

MAINE STATE LEGISLATURE

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One Hundred and Eighteenth Legislature
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**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Wednesday
March 5, 1997

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

Prayer by Father Eugene Gaffey of the St. Denis Catholic Church in Whitefield.

FATHER EUGENE GAFFEY: Let us bow our heads and pray for our God's blessing. Lord, You are the God of all. We believe you to be a God of justice and compassion, of mercy, who only wills what is good for Your people. We ask You to send Your spirit upon this gathering of free citizens. You have entrusted us, in our age, with the ability to discern our future and our hopes. I pray on behalf of all the citizens in this State we have bestowed upon this house our hopes and our fears and our dreams for the future. We ask You Lord, give them the discernment, give them justice, make them a people of honor and dignity, that we may live in peace and security in our days. We make this prayer in Your name. Amen.

Doctor of the Day, William Bergen, D.O., Presque Isle.

Reading of the Journal of Tuesday, March 4, 1997.

The Chair noted the absence of the Senator from Aroostook, Senator **KIEFFER**, the Senator from Knox, Senator **PINGREE**, and the Senator from Cumberland, Senator **RAND** and further excused the same Senators from today's Roll Call votes.

Out of order and under suspension of the Rules under unanimous consent, on motion by Senator **KILKELLY** of Lincoln, on behalf of Senator **PINGREE** of Knox, the following Joint Order:
S.P. 432

ORDERED, the House concurring, that when the House and Senate Adjourn they do so until Tuesday, March 11, 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

House Papers

Bill "An Act to Improve the Administration of Animal Welfare Law"
H.P. 982 L.D. 1362

Bill "An Act Regarding Qualifications of Land Use Regulation Commissioners"
H.P. 986 L.D. 1366

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 Prohibit Clear-cutting" (Emergency)
H.P. 948 L.D. 1311

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

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

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

Bill "An Act to Provide Nonfederal Matching Funds for a Wood Composite Research and Development Facility for the University of Maine"
H.P. 941 L.D. 1304

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.

Bill "An Act Concerning Costs Imposed by a Lender for Flood Hazard Analysis of Real Estate"
H.P. 951 L.D. 1314

Bill "An Act to Reduce Insurance Premiums by Discouraging Insurance Fraud"
H.P. 969 L.D. 1349

Bill "An Act Regarding Compensation for Restricting Medical Care"
H.P. 991 L.D. 1371

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.

Bill "An Act to Regulate Recreational Vehicle Franchises"
H.P. 964 L.D. 1327

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 Strengthen Parental Responsibility for Juveniles"
H.P. 949 L.D. 1312

Resolve, to Establish a Commission to Review Sentencing Guidelines
H.P. 961 L.D. 1324

Bill "An Act to Transfer the Responsibility for the Certification of Batterers' Intervention Programs to the Department of Corrections"
H.P. 974 L.D. 1354

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 Authorize School Units to Consolidate Administrative Functions"
H.P. 945 L.D. 1308

Bill "An Act to Establish a Pilot School Choice Program"
H.P. 973 L.D. 1353

Resolve, that the Department of Education Establish a Grant Program to Promote Consolidation and Efficiency in Education
H.P. 983 L.D. 1363

Resolve, to Change the Name of the University of Maine at Augusta to Maine State University
H.P. 985 L.D. 1365

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 Provide Boards of Directors for State Mental Health Institutes"
H.P. 963 L.D. 1326

Resolve, to Direct the Department of Human Services to Include Vouchers for Personal Hygiene Products with Food Stamps
H.P. 968 L.D. 1348

Bill "An Act to Establish Ratios for Direct-care Providers to Nursing Home Residents"
H.P. 984 L.D. 1364

Bill "An Act Concerning Due Process Regarding Certified Nursing Assistants"
H.P. 989 L.D. 1369

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 Encourage Hunting by Nonresidents"
H.P. 947 L.D. 1310

Come from the House, referred to the Committee on **INLAND FISHERIES AND WILDLIFE** and **ORDERED PRINTED**.

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

Bill "An Act to Strengthen the Laws Governing Nonpayment of Child Support"
H.P. 959 L.D. 1322

Bill "An Act to Enact the Uniform Transfer on Death Security Registration Act"
H.P. 965 L.D. 1328

Bill "An Act to Unify the Court System"
H.P. 992 L.D. 1372

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 Provide for the Interception of an Individual's Unemployment Compensation to Repay an Overissue of Food Stamp Coupons"
H.P. 946 L.D. 1309

Bill "An Act to Clarify the Doctrine of Res Judicata in Workers' Compensation Cases"
H.P. 955 L.D. 1318

Bill "An Act to Amend the Maine Workers' Compensation Act of 1992 Regarding Nonresident Employers"
H.P. 971 L.D. 1351

Resolve, to Create Pension Portability for State and Local Government
H.P. 990 L.D. 1370

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 Place Certain Restrictions on Persons Collecting Signatures on Election Day"
H.P. 943 L.D. 1306

Bill "An Act to Remove Restrictions on Items that May Be Auctioned by Public Broadcasting Stations" (Emergency)
H.P. 953 L.D. 1316

Bill "An Act to Prohibit Party Change While in Public Office"
H.P. 954 L.D. 1317

Bill "An Act to Require the Printing of the Toll-free Telephone
Number of the Council on Compulsive Gambling on all Lottery
Tickets Sold in the State"
H.P. 970 L.D. 1350

Bill "An Act Allowing Political Parties to Nominate by Caucus
or Convention"
H.P. 980 L.D. 1360

Bill "An Act to Amend the Laws Concerning Commercial
Tenancies"
H.P. 981 L.D. 1361

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 Amend Certain Laws Administered by the
Department of Environmental Protection" H.P. 950 L.D. 1313

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.

Bill "An Act to Require the Deputy Commissioner of Inland
Fisheries and Wildlife to be Appointed by the Governor and
Confirmed by the Senate" H.P. 923 L.D. 1266

Bill "An Act to Make the University of Maine System Board of
Trustees an Elected Body" H.P. 952 L.D. 1315

Bill "An Act to Remove the Sunset for the Employment of an
Owner's Representative" H.P. 960 L.D. 1323

Bill "An Act to Make the State Board of Education Elected"
H.P. 962 L.D. 1325

Bill "An Act to Amend the Procedures for Finalizing the
Kennebec County Budget" H.P. 978 L.D. 1358

Bill "An Act to Amend the Androscoggin County Budget
Process" H.P. 979 L.D. 1359

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 to Establish a Property Tax Cap for Elderly,
Fixed-income Homeowners" H.P. 940 L.D. 1303

Bill "An Act to Implement Changes in the Maine Income Tax
Laws" H.P. 942 L.D. 1305

Resolve, to Clarify the Definition of Tax-exempt Property
H.P. 958 L.D. 1321

Bill "An Act to Prevent Substance Abuse by Maine Children"
H.P. 976 L.D. 1356

Resolve, to Create a Task Force to Develop a Single
Payment System for State and Federal Taxes for Small
Businesses H.P. 988 L.D. 1368

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.

Resolve, to Name the New Connector of Route 196 and
Route 1 in Topsham H.P. 944 L.D. 1307

Bill "An Act to Equalize Tolls on the Maine Turnpike"
H.P. 956 L.D. 1319

Resolve, to Direct the Department of Transportation to
Create a Weighing Point on Route 202 between Alfred and
Lebanon H.P. 957 L.D. 1320

Bill "An Act to Prohibit the Department of Transportation from
Spraying Herbicides Along Highways" H.P. 966 L.D. 1346

Bill "An Act to Require a Vehicle to be Registered in the
Town in Which the Owner Resides" H.P. 967 L.D. 1347

Bill "An Act to Allow Municipalities to Enact Ordinances
Restricting Bicycle Tour Groups on State Roads"
H.P. 972 L.D. 1352

Bill "An Act to Amend the Bicycle Provisions of the Maine
Revised Statutes, Title 29-A in Order to Provide a Greater
Measure of Safety for Travel by Bicyclists"
H.P. 987 L.D. 1367

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 Enhance Public Knowledge of Nuclear Power"
H.P. 977 L.D. 1357

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

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

Joint Order

The following Joint Order: H.P. 993

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government report out to the House such legislation as is necessary to revise the salaries of county officers and lay the county taxes for the year 1997.

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

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

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.P. 431

118TH MAINE LEGISLATURE

March 5, 1997

Senator Marge Kilkelly
Representative George Bunker
Chairpersons
Joint Standing Committee on Agriculture, Conservation &
Forestry
118th Legislature
Augusta, Maine 04333

Dear Senator Kilkelly and Representative Bunker:

Please be advised that Governor Angus S. King, Jr. has nominated Jo D. Saffair and Alan J. Lewis for reappointment as members of the Board of Pesticides Control.

Pursuant to Title 22, MRSA Section 1471-B, these nominations will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry 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 **AGRICULTURE, CONSERVATION AND FORESTRY**.

Sent down for concurrence.

The Following Communication: S.C. 71

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC
DEVELOPMENT
115 STATE HOUSE STATION
AUGUSTA, MAINE 04333

March 4, 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 Business and Economic Development has had under consideration the nomination of Brian E. Thibeau of Caribou, for reappointment to the Loring Development Authority.

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	Jenkins of Androscoggin, MacKinnon of York
Representatives	9	Vigue of Winslow, Sirois of Caribou, Farnsworth of Portland, Shannon of Lewiston, Wright of Berwick, Cameron of Rumford, Murphy of Kennebunk, Bodwell of Brunswick, MacDougall of North Berwick
NAYS:	0	
ABSENT:	2	Sen. Rand of Cumberland, Rep. Mack of Standish

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 Brian E. Thibeau of Caribou, for reappointment to the Loring Development Authority be confirmed.

Signed,

S/John T. Jenkins
Senate Chair

S/Marc J. Vigue
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 **BUSINESS AND ECONOMIC DEVELOPMENT** 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, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MITCHELL, NUTTING, PARADIS, RUHLIN, SMALL, TREAT, PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: MILLS, MURRAY, O'GARA, PENDLETON

EXCUSED: Senators: KIEFFER, PINGREE, RAND

No Senators having voted in the affirmative and 28 Senators having voted in the negative, with 4 Senators being absent and 3 Senators being excused, 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 **Brian E. Thibeau**, for reappointment to the Loring Development Authority, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication: S.C. 72

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC
DEVELOPMENT
115 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

March 4, 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 Business and Economic Development has had under consideration the nomination of Lyndel J. Wishcamper of Freeport, for reappointment to the Loring Development Authority.

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	Jenkins of Androscoggin, MacKinnon of York
Representatives	9	Vigue of Winslow, Sirois of Caribou, Farnsworth of Portland, Shannon of Lewiston, Cameron of Rumford, Murphy of Kennebunk, Bodwell of Brunswick, MacDougall of North Berwick, Mack of Standish
NAYS:	0	
ABSENT:	2	Sen. Rand of Cumberland, Rep. Wright of Berwick

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 Lyndel J. Wishcamper of Freeport, for reappointment to the Loring Development Authority be confirmed.

Signed,

S/John T. Jenkins
Senate Chair

S/Marc J. Vigue
House Chair

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

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

SENATE PAPERS

Bill "An Act to Promote Parity in the Regulation of Insurance Sales by Federally and State-chartered Financial Institutions" (Emergency) S.P. 439 L.D. 1385

Presented by Senator **CAREY** of Kennebec
Cosponsored by Representative **CAMPBELL** of Holden and
Senators: **ABROMSON** of Cumberland, **KIEFFER** of
Aroostook, Representatives: **MAYO III** of Bath, **SAXL** of
Portland, **VIGUE** of Winslow

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

Sent down for concurrence.

Bill "An Act to Reimburse Law Enforcement Agencies for Their Costs Related to the Prosecution of Criminal and Traffic Violations" S.P. 436 L.D. 1382

Presented by Senator **CLEVELAND** of Androscoggin

Cosponsored by Senator: MURRAY, JR. of Penobscot

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

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

Bill "An Act to Clarify and Facilitate Transfers of Health Care Facility Capacity" S.P. 434 L.D. 1380

Presented by Senator MURRAY, JR. of Penobscot

Bill "An Act to Provide Training in Sudden Infant Death Syndrome to Emergency Response Personnel" S.P. 435 L.D. 1381

Presented by Senator KILKELLY of Lincoln
Cosponsored by Representative MITCHELL of Portland and Senators: AMERO of Cumberland, DAGGETT of Kennebec, PARADIS of Aroostook, RAND of Cumberland, Representatives: KONTOS of Windham, MAYO III of Bath, PIEH of Bremen, TOWNSEND of Portland

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

Sent down for concurrence.

Bill "An Act to Reform Procedure in Multiparty Lawsuits" S.P. 438 L.D. 1384

Presented by Senator MILLS of Somerset

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

Sent down for concurrence.

Bill "An Act to Provide Part-time State and Participating Local District Employees with the Option of Joining the Maine State Retirement System" S.P. 437 L.D. 1383

Presented by Senator FERGUSON, JR. of Oxford
Cosponsored by Representative MCELROY of Unity

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

Sent down for concurrence.

Bill "An Act to Place Conditions on the Investment of Municipal Funds in Mutual Funds" S.P. 433 L.D. 1379

Presented by Senator AMERO of Cumberland
Cosponsored by Representative: MARVIN of Cape Elizabeth

Which was referred to the Committee on **STATE AND LOCAL GOVERNMENT** 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 **BANKING AND INSURANCE** on Bill "An Act Concerning Service Relating to the Disclosure of Financial Records" H.P. 403 L.D. 548

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.**

Senate

Ought to Pass As Amended

Senator **LAFOUNTAIN** for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Amend the Maine Consumer Credit Code to Permit Reverse Mortgages" S.P. 207 L.D. 666

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-12).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-12) **READ** and **ADOPTED.**

The Bill as Amended, **TOMORROW ASSIGNED FOR SECOND READING.**

SECOND READERS

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

House

Resolve, to Name a Section of Route 26 in Bethel in Oxford County in Memory of Captain Carl R. Churchill, United States Air Force, Killed in Action in Laos, May 3, 1970

H.P. 95 L.D. 119

Resolve, to Name a Portion of Highway in Milbridge in Honor of David Kennedy

H.P. 155 L.D. 197

Bill "An Act to Require the Department of Transportation to Notify Counties of Planned Bridge Projects at the Time of Planning"

H.P. 173 L.D. 228

Bill "An Act to Provide a Time Limit Extension for Basic Corrections Training"

H.P. 192 L.D. 245

Bill "An Act to Repeal the Task Force on Defense Realignment and the Economy"

H.P. 221 L.D. 285

Bill "An Act to Continue the Participating Local District Consolidated Plan Advisory Committee" (Emergency)

H.P. 565 L.D. 756

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

Off Record Remarks

Senate

Bill "An Act to Amend the Employee Leasing Company Registration Process"

S.P. 147 L.D. 426

Bill "An Act to Change the Time for Appointment of a Visitor or Guardian Ad Litem after Appointment of a Temporary Conservator or Guardian"

S.P. 165 L.D. 494

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

Sent down for concurrence.

Bill "An Act to Amend the Fee Schedule for Probate Filings"

S.P. 138 L.D. 417

Which was **READ A SECOND TIME**.

On motion by Senator **KILKELLY** of Lincoln, **TABLED** until Later in Today's Session pending **PASSAGE TO BE ENGROSSED**.

Senate at Ease

Senate called to order by the President.

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

COMMITTEE REPORTS

Senate

Ought to Pass

Senator **LONGLEY** for the Committee on **JUDICIARY** on Bill "An Act to Amend the Small Claims Court Laws"

S.P. 249 L.D. 818

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

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

The Bill **READ ONCE**.

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

ORDERS OF THE DAY

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

Bill "An Act to Amend the Fee Schedule for Probate Filings"

S.P. 138 L.D. 417

Tabled - March 5, 1997, by Senator **KILKELLY** of Lincoln.

Pending - **PASSAGE TO BE ENGROSSED**

(In Senate March 5, 1997, **READ A SECOND TIME**.)

On motion by Senator **KILKELLY** of Lincoln under unanimous consent, on behalf of Senator **MURRAY** of Penobscot, Senate Amendment "A" (S-13) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, to Establish the Maine Council on Sustainable Silviculture

H.P. 1003 L.D. 1395

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.

Resolve, to Review Health Insurance Benefits Mandated by the State H.P. 994 L.D. 1386

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 to Provide for Shock Incarceration of Juveniles" H.P. 1004 L.D. 1396

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.

Bill "An Act to Establish a State Residential Treatment Center for Certain Students" H.P. 1002 L.D. 1394

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

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

Bill "An Act to Require the Release of the Results of an HIV Test to an Emergency Services Worker Who Was Possibly Exposed" H.P. 1000 L.D. 1392

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.

Bill "An Act Amending the Compensation for Members of the Panel of Mediators" H.P. 1001 L.D. 1393

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 to Allow Partially Consumed Bottles of Wine to be Taken from Restaurants" H.P. 997 L.D. 1389

Bill "An Act to Protect the Voting Rights of Stalking Victims" H.P. 998 L.D. 1390

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.

Resolve, Directing the Commissioner of Marine Resources to Request the Secretary of the United States Department of Commerce to Amend the United States Coast and Geodetic Survey H.P. 996 L.D. 1388

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

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

Resolve, to Authorize the Lincoln County Commissioners to Borrow Not More Than \$600,000 to Build the Lincoln County Communications Center (Emergency) H.P. 995 L.D. 1387

Bill "An Act to Reestablish the State Compensation Commission" H.P. 999 L.D. 1391

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 to Encourage the Development of High-technology Industry in the State" (Emergency) H.P. 1005 L.D. 1397

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

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

ORDERS OF THE DAY

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

NOMINATION - of Lyndel J. Wishcamper of Freeport for reappointment to the Loring Development Authority

Tabled - March 5, 1997, by Senator **KILKELLY** of Lincoln.

Pending - **CONFIRMATION**

(In Senate March 5, 1997, Communication from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** **READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** 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, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: MILLS, PENDLETON

EXCUSED: Senators: KIEFFER, PINGREE, RAND

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 2 Senators being absent and 3 Senators being excused, 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 nomination of **Lyndel J. Wishcamper**, for reappointment to the Loring Development Authority was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

On motion by Senator **KILKELLY** of Lincoln, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, March 11, 1997, at 10:00 in the morning.