

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

Volume 1

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Pages 1 - 980

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

In Senate Chamber
Wednesday
March 12, 1997

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

Prayer by Pastor Lloyd Rozelle of the Willimantic Community Chapel in Guilford.

PASTOR LLOYD ROZELLE Thank you Mr. President. It is a privilege to be here. I'm reminded of a friend of mine, when he spoke some years ago, he said, "At my age, I'm proud to be anywhere"! It is a privilege to be here and I don't mean this to be out of line; I have some sympathies for you. I've served on a lower level and sometimes I came home and told my wife, "I made enemies out of people I never met before". But, it is a privilege to be here and ask the Lord for His blessing. Shall we pray.

Father, we do thank You for all that You've done for us. We thank You Lord for the beauty of this day and that creation points to You, and we thank You Lord for what we have in the State of Maine as we think of our countrymen and so many places, the floods, the tornadoes. Maybe we have some difficulties in Maine but we have some special privileges and we thank You for those. It's a great place to live and we praise You for that. Lord we do thank You for these folks and we ask Your blessing for these who are willing to serve in this body.

These folks will have a certain prestige and respect that goes with the office they have earned. But they will find, and probably already have, that they will have opposition from people they have never known before. They will make enemies out of people that they had never met before. This will happen because they are going to have to say "NO". We pray, Oh Lord, for wisdom for these men and women as they make the hard decisions. Above all Lord, we pray that each lady, each gentleman here might place their personal trust in You for as You told Nicodemus a long time ago, "no person comes to the Father but by me (that is Jesus.)"

They are going to need wisdom and the Apostle James said, "If any of you lacks wisdom, let him ask of God, that gives to all liberally, and without reproach, and it will be given to him." The Psalmist wrote a long time ago, "The fear of the Lord is the beginning of wisdom". Help these folks to realize that if there is no God there are no absolute standards of morality, only the power of public opinion which at best is fickle at its worst is false. This was the case during the Holocaust and during the Inquisition...Oh yes they claimed to be religious but they defied the principles of Your word. The Apostle Paul said, in Romans 3:18, "There is no fear of God before their eyes". In America it used to be said that people feared nothing but God, but today we fear everything but God. Please help these folks to revive that reverential fear.

These Senators are going to have to say no on some money matters because we can't all drive new Cadilacs, some are going to have to be happy with a used Ford. Give these folks courage

to say no to those who want to promote a life style that goes against Your clear instructions in Genesis 2:24, "Therefore shall a man leave his father and mother and cleave unto his wife; and they to shall be one flesh." To say no because of love as we say no to our children on drugs and other harmful actions. I think of friends and relatives who have lost sons to AIDS. The practices that are the primary causes are a violation of hygiene, biology, common sense and history but more importantly You have forbidden it in Your word O God. Help these folks to say no because of love.

Give this body of lawmakers insight in knowing when to make laws and not to make laws that will make this great State an even better State to live in. Give them the courage to stand for truth and to realize that very often that is a lonely stand. Lord, give them the understanding, and bless them and even when they have to make hard decisions, give them a peace in those decisions, that they might sleep at night, know that they have done that which was best. Lord, I think of what a man who I've respected said this of another colleague, he said, "The best of men, at their best, are only men at best". And whether it be men or ladies, Lord, they're human beings. Just give them a special push and the wisdom and understanding in these trying days, for they're difficult days, but they can be exciting days for this great State. Give them, O God, wisdom and peace of mind and bless them. In Jesus matchless name. Amen.

Doctor of the Day, Ann Hanlon, M.D., Hampden.

Reading of the Journal of Tuesday, March 11, 1997.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to License Timber Harvesters and Deter Timber Trespassing" H.P. 1013 L.D. 1405

Bill "An Act to Limit Liquidation Harvesting" H.P. 1048 L.D. 1465

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 Provide Subrogation Equity" H.P. 1036 L.D. 1453

Bill "An Act to Make Mandated Health Insurance Coverage Optional" H.P. 1052 L.D. 1484

Bill "An Act to Update the Insurance Code for Substance Abuse" H.P. 1057 L.D. 1489

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 Place a Moratorium on Construction and Development in Southern Maine and to Provide for Equal Economic Opportunity for All Regions of the State" (Emergency) H.P. 1035 L.D. 1452

Bill "An Act to Amend the Maine Veterinary Practice Act of 1975" H.P. 1051 L.D. 1468

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 Establish the Civil Offense of Creating a Police Standoff" H.P. 1010 L.D. 1402

Bill "An Act to Amend the Law to Be Consistent with the Organizational Structure of the Department of Corrections and for Other Purposes" H.P. 1050 L.D. 1467

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.

Bill "An Act to Make Habitual Truancy a Crime" H.P. 1015 L.D. 1407

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

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

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

Bill "An Act to Clarify the Law Regarding the Discipline of Exceptional Students" H.P. 1006 L.D. 1398

Bill "An Act to Allow an Appeal Concerning the Date to Determine Age for Kindergarten" H.P. 1007 L.D. 1399

Bill "An Act to Create School Enrichment Funds for Public Schools" H.P. 1012 L.D. 1404

Bill "An Act to Establish a Funding Formula for the University of Maine System" H.P. 1018 L.D. 1410

Bill "An Act to Prohibit the Denial of Teacher Certification Based on Refusal to Participate in Learning Results" H.P. 1025 L.D. 1442

Resolve, to Restructure the University of Maine System and Enhance the Role of the Faculty in Campus Governance H.P. 1032 L.D. 1449

Bill "An Act to More Equitably Distribute General Purpose Aid to Schools Based on Property Values" H.P. 1042 L.D. 1459

Bill "An Act Requiring the Department of Education to Perform Annual Cost-benefit Analysis of Special Education Programs in the State" H.P. 1043 L.D. 1460

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 Amend the Laws Regarding Commercial Driver Education Instructors" H.P. 1024 L.D. 1441

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

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

Resolve, to Establish a Committee to Review the Asbestos Hazard Emergency Response Act H.P. 1030 L.D. 1447

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

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

Bill "An Act to Facilitate Disbursement of and Accounting for Issuances of Food Supplement Benefits" H.P. 1019 L.D. 1411

Bill "An Act to Maintain the Augusta Mental Health Institute and the Bangor Mental Health Institute" H.P. 1021 L.D. 1413

Resolve, Requiring the Office of Vital Statistics to Conduct a Study of Medical Treatment Records Disposition H.P. 1022 L.D. 1439

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 Regulate Camp Lot Leases"
H.P. 1046 L.D. 1463

Bill "An Act Relating to Whitewater Rafting Allocations"
H.P. 1047 L.D. 1464

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 Provide Notice of Municipalities When a For-profit Corporation Intends to Obtain Nonprofit Status"
H.P. 1008 L.D. 1400

Bill "An Act to Require Mandatory Testing of Persons Who Assault Police Officers"
H.P. 1017 L.D. 1409

Resolve, Directing the Family Law Advisory Commission to Review Proposals Concerning the Use of Ethical Decision-making in Family Law Cases
H.P. 1026 L.D. 1443

Bill "An Act Regarding Responsibility for Payment of Alimony Fees in Proceedings to Modify a Divorce Decree"
H.P. 1045 L.D. 1462

Bill "An Act to Authorize Clerks to Sign Notices of Certain Court Actions"
H.P. 1055 L.D. 1487

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 Reinstate Municipal Courts for Specific Traffic Infractions"
H.P. 1020 L.D. 1412

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

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

Bill "An Act to Establish Victims' Rights Laws"
H.P. 1054 L.D. 1486

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

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

Bill "An Act to Clarify Laws Relating to Unemployment Compensation for Service with Nonprofit Organizations, Educational Institutions, State Government and Local Governments"
H.P. 1014 L.D. 1406

Bill "An Act to Provide for Binding Arbitration for County Employees with Respect to Monetary Issues"
H.P. 1031 L.D. 1448

Bill "An Act to Amend the Prevailing Wage Laws"
H.P. 1037 L.D. 1454

Bill "An Act to Increase the Maximum Benefit Levels Provided for Injured Workers" (Emergency)
H.P. 1039 L.D. 1456

Bill "An Act to Extend the Period for Payment of Workers' Compensation Benefits"
H.P. 1040 L.D. 1457

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 Require That Campaign Finance Reports Be Considered Filed on the Date They Are Postmarked"
H.P. 1029 L.D. 1446

Bill "An Act to Ensure Integrity in Government by Prohibiting Contributions when the Legislature Is in Session"
H.P. 1041 L.D. 1458

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 Establish a Requirement That Holders of Lobster Fishing Licenses Must Own or Control the Vessel from Which They Conduct Authorized Activities"
H.P. 1028 L.D. 1445

Bill "An Act to Allow Lobster Management Zones to Restrict Entry"
H.P. 1056 L.D. 1488

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.

Resolve, Regarding Legislative Review of Chapter 500: Stormwater Management, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality (Emergency) H.P. 1038 L.D. 1455

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 Redistrict Knox County and Provide for 5 County Commissioners" H.P. 1016 L.D. 1408

Bill "An Act to Prohibit Dedimus Justices from Receiving Payment for Services other than Long-distance Travel Reimbursement" H.P. 1023 L.D. 1440

Bill "An Act to Deorganize the Town of Cooper" H.P. 1033 L.D. 1450

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 Impose Penalties on Adult Passengers in Motor Vehicles Who Fail to Use Seat Belts" H.P. 1009 L.D. 1401

Resolve, to Designate an East-West Highway and Install Signs on that Highway H.P. 1027 L.D. 1444

Bill "An Act to Encourage the Planning and Implementation of Municipal Ordinances Concerning Bicyclists and Pedestrians" H.P. 1034 L.D. 1451

Resolve, Requiring the Department of Transportation to Investigate Increasing the Speed Limit on Certain Portions of the Interstate Highway System in Portland and Bangor H.P. 1044 L.D. 1461

Bill "An Act to Provide Flexibility and Costs-savings in Department of Transportation Property Acquisition Procedures" H.P. 1049 L.D. 1466

Resolve, to Require the Department of Transportation to Study the Use of Culverts H.P. 1053 L.D. 1485

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.

**Pursuant to Statutes
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to MRSA Title 17-A, Section 1354, subsection 2, asked leave to report that the accompanying Bill "An Act Allowing Appellate Review by an Aggrieved Contemnor" H.P. 1058 L.D. 1490

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.

COMMUNICATIONS

The Following Communication: S.P. 490

118TH LEGISLATURE

March 11, 1997

Senator Jill Goldthwait
Representative David Etnier
Chairpersons
Joint Standing Committee on Marine Resources
118th Legislature
Augusta, Maine 04333

Dear Senator Goldthwait and Representative Etnier:

Please be advised that Governor Angus S. King, Jr. has nominated Francis P. Kulle for reappointment and David W. Jordan, David A. Pecci, Jennifer S. Bichrest and Robert A. Brown for appointment as members of the Marine Resources Advisory Council.

Pursuant to Title 12, MRSA Section 6024, these nominations will require review by the Joint Standing Committee on Marine Resources 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 **MARINE RESOURCES**.

Sent down for concurrence.

SENATE PAPERS

Bill "An Act to Reduce Interest and Charges on Improvident Extensions of Consumer Credit" S.P. 483 L.D. 1491

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 to Repeal the Special Education Laws" S.P. 487 L.D. 1495

Presented by Senator FERGUSON, JR. of Oxford
Cosponsored by Representative WINGLASS of Auburn and
Senator: NUTTING of Androscoggin, Representatives:
GAGNE of Buckfield, GOOLEY of Farmington

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

Sent down for concurrence.

Bill "An Act to Provide Recipients of All Assisted Living Programs and Services Residents' Rights and Equivalent Reporting and Enforcement Opportunities" S.P. 484 L.D. 1492

Presented by Senator PINGREE of Knox
Cosponsored by Senators: PARADIS of Aroostook, JENKINS of Androscoggin, O'GARA of Cumberland, RAND of Cumberland, TREAT of Kennebec, Representative: SAXL of Portland

Bill "An Act to Streamline the Long-term Care Regulatory System" (Emergency) S.P. 488 L.D. 1496

Presented by Senator BENNETT of Oxford
Cosponsored by Representative GAGNE of Buckfield and
Representative: WINSOR of Norway

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

Sent down for concurrence.

Bill "An Act to Adopt an Orderly Procedure for Determining the End of Entitlement to Partial Workers' Compensation Benefits" S.P. 485 L.D. 1493

Presented by Senator MILLS of Somerset

Bill "An Act to Replace the Defined Benefit Retirement Plan for State and Other Public Employees with a Defined Contribution Plan" S.P. 486 L.D. 1494

Presented by Senator AMERO of Cumberland
Cosponsored by Senators: ABROMSON of Cumberland,
KIEFFER of Aroostook, Representative: WINSOR of Norway

Bill "An Act to Amend the Benefits Received by Legislators" S.P. 489 L.D. 1497

Presented by Senator HARRIMAN of Cumberland
Cosponsored by Representative BUCK of Yarmouth

(See action later today.)

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

Sent down for concurrence.

ORDERS

Joint Orders

Under unanimous consent, on motion by Senator PINGREE of Knox, on behalf of Senator PARADIS of Aroostook, the following Joint Order: S.P. 482

ORDERED, the House concurring, that the Joint Standing Committee on Health and Human Services report out, to the Senate, legislation to provide permanent funding for the Maine Health Data Organization and to amend the health data laws.

Which was **READ**.

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

COMMITTEE REPORTS

House

Change of Reference

The Committees on **BANKING AND INSURANCE** and **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Amend the Process of Competitive Bidding for Insurance by School Boards" H.P. 296 L.D. 360

Reported that the same be **REFERRED** to the Committee on **BANKING AND INSURANCE**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BANKING AND INSURANCE**.

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

The Bill **REFERRED** to the Committee on **BANKING AND INSURANCE**, in concurrence.

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Ensure Responsible Coordination of Medical Care under Managed Care" H.P. 401 L.D. 546

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

Signed:

Senators:

LAFOUNTAIN III of York
MURRAY, JR. of Penobscot

Representatives:

MAYO III of Bath
SAXL of Bangor
PERRY of Bangor
DAVIDSON of Brunswick
WINN of Glenburn
O'NEIL of Saco
BRUNO of Raymond
STANLEY of Medway

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Senator:

ABROMSON of Cumberland

Representatives:

CARLETON, JR. of Wells
JONES, JR. of Pittsfield

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Which Reports were **READ**.

Senator **LAFOUNTAIN** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Correct Certain Errors and Inconsistencies in Marine Resources Laws" H.P. 395 L.D. 540

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

Signed:

Senators:

GOLDTHWAIT of Hancock
PENDLETON of Cumberland

Representatives:

ETNIER of Harpswell
PERKINS of Penobscot
BAGLEY of Machias
PIEH of Bremen
PINKHAM of Lamoine
VOLENIK of Brooklin
LAYTON of Cherryfield
HONEY of Boothbay

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Representatives:

GOODWIN of Pembroke
PINKHAM of Brunswick

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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 Require the Courts to Accept Civil Orders of Arrest on Any Day Court is in Session" H.P. 180 L.D. 235

Bill "An Act to Clarify the Effect of Failure to Provide Notice of Filing of a Judgment Lien" H.P. 421 L.D. 571

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

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

Senate

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

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

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

Sent down for concurrence.

ENACTORS

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

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

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

An Act to Provide a Time Limit Extension for Basic Corrections Training H.P. 192 L.D. 245

An Act to Repeal the Task Force on Defense Realignment and the Economy H.P. 221 L.D. 285

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

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

Emergency

An Act to Continue the Participating Local District Consolidated Plan Advisory Committee H.P. 565 L.D. 756

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Resolve

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

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

On motion by Senator **RAND** of Cumberland, the Senate **RECONSIDERED** whereby it **REFERRED** to the Committee on **LABOR** the following:

Bill "An Act to Amend the Benefits Received by Legislators" S.P. 489 L.D. 1497

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **REFERENCE**.

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 (3/11/97) Assigned matter:

NOMINATION - of Joan M. Kelly of Cape Elizabeth, for appointment to Maine Maritime Academy Board of Trustees.

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

Pending - **CONSIDERATION**

(In Senate, March 11, 1997, Communication from the Committee on **EDUCATION AND CULTURAL AFFAIRS**, **READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** 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, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT, MARK W. LAWRENCE

ABSENT: Senator: PENDLETON

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator 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 **Joan M. Kelly**, for appointment to the Maine Maritime Academy Board of Trustees, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Chair laid before the Senate the following Tabled and Later (3/11/97) Assigned matter:

NOMINATION - of W. Tom Sawyer of Bangor, for appointment to Maine Maritime Academy Board of Trustees.

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

Pending - **CONSIDERATION**

(In Senate, March 11, 1997, Communication from the Committee on **EDUCATION AND CULTURAL AFFAIRS, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** 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, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING,

O'GARA, PARADIS, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT, MARK W. LAWRENCE

ABSENT: Senator: PENDLETON

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator 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 **Tom Sawyer**, for appointment to the Maine Maritime Academy Board of Trustees, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Chair laid before the Senate the following Tabled and Later (3/11/97) Assigned matter:

NOMINATION - of Terrence C. Moore of Castine, for appointment as Student Member to Maine Maritime Academy Board of Trustees.

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

Pending - **CONSIDERATION**

(In Senate, March 11, 1997, Communication from the Committee on **EDUCATION AND CULTURAL AFFAIRS, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** 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, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT, MARK W. LAWRENCE

ABSENT: Senator: PENDLETON

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 **Terrence C. Moore**, for appointment as Student Member to the Maine Maritime Academy Board of Trustees, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Chair laid before the Senate the following Tabled and Later (3/11/97) Assigned matter:

Bill "An Act Pertaining to Free Meals for Legislators during a Prayer Breakfast" S.P. 402 L.D. 1297

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

Pending - **FURTHER CONSIDERATION**

(In Senate, March 4, 1997, referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED**.)

(In House, March 5, 1997, referred to the Committee on **LEGAL AND VETERANS AFFAIRS** in **NON-CONCURRENCE**.)

On motion by Senator **PINGREE** of Knox, the Senate **RECEDED** and **CONCURRED**.

Off Record Remarks

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

Senator **HALL** of Piscataquis was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **BENOIT** of Oxford was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

On motion by Senator **RAND** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President

ORDERS OF THE DAY

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

Bill "An Act to Amend the Laws Regarding Commercial Driver Education Instructors" H.P. 1024 L.D. 1441

Tabled - March 12, 1997, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

(In House March 5, 1997, referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and **ORDERED PRINTED**.)

On motion by Senator **OGARA** of Cumberland, referred to the Committee on **TRANSPORTATION** in **NON-CONCURRENCE**.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **MARINE RESOURCES** the Majority on Bill "An Act to Correct Certain Errors and Inconsistencies in Marine Resources Laws" H.P. 395 L.D. 540

Majority - **Ought To Pass** (10)

Minority - **Ought Not To Pass** (2)

Tabled - March 12, 1997, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House March 11, 1997 Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate March 12, 1997, Reports **READ**.)

On motion by Senator **GOLDTHWAIT** of Hancock the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE.**

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

On motion by Senator **PINGREE** of Knox, **ADJOURNED,**
until Thursday, March 13, 1997, at 10:00 in the morning.