

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

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Pages 1 - 980

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

In Senate Chamber
Thursday
April 3, 1997

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

Prayer by Pastor Michael Lynn of the Calvary Bible Church in Stratton.

PASTOR MICHAEL LYNN: Shall we pray. Our Heavenly Father, we do thank Thee for this great land in which we live. We thank Thee for the liberties that You've allowed us over our history. We thank Thee that You are a loving, and a kind and gracious God. We're thankful for the wisdom that You give to us as Your creatures. We're thankful for the men and women of this room, who have been elected and now represent the people of the great State of Maine. We would ask that today, as they conduct their business, that You would give them liberty, that You would give them wisdom, that You'd help them apply the principles of Thy word to their lives and to the decisions that must be made today. We thank Thee that Your word says that the fear of the Lord is the beginning of wisdom and the knowledge of the Holy is understanding. So, we trust today that You would give that wisdom to these folks and that Your will would be done. Again we thank Thee, we praise Thee for Thy goodness and mercies to us as a state, as a nation. I would ask Your blessing upon the proceedings here today. We thank Thee for sending Thy Son, the Lord, Jesus, whose resurrection we just celebrated. We thank Thee for His death on the cross for our sins, that we might have life and have it more everlasting. We would ask Your blessing upon this day now, asking Your blessing upon these folks and all that's to be done here. May it be done for Thy honor and for Thy glory and for that which is accomplished, we'll thank Thee and we'll praise Thee. We pray these things in Christ's name and for His sake. Amen.

Doctor of the Day, Scott Thomas, D.O., Winterport.

Reading of the Journal of Wednesday, April 2, 1997.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **PINGREE** of Knox the following Joint Order:
S.P. 577

ORDERED, the House concurring, that when the House stands adjourned it does so until Monday, April 7, 1997 at 9:00 in the morning and when the Senate stands adjourned it does so until Monday, April 7, 1997 at 10:00 in the morning.

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

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Promote Professional Competence and Improve Patient Care" S.P. 571 L.D. 1728

In Senate, April 1, 1997, referred to the Committee on **HEALTH AND HUMAN SERVICES** and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **JUDICIARY**, in **NON-CONCURRENCE**.

On motion by Senator **RAND** of Cumberland the Senate **RECEDED** and **CONCURRED**.

House Papers

Bill "An Act to Promote Higher Education" (Emergency) H.P. 1223 L.D. 1735

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

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

Bill "An Act to Provide for Confidentiality of Health Care Information" H.P. 1225 L.D. 1737

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

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

Bill "An Act to Register New Property for the Thorncrag Bird Sanctuary with the Department of Inland Fisheries and Wildlife" H.P. 1224 L.D. 1736

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.

Bill "An Act to Remove the Disqualification for Unemployment Insurance Benefits for Claimants Who Are Locked Out by an Employer" H.P. 1222 L.D. 1734

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

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

Bill "An Act to Allow Municipalities the Option to Require Residency for Those Who Submit Major Budget Requests to the Municipality" H.P. 1221 L.D. 1733

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.

COMMUNICATIONS

The Following Communication: S.C. 135

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

April 1, 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. 114 An Act to Amend the Unclaimed Property Act
L.D. 690 An Act to Require That Safety Features Be Added to Hot Water Heaters and Furnaces Powered by Natural Gas
L.D. 891 Resolve, to Authorize and Fund an Independent Study of the Economic Impacts of Increased Natural Gas Availability and Use in the State
L.D. 1251 An Act to Preserve Consumer Privacy

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. 136

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

April 1, 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 Criminal Justice has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 816 An Act to Repeal the Prohibition of the Failure to Use a Seat Belt as Evidence
L.D. 1179 An Act to Require the State to Take Responsibility for Detention of Certain Juveniles by September 1, 1997

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. 137

STATE OF MAINE ONE HUNDRED AND EIGHTEENTH LEGISLATURE COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

April 1, 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 Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 428 An Act to Clarify Tuition Rates for Middle School Students
- L.D. 432 An Act to Allow Municipalities to Set Tuition Rates for Nonresident Students
- L.D. 1010 An Act Regarding Nonresident School Tuition
- L.D. 1109 An Act to Amend the State Share Percentage for Public School Tuition Students
- L.D. 1124 Resolve, Requiring the Department of Education to Replace the Building Code for Schools

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

Sincerely,

S/Sen. Peggy A. Pendleton
Senate Chair

S/Rep. Shirley K. Richard
House Chair

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

The Following Communication: S.C. 138

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

April 1, 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 bill out "Ought Not to Pass":

- L.D. 888 An Act to Provide for Notification to Local Officials upon the Release of Potentially Violent Patients from State Mental Health Institutions

We have also notified the sponsor and cosponsors 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. 139

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

April 1, 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 bill out "Ought Not to Pass":

- L.D. 178 An Act to Permit an Employer to Offer a Compressed Time Workweek to Consenting Employees

We have also notified the sponsor and cosponsors 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. 140

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

April 1, 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 bill out "Ought Not to Pass":

L.D. 1104 An Act to Create an Evidentiary Privilege for Environmental Audits and Provide for Qualified Disclosure

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

Sincerely,

S/Sen. Sharon Anglin 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. 141

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

April 1, 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 State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 948 An Act to Permit County Commissioners to Retain the Services of a Road Commissioner

L.D. 1120 An Act to Allow the Recording of Registry Records on Optical Disks

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

Sincerely,

S/Sen. John M. Nutting
Senate Chair

S/Rep. Douglas J. Ahearne
House Chair

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

The Following Communication: S.C. 142

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

April 1, 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. 195 An Act to Increase the Time before Which the Statute of Limitations Bars a Person from Collecting an Overpayment of Tax

L.D. 433 An Act to Clarify the Appointment of Deputy Excise Tax Collectors and Facilitate the Collection of Excise Tax

L.D. 509 An Act to Allow an Income Tax Credit for School Tuition

L.D. 704 An Act to Establish a Flat Tax Rate for the Maine Income Tax

L.D. 715 An Act to Allow the State Tax Assessor to Waive Interest and Penalties Due to Economic Hardship and Catastrophic Health Problems

L.D. 975 An Act to Modify the Income Tax Rates

L.D. 987 An Act to Repeal the Tax on Mahogany Quahogs

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

L.D. 1222 An Act to Provide Equity in the Laws Regarding the Excise Tax Levied on Pickup Trucks

L.D. 1249 An Act to Assess Excise Tax on Snowmobiles and All-terrain Vehicles

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.

April 1, 1997

The Following Communication: S.C. 143

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

April 1, 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. 448 Resolve, to Name the Entrances to the Donald V. Carter Bridge Connecting Winslow and Waterville the "Purple Heart Highway"
- L.D. 451 An Act to Expand the Number of Lights Firefighters May Use on Their Cars
- L.D. 649 An Act Regarding Registration Plates for Motorcycle Trailers
- L.D. 711 An Act to Require the Use of Headlights by Motor Vehicle Drivers at All Times
- L.D. 954 An Act to Establish a Passamaquoddy License Plate
- L.D. 1145 An Act to Amend the Maine Turnpike Authority Laws to Eliminate Conflicts of Interest

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. 144

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

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 bills out "Ought Not to Pass":

- L.D. 928 An Act to Deregulate Intrastate Long-distance Calling
- L.D. 1093 An Act to Provide the Entire State with Integrated Services Digital Network Telecommunication

We have also notified the sponsors and cosponsors of each bill listed 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.

The Following Communication: S.C. 145

**STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0023**

TO: Honorable Elizabeth H. Mitchell, Speaker of the House
Honorable Mark W. Lawrence, President of the Senate

FROM: S/J. Duke Albanese, Commissioner

DATE: March 31, 1997

SUBJECT: Learning Results

In accordance with Public Law 1995, chapter 649, the State Board of Education and the Department of Education have revised and rewritten a number of the standards and student performance indicators included in Maine's Learning Results. The revisions have been made following input from thousands of Maine citizens and educators during 1996, and after receiving written and oral testimony at eight (8) public hearings held across Maine in January of 1997.

The enclosed draft, intended for distribution to members of the House and Senate, has been formally submitted to the Legislature, in a revised format, for final approval through Maine's rule making process. A public hearing on the rules will be held by the Joint Standing Committee on Education and Cultural Affairs prior to final consideration by the Legislature later in this Legislative Session.

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

The Following Communication: S.P. 581

118TH MAINE LEGISLATURE

April 2, 1997

Senator Peggy Pendleton
Representative Shirley Richard
Chairpersons
Joint Standing Committee on Education and Cultural Affairs
118th Legislature
Augusta, Maine 04333

Dear Senator Pendleton and Representative Richard:

Please be advised that Governor Angus S. King, Jr. has nominated Edward Gorham and Denison Gallaudet for reappointment, and John C. Turner, Joanna M. Jones, and Diane P. Caddigan for appointment as members to the Maine Technical College System Board of Trustees.

Pursuant to Title 20-A, MRSA Section 12705, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs 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 **EDUCATION AND CULTURAL AFFAIRS.**

Sent down for concurrence.

SENATE PAPERS

Resolve, Regarding Consumer-directed Personal Assistance Services and Respite Services S.P. 578 L.D. 1743

Presented by Senator PARADIS of Aroostook
Cosponsored by Representative PIEH of Bremen and Senator: MITCHELL of Penobscot, Representatives: FARNSWORTH of Portland, LEMAIRE of Lewiston, LOVETT of Scarborough

Bill "An Act to Establish Acute Crisis Stabilization Beds for Children in this State" S.P. 579 L.D. 1744

Presented by Senator PENDLETON of Cumberland
Cosponsored by Representative KANE of Saco and Senators: LONGLEY of Waldo, MITCHELL of Penobscot, Representatives: BROOKS of Winterport, JOYNER of Hollis, PIEH of Bremen, QUINT of Portland, SNOWE-MELLO of Poland

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

Sent down for concurrence.

Resolve, to Direct the Land and Water Resources Council to Develop a Report and Proposed Actions to Control Mercury Emissions and Discharges (Emergency) S.P. 580 L.D. 1745

Presented by Senator TREAT of Kennebec
Cosponsored by Senator: KILKELLY of Lincoln, Representatives: BERRY of Livermore, BULL of Freeport Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

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

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **TRANSPORTATION** on Bill "An Act to Amend the Law Regarding Fog Lights" H.P. 92 L.D. 116

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.**

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

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 **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Clarify the Sanctions for Violating Laws Relating to Animal Pulling Events" H.P. 500 L.D. 691

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-140)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-140)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-140) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Laws Pertaining to Electricians" H.P. 162 L.D. 204

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-142)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-142)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-142) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Clarify the Audit Requirement of the Maine State Housing Authority" H.P. 651 L.D. 904

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-141)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-141)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-141) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act Concerning Licensing and Recertification of Licensed Counseling Professionals" H.P. 748 L.D. 1025

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-135)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-135)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-135) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Change the Manner in Which the Legislature Calls Itself into Special Session H.P. 336 L.D. 458

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-144)**.

Comes from the House with the Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

Which Report was **READ**.

Senator **NUTTING** of Androscoggin moved the Senate **ACCEPT** the **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-144)** Report in **NON-CONCURRENCE**.

Senator **AMERO** of Cumberland requested a Division.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-144)** Report in **NON-CONCURRENCE**. (Division requested.)

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Require Employees of Public Utilities to Be Licensed When Providing Services Outside the Regulated Activities of the Utility" H.P. 308 L.D. 372

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-132)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-132)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-132) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Conform the Lien Procedures Within the Charter of Boothbay Harbor Sewer District to Statutory Lien Procedures" H.P. 384 L.D. 529

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-133)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-133)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-133) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the Portland Water District" (Emergency) H.P. 533 L.D. 724

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-134)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-134)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-134) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Create the Tenants Harbor Standard Water District" (Emergency) H.P. 785 L.D. 1073

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-131)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-131)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-131) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Repeal the Laws Regulating Naturopathic Practitioners" H.P. 434 L.D. 584

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

Signed:

Senators:

JENKINS of Androscoggin
RAND of Cumberland
MACKINNON of York

Representatives:

VIGUE of Winslow
BODWELL II of Brunswick
MURPHY, JR. of Kennebunk
FARNSWORTH of Portland
CAMERON of Rumford
SIROIS of Caribou
SHANNON of Lewiston
WRIGHT of Berwick

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-143).**

Signed:

Representatives:

MACDOUGALL of North Berwick
MACK of Standish

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

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act to Establish Cost-benefit Analysis for Environmental Rules" H.P. 433 L.D. 583

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

Signed:

Senators:

TREAT of Kennebec
NUTTING of Androscoggin
BUTLAND of Cumberland

Representatives:

ROWE of Portland
COWGER of Hallowell
JONES of Greenville
MERES of Norridgewock
SHIAH of Bowdoinham
BULL of Freeport
MCKEE of Wayne

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-95).**

Signed:

Representatives:

DEXTER of Kingfield
FOSTER of Gray
NICKERSON of Turner

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

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Require That All Legislative Documents Contain a Citizen and Business Impact Statement" H.P. 196 L.D. 249

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

Signed:

Senators:

NUTTING of Androscoggin
GOLDTHWAIT of Hancock
LIBBY of York

Representatives:

FISK, JR. of Falmouth
AHEARNE of Madawaska
GERRY of Auburn
BUMPS of China
SANBORN of Alton
LEMKE of Westbrook
GIERINGER, JR. of Portland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-139).**

Signed:

Representative:

BAGLEY of Machias

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

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Qualifications for the Office of Sheriff" H.P. 609 L.D. 834

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

Signed:

Senators:

NUTTING of Androscoggin
GOLDTHWAIT of Hancock
LIBBY of York

Representatives:

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

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

Signed:

Representative:

GERRY of Auburn

Comes from the House, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Require Confidentiality of Law Enforcement Officers Involved in Motor Vehicle Accidents" H.P. 21 L.D. 46

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-125)**.

Signed:

Senators:

O'GARA of Cumberland
JENKINS of Androscoggin
CASSIDY of Washington

Representatives:

WINGLASS of Auburn
FISHER of Brewer
JOYCE of Biddeford
CLUKEY of Houlton
CHARTRAND of Rockland
LINDAHL of Northport
DRISCOLL of Calais
SAVAGE of Union
WHEELER of Eliot

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

Signed:

Representative:

BOUFFARD of Lewiston

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-125)**.

Which Reports were **READ**.

On motion by Senator **O'GARA** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-125)** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-125) **READ** and **ADOPTED**, in concurrence.

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

Senate

Ought to Pass As Amended

Senator CATHCART for the Committee on **LABOR** on Bill "An Act to Amend the Family Medical Leave Laws" S.P. 123 L.D. 402

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-88)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-88) **READ** and **ADOPTED**.

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

SECOND READERS

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

House

Bill "An Act to Amend the Date for Recognizing Marginal Discharges of Mortgages" H.P. 328 L.D. 450

Resolve, Regarding Legislative Review of Chapter 21 (21.03), Amendments to License Agent Reporting Requirements, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife (Emergency) H.P. 829 L.D. 1134

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

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

House As Amended

Bill "An Act to Exempt the American Legion from Certificates of Title and Registration Fees" (Emergency) H.P. 85 L.D. 110 (C "A" H-126)

Bill "An Act to Remove Travel Policy from the Maine Administrative Procedure Act and to Transfer the Authority for Fixed Assets Inventory" H.P. 96 L.D. 120 (C "A" H-128)

Bill "An Act to Amend the Laws Regulating the Installation and Inspection of Septic Systems" H.P. 442 L.D. 592 (C "A" H-96)

Bill "An Act to Amend the Dental Licensure Laws to Authorize Special Permits for Instruction in Dentistry and to Identify and Rehabilitate Impaired Dentists" H.P. 616 L.D. 841 (C "A" H-127)

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

Off Record Remarks

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Clarify Liability Coverage" S.P. 233 L.D. 802

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

Signed:

Senators:

PARADIS of Aroostook
LONGLEY of Waldo
MITCHELL of Penobscot

Representatives:

KANE of Saco
PIEH of Bremen
LOVETT of Scarborough
JOYNER of Hollis
BRAGDON of Bangor
SNOWE-MELLO of Poland

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

Signed:

Representatives:

MITCHELL of Portland
FULLER of Manchester
QUINT of Portland
BROOKS of Winterport

Which Reports were **READ**.

On motion by Senator **PARADIS** of Aroostook, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

The Bill **READ ONCE**.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Require Certain Employees of Health Care Facilities to Wear Identification Badges" S.P. 288 L.D. 939

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-89)**.

Signed:

Senators:

PARADIS of Aroostook
LONGLEY of Waldo

Representatives:

MITCHELL of Portland
BROOKS of Winterport
FULLER of Manchester
KANE of Saco
QUINT of Portland

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

Signed:

Senator:

MITCHELL of Penobscot

Representatives:

PIEH of Bremen
LOVETT of Scarborough
JOYNER of Hollis
BRAGDON of Bangor
SNOWE-MELLO of Poland

Which Reports were **READ**.

Senator **PARADIS** of Aroostook moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-89)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-89)** Report.

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

Senate at Ease

Senate called to order by the President.

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 (3/12/97) Assigned matter:

HOUSE REPORTS - from 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

Majority - **Ought to Pass** (10 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - March 12, 1997, by Senator **LAFOUNTAIN** of York.

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence

(In House, March 11, 1997, the 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 **LAFOUNTAIN** of York, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

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

Off Record Remarks

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

Off Record Remarks

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

Off Record Remarks

On motion by Senator **AMERO** of Cumberland, **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 (4/2/97) Assigned matter:

Bill "An Act to Establish Family Development Accounts"
H.P. 1216 L.D. 1716

Tabled - April 2, 1997, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

(In House, April 1, 1997, referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.)

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/1/97) Assigned matter:

Bill "An Act to Extend Access to Chiropractic Care under Health Maintenance Organization Managed Care Plans"
H.P. 179 L.D. 234

Tabled - April 1, 1997, by Senator **LAFOUNTAIN** of York.

Pending - motion by Senator **BUTLAND** of Cumberland to **ADOPT** Senate Amendment "A" (S-86)

(In House, March 26, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-23).**)

(In Senate, April 1, 1997, Report **READ** and **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-23) **READ** and **ADOPTED**, in concurrence. Senate Amendment "A" (S-86) **READ**.)

THE PRESIDENT: The Chair recognizes the Senator from York, Senator LaFountain.

Senator **LAFOUNTAIN:** Thank you Mr. President, men and women of the Senate. I rise today to speak in opposition to the pending motion which would amend a unanimous committee report. I appreciate the proposed amendment and comments early this week by the good Senator from Cumberland, Senator Butland and can assure the Senator from Cumberland, and all members of this Body that the issue of including state employees was addressed and debated at length by the committee. By a unanimous committee vote the committee declined to include state employees for a number of reasons. The good Senator from Cumberland said that "By not including state employees in the bill, that this would be setting a dangerous precedent." The committee ultimately concluded that we would be setting no precedent whatsoever. In the 117th, L.D. 391 was enacted into law. This L.D. also dealt with chiropractic and applied to all contracts with the exception of the state employee health insurance program. The committee further determined that the state employee health insurance program, by negotiation, currently contains coverage that other HMO's don't have in the issue of chiropractic health care. State employees have a point of service option which allows them to self-refer to a chiropractor for a \$200 deductible and then an 80/20 coverage. Other HMO's in Maine don't have this point of service option. Finally, representatives of the bargaining units of the state were specifically asked if they wish to be included in this bill. The answer was a resounding no. They believe that the issue of chiropractic care is a negotiable item for them and that they may do a lot better in future negotiations which will be upcoming this fall. For these reasons I ask you to oppose the pending motion and Mr. President, I request a Division.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Senator **LAFOUNTAIN** of York requested a Division.

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

Senator **HARRIMAN:** Thank you Mr. President, good morning ladies and gentlemen of the Senate. Mr. President, I had an opportunity to review the original bill that was presented and if my memory serves me, in the last session the legislation that was introduced was an opportunity to prove that self-referrals to a chiropractor would not add cost to the health care system under HMO. And at that time, in essence said, "We'll give you two years to prove your point. We'll keep statistics and report back to the legislature." The bill that was put into law, at that time, was to expire in March of '98, I believe, and that the logistics of starting up this new law created a situation where the chiropractic industry really did not have the full two years to prove their point and that the legislation that was introduced this session simply said, "Give us until March of the year 2000 to prove our point." Then I noticed, Mr. President, that in the committee, through House Amendment H-23 they simply removed that repeal date and this will become law. It strikes me that the industry itself, the chiropractic industry, presented the bill to prove their point, which certainly, they have a right to do and have confidence they probably could prove their point but what troubles me is that, while I support the philosophies of the chiropractic profession, the reason this bill did not have my support last time, although, I wish it could have, was because it set up a two tier system. It said, "If you are a member of the private sector, you will be required to have this benefit in your health insurance but, if you're a member of the state employee sector, you don't have to abide by this law." And that is a matter of principle, Mr. President, very troubling to me because what I hear more and more from my constituents is, "We want state government to live by the same laws and regulations that you expect us to live under." I think that's a very reasonable expectation of the public to have of us. So, as I look at this bill, I would love to vote for it but, once again, it says going forward, state employees don't have to live by the same insurance rules and mandates that the private sector does. So, I ask, why aren't they required to be covered under this approach to HMO? And the answer was, "Well because there's a fiscal note." I said, "Oh, so if it's going to cost the state government money to do this, we hadn't ought to do it but private industry must do it." So, I would presume that there's going to be an added cost to this mandate passed on to the private economy and we will prevent costs from being added on to the government economy and I just think that's inherently unfair. I hear that the so called fiscal note was just a political move to kill the bill and I find that intellectually lacking, and quite frankly, insulting to the people who work in non-partisan positions to present financial information on bills to us. If there is a cost, I'm sure the office of Program and Fiscal Review has justified why they put a fiscal note on the bill. And if there is a fiscal note on the bill, what difference does that make whether or not state employees should be required to live by the same mandated health insurance laws as the private economy? So, I would love to support this bill without the amendment, Mr. President, so long as it applies to everyone covered under an HMO plan in the State of Maine. Because it does discriminate, in favor or against, depending upon how you look at this, against state employees, I'm unable to support the bill as a whole without this amendment attached to it. And lastly, Mr. President, I'd like to pose a question through you, if I might.

THE PRESIDENT: The Senator may pose his question.

Senator **HARRIMAN:** Thank you Mr. President. To anyone who would be able to answer, I'd be interested in knowing what

the fiscal note is if this amendment is added and why there is a fiscal note attached to the amendment? Thank you Mr. President.

THE PRESIDENT: The Senator from Cumberland, Senator Harriman poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Rand.

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

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: BUTLAND, HARRIMAN, KIEFFER, MILLS

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, CATHCART, CLEVELAND, DAGGETT, FERGUSON, GOLDTHWAIT, HALL, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MITCHELL, MURRAY, O'GARA, PARADIS, PENDLETON, RAND, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: CAREY, JENKINS, KILKELLY, NUTTING

EXCUSED: Senators: PINGREE, RUHLIN

4 Senators having voted in the affirmative and 25 Senators having voted in the negative, with 4 Senators being absent and 2 Senators being excused, the motion by Senator **BUTLAND** of Cumberland to **ADOPT** Senate Amendment "A" (S-86), **FAILED**.

Which was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-23)**, in concurrence.

Off Record Remarks

On motion by Senator **RAND** of Cumberland, **ADJOURNED**, until Monday, April 7, 1997, at 10:00 in the morning.