

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

Volume 1

First Regular & Special Session
December 6, 1996 to May 19, 1997

Pages 1 - 980

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

In Senate Chamber
Monday
April 14, 1997

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

Prayer by Reverend Jack Fles of the Christ Episcopal Church in Gardiner.

REVEREND JACK FLES: Our Heavenly Father, we commend You this day, ourselves to Your service for the good of this community. Help us to remember the lessons of the past, philosophers, teachers, leaders who have taught us in all things to revere our duty to live good moral lives for the benefit of the community before Your eyes. In the controversies of these times, the challenges that we face, we pray for Your grace. Guide us in the execution of all our duties and the decisions that are made in this place. Through Your mercy we pray. Amen.

Doctor of the Day, Albert Rothrock, D.O., Portland.

Pledge of Allegiance led by Senator Bruce MacKinnon of York.

Reading of the Journal of Thursday, April 10, 1997.

Pursuant to Rule 201.1, the President appointed the Senator from Oxford, Senator **BENNETT** to serve as President Pro Tem for the session on Tuesday, April 15, 1997.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 185

**THE SENATE OF MAINE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

April 10, 1997

Joy J. O'Brien
Secretary of the Senate
118th Legislature
Augusta, Maine 04333

Dear Secretary O'Brien,

Please be advised I have appointed to the Committee of Conference on the disagreeing action between the two branches of the Legislature 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), the following:

Senator Daggett of Kennebec
Senator Treat of Kennebec
Senator Ferguson of Oxford.

Sincerely,

S/Mark W. Lawrence
President of the Senate

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

The Following Communication: S.C. 174

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

April 9, 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 Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 532 An Act to Dedicate Lottery Revenue to Education
- L.D. 619 An Act to Make Allocations for the Operating Expenditures of the Intergovernmental Telecommunications Fund of the Department of Administrative and Financial Services for the Fiscal Years Ending June 30, 1998 and June 30, 1999
- L.D. 620 An Act to Make Allocations from the Public Advocate Regulatory Fund for the Fiscal Years Ending June 30, 1998 and June 30, 1999
- L.D. 621 An Act to Make Allocations from Various Funds of the Department of Environmental Protection for the Fiscal Years Ending June 30, 1998 and June 30, 1999
- L.D. 728 An Act to Make Allocations from the Public Utilities Commission Regulatory Fund and the Public Utilities Commission Reimbursement Fund for the Fiscal Years Ending June 30, 1998 and June 30, 1999

L.D. 734 An Act to Make Allocations for the Administrative Expenses of the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, for the Fiscal Years Ending June 30, 1998 and June 30, 1999

L.D. 758 An Act Making Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1998, and June 30, 1999

L.D. 985 An Act to Amend the Legislative Budget Process

L.D. 1279 Resolve, to Include Retired Employees in Lump-sum Salary Payments

L.D. 1373 An Act to Fund Regional Tourism Programs

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

Sincerely,

S/Sen. Michael H. Michaud
Senate Chair

S/Rep. George J. Kerr
House Chair

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

The Following Communication: S.C. 175

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

April 9, 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 Banking and Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1491 An Act to Reduce Interest and Charges on Improvident Extensions of Consumer Credit

L.D. 1509 Resolve, to Create a Restriction on Requiring the Early Payment of Loans

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

Sincerely,

S/Sen. Lloyd P. LaFountain III
Senate Chair

S/Rep. Jane W. Saxl
House Chair

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

The Following Communication: S.C. 176

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

April 9, 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 bill out "Ought Not to Pass":

L.D. 467 An Act to Allow Individuals to Participate in Training at the Criminal Justice Academy

We have also notified the sponsor and cosponsors 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. 177

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

April 9, 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. 1020 An Act Allowing Increased Flexibility of Swing Beds

L.D. 1108 An Act Regarding Medicaid Reimbursement for Nursing Facility Care

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. 178

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

April 9, 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. 520 An Act to Require the Use of Helmets on Whitewater Rafting Trips
- L.D. 831 An Act to Encourage Registrants of Snowmobiles to Be Members of Snowmobile Clubs
- L.D. 925 An Act to Promote Snowmobile Safety by Restricting the Transport of Alcoholic Beverages to Sleds Pulled by Snowmobiles
- L.D. 1186 An Act to Ensure Hunting Safety
- L.D. 1247 An Act to Require Reflectors on Ice Fishing Shacks
- L.D. 1248 An Act to Permit the Hunting of Birds on Sundays during a Specified Open Hunting Season
- L.D. 1289 An Act to Amend the Hunting Laws As They Pertain to Proof of Prior Hunting License in Order to Be Exempt from Taking a Hunter Safety Course

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

Sincerely,

S/Sen. Marge 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. 179

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

April 9, 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. 4 An Act to Preserve the Life of Viable Fetuses
- L.D. 57 An Act to Strengthen the Laws Governing the Failure to Preserve the Life of a Live-born Person

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. 180

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

April 9, 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 Legal and Veterans Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 970 An Act to Put to Referendum the Option of Authorizing a Tribe-owned Casino

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

Sincerely,

S/Sen. Beverly C. Daggett
Senate Chair

S/Rep. John L. Tuttle, Jr.
House Chair

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

The Following Communication: S.C. 181

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

April 9, 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. 246 An Act to Restrict the Identification Tags Used on Lobster Traps to Consecutive Numbers

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. 182

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

April 9, 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 bill out "Ought Not to Pass":

L.D. 192 An Act to Prohibit a Former Legislator from Employment in the Legislative, Judicial or Executive Branch for 2 Years after the End of the Legislator's Term

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

Sincerely,

S/Sen. John M. Nutting
Senate Chair

S/Rep. Douglas J. Ahearn
House Chair

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

The Following Communication: S.C. 183

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

April 9, 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. 91 An Act to Obtain Additional Funding for the Snowmobile Trail Fund, Law Enforcement and Snowmobile Safety Programs and Safety Training by Obtaining Revenue from Sales Tax Directly Related to Snowmobile and Accessory Sales

- L.D. 140 Resolve, to Establish a Commission to Study Methods to Reduce Reliance on the Property Tax to Fund Education
- L.D. 215 An Act to Amend the Veterans Property Tax Exemption
- L.D. 348 An Act to Exempt from the Maine Income Tax Persons Earning Less Than a Certain Amount
- L.D. 357 An Act to Amend the Laws Regarding Penalties for Late Filing by a Municipality under the Maine Tree Growth Tax Law
- L.D. 410 An Act to Eliminate the Income Tax Cap
- L.D. 442 An Act to Exempt from the Sales Tax Automobile Equipment Necessary for Paraplegics or People Who Are Confined to Wheelchairs
- L.D. 612 An Act to Eliminate Sales Tax on Children's Clothing
- L.D. 675 An Act Relating to the Assessment of Land in Tree Growth Taxation
- L.D. 762 An Act to Exempt Sales of Disposable Diapers from the Sales Tax
- L.D. 837 An Act to Exempt from the Income Tax a Student's Earned Income Used for Educational Purposes
- L.D. 871 An Act to Encourage the Use of Maine Ports by Allowing an Income Tax Credit Equal to the Federal Harbor Maintenance Tax
- L.D. 876 An Act to Eliminate the Property Tax Rebate on Machinery and Equipment That Has Been in Service More Than 3 Years
- L.D. 907 An Act to Revise the State Income Tax Withholding Form
- L.D. 1303 An Act to Establish a Property Tax Cap for Elderly, Fixed-income Homeowners
- L.D. 1305 An Act to Implement Changes in the Maine Income Tax Laws

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. 184

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

April 9, 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. 653 Resolve, Directing the Secretary of State to Consider a Lighthouse Design by Students of Noble Junior High School for the Next General Issue of License Plates

L.D. 747 Resolve, to Name a Portion of Route 26 from Newry to Upton

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. 186

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

April 10, 1997

The Honorable Mark W. Lawrence
President of the Senate of Maine
118th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 118th Maine Legislature, the Joint Standing Committee on Marine Resources has had under consideration the nomination of Robert R. Brown of Edgecomb, for appointment to the Marine Resources Advisory Council.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3 Goldthwait of Hancock,
Pendleton of Cumberland,
MacKinnon of York

Representatives 10 Etnier of Harpswell, Goodwin
of Pembroke, Perkins of
Penobscot, Bagley of Machias,
Pieh of Bremen, Pinkham of
Lamoine, Volenik of Brooklin,
Layton of Cherryfield, Honey of
Boothbay, Pinkham of
Brunswick

NAYS: 0

ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Robert R. Brown of Edgecomb, for appointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Jill M. Goldthwait
Senate Chair

S/David Etnier
House Chair

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

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

The Following Communication: S.C. 187

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

April 10, 1997

The Honorable Mark W. Lawrence
President of the Senate of Maine
118th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 118th Maine Legislature, the Joint Standing Committee on Marine Resources has had under consideration the nomination of David A. Pecci of Topsham, for appointment to the Marine Resources Advisory Council.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the

Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3 Goldthwait of Hancock,
Pendleton of Cumberland,
MacKinnon of York

Representatives 10 Etnier of Harpswell, Goodwin of
Pembroke, Perkins of
Penobscot, Bagley of Machias,
Pieh of Bremen, Pinkham of
Lamoine, Volenik of Brooklin,
Layton of Cherryfield, Honey of
Boothbay, Pinkham of
Brunswick

NAYS: 0

ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of David A. Pecci of Topsham, for appointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Jill M. Goldthwait
Senate Chair

S/David Etnier
House Chair

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

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

The Following Communication: S.C. 188

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

April 10, 1997

The Honorable Mark W. Lawrence
President of the Senate of Maine
118th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 118th Maine Legislature, the Joint Standing Committee on Marine Resources has had under consideration the nomination of Jennifer S. Bichrest of Cundys Harbor, for appointment to the Marine Resources Advisory Council.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3 Goldthwait of Hancock, Pendleton of Cumberland, MacKinnon of York
Representatives 10 Etnier of Harpswell, Goodwin of Pembroke, Perkins of Penobscot, Bagley of Machias, Pieh of Bremen, Pinkham of Lamoine, Volenik of Brooklin, Layton of Cherryfield, Honey of Boothbay, Pinkham of Brunswick
NAYS: 0
ABSENT: 0

YEAS: Senators 3 Goldthwait of Hancock, Pendleton of Cumberland, MacKinnon of York
Representatives 10 Etnier of Harpswell, Goodwin of Pembroke, Perkins of Penobscot, Bagley of Machias, Pieh of Bremen, Pinkham of Lamoine, Volenik of Brooklin, Layton of Cherryfield, Honey of Boothbay, Pinkham of Brunswick
NAYS: 0
ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Jennifer S. Bichrest of Cundys Harbor, for appointment to the Marine Resources Advisory Council be confirmed.

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of David W. Jordan of Scarborough, for appointment to the Marine Resources Advisory Council be confirmed.

Signed,

Signed,

S/Jill M. Goldthwait
Senate Chair

S/David Etnier
House Chair

S/Jill M. Goldthwait
Senate Chair

S/David Etnier
House Chair

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

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

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

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

The Following Communication: S.C. 189

The Following Communication: S.C. 190

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

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

April 10, 1997

April 10, 1997

The Honorable Mark W. Lawrence
President of the Senate of Maine
118th Maine Legislature
State House
Augusta, Maine 04333-0003

The Honorable Mark W. Lawrence
President of the Senate of Maine
118th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 118th Maine Legislature, the Joint Standing Committee on Marine Resources has had under consideration the nomination of David W. Jordan of Scarborough, for appointment to the Marine Resources Advisory Council.

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 118th Maine Legislature, the Joint Standing Committee on Marine Resources has had under consideration the nomination of Francis P. Kulle of West Rockport, for reappointment to the Marine Resources Advisory Council.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3 Goldthwait of Hancock, Pendleton of Cumberland, MacKinnon of York
Representatives 9 Etnier of Harpswell, Perkins of Penobscot, Bagley of Machias, Pieh of Bremen, Pinkham of Lamoine, Volenik of Brooklin, Layton of Cherryfield, Honey of Boothbay, Pinkham of Brunswick

NAYS: 0
ABSENT: 1 Goodwin of Pembroke

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Francis P. Kulle of West Rockport, for reappointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Jill M. Goldthwait
Senate Chair

S/David Etnier
House Chair

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

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

SENATE PAPERS

Bill "An Act to Amend the Finance Authority of Maine Act and the Adaptive Equipment Loan Program" S.P. 602 L.D. 1780

Presented by Senator **JENKINS** of Androscoggin
Cosponsored by Representative **VIGUE** of Winslow and
Senators: **ABROMSON** of Cumberland, **CASSIDY** of
Washington, **CATHCART** of Penobscot, **KILKELLY** of Lincoln,
MACKINNON of York, Representatives: **SIROIS** of Caribou,
USHER of Westbrook, **WRIGHT** of Berwick
Approved for introduction by a majority of the Legislative
Council pursuant to Joint Rule 205.

Which was 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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Prohibit Legislators from Accepting Gifts from Lobbyists" H.P. 185 L.D. 238

Reported that the same be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

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

The Bill **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in concurrence.

Ought to Pass

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Facilitate Implementation of an Automated Hunters' and Anglers' Data Base System for Hunting and Fishing Licenses and Registrations" H.P. 810 L.D. 1098

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-179)**.

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

The Bill **READ ONCE**.

House Amendment "A" (H-179) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Chapter 374, Rules Regarding the Traffic Movement Standard of the Site Location of Development Law, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality (Emergency) H.P. 830 L.D. 1135

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

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

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

The Resolve **READ ONCE**.

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

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Create the Crime of Sexual Misconduct with a Child under 14 Years of Age" H.P. 448 L.D. 598

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-156)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-156)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-156) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Establishing the Commission to Review the Effectiveness of Statewide Confidentiality Laws Dealing with the Care of People with Mental Illness H.P. 81 L.D. 106

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-158)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-158)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-158) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Report Criteria for a Municipality's Annual Postaudit" H.P. 280 L.D. 344

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-159)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-159)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-159) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Require that Day Care Facilities for Children and Infants Be Smoke Free" H.P. 848 L.D. 1153

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

Signed:

Senators:

- PARADIS of Aroostook
- LONGLEY of Waldo
- MITCHELL of Penobscot

Representatives:

- MITCHELL of Portland
- BROOKS of Winterport
- FULLER of Manchester
- KANE of Saco
- PIEH of Bremen
- QUINT of Portland
- LOVETT of Scarborough
- JOYNER of Hollis
- SNOWE-MELLO of Poland

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

Signed:

Representative:

- BRAGDON of Bangor

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

Which Reports were **READ**.

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

The Bill **READ ONCE**.

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

Senate

Ought to Pass

Senator KILKELLY for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Fund Research Regarding the Reinstatement of a Meat Inspection Program" S.P. 50 L.D. 160

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 KILKELLY for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Enhance Live Animal and Embryo Exports From Maine" S.P. 355 L.D. 1174

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-102)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-102) **READ** and **ADOPTED**.

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

Senator MICHAUD for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide for Long-range Revenue Forecasts" S.P. 62 L.D. 172

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-105)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-105) **READ** and **ADOPTED**.

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

Senator MICHAUD for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Resolve, Concerning Reauthorization of the \$9,000,000 Bond Issue for Construction of Water Pollution Control Facilities (Emergency) S.P. 191 L.D. 609

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-104)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-104) **READ** and **ADOPTED**.

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

Senator MACKINNON for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Laws Relating to Auctioneers" S.P. 219 L.D. 678

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-107)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-107) **READ** and **ADOPTED**.

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

Senator MACKINNON for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Resolve, Directing the Office of Tourism and Community Development and the Maine Tourism Commission to Include Lewiston as Part of Southern or South-central Maine S.P. 315 L.D. 1055

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-106)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-106) **READ** and **ADOPTED**.

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

Senator LONGLEY for the Committee on **JUDICIARY** on Bill "An Act to Change the Burden of Proof for Timber Trespass and Timber Theft Violations" S.P. 118 L.D. 397

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-103)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-103) **READ** and **ADOPTED**.

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

Senator BUTLAND for the Committee on **NATURAL RESOURCES** on Bill "An Act to Extend the Removal Deadline for Certain Repaired Concrete Underground Oil Storage Tanks"
S.P. 395 L.D. 1292

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-108)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-108) **READ** and **ADOPTED**.

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

Senator CAREY for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Clarify the Duties of the Office of the Public Advocate"
S.P. 241 L.D. 810

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-109)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-109) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Prohibit Schools from Charging Activity Fees for Participation in Extracurricular Events"
S.P. 113 L.D. 392

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

Signed:

Senators:

PENDLETON of Cumberland
CATHCART of Penobscot
SMALL of Sagadahoc

Representatives:

RICHARD of Madison
BARTH, JR. of Bethel
BAKER of Bangor
BELANGER of Caribou
DESMOND of Mapleton
STEDMAN of Hartland
WATSON of Farmingdale

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-101)**.

Signed:

Representatives:

BRENNAN of Portland
MCELROY of Unity
SKOGLUND of St. George

Which Reports were **READ**.

Senator **PENDLETON** of Cumberland 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:

House As Amended

Bill "An Act to Increase Health Insurance Benefits for Retired Educators"
H.P. 132 L.D. 174
(C "A" H-154)

Bill "An Act to Require Overtime Pay for Employees of Large Agricultural Employers"
H.P. 283 L.D. 347
(C "A" H-155)

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

Senate As Amended

Bill "An Act to Improve the Reporting of General Use Pesticide Sales"
S.P. 141 L.D. 420
(C "A" S-96)

Bill "An Act to Amend the Qualifications of the Administrator of the Maine Veterans' Homes"
S.P. 277 L.D. 885
(C "A" S-97)

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

Sent down for concurrence.

Resolve, to Establish Qualifications for Constitutional Officers
S.P. 80 L.D. 219
(C "A" S-99)

Which was **READ A SECOND TIME**.

On motion by Senator **AMERO** of Cumberland, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED, As Amended.**

ENACTORS

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

An Act Regarding Funding for the Extended Responsibilities of the Department of Inland Fisheries and Wildlife
S.P. 19 L.D. 17

An Act to Designate 2 Weekends When a Person May Fish without a License
S.P. 24 L.D. 22

An Act to Amend the Laws Regarding Law Enforcement Officers' Insurance Rates
H.P. 21 L.D. 46
(C "A" H-125)

An Act to Amend the Law Regarding Fog Lights
H.P. 92 L.D. 116

An Act to Amend the Laws Regarding Hunting from a Public Paved Way
S.P. 45 L.D. 155
(C "A" S-80)

An Act to Amend the Optometry Licensing Laws and to Allow Maine Citizens to Fill Contact Lens Prescriptions through the Mail
S.P. 78 L.D. 217
(C "A" S-82)

An Act to Permit the Public Utilities Commission to Exempt Certain Telephone Utilities from Obtaining Approval to Serve
S.P. 82 L.D. 262
(C "A" S-84)

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
(C "A" H-132)

An Act to Amend the Election Laws Pertaining to Absentee Ballots
S.P. 127 L.D. 406
(C "A" S-83)

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
(C "A" H-133)

An Act to Clarify the Sanctions for Violating Laws Relating to Animal Pulling Events
H.P. 500 L.D. 691
(C "A" H-140)

An Act to Amend the Charter of the Winthrop Utilities District
S.P. 238 L.D. 807
(C "A" S-85)

An Act to Clarify the Laws on Personal Information of State Employees
S.P. 256 L.D. 825
(C "A" S-74)

An Act Concerning Licensing and Recertification of Licensed Counseling Professionals
H.P. 748 L.D. 1025
(C "A" H-135)

An Act to Allow After-market Window Tinting of Multi-purpose Vehicles
H.P. 796 L.D. 1084

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

An Act to Amend the Maine Apiary Laws
S.P. 85 L.D. 265
(C "A" S-78)

On motion by Senator **MICHAUD** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT.**

Emergency

An Act Concerning the Charter of the Northern Maine Development Commission, Inc.
S.P. 158 L.D. 487

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Amend the Charter of the Portland Water District
H.P. 533 L.D. 724
(C "A" H-134)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act Concerning Regulatory Authority to Protect Certain Marine Organisms
H.P. 573 L.D. 764
(C "A" H-136)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Clarify the Audit Requirement of the Maine State Housing Authority
H.P. 651 L.D. 904
(C "A" H-141)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Resolve

Resolve, to Authorize the Electricians' Examining Board to Study the Need for Continuing Education Among Helper Electricians
H.P. 162 L.D. 204
(C "A" H-142)

Resolve, Authorizing the Conveyance of the Interest of the State in Certain Property in Augusta
S.P. 201 L.D. 629
(C "A" S-77)

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

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Clarify Voting Rights
H.P. 639 L.D. 864
(C "A" H-129)

On motion by Senator **MICHAUD** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**.

Emergency Mandate

An Act to Create the Tenants Harbor Standard Water District
H.P. 785 L.D. 1073
(C "A" H-131)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

RECALLED FROM LEGISLATIVE FILES

Bill "An Act to Review Registration of Certified Nursing Assistants"
H.P. 1206 L.D. 1706

(Recalled from the Legislative Files pursuant to Joint Order (H.P. 1247), in concurrence.)

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

(In House, April 3, 1997, that Body **ADHERED** to whereby the Bill was referred to the Committee on **HEALTH AND HUMAN SERVICES**.)

(In Senate, April 7, 1997, **INSISTED** to its action whereby the Bill was referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in **NON-CONCURRENCE**.)

On motion by Senator **PARADIS** of Aroostook the Senate **SUSPENDED THE RULES**.

On further motion by same Senator the Senate **RECONSIDERED** whereby it **INSISTED**.

On further motion by same Senator the Senate **RECEDED** and **CONCURRED**.

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 (4/9/97) Assigned matter:

Bill "An Act to Create the Maine Governmental Facilities Authority"
S.P. 589 L.D. 1759

Tabled - April 9, 1997, by Senator **CLEVELAND** of Androscoggin.

Pending - **REFERENCE**

(Committee on **STATE AND LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.)

Which was referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED**.

Sent down for concurrence.

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

Off Record Remarks

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

Off Record Remarks

On motion by Senator **AMERO** of Cumberland, **RECESSED** until 11:30 in the morning.

After Recess

Senate called to order by the President

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1268

ORDERED, the Senate concurring, that Bill, "An Act to Designate Square Dancing as the Official Folk Dance of Maine, "H.P. 111, L.D. 135, and all its accompanying papers, be recalled from the Governor's desk to the House.

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

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

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.

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

ORDERS OF THE DAY

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

NOMINATION - of Robert R. Brown of Edgecomb for appointment to the Marine Resources Advisory Council

Tabled - April 14, 1997, by Senator **RAND** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, April 14, 1997, Communication (S.C. 186) from the Committee on **MARINE RESOURCES READ** and **ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 506 of the 118th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: None

NAYS: Senators: **ABROMSON, AMERO, BENNETT, BUTLAND, CAREY, CATHCART, CLEVELAND, FERGUSON, GOLDTHWAIT, HALL, JENKINS, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, RAND, SMALL, TREAT, HARRIMAN, THE PRESIDENT - MARK W. LAWRENCE**

ABSENT: Senators: **BENOIT, CASSIDY, PINGREE, RUHLIN**

EXCUSED: Senators: **DAGGETT, KIEFFER**

No Senators having voted in the affirmative and 29 Senators having voted in the negative, with 4 being absent, and 2 Senators being excused, and none being less than two-thirds of the Membership present it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Robert R. Brown**, for appointment to the Marine Resources Advisory Council was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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

NOMINATION - David A. Pecci of Topsham, for appointment to the Marine Resources Advisory Council.

Tabled - April 14, 1997, by Senator **RAND** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, April 14, 1997, Communication (S.C. 187) from the Committee on **MARINE RESOURCES READ** and **ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 506 of the 118th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BUTLAND, CAREY, CATHCART, CLEVELAND, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, JENKINS, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, RAND, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: BENOIT, CASSIDY, PINGREE, RUHLIN

EXCUSED: Senators: DAGGETT, KIEFFER

No Senators having voted in the affirmative and 29 Senators having voted in the negative, with 4 being absent, and 2 Senators being excused, and none being less than two-thirds of the Membership present it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **David A. Pecci**, for appointment to the Marine Resources Advisory Council was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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

NOMINATION - Jennifer S. Bichrest of Cundys Harbor, for appointment to the Marine Resources Advisory Council.

Tabled - April 14, 1997, by Senator **RAND** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, April 14, 1997, Communication (S.C. 188) from the Committee on **MARINE RESOURCES READ** and **ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 506 of the 118th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BUTLAND, CAREY, CATHCART, CLEVELAND, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, JENKINS, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, RAND, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: BENOIT, CASSIDY, PINGREE, RUHLIN

EXCUSED: Senators: DAGGETT, KIEFFER

No Senators having voted in the affirmative and 29 Senators having voted in the negative, with 4 being absent, and 2 Senators being excused, and none being less than two-thirds of the Membership present it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Jennifer S. Bichrest**, for appointment to the Marine Resources Advisory Council was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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

NOMINATION - David W. Jordan of Scarborough, for appointment to the Marine Resources Advisory Council.

Tabled - April 14, 1997, by Senator **RAND** of Cumberland.

Pending - **CONSIDERATION**

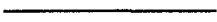
(In Senate, April 14, 1997, Communication (S.C. 189) from the Committee on **MARINE RESOURCES READ** and **ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 506 of the 118th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:



The Chair noted the presence of the Senator from Kennebec, Senator **DAGGETT**.

ROLL CALL

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BUTLAND, CAREY, CATHCART, CLEVELAND, DAGGETT, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, JENKINS, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, RAND, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: BENOIT, CASSIDY, PINGREE, RUHLIN

EXCUSED: Senator: KIEFFER

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 4 being absent, and 1 Senator being excused, and none being less than two-thirds of the Membership present it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **David W. Jordan**, for appointment to the Marine Resources Advisory Council was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.



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

NOMINATION - Francis P. Kulle of West Rockport, for reappointment to the Marine Resources Advisory Council.

Tabled - April 14, 1997, by Senator **RAND** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, April 14, 1997, Communication (S.C. 190) from the Committee on **MARINE RESOURCES READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 506 of the 118th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BUTLAND, CAREY, CATHCART, CLEVELAND, DAGGETT, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, JENKINS, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, RAND, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: BENOIT, CASSIDY, PINGREE, RUHLIN

EXCUSED: Senator: KIEFFER

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 4 being absent, and 1 Senator being excused, and none being less than two-thirds of the Membership present it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Francis P. Kulle**, for reappointment to the Marine Resources Advisory Council was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.



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

Resolve, to Establish Qualifications for Constitutional Officers
S.P. 80 L.D. 219
(C "A" S-99)

Tabled - April 14, 1997, by Senator **AMERO** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED, AS AMENDED**

(In Senate, April 14, 1997, **READ A SECOND TIME**.)

Which was **PASSED TO BE ENGROSSED, As Amended**.
Sent down for concurrence.



On motion by Senator **BENNETT** of Oxford, **ADJOURNED**, until Tuesday, April 15, 1997, at 9:30 in the morning.