

# 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

House Papers

In Senate Chamber  
Thursday  
February 27, 1997

Senate Called to Order by the President Pro Tem, Chellie Pingree of Knox.

Prayer by Reverend Mark Alley of the Tuttle Road United Methodist Church in Cumberland Center.

**REVEREND MARK ALLEY;** I want to say thank you for inviting me first of all, this afternoon, and, say that it was an honor for me to receive the invitation from my Senator Jeffrey Butland; Okay, it was a form letter, but, it was still nice to receive. Let's pray together.

God of Grace and God of Glory, on Your people, You have indeed poured Your power. And You, along with those who have elected these women and men before me, have invested them with authority. I hold each of them up to You and ask that You would instill in them, a sense of awefulness about the task that they undertake this afternoon. I would ask that You fill them with a sense of grace and compassion, that all of the business seen before them is seen as sacred business, because of the people who have sent them here. And, that the work that is done, be done according to Your will, for the good of Your people, and for the upbuilding of Your reign on earth. God, Bless these people with wisdom and insight, with humor and compassion, for Your Holy Name. Amen.

Doctor of the Day, Thomas D. Hayward, M.D., East Corinth.

Reading of the Journal of Tuesday, February 25, 1997.

Out of order and under suspension of the Rules, on motion by Senator **RAND** of Cumberland, the following Joint Order:  
S.P. 389

**ORDERED**, the House concurring, that when the House and Senate Adjourn they do so until Tuesday, March 4, 1997, at 10:00 in the morning.

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

Sent down for concurrence.

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

Off Record Remarks

PAPERS FROM THE HOUSE

Bill "An Act to Protect Maine's Wild Lands"

H.P. 881 L.D. 1198

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

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

Bill "An Act to Prohibit the Raising of Interest Rates as a Penalty for Late Payment on Debt" H.P. 868 L.D. 1185

Resolve, Regarding Legislative Review of Chapter 850, Health Plan Accountability, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance (Emergency) H.P. 874 L.D. 1191

Bill "An Act to Ensure Patient Choice and Access to Health Care by Offering a Point-of-service Plan" H.P. 889 L.D. 1206

Bill "An Act to Prohibit Insurance Companies from Denying Health Care Coverage Based on DNA Tests" H.P. 893 L.D. 1210

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.

Resolve, Regarding Legislative Review of Chapter 840: Private Purchasing Alliances, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance (Emergency) H.P. 873 L.D. 1190

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

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

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

Off Record Remarks

Bill "An Act to Provide Equity for Recreational Vehicle Dealers in Reimbursement for Parts and Labor Required under a Warranty" H.P. 880 L.D. 1197

Bill "An Act to Provide a Warranty for Assistive Devices for Persons with Disabilities" H.P. 897 L.D. 1214

Bill "An Act to Preserve Consumer Privacy"  
H.P. 908 L.D. 1251

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 Restrict Telephone Solicitation"  
H.P. 898 L.D. 1215

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

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

---

Bill "An Act to Require the State to Take Responsibility for Detention of Certain Juveniles by September 1, 1997"  
H.P. 862 L.D. 1179

Bill "An Act Regarding Firearms Proficiency Testing for Private Investigators"  
H.P. 867 L.D. 1184

Bill "An Act Concerning Consecutive Sentencing"  
H.P. 877 L.D. 1194

Bill "An Act to Amend the Victims' Rights Laws"  
H.P. 879 L.D. 1196

Bill "An Act to Amend Certain Provisions Regarding the Presumption of Negotiating a Worthless Instrument"  
H.P. 888 L.D. 1205

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 Improve the Transition of People with Disabilities from Children's to Adult Services"  
H.P. 870 L.D. 1187

Bill "An Act to Establish Funding for Repair and Renovation Projects under the State School Construction Program"  
H.P. 878 L.D. 1195

Bill "An Act Regarding Student Financial Aid Programs"  
H.P. 886 L.D. 1203

Bill "An Act Concerning Authorization of Educational Technicians"  
H.P. 890 L.D. 1207

Bill "An Act Regarding the School Administrative District No. 46 Applied Technology Center"  
H.P. 892 L.D. 1209

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 Ensure Adequate Nutrition and Support for Low-income Legal Immigrants" (Emergency)  
H.P. 882 L.D. 1199

Resolve, to Review Medicines in the Elderly Low-cost Drug Card Program  
H.P. 884 L.D. 1201

Bill "An Act to Simplify Child Care Regulation in Maine"  
H.P. 912 L.D. 1255

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.

---

Bill "An Act to Ensure Hunting Safety" H.P. 869 L.D. 1186

Bill "An Act to Require Reflectors on Ice Fishing Shacks"  
H.P. 904 L.D. 1247

Bill "An Act to Permit the Hunting of Birds on Sundays during a Specified Open Hunting Season"  
H.P. 905 L.D. 1248

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.

---

Off Record Remarks

---

Bill "An Act to Allow Paralegals to Represent Clients in Small Claims Cases or Alternative Dispute Resolution"  
H.P. 861 L.D. 1178

Bill "An Act to Change the Comparative Negligence Laws"  
H.P. 864 L.D. 1181

Bill "An Act to Allow the Courts to Suspend the Drivers' Licenses of Individuals Convicted of Civil Offenses Who Fail to Pay Their Fines within the Time Limits Ordered by the Court"  
H.P. 891 L.D. 1208

Bill "An Act to Create a Family Division within the State's District Court"  
H.P. 896 L.D. 1213

Bill "An Act to Restrict the Use of Social Security Numbers"  
H.P. 911 L.D. 1254

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.

Bill "An Act to Require Compensation for Loss of Property Value Due to State or Local Regulation" H.P. 914 L.D. 1257

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.

Bill "An Act to Amend the Workers' Compensation Law as It Pertains to Employer-selected Health Care Providers" H.P. 863 L.D. 1180

Bill "An Act to Revise the Procedure to Appeal Nonacceptance into a Self-employment Assistance Program" H.P. 872 L.D. 1189

Bill "An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers" H.P. 875 L.D. 1192

Bill "An Act to Permit a Suit Against an Employer Who Knowingly Places a Worker at Risk of Serious Bodily Injury or Death" H.P. 876 L.D. 1193

Bill "An Act to Clarify Part-time School Week for the Purpose of Enforcing Child Labor Laws in the State" H.P. 901 L.D. 1244

Bill "An Act to Revise the Confidentiality Provisions of the Maine Revised Statutes, Title 26" H.P. 902 L.D. 1245

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 to Strengthen Legislative Ethics Laws" H.P. 895 L.D. 1212

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

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

Resolve, Regarding Legislative Review of Chapter 380: Planning Permit, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality (Emergency) H.P. 909 L.D. 1252

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.

Resolve, to Require the Governor to Provide for Ballast Water Management Planning H.P. 885 L.D. 1202

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

On motion by Senator **RAND** of Cumberland, **TABLED 1** Legislative Day, pending **REFERENCE**.

Bill "An Act to Create a Permanent Funding Source for the Saco River Corridor Commission" H.P. 850 L.D. 1155

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

Comes from the House, referred to the Committees on **NATURAL RESOURCES** and **TAXATION**.

Which was referred to the Committees on **NATURAL RESOURCES** and **TAXATION** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Protect the State's Lakes, Rivers and Coastal Wetlands through a Comprehensive Watershed Protection Program" H.P. 900 L.D. 1217

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

Comes from the House, referred to the Committees on **NATURAL RESOURCES** and **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Which was referred to the Committees on **NATURAL RESOURCES** and **APPROPRIATIONS AND FINANCIAL AFFAIRS**, and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Implement a Sliding Scale Salary Plan for Legislators" H.P. 866 L.D. 1183

Bill "An Act to Amend the Maine Administrative Procedure Act to Clarify the Definition of a Proposed Rule and the State Agencies' Ability to Solicit Input into the Rule Development Process" H.P. 871 L.D. 1188

Bill "An Act to Establish the Maine Disaster Relief Laws"  
H.P. 887 L.D. 1204

Bill "An Act to Allow the Separation of Frye Island from the  
Town of Standish" H.P. 899 L.D. 1216

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 Sales Tax Trade-in Credits and Farm  
Machinery" H.P. 903 L.D. 1246

Bill "An Act to Assess Excise Tax on Snowmobiles and All-  
terrain Vehicles" H.P. 906 L.D. 1249

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.

Bill "An Act to Reform the Maine Tree Growth Tax Law"  
H.P. 883 L.D. 1200

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

On motion by Senator **KILKELLY** of Lincoln, **TABLED** 1  
Legislative Day, pending **REFERENCE**.

Bill "An Act to Reduce Teenage Smoking by Increasing the  
Tax on Cigarettes to Fund an Advertising Campaign"  
H.P. 894 L.D. 1211

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

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

Bill "An Act to Amend the Maine Turnpike Authority Laws to  
Eliminate Conflicts of Interest" H.P. 840 L.D. 1145

Bill "An Act to Amend Coded Licenses" H.P. 865 L.D. 1182

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 Amend the Charter of the Winterport Sewer  
District" H.P. 910 L.D. 1253

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

Which was referred to the Committee on **UTILITIES AND  
ENERGY**, in concurrence.

---

#### COMMUNICATIONS

The Following Communication: S.C. 55

**STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL  
SERVICES  
BUREAU OF THE BUDGET  
58 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

#### Members of the 118th Legislature and Citizens of the State of Maine:

The Bureau of the Budget is pleased to present its four year  
budget forecast for the General Fund and the Highway Fund for  
the FY 98-99 biennium and the FY 2000-2001 biennium in  
accordance with Title 5, section 1664. This effort was initiated  
and passed into law by the 117th Legislature as fulfillment of one  
of the recommendations of the Special Commission on  
Governmental Restructuring to provide a platform for long term  
financial planning.

This forecast is based on the current structure of State  
revenues and expenditures for both the General Fund and the  
Highway Fund using the Governor's budget proposal for the FY  
98-99 biennium as presented on January 10, 1997. As such,  
this effort should provide an objective view of revenue and  
expenditure trends over the long term as a basis for fiscal  
planning and decision making.

S/John R. Nicholas,  
State Budget Officer

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

---

The Following Communication: S.C. 56

**STATE OF MAINE  
DEPARTMENT OF HUMAN SERVICES  
AUGUSTA, MAINE 04333**

February 24, 1997

Dear Senate President Mark Lawrence,

I am pleased to present to you and members of the Maine  
Senate a copy of the State Health Plan for Maine 1997, pursuant  
to Public Law Chapter 95-653. I think you will find it a useful  
resource book on health matters pertaining to our state. If you  
have any questions, please do not hesitate to call me at 287-  
3270.

Sincerely,

S/Dora Anne Mills, MD MPH  
Director, Bureau of Health

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

---

**SENATE PAPERS**

Bill "An Act to Adopt a Uniform Policy on Treatment of  
Medical Liens in Personal Injury Litigation" S.P. 391 L.D. 1288

Presented by Senator MILLS of Somerset

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

Sent down for concurrence.

---

Bill "An Act Pertaining to Truancy" S.P. 386 L.D. 1271

Presented by Senator FERGUSON, JR. of Oxford  
Cosponsored by Senators: CATHCART of Penobscot, HALL  
of Piscataquis, Representatives: DONNELLY of Presque Isle,  
FISHER of Brewer

Bill "An Act to Establish the Maine Center for Arts Education"  
S.P. 388 L.D. 1273

Presented by Senator AMERO of Cumberland  
Cosponsored by Senator SMALL of Sagadahoc and  
Senators: ABROMSON of Cumberland, PENDLETON of  
Cumberland, RAND of Cumberland, Representatives:  
BARTH, JR. of Bethel, BRENNAN of Portland, DONNELLY of  
Presque Isle, MARVIN of Cape Elizabeth, SAXL of Portland

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

Sent down for concurrence.

---

Bill "An Act to Prohibit Nursing Homes from Charging Private-  
payer Patients More Than Medicaid Patients"  
S.P. 394 L.D. 1291

Presented by Senator PINGREE of Knox  
Cosponsored by Senator: RUHLIN of Penobscot,  
Representatives: ETNIER of Harpswell, GERRY of Auburn,  
LOVETT of Scarborough, SAVAGE of Union, TOWNSEND of  
Portland

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

Sent down for concurrence.

Bill "An Act to Amend the Hunting Laws As They Pertain to  
Proof of Prior Hunting License in Order to Be Exempt from  
Taking a Hunter Safety Course" S.P. 392 L.D. 1289

Presented by Senator RUHLIN of Penobscot  
Cosponsored by Representative CLARK of Millinocket and  
Senators: DAGGETT of Kennebec, FERGUSON, JR. of  
Oxford, Representative: TRIPP of Topsham

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

Sent down for concurrence.

---

Bill "An Act to Ensure Enforcement of Protection from Abuse  
Laws" S.P. 387 L.D. 1272

Presented by Senator LONGLEY of Waldo

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

Sent down for concurrence.

---

Resolve, to Waive Sovereign Immunity and Tort Claims  
Limitation on Damages Relative to the Wrongful Death of  
Wrendy Hayne S.P. 385 L.D. 1270

Presented by Senator AMERO of Cumberland  
Cosponsored by Representative JONES of Bar Harbor and  
Senators: BENOIT of Franklin, RUHLIN of Penobscot,  
Representative: WINGLASS of Auburn

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

Sent down for concurrence.

---

Bill "An Act to Extend the Removal Deadline for Certain  
Repaired Concrete Underground Oil Storage Tanks"  
S.P. 395 L.D. 1292

Presented by Senator CAREY of Kennebec  
Cosponsored by Representative DEXTER of Kingfield and  
Representative: POULIN of Oakland

Resolve, to Evaluate Permit by Rule and Compliance with the  
Natural Resources Protection Laws S.P. 396 L.D. 1293

Presented by Senator TREAT of Kennebec  
Cosponsored by Representative ROWE of Portland and  
Senators: DAGGETT of Kennebec, HARRIMAN of  
Cumberland, LAFOUNTAIN III of York, MICHAUD of  
Penobscot, NUTTING of Androscoggin, Representatives:  
FISK, JR. of Falmouth, FULLER of Manchester, MERES of  
Norridgewock

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

Sent down for concurrence.

Bill "An Act to Promote the Biotechnology Industry in the State by Clarifying That Manufacturing Production Includes Biotechnology Production Processes and That the Exemption from Sales Tax for Research and Development Includes Equipment and Supplies Used in Research Development and Regulatory Compliance Testing of Bioproducts"  
S.P. 390 L.D. 1287

Presented by Senator HARRIMAN of Cumberland  
Cosponsored by Senators: ABROMSON of Cumberland, DAGGETT of Kennebec, RUHLIN of Penobscot,  
Representatives: PINKHAM of Brunswick, VIGUE of Winslow

Bill "An Act to Clarify Laws Relating to Situs Taxation of Bulk Solid Waste Containers"  
S.P. 393 L.D. 1290

Presented by Senator JENKINS of Androscoggin  
Cosponsored by Senators: O'GARA of Cumberland, RUHLIN of Penobscot, Representative: VIGUE of Winslow

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

Sent down for concurrence.

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

**COMMITTEE REPORTS**

**House**

**Ought to Pass**

The Committee on **JUDICIARY** on Bill "An Act to Terminate Spousal Support upon the Death of the Payee"  
H.P. 187 L.D. 240

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**

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

The Bill **READ ONCE.**

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

**Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Restrict the Size of Political Signs"  
H.P. 54 L.D. 79

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

Signed:

Senators:  
DAGGETT of Kennebec  
CAREY of Kennebec  
FERGUSON, JR. of Oxford

Representatives:  
BELANGER of Wallagrass  
BIGL of Bucksport  
CHIZMAR of Lisbon  
FISHER of Brewer  
GAMACHE of Lewiston  
LABRECQUE of Gorham  
TESSIER of Fairfield  
TRUE of Fryeburg  
TUTTLE, JR. of Sanford

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

Signed:

Representative:  
GAGNE of Buckfield

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

Which Reports were **READ.**

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

**SECOND READERS**

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

**Senate**

Bill "An Act to Allow Members of Cooperatives to Vote by Proxy"  
S.P. 60 L.D. 170

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

Bill "An Act to Permit the State Court Administrator to Accept Funds from the Federal Government and Private Sources"  
S.P. 204 L.D. 663

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED.**

Sent down for concurrence.

Bill "An Act to Permit Municipalities to Restrict the Sale of Tobacco Products"  
S.P. 72 L.D. 211



Which was **READ A SECOND TIME**

On motion by Senator **BENNETT** of Oxford, Senate Amendment "A" (S-11) **READ**.

On further motion by same Senator, **TABLED** 1 Legislative Day, pending the motion by Senator **BENNETT** of Oxford to **ADOPT** Senate Amendment "A" (S-11).

---

Senate at Ease

Senate called to order by the President Pro Tem Pingree.

---

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

---

Off Record Remarks

---

**ORDERS OF THE DAY**

**Unfinished Business**

The following matter 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 (2/25/97) Assigned matter:

Bill "An Act to Permit Whitewater Rafting Guides to Be Paid at a Daily Rather Than an Hourly Rate. S.P. 362 L.D. 1221

Tabled - February 25, 1997, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

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

Sent down for concurrence.

---

The Chair laid before the Senate the following Tabled and Later (2/25/97) Assigned matter:

Resolve, to Convene a Study Group to Identify Access to Public Landings and Their Facilities by Persons Engaged in Commercial Fishing S.P. 376 L.D. 1235

Tabled - February 25, 1997, by Senator **RAND** of Cumberland.

Pending - **REFERENCE**

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

(In Senate, February 25, 1997, referred to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**. Subsequently, on motion by Senator **RAND** of Cumberland, **RECONSIDERED**.)

On motion by Senator **KILKELLY** of Lincoln, referred to the Committees on **AGRICULTURE, CONSERVATION AND FORESTRY** and **MARINE RESOURCES**.

Sent down for concurrence.

---

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act Concerning the Harvesting and Sampling of Ginseng" H.P. 930 L.D. 1277

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

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

---

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$12,000,000 to Support the Construction of the Gulf of Maine Aquarium and Marine Research Facility" H.P. 925 L.D. 1268

Resolve, to Include Retired Employees in Lump-sum Salary Payments (Emergency) H.P. 932 L.D. 1279

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.

---

Bill "An Act to Establish a Maximum Rate of Interest on Credit Card Debt" H.P. 922 L.D. 1265

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

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

---

Bill "An Act Regarding People Giving Canadian Money as Change in Business Transactions" H.P. 915 L.D. 1258

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

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

---

Bill "An Act to Define the Permissible Duties of Part-time and Full-time Law Enforcement Officers" H.P. 938 L.D. 1285

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

Which was 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 Allowing Schools to Remain on the School Construction Account Priority List" H.P. 917 L.D. 1260

Bill "An Act to Include Training in Cardiopulmonary Resuscitation As a High School Graduation Requirement" H.P. 927 L.D. 1274

Bill "An Act to Require Individuals to Pass At Least 2 National Teachers Examination Core Battery Tests before Being Able to Be Recertified" H.P. 934 L.D. 1281

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 Allow a Separate, Nonsmoking Area for a Beano or Bingo Game" H.P. 928 L.D. 1275

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 Require Game Wardens, Biologists and State Officials to Wear Blaze Orange during Deer Hunting Season" H.P. 919 L.D. 1262

Bill "An Act to Preserve Inland and Coastal Waters and Beaches" H.P. 937 L.D. 1284

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 Abolish the Judicial Council" H.P. 924 L.D. 1267

Bill "An Act to Restrict Parental Rights of Convicted Sex Offenders" H.P. 936 L.D. 1283

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.

---

Resolve, to Phase Out the Maine State Retirement System and Replace it with a System of Individual Retirement Accounts H.P. 916 L.D. 1259

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

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

---

Bill "An Act Concerning Public Notice of Lottery Odds" H.P. 918 L.D. 1261

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

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

---

Bill "An Act to Eliminate the Need for a Retail Seafood License to Sell Prepared Seafood" H.P. 920 L.D. 1263

Bill "An Act to Extend the Lobster Promotion Council and Its Personnel Requirements" H.P. 921 L.D. 1264

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.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Require the Department of Environmental Protection to Market Recycled Materials" H.P. 935 L.D. 1282

Resolve, to Form a Task Force to Examine Methods of Reimbursing Automobile Owners for Emissions Testing and Consequent Repair Costs (Emergency) H.P. 939 L.D. 1286

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.

Bill "An Act to Require Legislative Confirmation of Chairs of Medical Malpractice Mandatory Prelitigation Screening and Mediation Panels" H.P. 929 L.D. 1276

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 Amend the Tax on Pipe Tobacco and Cigars" H.P. 931 L.D. 1278

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

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

Resolve, to Provide Funds to Municipalities for Road Upkeep Based on Need (Emergency) H.P. 933 L.D. 1280

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

Which was 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**

**Pursuant to Resolve Task Force on Tribal-State Relations**

The **Task Force on Tribal-State Relations**, pursuant to Resolve 1995, chapter 84, asked leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Task Force on Tribal-State Relations"

H.P. 926 L.D. 1269

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

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

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

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

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

The Following Communication: S.P. 397

**118TH LEGISLATURE**

February 27, 1997

Senator Susan Longley  
Representative Richard Thompson  
Chairpersons  
Joint Standing Committee on Judiciary  
118th Legislature  
Augusta, Maine 04333

Dear Senator Longley and Representative Thompson:

Please be advised that Governor Angus S. King, Jr. has nominated the Honorable Margaret J. Kravchuk for reappointment as a Justice of the Maine Superior Court.

Pursuant to Article V, Part 1, Section 8 of the Maine Constitution, this nomination will require review by the Joint Standing Committee on Judiciary 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 **JUDICIARY**.

Sent down for concurrence.

The Following Communication: S.P. 398

**118TH LEGISLATURE**

February 27, 1997

Senator Susan Longley  
Representative Richard Thompson  
Chairpersons  
Joint Standing Committee on Judiciary  
118th Legislature  
Augusta, Maine 04333

Dear Senator Longley and Representative Thompson:

Please be advised that Governor Angus S. King, Jr. has nominated the Honorable Bernard M. Devine for reappointment as an Active Retired Judge of the Maine District Court.

Pursuant to Title 4, MRSA Section 157-B, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell  
Speaker of the House

S/Mark W. Lawrence  
President of the Senate

Which was **READ** and referred to the Committee on **JUDICIARY**.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President Pro Tem Pingree.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Protect Private Communication"  
H.P. 907 L.D. 1250

Bill "An Act to Permit Disclosure of the Identity of Certain Juvenile Offenders"  
H.P. 913 L.D. 1256

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.

**ORDERS OF THE DAY**

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

Bill "An Act to Restrict Telephone Solicitation"  
H.P. 898 L.D. 1215

Tabled - February 27, 1997, by Senator **CLEVELAND** of Androscoggin.

Pending - **REFERENCE**

(In House February 25, 1997, referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.)

On motion by Senator **CLEVELAND** of Androscoggin, referred to the Committee on **UTILITIES AND ENERGY**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Off Record Remarks

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

Off Record Remarks

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

Off Record Remarks

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

Off Record Remarks

On motion by Senator **AMERO** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, March 4, 1997, at 10:00 in the morning.