

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

Volume 1

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December 6, 1996 to May 19, 1997

Pages 1 - 980

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

In Senate Chamber
Wednesday
March 19, 1997

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

Prayer by Reverend Stephen Hall of the Levant Village Baptist Church in Levant.

REVEREND STEPHEN HALL: Bow with me please. Dear Heavenly Father, we lift this time up to You Lord, may You be glorified by the way we handle business here today. I ask Lord that You bless every individual here who's working diligently for the good of this State. I ask that You settle every heart and every mind and soften every heart and mind, that real business may be done. Lord, I pray for Your wisdom over each individual here, for Your compassion, for Your righteousness. I just ask Lord that You direct the paths of each member of this Senate. We thank You Lord for this great day and this opportunity to serve You. It is in Your Sons Blessed name we pray. Amen.

Doctor of the Day, David Simmons, M.D., Calais.

Reading of the Journal of Tuesday, March 18, 1997.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Restrict the First Day of Reservations for State Parks to Residents of the State Only" H.P. 1100 L.D. 1543

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 Eliminate Inconsistencies and Unnecessary Duplication Regarding the Training and Certification of Individuals Who Enforce Land Use Regulations" H.P. 1111 L.D. 1554

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

On motion by Senator **RAND** of Cumberland, referred to the Committee on **NATURAL RESOURCES** in **NON-CONCURRENCE.**

Sent down for concurrence.

Bill "An Act to Fund the Collective Bargaining Agreement for the Law Enforcement Services Bargaining Unit" (Emergency) H.P. 1092 L.D. 1535

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 to Require Banks to Forward Copies of Mortgages to the Municipalities in Which the Property Is Located" H.P. 1087 L.D. 1530

Bill "An Act to Establish a State Disaster Relief Trust Fund" H.P. 1097 L.D. 1540

Bill "An Act to Establish the Breast Care Patient Protection" H.P. 1113 L.D. 1556

Bill "An Act to Regulate Viatical Companies" H.P. 1115 L.D. 1558

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 Improve Allopathic and Osteopathic Physician Oversight" H.P. 1124 L.D. 1580

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.

Off Record Remarks

Bill "An Act to Make Certain Changes to Post-conviction Review" H.P. 1090 L.D. 1533

Bill "An Act to Outlaw the Sale of Code Grabbers in the State" H.P. 1105 L.D. 1548

Bill "An Act to Establish Penalty for Violation of Compulsory School Attendance" H.P. 1117 L.D. 1573

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.

Resolve, to Determine How to Increase the Number of Students Consuming School Meals H.P. 1086 L.D. 1529

Resolve, Regarding Legislative Review of Chapter 131: Rules for Learning Results, a Major Substantive Rule of the Department of Education (Emergency) H.P. 1093 L.D. 1536

Bill "An Act to Promote Adult Education" H.P. 1095 L.D. 1538

Bill "An Act to Eliminate the Use of Time-out Boxes" H.P. 1099 L.D. 1542

Bill "An Act to Amend the Process by Which School Construction Is Approved" H.P. 1101 L.D. 1544

Bill "An Act to Amend the Laws Governing Correction of Student Education Records" H.P. 1102 L.D. 1545

Resolve, to Establish the Commission to Study the Restructuring of the University of Maine System (Emergency) H.P. 1110 L.D. 1553

Bill "An Act to Create Efficient and Effective Administration of the University of Maine System" H.P. 1114 L.D. 1557

Bill "An Act to Improve the Child Development Services System and Encourage Collaboration in Early Childhood Programs with School Administrative Units" H.P. 1125 L.D. 1581

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.

Resolve, Requiring the Department of Human Services to Enable People with Disabilities to Purchase Medicaid Health Insurance H.P. 1098 L.D. 1541

Bill "An Act to Require that Life-support Systems in Medical Facilities Have Back-up Generators" H.P. 1120 L.D. 1576

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 Make Health Provider Data More Accessible to the Public" H.P. 1119 L.D. 1575

Committee on **BANKING AND INSURANCE** suggested and **ORDERED PRINTED**.

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

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

Bill "An Act to Require That an Adult Accompany Youths Attending Hunter Safety Programs" H.P. 1103 L.D. 1546

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 Requiring Progress Reports for Mapping Significant Wildlife Habitat" H.P. 1088 L.D. 1531

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

On motion by Senator **RAND** of Cumberland, referred to the Committee on **NATURAL RESOURCES** in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act to Amend the Conditions upon Which a Minor May Obtain Emancipation" H.P. 1109 L.D. 1552

Bill "An Act to Establish the Uniform Unclaimed Property Act" H.P. 1116 L.D. 1559

Bill "An Act to Establish the Uniform Anatomical Gift Act" H.P. 1127 L.D. 1583

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 Protect Workers and Establish Labor Standards for "Workfare" Participants" H.P. 1122 L.D. 1578

Come 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 Amend the Maine Liquor Liability Act"
H.P. 1089 L.D. 1532

Bill "An Act to Require that All State-owned Flag Poles Fly the Prisoner-of-war Flag"
H.P. 1104 L.D. 1547

Bill "An Act to Promote Microbreweries"
H.P. 1106 L.D. 1549

Bill "An Act to Prohibit Landlords from Collecting Rent More than 3 Months in Advance"
H.P. 1107 L.D. 1550

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 Eliminate Paper Mill Dioxin and Restore Maine's Rivers"
H.P. 1121 L.D. 1577

Bill "An Act to Ensure Stable Funding of Pollution Abatement Programs Administered by the Department of Environmental Protection"
H.P. 1123 L.D. 1579

Bill "An Act to Clarify and Amend the Storm Water Management Laws, the Erosion and Sedimentation Control Laws, and the Site Location of Development Laws" (Emergency)
H.P. 1126 L.D. 1582

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 Amend the Laws Relating to Notaries Public"
H.P. 1094 L.D. 1537

Bill "An Act to Amend the Amount of Retainage on Public Building Contracts"
H.P. 1108 L.D. 1551

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 Implement the Recommendations of the Commission to Study Poverty Among Working Parents Regarding the Threshold for Filing Personal Income Tax"
H.P. 1118 L.D. 1574

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.

Bill "An Act to Increase the Speed Limit and Amend the Penalty Point System"
H.P. 1091 L.D. 1534

Come 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.

Resolve, to Ensure a Reduction in Electric Power Rates in the Event of Electric Power Industry Restructuring
H.P. 1096 L.D. 1539

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.

COMMUNICATIONS

The Following Communication: S.C. 98

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

March 17, 1997

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

Dear President Lawrence and Speaker Mitchell:

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

L.D. 460 An Act to Repeal the Laws That Pertain to the Licensing of Dogs

L.D. 800 An Act to Prohibit the Docking of a Cow's Tail

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

Sincerely,

S/Sen. Marjorie L. Kilkelly
Senate Chair

S/Rep. George H. Bunker, Jr.
House Chair

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

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

The Following Communication: S.C. 99

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC
DEVELOPMENT**

March 17, 1997

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

Dear President Lawrence and Speaker Mitchell:

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

- L.D. 567 An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to the Livable Wage in Business Assistance Subsidies
- L.D. 713 An Act to Change the Composition of the Loring Development Authority Board of Trustees
- L.D. 1151 An Act to Require the Use of Safety Bars on Chairlifts

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

Sincerely,

S/Sen. John T. Jenkins
Senate Chair

S/Rep. Marc J. Vigue
House Chair

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

The Following Communication: S.C. 100

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE**

March 17, 1997

Dear President Lawrence and Speaker Mitchell:

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

- L.D. 232 An Act to Create the Class A Crime of Theft
- L.D. 538 An Act to Increase the County Share and Change the Name of the Government Operations Surcharge Fund
- L.D. 652 An Act to Create a Repeat Offender Provision Addressing Crimes of Violence against People
- L.D. 910 An Act to Authorize Court-ordered Supervision of Juveniles

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

Sincerely,

S/Sen. Robert E. Murray, Jr.
Senate Chair

S/Rep. Edward J. Povich
House Chair

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

The Following Communication: S.C. 101

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

March 17, 1997

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

Dear President Lawrence and Speaker Mitchell:

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

- L.D. 443 An Act to Require Criminal Background Checks for Home Health Care Workers
- L.D. 644 Resolve, to Require a Plan for a Register of Nonlicensed Persons Who Provide Health Care Services

L.D. 771 An Act to Require That the Department of Human Services Bring Criminal Charges Promptly against a Custodian When a Child is Removed under Court Order

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

L.D. 1369 An Act Concerning Due Process Regarding Certified Nursing Assistants

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

Sincerely,

S/Sen. Judy Paradis
Senate Chair

S/Rep. J. Elizabeth Mitchell
House Chair

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

The Following Communication: S.C. 102

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

March 17, 1997

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

Dear President Lawrence and Speaker Mitchell:

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

L.D. 191 An Act to Require a Guide for Certain Nonresident Aliens Hunting in the State

L.D. 210 An Act to Allow Limited Hunting of Antlerless Deer with an Ordinary Hunting License

L.D. 439 An Act to Amend the Laws Governing Hunting Licenses for Residents 70 Years of Age and Older

L.D. 473 An Act to Amend Maine's Hunting Laws for Nonresidents

L.D. 610 An Act to Amend the Moose Hunting Permit Laws

L.D. 788 An Act to Ensure That Permit Requirements are Met before the Sale of Live Fish or Fish Eggs

L.D. 859 An Act to Exempt Hunters in Elevated Stands from the Blaze Orange Clothing Requirements

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

Sincerely,

S/Sen. Marjorie L. Kilkelly
Senate Chair

S/Rep. Norman R. Paul
House Chair

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

The Following Communication: S.C. 103

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

March 17, 1997

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

Dear President Lawrence and Speaker Mitchell:

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

L.D. 570 An Act to Clarify the Laws on Punitive Damages

L.D. 587 An Act to Provide Greater Public Notice of Complaints against Attorneys

L.D. 769 An Act to Limit Landowner Liability for Injuries to Independent Contractors Engaged in Harvesting Activities

L.D. 795 An Act to Expand Asset Forfeiture Provisions

L.D. 897 An Act to Amend the Filing Requirements to Perfect a Security Interest in Consumer Goods

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

Sincerely,

S/Sen. Susan W. Longley
Senate Chair

S/Rep. Richard H. Thompson
House Chair

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

The Following Communication: S.C. 104

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

March 17, 1997

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

Dear President Lawrence and Speaker Mitchell:

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

- L.D. 336 An Act Regarding Survivor Benefits in the Event of Divorce and Remarriage
- L.D. 659 An Act to Authorize Members of the Maine State Retirement System to Combine Years of Service Under Different Plans
- L.D. 909 An Act to Establish Mandatory Drug and Alcohol Testing of Emergency Vehicle Operators

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

Sincerely,

S/Sen. Mary R. Cathcart
Senate Chair

S/Rep. Pamela H. Hatch
House Chair

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

The Following Communication: S.C. 105

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

March 17, 1997

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

Dear President Lawrence and Speaker Mitchell:

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

L.D. 409 An Act Concerning Commercial Marine Fishing Licenses

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

Sincerely,

S/Sen. Jill M. Goldthwait
Senate Chair

S/Rep. David Etnier
House Chair

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

The Following Communication: S.C. 106

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

March 17, 1997

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

Dear President Lawrence and Speaker Mitchell:

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

- L.D. 553 An Act to Clarify Certain Department of Environmental Protection Prohibitions
- L.D. 554 An Act to Change the Definition of Pollutant in the Environmental Laws
- L.D. 908 An Act to Amend the Definition of the Term Subdivision in the Site Location of Development Laws
- L.D. 1035 An Act Regarding Board of Environmental Protection Reports

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

Sincerely,

S/Sen. Sharon Treat
Senate Chair

S/Rep. G. Steven Rowe
House Chair

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

The Following Communication: S.C. 107

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

March 17, 1997

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

Dear President Lawrence and Speaker Mitchell:

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

- L.D. 43 An Act to Decrease the State's Share of Real Estate Transfer Tax
- L.D. 202 Resolve, to Establish the Commission on Comprehensive Tax Reform
- L.D. 222 An Act to Exempt Public Water, Power or Light Systems from Municipal Taxation
- L.D. 324 An Act to Decrease the State's Share of Real Estate Transfer Taxes
- L.D. 414 Resolve, to Create a Commission to Study the Tax Implications for Municipalities Resulting from the Repeal of the Uniform Property Tax
- L.D. 459 Resolve, to Study Sales Tax Exemptions
- L.D. 478 Resolve, Requiring a Review of the State's Tax Policy
- L.D. 655 An Act to Reimburse Certain Towns in Connection with the Maine Tree Growth Tax Law
- L.D. 779 Resolve, to Establish a Commission to Study the Maine Residents Property Tax and Rent Refund Program and Make it More Accessible
- L.D. 784 Resolve, Directing the Bureau of Taxation to Review Organizations Receiving Tax Exemptions
- L.D. 880 Resolve, to Determine the Effectiveness of Economic Development Incentives in this State

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

Sincerely,

S/Sen. Richard P. Ruhlin
Senate Chair

S/Rep. Verdi L. Tripp
House Chair

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

The Following Communication: S.C. 108

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

March 17, 1997

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

Dear President Lawrence and Speaker Mitchell:

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

- L.D. 1086 An Act to Amend the Laws Regarding Motor Vehicle License Plates for Legislators
- L.D. 1123 An Act to Allow a Left Turn on a Red Light on One-way Streets

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

Sincerely,

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

S/Rep. Joseph D. Driscoll
House Chair

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

The Following Communication: S.C. 109

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

March 17, 1997

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

Dear President Lawrence and Speaker Mitchell:

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

- L.D. 366 An Act to Require Regular Disclosure of Low-cost Telephone Calling Plans to Telephone Customers

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

Sincerely,

S/Sen. Richard J. Carey
Senate Chair

S/Rep. Kyle W. Jones
House Chair

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

SENATE PAPERS

Bill "An Act to License Home Building Contractors"
S.P. 512 L.D. 1595

Presented by Senator CATHCART of Penobscot
Cosponsored by Representative VIGUE of Winslow

Bill "An Act Concerning Requirements for Payroll Processing
Companies"
S.P. 511 L.D. 1596

Presented by Senator TREAT of Kennebec
Cosponsored by Representative COWGER of Hallowell and
Senators: NUTTING of Androscoggin, RAND of Cumberland,
Representatives: COLWELL of Gardiner, GREEN of
Monmouth, WATSON of Farmingdale

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

Sent down for concurrence.

COMMITTEE REPORTS

House

Change of Reference

The Committee on **INLAND FISHERIES AND WILDLIFE** on
Bill "An Act to Promote Wildlife Rehabilitation Centers"
H.P. 551 L.D. 742

Reported that the same be **REFERRED** to the Committee on
TAXATION.

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

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

The Bill **REFERRED** to the Committee on **TAXATION**, in
concurrence.

The Committee on **TRANSPORTATION** on Resolve,
Requiring the Department of Public Safety, Chief of the State
Police to Amend the Commercial Vehicle Inspection Standards
to Help Control Diesel Truck Emissions H.P. 171 L.D. 226

Reported that the same be **REFERRED** to the Committee on
NATURAL RESOURCES.

Comes from the House with the Report **READ** and
ACCEPTED and the Resolve **REFERRED** to the Committee on
NATURAL RESOURCES.

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

The Resolve **REFERRED** to the Committee on **NATURAL
RESOURCES**, in concurrence.

Ought to Pass

The Committee on **LEGAL AND VETERANS AFFAIRS** on
Bill "An Act to Require Responsibility of the Employers of
Persons who Collect Signatures" H.P. 318 L.D. 440

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.**

Ought to Pass As Amended

The Committee on **STATE AND LOCAL GOVERNMENT** on
Bill "An Act to Return a Certain Parcel of Land to Hartland from
Pittsfield" H.P. 46 L.D. 71

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-6).**

Comes from the House with the Report **READ** and
ACCEPTED and the Bill **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-6).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-6) **READ** and **ADOPTED**, in
concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on
Bill "An Act to Amend the Laws Requiring Notification for Public
Hearings Concerning Ordinance Changes" H.P. 58 L.D. 83

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-7).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-7).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-7) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Allow Towns to Use the Money Held in Administrative Funds That Comes from the Use of Ministerial Trust Land" H.P. 210 L.D. 274

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-5).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-5).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-5) **READ** and **ADOPTED**, in concurrence.

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

Off Record Remarks

Under suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **KILKELLY** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Allow the Maine Forest Service to Retain Funds from the Sale of Real Estate" S.P. 117 L.D. 396

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-23).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-23) **READ** and **ADOPTED.**

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

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Law Regarding the Sale of Alcohol on Golf Courses" H.P. 467 L.D. 638

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

Signed:

Senators:

DAGGETT of Kennebec
CAREY of Kennebec

Representatives:

TUTTLE, JR. of Sanford
GAMACHE of Lewiston
CHIZMAR of Lisbon
FISHER of Brewer
GAGNE of Buckfield
TESSIER of Fairfield
TRUE of Fryeburg
LABRECQUE of Gorham
BIGL of Bucksport

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

Signed:

Senator:

FERGUSON, JR. of Oxford

Representative:

BELANGER of Wallagrass

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.

Senate

Ought to Pass

Senator CAREY for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Repeal the Maine Surplus Energy Auction Program" S.P. 251 L.D. 820

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

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

The Bill **READ ONCE**.

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

Ought to Pass As Amended

Senator DAGGETT for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Clarify the Law Concerning Evictions from Mobile Home Parks" (Emergency) S.P. 22 L.D. 20

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-27)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-27) **READ** and **ADOPTED**.

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

Senator NUTTING for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Change the Laws Pertaining to the Issuance of Copies of Birth, Marriage or Death Certificates by Towns" S.P. 159 L.D. 488

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-21)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-21) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Authorizing the Theta Chi Building Association to File with the Secretary of State as a Nonprofit Corporation S.P. 145 L.D. 424

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-28)**.

Signed:

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

Representatives:
TUTTLE, JR. of Sanford
GAMACHE of Lewiston
CHIZMAR of Lisbon
FISHER of Brewer
GAGNE of Buckfield
TESSIER of Fairfield
BIGL of Bucksport
BELANGER of Wallagrass

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

Signed:

Representatives:
LABRECQUE of Gorham
TRUE of Fryeburg

Which Reports were **READ**.

On motion by Senator DAGGETT of Kennebec the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-28) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Require That a Vacancy in the Office of Sheriff Be Filled by an Appointee from the Same Political Party" S.P. 33 L.D. 31

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-20)**.

Signed:

Senators:
NUTTING of Androscoggin
LIBBY of York

Representatives:
FISK, JR. of Falmouth
BAGLEY of Machias
AHEARNE of Madawaska
GIERINGER, JR. of Portland
SANBORN of Alton

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

Signed:

Senator:

GOLDTHWAIT of Hancock

Representatives:

BUMPS of China
GERRY of Auburn
LEMKE of Westbrook
KASPRZAK of Newport

Which Reports were **READ**.

Senator **NUTTING** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT**: Thank you Madam President, men and women of the Senate. This is a relatively minor issue in the grand scheme of things, particularly this week with what's in front of us, but, I do feel the need to make a statement that I do not, nor will I ever support any connection between political party and a law enforcement official, and would ask for a division on the vote.

THE PRESIDENT PRO TEM: A Division has been requested. The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON**: Thank you very much Madam President, men and women of the Senate. What this is, this is a bill that corrects legislation that was passed a couple of years ago, whereas, most of the county officials, in the event of a vacancy would be selected by political party, by the same political party as they originally were. And, what happened, in the course of events, Washington County last year decided to go to five county commissioners and then they changed their minds and decided to go back to three county commissioners and during this process, this legislation, which had already been law, which was removed from the statutes and all we're doing is putting it back into law. And, I would urge the members of the Body to support the motion. Thank you Madam President.

At the request of Senator **GOLDTHWAIT** of Hancock a Division was had. 29 Senators having voted in the affirmative and 3 Senators having voted in the negative, the motion by Senator **NUTTING** of Androscoggin, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-20) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature Following Redistricting in the Year 2003 S.P. 75 L.D. 214

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

Signed:

Senators:

NUTTING of Androscoggin
GOLDTHWAIT of Hancock

Representatives:

AHEARNE of Madawaska
DUTREMBLE of Biddeford
BAGLEY of Machias
GERRY of Auburn
LEMKE of Westbrook
BUMPS of China
GIERINGER, JR. of Portland
KASPRZAK of Newport
SANBORN of Alton

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-22)**.

Signed:

Senator:

LIBBY of York

Representative:

FISK, JR. of Falmouth

Which Reports were **READ**.

Senator **NUTTING** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

SECOND READERS

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

Senate

Bill "An Act to Extend the Exemptions for Farm Stands to Include Farmers' Markets" S.P. 275 L.D. 883

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Broaden the Requirements for Special Veterans Registration Plates" S.P. 29 L.D. 27 (C "A" S-17)

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

Sent down for concurrence.

ENACTORS

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

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

An Act to Amend the Fee Schedule for Probate Filings S.P. 138 L.D. 417 (S "A" S-13)

(See action later today.)

An Act to Amend the Employee Leasing Company Registration Process S.P. 147 L.D. 426

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

An Act to Correct Certain Errors and Inconsistencies in Marine Resources Laws H.P. 395 L.D. 540

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

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

An Act to Amend the Small Claims Court Laws S.P. 249 L.D. 818

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

Emergency

An Act to Amend the Maine Consumer Credit Code to Permit Reverse Mortgages S.P. 207 L.D. 666 (C "A" S-12)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 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 Pro Tem, was presented by the Secretary to the Governor for his approval.

On motion by Senator **BENNETT** of Oxford, the Senate **RECONSIDERED** whereby it **PASSED TO BE ENACTED** the following:

An Act to Amend the Fee Schedule for Probate Filings S.P. 138 L.D. 417 (S "A" S-13)

Senator **BENNETT** of Oxford requested a Division.

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

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (3/13/97) Assigned matter:

JOINT ORDER - relative to amending Joint Rule 208; concept drafting H.P. 1059

Tabled - March 13, 1997, by Senator **PINGREE** of Knox.

Pending - **PASSAGE**

(In House, March 12, 1997, **READ** and **PASSED.**)

(In Senate, March 13, 1997, **READ.**)

Which was **PASSED**, in concurrence.

The Chair laid before the Senate the following Tabled and Later (3/18/97) Assigned matter:

Bill "An Act to Authorize a Police Officer to Impound the Motor Vehicle of a Person Arrested for Operating Under the Influence or Driving with a Suspended or Revoked License" S.P. 496 L.D. 1527

Tabled - March 18, 1997, by Senator **DAGGETT** of Kennebec.

Pending - **REFERENCE**

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

On motion by Senator **DAGGETT** of Kennebec referred to the Committee on **CRIMINAL JUSTICE.**

Sent down for concurrence.

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

The Chair laid before the Senate the following Tabled and Later (3/13/97) Assigned matter:

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

Tabled - March 13, 1997, by Senator PINGREE of Knox.

Pending - FURTHER CONSIDERATION

(In Senate, March 4, 1997, READ TWICE and PASSED TO BE ENGROSSED.)

(In House, March 12, 1997, READ TWICE and PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-4) in NON-CONCURRENCE.)

On motion by Senator MILLS of Somerset the Senate RECEDED from PASSAGE TO BE ENGROSSED.

House Amendment "B" (H-4) READ.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator MILLS: Thank you Madam President, men and women of the Senate. The Bill in its present posture, comes up from the House as an amendment. You may recall that the substance of this Bill is that it removes the preemption against local municipalities and acting, if they wish, ordinances that might deal with the sale of tobacco products. The Bill comes back to us from the House amended to say that the municipality, before considering such a ordinance, must give notice by mail, thirty days in advance to all of the known tobacco licensees. Regrettably, the amendment from the House says just that; Meaning, if you read it quite literally, every tobacco licensee, presumably in the State of Maine, which is not obviously the intent of the drafter, I assume, I, if you will permit me to strip the amendment, the House amendment, off, we have a redrafted Senate amendment B to offer, which will clarify that the notice must be given indeed, but, only to those tobacco licensees who are within the confines of the municipality. And, I would personally be content with the amendment as drafted in that form; So at this juncture, renew my motion to indefinitely postpone House Amendment B.

On motion by Senator MILLS of Somerset, House Amendment "B" (H-4) INDEFINITELY POSTPONED in NON-CONCURRENCE.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator MILLS: Thank you Madam President. I now present Senate Amendment B under filing number S-18 and I move its Adoption and I request just to speak briefly to this motion.

Madam President, once again, the purpose of this amendment is to add four or five words to the House amendment and I think we could have done it by amending the House amendment, but instead, the paperwork I was given entailed stripping the House Amendment and putting in our own. I want to reassure people that what we've done with Senate Amendment B, that I'm proposing, is simply to add in the words "within the municipality", so that the obligation of the municipality to give notice of the proposed ordinance would be to give notice to the tobacco licensees that are within the boundaries of the municipality and that is the sole purpose of this Amendment. Thank you.

On further motion by same Senator, Senate Amendment "B" (S-18) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President Pro Tem.

Off Record Remarks

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

Off Record Remarks

Senator KIEFFER was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Off Record Remarks

On motion by Senator RAND of Cumberland, RECESSED until the 4:00 in the afternoon.

After Recess

Senate called to order by the President Pro Tem.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Composition of the Information Services Policy Board and Establish a Clearinghouse on State Information and Information Technology" H.P. 1133 L.D. 1589

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 Require Post-release Supervision of Prisoners Who Are Identified as High-risk Offenders" H.P. 1136 L.D. 1592

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 Regarding Confidentiality of Information Concerning Residents of Certain Facilities" H.P. 1128 L.D. 1584

Bill "An Act to Provide Additional Adoption Assistance to State Employees" H.P. 1129 L.D. 1585

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 Concerning Rabbit Hunting with Dogs" H.P. 1132 L.D. 1588

Comes 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.

Off Record Remarks

Bill "An Act to Establish Procedures for the Release of Confidential Information" H.P. 1131 L.D. 1587

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 to Give Fire Marshals the Same Retirement Provisions as Other State Law Enforcement Officers" H.P. 1134 L.D. 1590

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 Amend the Washington County Budget Process" (Emergency) H.P. 1135 L.D. 1591

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 Regarding Reimbursement for Sand and Salt Storage Facility Construction" H.P. 1130 L.D. 1586

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:

ENACTORS

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

An Act to Clarify the Territory Included within Lake Arrowhead Community, Incorporated H.P. 168 L.D. 223

An Act Concerning Defendants' Ability to Attack Orders of Restitution H.P. 227 L.D. 291

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

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

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

An Act to Classify Vehicular Homicide as a Class A Crime H.P. 176 L.D. 231

On motion by Senator **MICHAUD** of Penobscot, **TABLED 1** Legislative Day, pending **ENACTMENT**.

Resolve

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

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

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

COMMITTEE REPORTS

Senate

Ought to Pass

Senator **NUTTING** for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Exempt Public Airports with Approved Airport Layout Plans from Subdivision Review" S.P. 327 L.D. 1105

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

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

The Bill **READ ONCE**.

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

Ought to Pass As Amended

Senator **PARADIS** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Preserve Public Springs: S.P. 48 L.D. 158

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-29)**.

Which Report was **READ** and **ADOPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-29) READ and **ADOPTED**.

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

Senator **TREAT** for the Committee on **NATURAL RESOURCES** on Bill "An Act to Allow Municipalities to Enact Stricter Standards Regulating Sewer or Septic Sludge" S.P. 10 L.D. 2

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-30)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-30) READ and **ADOPTED**.

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:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature Following Redistricting in the Year 2003 S.P. 75 L.D. 214

Majority - **Ought Not To Pass** (11 members)

Minority - **Ought to Pass As Amended by Committee Amendment "A" (S-22)** (2 members)

Tabled - March 19, 1997, by Senator **NUTTING** of Androscoggin.

Pending - motion by same Senator, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

(In Senate, March 19, 1997, Reports **READ**.)

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Libby.

Senator **LIBBY:** Madam President, may I have a Division.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Mitchell.

Senator **MITCHELL:** Thank you Madam President, men and women of the Senate. I would like very much to address my fellow Senators, here in the Body, in regards to this particular legislation. I know that you have reviewed this on several times in the past, for the last three sessions I believe, and I'd like to highlight the differences which address this particular bill, this time, versus what has been brought to your attention in the past. I believe strongly in these merits. What I'm asking is that we put to the voters, before the voters of Maine, the opportunity to debate and decide the appropriate side for the Maine legislature, after the next redistricting in the year 2003. And the first selection cycle would be the year 2005. The reason for this is because I believe that at this particular time we are asking various groups that our government, as well in the public sector, to reduce their cost, reduce the size of their particular organizations in order to develop more efficient manners of operations. And, I think we need to start looking at how efficient are we in this particular process. Some of the items that were

brought up as opposition the last time this was talked about was the fact that many of our districts were in a rural community and it made the districts too large, however, the districts, on a district average nationally, when you look at the figures, we are now on district average for the House for example, the population per district is eight thousands for ours, for Maine, and the average is forty-six thousand and when you look at the number of square miles per the Representative, the average across our nation is nine hundred and thirty-four and we're at two hundred and four. With a hundred and fifty-one reps, where the average rep nationally is a hundred and eleven. I feel on the Senate side we're withholding with thirty-five Senators the population in the number of square miles, our Senator is eight hundred and eight-two, versus a national average of two thousand one hundred and thirty-five. Looking at the information-age technology and where we will be in the year 2003, I believe that it's not going to be impossible for us to communicate with our constituents in a manner that would bring them the security that they would need and the closeness to their Representatives and Senators. My proposal is to bring together a group of Senators which would be three Representatives and one Senator in a geographic area to build better team-work, so that we could work together and reduce the amount of administration, to improve our efficiency, to not overlap with the amount of bills, we would have a team effort so that this would be more united and would actually give us closer communication with the people that we're representing in the various districts. So, with this, I would ask you that on a cost basis we also realize there would be a savings the first year, the year 2004, 2005 of one million two and in the second regular session it would be nine hundred thousand dollars. So, we not only would realize an impact on savings, we would also improve efficiency, better team control and the people of Maine deserve a chance to decide the size of the legislature and what they're willing to pay for. We let them vote on seat belts and on term limits and on our campaign finance reports, so why not let them vote on what size they want their legislature. We're not making that decision, we're just saying let's let the people tell us what size they want this legislature. Three House Districts per Senate District enhances legislature delegation and what I'd ask you is to please support my motion and on our Roll Call vote, try to be the leaders with the Senate showing the House that yes we are serious about improving efficiency, team-work, and working together to make this a better place. Thank you very much Madam President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Lincoln, Senator Kilkelly.

Senator **KILKELLY:** Thank you Madam President, men and women of the Senate. Having served on the State and Local Government Committee for, I think, three terms, and having dealt with this issue a number of times, I would like to point out that there are a number of differences, certainly between the Maine legislature and legislatures in other parts of the country. When I was a member of an Export Trade Committee, with the council of State governments, I served with a person from Pennsylvania, that person represented seventy-five thousand people, he also had an office at the capitol and an office in his home district and had two staff people that were there at his beck and call all the time to work on constituent work and to answer questions and to do the work that all of us do pretty much on our own. When we talk about communication, I think one of the things that's important for us to hang on to, I know, I have an e-mail address,

I certainly talk to constituents constantly and I can do that. What I would miss, in terms of having a smaller legislature and having a much more large number of constituents, is that personal contact in which people, for example; I had two people here earlier today who knew that they could come here and stop and that I would have an opportunity to chat with them for a few minutes. They know who am, they know me on a first name basis, they know where my house is, they know my kids. All of those things are important, in terms of people feeling connected to their government and that's particularly important in rural areas. So, efficiency is one thing, and a losing of personal contact and people feeling out of touch with their government is another. I think it's important to look at the amount of money that this legislature spends. I think that's always been an issue. When I first came here eleven years ago into the other Body, we were able to do three mailings a year to our constituents, so I was able to do a mailing that asked people, "What are the kinds of concerns that you have"? Then there was another mailing that provided them with a response at the end of the session about the things that we had done that might be of interest to them and then in the fall we could do a mailing that talked about the referendum questions and what might be coming up. That's been stopped to the point where now we're doing about one mailing, so, I think we are seeing that the changes and the savings that we make are actually a loss for our constituents in terms of our ability not just to communicate with them but our ability to actually represent them and to know what their issues are and to know what their concerns are. Finally, when we talk about cost and cost-savings, the piece that really comes home to me is the fact that we are paid for a limited amount of time in this legislature and then we volunteer. Out of the two years for which we're elected we're paid for about nine months and then we volunteer for the rest of the term. We volunteer by taking calls at home three hundred and sixty-five days a year, by doing the work that people have sent us, not only here to do, but, have elected us to do, and that's an important piece. If we were to have significantly larger districts and have staff working on those issues, those staff wouldn't be volunteering for half of the year. So, when we say that there would be a savings of a million dollars; I would like to pose a question through the chair of the comparisons that were done looking at the size of a Maine District, versus, the size of other districts, if there was also that same kind of research done to look at the cost of staff, the number of staff, the amount of staff, in those other legislatures and what the cost would be if we were looking at replicating those systems.

THE PRESIDENT PRO TEM: Senator Kilkelly, the Senator from Lincoln has posed a question through the chair to anyone who wishes to answer. The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Madam President, I'll attempt to answer the good Senators question that many, many states do have more staff than we do, two or three staff per elected official. Yes, those people do represent many more people than we do. I just want to point out to this Body that the State and Local Government Committee, if you'll read your report, after working this bill for a period of time, voted not only in a (and this maybe a new phrase, I'm not sure) not maybe in a by-partisan way but they voted Ought not to Pass in a tri-partisan way, to not go forward with this piece of legislation at this time. Two main reasons: Number one was that the demands of trying to own

and operate a small business and serve in the legislature and the larger and larger your districts got, the more and more harder it was going to be for the small businessman to actually decide to run for office and elect somebody. And I don't always agree with this group but I really don't know of a more fiscal conservative group than the Maine Farm Bureau who strongly came and opposed this bill for what it potentially could do to rural Maine, with rural Maine ending up with fewer Representatives and Senators. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Abromson.

Senator **ABROMSON:** Thank you Madam President. Did the Senator from Penobscot, Senator Mitchell ask for a Roll Call?

THE PRESIDENT PRO TEM: The Chair would answer in the negative. The Chair recognizes the Senator from Aroostook, Senator Kieffer.

Senator **KIEFFER:** Thank you Madam President, men and women of the Senate. I've listened with a great amount of interest to the debate here today, primarily because in the first term here in the Senate, I represented probably one of the largest geographical areas that was in the State of Maine. Redistricting changed that and now I have, what I consider to be, a small compact district, certainly not as compact as something in the city, but, I've seen both sides of the issue. With our means of transportation and communication today, I certainly think we would be a much more efficient group if we did have three Representatives and one Senator representing the same geographical area, and that's the way it would work out under this proposed piece of legislation. Back in the days when, even before my time, I suppose, people traveled with horse and buggy and I can see the problems that they did have in getting around to see their constituents. But, even in my original district, I still have many good friends there, I still could travel and see them just as readily as we can now because of our transportation facilities, and I think our means of communications improves more every day, naturally. I'm very supportive of this but I was interested in hearing some other peoples consideration, and I will be voting against the Ought Not to Pass amendment so that we can go on and try to pass the motion on Ought to Pass on this particular bill and I would appreciate your support. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you Madam President, ladies and gentlemen of the Senate. Not only is tri-partisan support unusual, but especially when some of that support for the Ought Not to Pass comes from a cosponsor to the bill, and so I would like to explain my position on this bill having cosponsored it. The idea of decreasing the size of the legislature is certainly not necessarily a bad one, in my opinion, and the thought that the sponsor had put into this impressed me, in terms of that sense of team-work that this proposal would create. The trouble that I ran into was when I started to think about exactly how that districting would occur, it raised some difficulties that I could not resolve in my own mind. If one divides the population of this State by the number of Senators, those

districts are rather easily set, given the difficulties of geography in Maine, however, it's the next step which is to take those Senate districts and to divide them into whatever, in this case three House districts. You are restricted by the boundaries of the Senate district when it comes to districting the House district, and therefore, those House districts begin to fall quite irregularly regarding municipal boundaries, in other words; To create three even House districts out of a Senate district means you are doing strange things in terms of municipal boundaries as long as you want to preserve equal sides for the Senate district. So, it is that rather technical complication of redistricting that causes me to oppose this proposal and not necessarily the decrease in the size of the legislature. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Butland.

Senator **BUTLAND:** Thank you Madam President, ladies and gentlemen of the Senate. I too will be joining my fellow Senators from Aroostook, Senator Kieffer, and from Penobscot, Senator Mitchell in voting against the prevailing motion so that we can go along and vote for the minority report. You know, we've been a State for approximately a hundred and seventy-six years and the size of the legislature has changed from time to time. One of the first acts that the Maine legislature did was to establish the town of Cumberland, the town that I live in, and I've done a little bit of research in that particular event and the warrant that came from the people of the town of Cumberland said that they were partitioning the electors of the State of Maine to allow them to break away from the town of North Yarmouth, because of the convenience of the people in conducting or fulfilling their duties of citizenship. Now, the town of Cumberland used to be a part of the old town of North Yarmouth and the town hall was actually located in what is now the town of Yarmouth, about five miles from the geographic center of the town of Cumberland. Back then that was a big issue, going five miles to get to a town meeting with the conveyance systems and the roads that they had, it was a big deal. We have evolved a long way from eighteen twenty, eighteen twenty-one. We now have fax machines, e-mail, computers, pagers, answering machines, we can stay in touch with a much larger constituency than the people could have back then or in recent years. For those folks who have made the jump from the House to the Senate, who have gone from eighty-two hundred constituents to approximately thirty-five thousand constituents, you know that there is a difference but you also know that it's a reasonable task and one that is manageable and one that we are obviously all doing. So, the people in the House, the other Body, can certainly take on a few more constituents and not have the Body come to a screeching halt. I didn't quite hear the full question from the good Senator from Lincoln, Senator Kilkelly, in talking about staff, but we're talking about reducing the size of the legislature, we're not talking about expanding the size of the population. There's still going to be that same number of people out there to serve and we're still going to have the same number of staff in the House and the Senate to serve those people, so, I don't see that that is an issue. I would however, with your permission, like to pose a question through the Chair. To anyone who may have served on a reapportionment committee, if they could address the issue that the good Senator from Hancock, Senator Goldthwait has raised about the insurmountable task of redistricting three House districts inside of one Senate district. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Amero.

Senator **AMERO:** Thank you Madam President, ladies and gentlemen of the Senate. Having served on a redistricting, or a reapportionment commission, we are bound by our constitution to try to disrupt municipal boundaries as little as possible, so that you're not allowed to divide a town into three or four pieces. That also is included in instructions to people who are reapportioning the Senate, so every effort is made to keep municipalities as intact as possible, and that happened in the Senate redistricting. I would imagine that within those boundaries the same thing would follow if you were to divide a Senate district into three pieces, you would do so with as little; Well, you would try to keep the municipality as whole as possible within that district, and I think it could be done. It certainly has been done within the Senate districts, I don't see why it couldn't be done by using those same kind of guidelines by dividing Senate district into three pieces. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you Madam President. If I could respond also to the question of the good Senator from Cumberland, Senator Butland. First of all, I think if this change were made the House wouldn't come to a screeching halt but I bet it would come to a screeching. And, second, the issue that's different about this proposal for redistricting is that it confines your options for the House districts to within the boundaries of a Senate district. For example; If a House district was proportionate by including Winter Harbor, Gouldsboro and Millbridge, in order to stay within the bounds of my current Senate district it might have to be Winter Harbor, Gouldsboro and half of Sullivan; Once you lose the option of spilling over that Senate district boundary, you then may get into a situation where in order to make three equal size districts, you are cutting towns in half, where if you either have the option to go outside of that Senate district boundary you may be able to create a continuous district of whole towns and my concern, is that it may expand a number of times because you're confined in this overall boundary that we have to split municipalities.

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

Senator **CAREY:** Thank you Madam President. Having served on the last reapportionment commission, we found ourselves, both democrats and republicans at the mercy of the courts, and while the court said something to the effect that they were going to respect the municipal boundaries, let me tell you what they did with the municipal boundaries. The town of Hope has nine hundred people in it. The town of Hope ended up with two Senators. There's a township twenty-four that has forty people, they ended up with two Senators in that township. There are sixteen that were put in one Senate district and the other twenty-four were put in the other Senate district, so it seems as though what we can do can certainly be undone by the courts in any event. And, none of us, I don't think, democrats or republicans were in fact happy with what the court ended up doing, but, if they can cut up a town or two and put it in as two

Senate districts, imagine how many times they could cut up a town for House districts.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Paradis.

Senator **PARADIS:** Thank you Madam President, men and women of the Senate. The very nature of some of the debate materials that are presented this evening is a good indication why a referendum would not be a very good idea. The lack of information is incredible. When I was first reapportioned out, my district is hundred of miles from one end to the other when I did my door to door, most of my people had never seen a legislator, they had just not, and this is in this decade. So we are again, putting some of our rural, geographically isolated areas at the mercy of a population that doesn't have clue one about what is out there. I was invited to a dinner in my district Sunday night; It would have been a four hour, round-trip to go. I was a couple of hours away from Augusta by the time I got here, but, that's the amount of time I would have had to get on the road, and so, we are not yet, many of us in our own homes, are not yet plugged in with all the pagers and fax machines, some people have been complaining about that for years, that we don't have pagers. But, to think that we are serving the people that we're supposed to be representing now is incredible, because how can we be when you are putting the person who is supposed to be closest to this constituent hundreds of miles away from that person. When the legislators were up, we got into my district at eight thirty in the morning and we exited at two thirty in the afternoon, and we had taken an hour off for lunch. That's the types of district five's that we're talking about. Some of us are not employed and spend year-round doing the work that we are doing because we feel we have to be better representing our people. It's a really cheap deal for the State of Maine to get the services they're getting from a lot of us. Merci bien.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Mitchell.

Senator **MITCHELL:** Thank you Madam President. In response to the good Senator Paradis, I would draw attention to the fact that the statistics that I have previously had quoted on the national average and would say that Maine certainly would welcome the challenge of being, again, competitive or in the market to be more competitive at doing a better job with the geography and taking care of the peoples needs in our great State. And, I feel that the challenge to the Apportionment Committee is a great challenge to work, to try to strive to provide what we need and within the municipalities. Thank you.

The Chair noted the absence of the Senator from Piscataquis, Senator **HALL**, and the Senator from Waldo, Senator **LONGLEY**, and further excused the same Senators from today's Roll Call votes.

On motion by Senator **ABROMSON** of Cumberland, supported by a Division of at least one-fifth of the members present and voting a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result.

ROLL CALL

YEAS: Senators: BENOIT, CAREY, CASSIDY,
CATHCART, CLEVELAND, DAGGETT,
GOLDTHWAIT, JENKINS, KILKELLY,
LAFOUNTAIN, MICHAUD, NUTTING, O'GARA,
PARADIS, RAND, RUHLIN, TREAT,
PRESIDENT PRO TEM - CHELLIE PINGREE

NAYS: Senators: ABROMSON, AMERO, BENNETT,
BUTLAND, FERGUSON, HARRIMAN, KIEFFER,
LIBBY, MACKINNON, MILLS, MITCHELL,
MURRAY, PENDLETON, SMALL

ABSENT: Senator: LAWRENCE

EXCUSED: Senators: HALL, LONGLEY

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent and 2 Senators being excused, the motion by Senator **NUTTING** of Androscoggin, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/18/97) Assigned matter:

SENATE REPORTS - from the Committee on **BANKING AND INSURANCE** on Bill "An Act to Clarify Requirements for a Credit Union Applying to Expand Its Field of Membership"
S.P. 184 L.D. 602

Majority - **Ought Not to Pass** (8 members)

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

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

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

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

On motion by Senator **LAFOUNTAIN** of York, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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