator **BENOIT** of Franklin
Cosponsored by Representatives: **HONEY** of Boothbay,
LOVETT of Scarborough, **MARVIN** of Cape Elizabeth,
WINGLASS of Auburn

Bill "An Act to Require the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to Report the Facts of an Unnatural Death of a Patient under the Care of the Department to the Legislature" S.P. 335 L.D. 1113

Presented by Senator BENOIT of Franklin
Cosponsored by Representatives: HONEY of Boothbay, LOVETT of Scarborough, MARVIN of Cape Elizabeth, WINGLASS of Auburn

Resolve, to Extend the Protections against Spousal Impoverishment under the Medicaid Program
S.P. 336 L.D. 1114

Presented by Senator PINGREE of Knox
Cosponsored by Representative KONTOS of Windham and Senator: RUHLIN of Penobscot, Representatives: CHARTRAND of Rockland, ETNIER of Harpswell, LOVETT of Scarborough, ROWE of Portland, SAVAGE of Union, TOWNSEND of Portland, WINGLASS of Auburn

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

Sent down for concurrence.

Bill "An Act to Require that Reasonable Notice Be Given to the Defendant When a Protection from Abuse or Harassment Proceeding Is Started while Other Litigation is Pending between the Parties" S.P. 326 L.D. 1064

Presented by Senator MILLS of Somerset

Bill "An Act to Prevent Discrimination" S.P. 338 L.D. 1116

Presented by Senator ABROMSON of Cumberland
Cosponsored by Representative THOMPSON of Naples and Senators: LONGLEY of Waldo, MACKINNON of York, PINGREE of Knox, Representatives: KONTOS of Windham, MAYO, III of Bath, MCALEVEY of Waterboro, OTT of York, SAXL of Portland

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

Sent down for concurrence.

Bill "An Act to Decrease the Threshold Amount Required for Receiving Unemployment" S.P. 332 L.D. 1110

Presented by Senator RUHLIN of Penobscot
Cosponsored by Representative HATCH of Skowhegan and Senators: MICHAUD of Penobscot, RAND of Cumberland, Representative: SAMSON of Jay

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

Sent down for concurrence.

Bill "An Act to Exempt Public Airports with Approved Airport Layout Plans from Subdivision Review" S.P. 327 L.D. 1105

Presented by Senator BENOIT of Franklin
Cosponsored by Representative BARTH, JR. of Bethel and Representatives: DEXTER of Kingfield, GOOLEY of Farmington, LAVERDIERE of Wilton
Submitted by the Department of Transportation pursuant to Joint Rule 204.

Bill "An Act to Make Technical Corrections in the Maine Administrative Procedure Act" S.P. 337 L.D. 1115

Presented by Senator AMERO of Cumberland

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

Sent down for concurrence.

ORDERS

Joint Resolutions

On motion by Senator **HARRIMAN** of Cumberland (Cosponsored by: Representative **MAYO** of Bath, Senator **KILKELLY** of Lincoln, Representative **BODWELL** of Brunswick, Representative **DAVIDSON** of Brunswick, Representative **ETNIER** of Harpswell, Representative **PEAVEY** of Woolwich, Representative **PINKHAM** of Brunswick, Representative **SHIAH** of Bowdoinham, Representative **TRIPP** of Topsham.)
S.P. 342

JOINT RESOLUTION RECOGNIZING CAMPBELL BARRETT NIVEN AND THE TIMES RECORD ON THEIR MILESTONE ANNIVERSARIES

WHEREAS, the Times Record, the 5-day-a-week evening newspaper that began its life 30 years ago on February 6, 1967, under the able leadership of publisher and president Campbell Barrett Niven, a 3rd generation publisher, continues to excel in bringing its readers in-depth coverage of local news throughout the Bath-Brunswick region; and

WHEREAS, a significant part of the success of the Times Record is due to its 100-year heritage, having evolved from the merging of the Bath Daily Times under the guidance of its owner and publisher Frank Barrett Nichols and the Brunswick Record under the guidance of editor and publisher Paul K. Niven; and

WHEREAS, from its conversion from letterpress to offset printing and its current use of advanced production systems and an integrated computer network, the Times Record has kept pace with new technologies to better serve its readers; and

WHEREAS, a key to the success of the Times Record also lies with its employees, who are considered to be among the most professional and skilled in the publishing industry; now, therefore, be it

RESOLVED: That We, the Members of the 118th Legislature now assembled in the First Regular Session, express our congratulations to Campbell Barrett Niven and the employees of the Times Record on the occasion of the paper's 30th anniversary; and be it further

RESOLVED: That we extend our best wishes to the Times Record on its observance of the centennial anniversary of the Bath Daily Times; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Campbell Barrett Niven and to the employees of the Times Record as an expression of our high esteem.

Which was **READ**

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Harriman.

Senator **HARRIMAN:** Thank you, and once again good morning, Mr. President, ladies and gentlemen of the Senate. I hope you'll join me this morning in supporting the Joint Resolution honoring one of Maine's traditional, small, family businesses. The Times Record, under the leadership of Campbell Niven, is a third generation publishing company that has, to this day, continued to produce a five day a week, evening newspaper, perhaps one of the only few left in the entire State. In addition to Times Record, is a successor to a company that started a hundred years ago. They've been able to maintain their place in our economy and serving the citizens of the Mid-coast region, when it decided several years ago to convert from a letter press to an off-set printing. This use of advanced production system and integrated computer network has enabled it to keep pace with new emerging technologies that we are all familiar with. But lastly and most importantly, Mr. President, I present this Joint Resolution in recognition of the outstanding contribution of the employees of the Times Record, who are the most professional and skilled in the publishing industry today. Thank you Mr. President.

Which was **ADOPTED.**

Sent down for concurrence.

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

On motion by Senator **KILKELLY** of Lincoln, the Senate **RECONSIDERED** whereby it **REFERRED** to the Committees on **STATE AND LOCAL GOVERNMENT** and **INLAND FISHERIES AND WILDLIFE** the following:

Bill "An Act to Make the Commissioner of Inland Fisheries and Wildlife an Elected Position" H.P. 698 L.D. 962

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

(In House February 13, 1997, referred to the Committees on **STATE AND LOCAL GOVERNMENT** and **INLAND FISHERIES AND WILDLIFE.**)

On further motion by same Senator, referred to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE.**

Sent down for concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Protect Loons" S.P. 333 L.D. 1111

Tabled - February 18, 1997, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

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

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

Sent down for concurrence.

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Treatment of Security Deposits to Provide a Remedy for Failure to Comply" H.P. 91 L.D. 115

Reported that the same **Ought Not to Pass.**

Signed:

Senators:

DAGGETT of Kennebec
FERGUSON, JR. of Oxford

Representatives:

BIGL of Bucksport
GAMACHE of Lewiston
BELANGER of Wallgrass
LABRECQUE of Gorham
TESSIER of Fairfield
TUTTLE, JR. of Sanford
TRUE of Fryeburg
CHIZMAR of Lisbon

The Minority of the same Committee on the same subject reported that the same **Ought to Pass**.

Signed:

Senator:

CAREY of Kennebec

Representatives:

FISHER of Brewer
GAGNE of Buckfield

Comes from the House the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Which Reports were **READ**.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

SECOND READERS

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

House

Bill "An Act to Make Technical Changes in Laws Authorizing the Sale of the Pineland Center" H.P. 133 L.D. 175

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

House as Amended

Bill "An Act Concerning Dangerous Buildings in the Unorganized Territories" H.P. 38 L.D. 63
(H "A" H-2)

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

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

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

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

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

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 Ban Partial Birth Abortions" H.P. 390 L.D. 535

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

Pending - **REFERENCE**

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

Senator **PINGREE** of Knox, requested a **RULING OF THE CHAIR** on whether this bill was properly before the Senate pursuant to Joint Rule 206.1.

The Chair **RULED** the bill was **NOT PROPERLY BEFORE THE SENATE**, having exceeded the number of Cosponsors pursuant to Joint Rule 206.1.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (2/11/97) Assigned matter:

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

Tabled - February 11, 1997, by Senator **KILKELLY** of Lincoln.

Pending - **REFERENCE**

(Committee on **AGRICULTURE, CONSERVATION & FORESTRY** suggested and **ORDERED PRINTED**.)

(In House, February 11, 1997, referred to the Committee on **TAXATION**.)

On motion by Senator **KILKELLY** of Lincoln, referred to the Committee on **AGRICULTURE CONSERVATION AND FORESTRY** in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (2/13/97) Assigned matter:

Resolve, to Study the Implementations of a Statewide Criminal Record Check of Home Care Providers to Ensure Safety for Citizens Receiving Care in Community-based Settings.
H.P. 769 L.D. 1046

Tabled - February 13, 1997, by Senator **RAND** of Cumberland.

Pending - **REFERENCE**

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

(In House, February 13, 1997, referred to the Committee on **HEALTH AND HUMAN SERVICES**.)

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

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

Resolve, Establishing a Task Force to Examine the Desirability of a Model Municipal Building Code. (Emergency)
H.P. 775 L.D. 1052

Tabled - February 13, 1997, by Senator **ABROMSON** of Cumberland.

Pending - **REFERENCE**

(In House, February 13, 1997, referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED**.)

On motion by Senator **LAFOUNTAIN** of York referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED**, in concurrence.

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

Bill "An Act to Amend the Revised Maine Securities Act"
H.P. 717 L.D. 981

Tabled - February 18, 1997, by Senator **LAFOUNTAIN** of York.

Pending - **REFERENCE**

(Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED**.)

(In House February 13, 1997, referred to the Committee on **BANKING AND INSURANCE**.)

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

Senate at Ease

Senate called to order by the President.

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

Off Record Remarks

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

Off Record Remarks

On motion by Senator **PINGREE** of Knox **RECESSED** until 11:30 in the morning.

After Recess

Senate called to order by the President

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Criminalize Mistreatment of and Cruelty to Animals and to Enhance Reporting Requirements"
H.P. 788 L.D. 1076

Bill "An Act to Require Labeling on Genetically Engineered Food"
H.P. 790 L.D. 1078

Bill "An Act to Provide Public Information on Forest Management Practices"
H.P. 804 L.D. 1092

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 Ensure Fair Pricing for Consumers of Health Care Services under Managed Care Plans" H.P. 794 L.D. 1082

Bill "An Act to Apply Risk-based Capital Standards to Insurers" H.P. 815 L.D. 1103

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 Require Law Enforcement Officers to Inform a Person Who Fails to Submit to a Blood Test about the Informed Consent Law" H.P. 777 L.D. 1065

Bill "An Act to Require Prisoners in Correctional Facility Work Programs to Pay Court Fines" H.P. 781 L.D. 1069

Bill "An Act to Ensure That Crime Victims Are Informed of Their Rights" H.P. 783 L.D. 1071

Bill "An Act to Make It a Crime to Solicit a Child by Means of Computer to Commit an Unlawful Sex Act" H.P. 808 L.D. 1096

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.

Bill "An Act to Establish Public Charter Schools" H.P. 792 L.D. 1080

Bill "An Act to Give Authority to Set Acreage Necessary for Building or Reconstruction of Schools Solely to the Local Authorities" H.P. 797 L.D. 1085

Bill "An Act to Modify School Construction Laws for Renovation Projects" H.P. 811 L.D. 1099

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.

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 Prehearing Settlement Process" H.P. 778 L.D. 1066

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

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

Bill "An Act to Facilitate Implementation of an Automated Hunters' and Anglers' Data Base System for Hunting and Fishing Licenses and Registrations" H.P. 810 L.D. 1098

Bill "An Act to Provide Funding for the Enforcement of Snowmobile Laws" (Emergency) H.P. 814 L.D. 1102

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.

Bill "An Act to Clarify the Adoption Laws" H.P. 793 L.D. 1081

Bill "An Act to Clarify the Interpretation of Property Descriptions" H.P. 800 L.D. 1088

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 Amend the Laws Relating to Vesting in the Maine State Retirement System" H.P. 812 L.D. 1100

Bill "An Act to Amend the Maine Workers' Compensation Act of 1992 as It Relates to Payment of Benefits Pending Appeal" H.P. 813 L.D. 1101

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.

Bill "An Act Pertaining to the Sanford National Guard Armory"
H.P. 784 L.D. 1072

Bill "An Act to Protect the Reputation of Candidates for Public Office"
H.P. 787 L.D. 1075

Bill "An Act to Prohibit the Sale of Kegs of Beer to Individuals"
H.P. 806 L.D. 1094

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 Concerning State Mandated Municipal Landfill Remediation"
H.P. 807 L.D. 1095

Bill "An Act to Create an Evidentiary Privilege for Environmental Audits and Provide for Qualified Disclosure"
H.P. 816 L.D. 1104

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Charter of the Lucerne-in-Maine Village Corporation"
H.P. 795 L.D. 1083

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

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

Bill "An Act to Exclude Transfers of Motor Vehicles Owned by S Corporations from Sales Tax"
H.P. 779 L.D. 1067

Bill "An Act to Exempt Small Purchases of Special Fuel Used for Certain Off-road Purposes from the Special Fuel Tax"
H.P. 780 L.D. 1068

Bill "An Act to Exempt Certain Landowners from Hiring a Licensed Forester"
H.P. 782 L.D. 1070

Bill "An Act Rendering Land Trusts Ineligible for Property Tax Exemptions"
H.P. 789 L.D. 1077

Bill "An Act to Authorize Municipal Taxation of the Value of Nonreimbursed Tree Growth Taxes"
H.P. 799 L.D. 1087

Resolve, to Reimburse Dyla McIntire for Taxes Collected in Error
H.P. 801 L.D. 1089

Bill "An Act to Change Income Guidelines Dealing with the Elderly Low-cost Drug Program"
H.P. 802 L.D. 1090

Bill "An Act to Provide a Credit or Refund for Special Fuel Tax Paid for Special Fuel Used on a Toll Highway"
H.P. 803 L.D. 1091

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 Create the Cobscook Bay Transit District"
H.P. 791 L.D. 1079

Bill "An Act to Allow After-market Window Tinting of Multi-purpose Vehicles"
H.P. 796 L.D. 1084

Bill "An Act to Amend the Laws Regarding Motor Vehicle License Plates for Legislators"
H.P. 798 L.D. 1086

Bill "An Act Regarding the Enforcement of the Motor Vehicle Laws"
H.P. 809 L.D. 1097

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.

Bill "An Act to Create the Tenants Harbor Standard Water District" (Emergency)
H.P. 785 L.D. 1073

Bill "An Act to Provide the Entire State with Integrated Services Digital Network Telecommunication"

H.P. 805 L.D. 1093

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.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Establish Practical Difficulty Standards for a Variance from the Dimensional Standards of a Municipal Zoning Ordinance"

H.P. 786 L.D. 1074

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

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

Which was referred to the Committee on **STATE AND LOCAL GOVERNMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Joint Resolution

The following Joint Resolution: H.P. 817

JOINT RESOLUTION ACKNOWLEDGING WOMEN IN MILITARY SERVICE

WHEREAS, American women have fought for liberty throughout the history of the United States; and

WHEREAS, women have been involved in every one of our Nation's armed conflicts, from the American Revolution to our present peace-keeping mission in Bosnia, and their commitment and sacrifices have contributed greatly to America's military successes; and

WHEREAS, there are more than 400,000 women on active duty in every branch of the Armed Services of the United States and there are an estimated 1,200,000 living veterans who are women; and

WHEREAS, Congress has authorized a Women in Military Service for America Memorial to be built at the gateway to Arlington National Cemetery and a Women in Military Service for America Memorial Foundation has been organized and given the challenge to see that this memorial becomes a reality; and

WHEREAS, the Women in Military Service for America Memorial Foundation is sponsoring a nationwide grassroots campaign to identify and register women who have served or are presently serving in the military forces of this country; and

WHEREAS, women in military service, including many women from the State of Maine, have served in our Nation's conflicts with honor and dedication, even to the point of risking their lives alongside their male counterparts and demonstrating tremendous bravery and devotion to their Nation and to the cause of freedom; and

WHEREAS, it is fitting to acknowledge and pay tribute to every woman who has served or is serving our Nation in the military by setting aside a special time of recognition; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature of the State of Maine now assembled in the First Regular Session, on behalf of the people we represent, pause to honor and give recognition to the Women in Military Service, past and present, who have served Maine and the Nation so unselfishly and with such honor; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Women in Military Service for America Memorial Foundation with our gratitude.

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

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

Off Record Remarks

Senator **RUHLIN** of Penobscot was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (2/11/97) Assigned matter:

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

Tabled - February 11, 1997, by Senator **GOLDTHWAIT** of Hancock.

Pending - **REFERENCE**

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

(In House, February 11, 1997, referred to the Committee on **TAXATION**.)

On motion by Senator **RUHLIN** referred to the Committee on **TAXATION** and **ORDERED PRINTED**, in concurrence.

Off Record Remarks

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

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Treatment of Security Deposits to Provide a Remedy for Failure to Comply"
H.P. 91 L.D. 115

Majority Report - **Ought Not to Pass** (10 members)

Minority Report - **Ought to Pass** (3 members)

Tabled - February 18, 1997, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House February 13, 1997 the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate February 18, 1997, Reports **READ**.)

On motion by Senator **CAREY** of Kennebec, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

On motion by Senator **AMERO** of Cumberland, **ADJOURNED**, until Thursday, February 20, 1997, at 10:00 in the morning.