

# 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  
May 5, 1997

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

Prayer by Reverend Charles Ihloff of the Casco Village Church in Casco.

**REVEREND CHARLES IHLOFF:** Let us pray. We are summoned here by our holy God, who calls each one of us by name and gathers us together for service. As we begin another day of service let us have this moment of quiet and rest for the renewal of our strength. Let us put aside the tensions and conflicts which threaten our peace of mind and find in Your directions the guidance we need for the duties of this hour.

These are the things we should do: Speak the truth of one another and render in our assembly the judgments that are true and make for peace. We should let justice roll down like waters and righteousness like a spring flood. We should learn to do good, seek justice, correct oppression, defend the weak and helpless, for our God cares deeply about our actions and ethics. Forgive us when we fall short of the best we know and believe. We live in a land where the freedom of all depends on the active participation of all the citizens and the conscientious efforts of elected leaders. Deliver us from cynicism and discouragement but open each one of us to new ideas, to the facing of uncomfortable facts and the making of hard decisions. Give us the guidance and the courage that we need this day. Amen.

Doctor of the Day, Judy Chamberlain, M.D., Brunswick.

Pledge of Allegiance led by Senator Michael H. Michaud of Penobscot.

Reading of the Journal of Friday, May 2, 1997.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Provide Relief from Barking Dogs"  
S.P. 373 L.D. 1232  
(C "A" S-138)

In Senate, April 29, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-138).**

Comes from the House, Bill and Accompanying Papers **INDEFINITELY POSTPONED in NON-CONCURRENCE.**

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

**COMMUNICATIONS**

The Following Communication: S.C. 245

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

April 28, 1997

Joy J. O'Brien  
Secretary of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to my authority under 22 MRSA, Chapter 1058, I have appointed Senator Anne Rand of Cumberland to the Maine Children's Trust Incorporated.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Mark W. Lawrence  
President of the Senate

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

The Following Communication: S.C. 246

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

April 28, 1997

Joy J. O'Brien  
Secretary of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to my authority under 12 MRSA §7367, I have appointed Bruce Morrison of Millinocket to the Whitewater Safety Committee.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Mark W. Lawrence  
President of the Senate

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

The Following Communication: S.C. 247

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA, MAINE 04333**

May 2, 1997

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

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it indefinitely postponed Bill "An Act to Require Certain Employees of Health Care Facilities to Wear Identification Badges" (S.P. 288) (L.D. 939)

Sincerely,

S/Joseph W. Mayo  
Clerk of the House

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

The Following Communication: S.C. 237

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

April 30, 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. 186 An Act to Limit Reimbursement for Public School Construction and Renovation to \$80 per Square Foot

- L.D. 320 An Act to Set the Amount of State Funding for School Building Projects at \$75 a Foot
- L.D. 801 An Act to Strengthen the Complaint Investigation Process Regarding Students with Disabilities
- L.D. 856 Resolve, to Review Special Education Laws to Determine if They Exceed Federal Requirements
- L.D. 872 An Act to Clarify Certain Provisions of Law Relating to the Method of Sharing of School Costs in the Wells-Ogunquit Community School District
- L.D. 929 An Act to Amend the School Construction Laws to Allow School Construction Projects That Expand Existing School Facilities beyond 8,000 Square Feet to Be Eligible for State School Construction Subsidies
- L.D. 1085 An Act to Give Authority to Set Acreage Necessary for Building or Reconstruction of Schools Solely to the Local Authorities
- L.D. 1141 Resolve, Regarding School Construction and Renovation Projects
- L.D. 1341 An Act to Improve Maine's School Construction Laws
- L.D. 1415 Resolve, Directing the Department of Education to Review Certain Procedures Regarding Special Education
- L.D. 1495 An Act to Repeal the Special Education Laws
- L.D. 1643 Resolve, Directing the State Board of Education to Add Consolidation to the School Construction Rating System

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. 238

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

April 30, 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. 572 An Act to Implement Recommendations of the Commission to Study Poverty Among Working Parents Concerning Medicaid Eligibility
- L.D. 1576 An Act to Require that Life-support Systems in Medical Facilities Have Back-up Generators

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. 239

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

April 30, 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. 369 An Act to Limit the Landowner Deer Permit System to One Application per Household
- L.D. 377 An Act to Improve Wildlife Habitat
- L.D. 378 An Act to Amend the Hunting Laws as They Pertain to Hunting from a Vehicle
- L.D. 952 An Act to Promote Commercial Aquaculture

- L.D. 959 An Act to Allow Handicapped Hunters to Hunt Does without a Permit
- L.D. 1102 An Act to Provide Funding for the Enforcement of Snowmobile Laws
- L.D. 1129 An Act to Allow Hunting License Vendors a 3% Fee for Nonresident Hunting Licenses Purchased with Credit Cards
- L.D. 1262 An Act to Require Game Wardens, Biologists and State Officials to Wear Blaze Orange during Deer Hunting Season
- L.D. 1464 An Act Relating to Whitewater Rafting Allocations
- L.D. 1469 An Act to Increase the Number of Allocated Commercial Whitewater Rafting Trips on the Kennebec River
- L.D. 1564 An Act Allowing People with Disabilities to Use Open-face Fishing Rods in Fly-fishing Only Waters

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. 240

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

April 30, 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 bills out "Ought Not to Pass":

- L.D. 205 An Act to Exempt Family Entertainment Centers from Gambling Prohibitions
- L.D. 250 An Act Relating to the Collection of Initiative Petition Signatures at Polling Places

- L.D. 719 An Act to Provide Certain Renters with the Status of Tenant at Will
- L.D. 817 An Act Relating to the Use of Public Offices or Agency Facilities in Campaigns and Ballot Questions
- L.D. 881 An Act to Impose Liability Upon Persons Who Entrust Motor Vehicles to Unsafe Drivers
- L.D. 924 An Act to Clarify the Responsibilities of Directors of Nonprofit Corporations
- L.D. 949 An Act Regarding the Wording of Ballot Questions
- L.D. 1075 An Act to Protect the Reputation of Candidates for Public Office
- L.D. 1306 An Act to Place Certain Restrictions on Persons Collecting Signatures on Election Day
- L.D. 1342 An Act to Improve Procedures for Citizen Referenda and Initiatives
- L.D. 1446 An Act to Require That Campaign Finance Reports Be Considered Filed on the Date They Are Postmarked
- L.D. 1532 An Act to Amend the Maine Liquor Liability Act

L.D. 1752 An Act to Amend the Laws Governing the Shrimp Harvesting Season

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. 242

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

April 30, 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. 1095 An Act Concerning State Mandated Municipal Landfill Remediation

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. 243

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

April 30, 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

We have also notified the sponsors and cosponsors of each bill listed 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. 241

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

April 30, 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":

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. 665 An Act to Broaden the Sales Tax Exemption to Include Durable Medical Equipment
- L.D. 905 An Act to Amend the State's Tax Treatment of Sale or Leaseback Financing
- L.D. 1090 An Act to Change Income Guidelines Dealing with the Elderly Low-cost Drug Program
- L.D. 1126 An Act Concerning Payment of Interest on State Income Tax Overpayments
- L.D. 1631 An Act to Reduce the Property Tax Burden for Maine Families

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. 244

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

April 30, 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. 431 An Act to Improve the Rail Lines in Washington County and Establish an Intermodal Railroad Facility
- L.D. 1401 An Act to Impose Penalties on Adult Passengers in Motor Vehicles Who Fail to Use Seat Belts

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.**

**COMMITTEE REPORTS**

**House**

**Change of Reference**

The Committee on **TRANSPORTATION** on Bill "An Act Regarding Terminal Rental Adjustment Clauses Vehicle Leasing" H.P. 646 L.D. 899

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

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

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

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

**Divided Report**

Nine Members of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Create an Elder Abuse and Fraud Unit in the Department of the Attorney General" H.P. 476 L.D. 647

Reported in Report "A" that the same **Ought Not to Pass.**

Signed:

Senators:

MICHAUD of Penobscot  
CLEVELAND of Androscoggin

Representatives:

KERR of Old Orchard Beach  
WINSOR of Norway  
POULIN of Oakland  
BERRY of Livermore  
STEVENS of Orono  
TOWNSEND of Portland  
LEMAIRE of Lewiston

Three Members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass.**

Signed:

Representatives:

MARVIN of Cape Elizabeth  
OTT of York  
KNEELAND of Easton

One Member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-248).**

Signed:

Senator:

BENNETT of Oxford

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

Which Reports were **READ.**

On motion by Senator **MICHAUD** of Penobscot, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF ANY REPORT.**

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**Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for a Passamaquoddy Representative District H.P. 701 L.D. 965

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

Signed:

Senators:

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

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-271).**

Signed:

Representatives:

TESSIER of Fairfield  
TRUE of Fryeburg  
LABRECQUE of Gorham

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

Which Reports were **READ.**

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

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**Divided Report**

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Change the Membership of the Lobster Advisory Council" H.P. 536 L.D. 727

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-274).**

Signed:

Senators:

GOLDTHWAIT of Hancock  
PENDLETON of Cumberland  
MACKINNON of York

Representatives:

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

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

Signed:

Representative:

GOODWIN of Pembroke

Comes from the House with 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-274).**

Which Reports were **READ.**

On motion by Senator **GOLDTHWAIT** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-274)** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE.**

Committee Amendment "A" (H-274) **READ** and **ADOPTED**, in concurrence.



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

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Amend the Laws Regarding When a Merchant Must Remit Sales Tax to the State" H.P. 315 L.D. 437

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

Signed:

Senators:

RUHLIN of Penobscot  
DAGGETT of Kennebec  
MILLS of Somerset

Representatives:

TRIPP of Topsham  
TUTTLE, JR. of Sanford  
GREEN of Monmouth  
ROWE of Portland  
MORGAN of South Portland  
CIANCHETTE of South Portland  
GAGNON of Waterville

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-239).**

Signed:

Representatives:

SPEAR of Nobleboro  
LEMONT of Kittery  
BUCK of Yarmouth

Comes from the House with 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 **TRANSPORTATION** on Bill "An Act Relating to Consumer Rental Vehicles" H.P. 276 L.D. 340

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

Signed:

Senators:

O'GARA of Cumberland  
CASSIDY of Washington

Representatives:

FISHER of Brewer  
JOYCE of Biddeford  
CLUKEY of Houlton  
DRISCOLL of Calais  
BOUFFARD of Lewiston

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

Signed:

Representatives:

WINGLASS of Auburn  
CHARTRAND of Rockland  
LINDAHL of Northport  
SAVAGE of Union  
WHEELER of Eliot

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

Which Reports were **READ.**

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

**Senate**

**Ought to Pass**

Senator **RAND** for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Establish the Interstate Economic Development Commission for the Northern New England States" S.P. 538 L.D. 1657

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 **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Clarify Use of Tree Stands" S.P. 28 L.D. 26

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-177).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-177) **READ** and **ADOPTED.**

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

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Continue and Expand the Duties of the Productivity Realization Task Force by Creating a Permanent Productivity Realization Council" S.P. 406 L.D. 1301

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

Signed:

Senators:

NUTTING of Androscoggin  
GOLDTHWAIT of Hancock

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-179).**

Signed:

Senator:

LIBBY of York

Representatives:

GERRY of Auburn  
GIERINGER, JR. of Portland

Which Reports were **READ.**

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

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

**SECOND READERS**

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

**House**

Bill "An Act Regarding Trap-tending Requirements"  
H.P. 161 L.D. 203

Bill "An Act to Establish the Rider Safety Act"  
H.P. 713 L.D. 977

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

**House As Amended**

Bill "An Act to Improve the Administration of Tax Increment Financing"  
H.P. 223 L.D. 287  
(C "A" H-263)

Resolve, to Establish the Commission to Determine the Adequacy of Services to Persons with Mental Retardation (Emergency)  
H.P. 431 L.D. 581  
(C "A" H-273)

Bill "An Act to Define the Term "Occupational Therapy Practitioner" in the Laws Regulating Professions and Occupations"  
H.P. 518 L.D. 709  
(C "A" H-287)

Bill "An Act to Amend the Maine Pharmacy Act"  
H.P. 538 L.D. 729  
(C "A" H-288)

Bill "An Act to Encourage Organ Donation by Establishing an Organ Donation Registry"  
H.P. 737 L.D. 1001  
(C "A" H-260)

Resolve, to Study the Implementation of a Statewide Criminal Record Check of Home Care Providers to Ensure Safety for Citizens Receiving Care in Community-based Settings  
H.P. 769 L.D. 1046  
(C "A" H-284)

Bill "An Act to Amend the Real Estate Brokerage Laws"  
H.P. 772 L.D. 1049  
(C "A" H-289)

Bill "An Act to Amend the Prehearing Settlement Process"  
H.P. 778 L.D. 1066  
(C "A" H-286)

Resolve, Regarding Legislative Review of Chapter 378, Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality (Emergency)  
H.P. 831 L.D. 1136  
(C "A" H-278)

Bill "An Act to Amend Coded Licenses"  
H.P. 865 L.D. 1182  
(C "A" H-262)

(See action later today.)

Bill "An Act to Provide a Warranty for Assistive Devices for Persons with Disabilities"  
H.P. 897 L.D. 1214  
(C "A" H-290)

Resolve, Regarding Legislative Review of Chapter 380: Planning Permit, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality (Emergency) H.P. 909 L.D. 1252 (C "A" H-277)

Bill "An Act to Amend the Charter of the Winterport Sewerage District" H.P. 910 L.D. 1253 (C "A" H-280)

Bill "An Act to Extend the Lobster Promotion Council and Its Personnel Requirements" H.P. 921 L.D. 1264 (C "A" H-250)

Bill "An Act to Allow a Separate, Nonsmoking Area for a Beano or Bingo Game" H.P. 928 L.D. 1275 (C "A" H-285)

Resolve, to Create a Task Force to Develop a Single Payment System for State and Federal Taxes for Small Businesses H.P. 988 L.D. 1368 (C "A" H-240)

Resolve, to Authorize the Lincoln County Commissioners to Borrow Not More Than \$600,000 to Build the Lincoln County Communications Center (Emergency) H.P. 995 L.D. 1387 (C "A" H-268)

Bill "An Act to Allow Lobster Management Zones to Restrict Entry" H.P. 1056 L.D. 1488 (C "A" H-247)

Bill "An Act to Promote Microbreweries" H.P. 1106 L.D. 1549 (C "A" H-269)

Bill "An Act to Create the River Flow Advisory Commission within the Department of Defense and Veterans' Services" H.P. 1112 L.D. 1555 (C "A" H-279)

Bill "An Act to Amend the Laws Regulating Occupational Therapy Practice" H.P. 1151 L.D. 1616 (C "A" H-282)

Bill "An Act to Increase Home Ownership" H.P. 1171 L.D. 1648 (C "A" H-281)

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

Off Record Remarks

Senate

Bill "An Act to Create Equity in the Taxation of Special Fuels" S.P. 228 L.D. 797

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

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Amend the Laws Regarding Snowmobile Registration" S.P. 125 L.D. 404 (C "A" S-175)

Bill "An Act to Protect the Department of Inland Fisheries and Wildlife from Unfunded Mandates" S.P. 229 L.D. 798 (C "A" S-176)

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

Sent down for concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **PENDLETON** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Authorize the Conversion and Reuse of the Perry Hayden Hall at Pineland Center as an Elementary School" (Emergency) S.P. 370 L.D. 1229

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-178)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-178) **READ** and **ADOPTED**.

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

Senator **DAGGETT** for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Make Technical Changes in the Laws Relating to the Sale of Alcoholic Beverages" S.P. 510 L.D. 1572

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-182)**.

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

The Bill **READ ONCE**.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending **READING** of Committee Amendment "A" (S-182).

Senator **CASSIDY** for the Committee on **TRANSPORTATION** on Bill "An Act Regarding the Form of Motorcycle License Plates" S.P. 260 L.D. 868

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-180)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-180) **READ** and **ADOPTED**.

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

**Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Restrict Circulators of Initiated Petitions from Being within 250 Feet of Voting Places" S.P. 102 L.D. 381

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-181)**.

Signed:

Senators:

CAREY of Kennebec  
FERGUSON, JR. of Oxford

Representatives:

GAMACHE of Lewiston  
TRUE of Fryeburg  
LABRECQUE of Gorham  
BIGL of Bucksport  
BELANGER of Wallagrass

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

Signed:

Senator:

DAGGETT of Kennebec

Representatives:

TUTTLE, JR. of Sanford  
CHIZMAR of Lisbon  
FISHER of Brewer  
GAGNE of Buckfield

TESSIER of Fairfield

Which Reports were **READ**.

Senator **DAGGETT** of Kennebec moved the Senate **ACCEPT** the Minority **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 Minority **OUGHT NOT TO PASS** Report.

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

**COMMUNICATIONS**

The Following Communication: S.P. 642

**118TH MAINE LEGISLATURE**

May 2, 1997

Senator John Nutting  
Representative Douglas Ahearne  
Chairpersons  
Joint Standing Committee on State and Local Government  
118th Legislature  
Augusta, Maine 04333

Dear Senator Nutting and Representative Ahearne:

Please be advised that Governor Angus S. King, Jr. has nominated Susan M. Pinette and Charles R. Weeks for reappointment and Anthony Monfiletto and J. Thomas Accomando for appointment as members of the Workers' Compensation Board.

Pursuant to Title 39-A, MRSA Section 151, these nominations will require review by the Joint Standing Committee on State and Local Government 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 **STATE AND LOCAL GOVERNMENT**.

Sent down for concurrence.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Implement the Majority Recommendation of the Harness Racing Task Force" H.P. 1313 L.D. 1864

Bill "An Act to Implement the Recommendation of the Harness Racing Task Force Requiring an Executive Director of the State Harness Racing Commission" (Emergency) H.P. 1314 L.D. 1865

Off Record Remarks

Bill "An Act to Allow the Maine Harness Racing Commission to Issue Conditional Licenses" H.P. 1315 L.D. 1866

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

Come from the House, referred to the Committee on **LEGAL AND VETERANS AFFAIRS** and **ORDERED PRINTED**.

Off Record Remarks

Which were referred to the Committee on **LEGAL AND VETERANS AFFAIRS** and **ORDERED PRINTED**, in concurrence.

On motion by President Pro Tem **PINGREE** of Knox, **RECESSED** until the sound of the bell.

After Recess

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

Senate called to order by the President Pro Tem.

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order: H.P. 1316

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

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Business and Economic Development report out legislation regarding payroll processing companies to the House.

The President Pro Tem requested the Sergeant-at-Arms to escort the Senator from York, Senator **LAWRENCE** to the Rostrum where he resumed his duties as President.

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

The Sergeant-at-Arms escorted the Senator from Knox, Senator **PINGREE** to her seat on the floor.

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

Senate called to order by the President

**Senate at Ease**

**ORDERS OF THE DAY**

Senate called to order by the President Pro Tem.

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

On motion by Senator **LIBBY** of York, the Senate **RECONSIDERED** whereby it **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-262)**, in concurrence the following:

**HOUSE REPORTS** - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Create an Elder Abuse and Fraud Unit in the Department of the Attorney General" H.P. 476 L.D. 647

Bill "An Act to Amend Coded Licenses" H.P. 865 L.D. 1182 (C "A" H-262)

Report "A" - **Ought Not to Pass** (9 members)

(In Senate, May 5, 1997, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-262)**, in concurrence.)

Report "B" - **Ought to Pass** (3 members)

(In House, May 1, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-262)**.)

Report "C" - **Ought to Pass as Amended by Committee Amendment "A" (H-248)** (1 member)

Tabled - May 5, 1997, by Senator **MICHAUD** of Penobscot.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-262)**, in concurrence.

Pending - **ACCEPTANCE OF ANY REPORT**

(In House, May 2, 1997, Report "B", **OUGHT TO PASS, READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

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

(In Senate, May 5, 1997, Reports **READ**.)

Senator **MICHAUD** of Penobscot moved the Senate **ACCEPT** Report "**C**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-248)** in **NON-CONCURRENCE**.

The Chair ordered a Division. 18 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **MICHAUD** of Penobscot to **ACCEPT** Report "**C**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-248)** in **NON-CONCURRENCE**, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-248) **READ** and **ADOPTED**.

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

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

**SENATE REPORTS** - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Continue and Expand the Duties of the Productivity Realization Task Force by Creating a Permanent Productivity Realization Council"

S.P. 406 L.D. 1301

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-179)** (3 members)

Tabled - May 5, 1997, by Senator **NUTTING** of Androscoggin.

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

(In Senate, May 5, 1997, Reports **READ**.)

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

Senator **AMERO:** Thank you Mr. President, ladies and gentlemen of the Senate. I hope that you will vote against the pending motion because I think that setting up a permanent Productivity Realization Task Force that has advisory powers makes a lot of sense. If it made sense in 1995 to review what state government was doing to find efficiencies, I think it makes sense in the coming years to continue to do the same. This bill would review the operations of state government, not just the General Fund portion of those operations but it would include the total state budget for review every five years, beginning in 1999 and would be a two year process of review. The Council would then report back to the legislature and to the government with their recommendations for improvements in the efficiencies in state government. I think few people realize that more than half, 258 1/2 of the positions that were cut during the productivity realization task force work have now been restored. I think that we have to be vigilant about efficiencies in state government and having a group of people outside of state government itself reviewing our operations, I think, makes a lot of sense and gives

more credibility to our procedures up here in Augusta. So I would recommend that you oppose the motion on the floor so that we can go on and accept the minority report. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator **Nutting**.

Senator **NUTTING:** Thank you Mr. President, men and women of the Senate. I'd urge you to support the Majority Ought Not to Pass report. I'll be brief. I just want to point out two or three things as was just alluded to by the good Senator from Cumberland. Some of the recent cuts made by the Productivity Task Force have ended up costing more money than saved and have had to be restored. I'd also point out that any Governor, this one included, or any future Governor can institute a productivity task force if they so wish. And we've already cut over 1300 state employee positions so far, in the last few years. Thank you.

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

Senator **HARRIMAN:** Thank you Mr. President, good afternoon ladies and gentlemen of the Senate. I rise and hope you'll join my good friend from Cumberland, Senator **Amero**, to defeat the pending motion. I think it's fair that some of the criticism that has been voiced towards the Productivity Realization Task Force in the past was based on the fact that, perhaps not enough thought was given to a long term implications of what the task force may ultimately recommend. But, as members of this Body are well aware, we've recently passed legislation, hopefully on towards the Governor's desk that will, from this point forward, establish standards that will be used to determine whether or not down sizing or privatizing of certain services of state government are in the best interests of the citizens of Maine. And I think that gives reassurance, certainly to the people who work for state government, that there will be a standard and a protocol in determining what types of services should no longer be performed here in Augusta. So I think coupled with that and an ongoing audit, if you will, of the role of state government and productivity, this makes a lot of sense. So I hope you will join me Mr. President, men and women of the Senate, in joining my colleague from Cumberland, Senator **Amero**, and when the vote is taken Mr. President, I'd like to request a roll call.

On motion by Senator **HARRIMAN** 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 Aroostook, Senator **KIEFFER**, and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

**YEAS:** Senators: CAREY, CATHCART, DAGGETT, GOLDTHWAIT, JENKINS, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

**NAYS:** Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, FERGUSON, HALL, HARRIMAN, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL

**ABSENT:** Senators: CLEVELAND, KILKELLY, PENDLETON

**EXCUSED:** Senator: KIEFFER

17 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 3 Senators being absent and 1 Senator being excused, the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

Bill "An Act to Make Technical Changes in the Laws Relating to the Sale of Alcoholic Beverages" S.P. 510 L.D. 1572

Tabled - May 5, 1997, by Senator **RAND** of Cumberland.

Pending - **READING** of Committee Amendment "A" (S-182)

(In Senate, May 5, 1997, **OUGHT TO PASS AS AMENDED** Report **READ** from the Committee on **LEGAL AND VETERANS AFFAIRS** and **ACCEPTED BILL READ ONCE**.)

Committee Amendment "A" (S-182) **READ** and **ADOPTED**.

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

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

**SENATE REPORTS** - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Restrict Circulators of Initiated Petitions from Being within 250 Feet of Voting Places" S.P. 102 L.D. 381

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-181)** (7 members)

Minority - **Ought Not to Pass** (6 members)

Tabled - May 5, 1997, by Senator **DAGGETT** of Kennebec.

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

(In Senate, May 5, 1997, Reports **READ**.)

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

Senator **CAREY:** Thank you Mr. President, members of the Senate. I would hope that you defeat this motion for Ought Not to Pass because if you had run into the same type of people that I did when I was campaigning, even though I run unopposed, I still campaign, but the biggest complaint that I had, had nothing to do with the state budget. It did have problems with the local Appropriation for Education, but really, the biggest problem of all was the problem that people had in trying to get out of the polls without being harassed to sign initiative partitions. And so, I would hope that if you have had that same problem, you could support me in the motion that's made in defeating the Ought Not to Pass motion so that we can go on to do something for the general public, who vote.

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Daggett.

Senator **DAGGETT:** Thank you Mr. President, men and women of the Senate. I would guess that probably most of us have an idea of where we stand on this issue. Having petitioners at the polling place can be a problem, and has been a problem. I've talked with a number of petitioners and, in fact, they tell me that there are different ways of handling the petitioners at virtually every single polling place in this state. I would suggest to you that we have sufficient laws in place to deal with the issues of petitioners. Unfortunately, what has happened is local officials are frequently reluctant to put in place the mechanisms that are there to keep the polling place a safe place for voters. The wardens, the constables, have the authority over the polling place to see that voters are not harassed and to see that no one bothers a voter. If these laws were well enforced at the local polling place, I don't believe that we would have the continued request to ban petitioners from the polling place. I oppose banning them from the polling place because I consider it a limitation on democracy. There's always the temptation to try to stifle a group that we don't agree with. We see that here on a regular basis. We are regularly asked to enter into a conflict, separate the parties and try to help make some sense of it. Today there are sufficient safeguards for voters at the polls. Voters have the right to say no, to not sign petitions. One of the problems that we see is that citizens are reluctant to say no and to turn down their friends and neighbors when they are there at the polling place collecting signatures. The polls are a place of political activity. When you want to get people to sign a petition, when you are active politically, you go to the people who are active politically. There shouldn't be a debate. It shouldn't be an unregulated arena and it isn't. I have had people ask me, when I have campaigned, where they could sign petitions. I know there are a number of people who know that that is exactly where they can go to sign petitions, at the polling place on election day. There are two sides to this coin and I think it is totally inappropriate to prevent petition gatherers from being at the polling place. I think it is an issue of democracy and personal

rights and I hope you will join me in defeating the proposal by accepting the Ought Not to Pass report. Thank you.

The Chair ordered a Division. 14 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **DAGGETT** of Kennebec to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, **FAILED**.

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 PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator **Carey**.

Senator **CAREY:** I'd like to make a parliamentary inquiry, if I may sir. If the vote is announced, is it then too late to have a roll call.

**THE PRESIDENT:** The Chair would answer in the affirmative but there has been an intervening motion. The new motion is acceptance of the Majority Ought to Pass as amended Committee Report, which has not been voted on yet.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

**YEAS:** Senators: **ABROMSON, AMERO, BENOIT, BUTLAND, CAREY, CASSIDY, FERGUSON, HALL, HARRIMAN, LAFOUNTAIN, MACKINNON, MICHAUD, MILLS, O'GARA, PARADIS, RUHLIN, SMALL**

**NAYS:** Senators: **BENNETT, CATHCART, DAGGETT, GOLDTHWAIT, JENKINS, LIBBY, LONGLEY, MITCHELL, MURRAY, NUTTING, PINGREE, RAND, TREAT, THE PRESIDENT - MARK W. LAWRENCE**

**ABSENT:** Senators: **CLEVELAND, KILKELLY, PENDLETON**

**EXCUSED:** Senator: **KIEFFER**

17 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 3 Senators being absent and 1 Senator being excused, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-181)** Report was **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-181) **READ** and **ADOPTED**.

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

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

**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding the Obligation of the State to Fund Adult Education" H.P. 629 L.D. 854

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-306)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-306)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-306) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, to Determine the Appropriate Tuition Rate for Public High School Students Who Live in a Municipality without a High School H.P. 632 L.D. 857

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-305)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-305)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-305) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Establish the Commission to Examine Rate Setting and the Financing of Long-term Care Facilities (Emergency) H.P. 486 L.D. 657

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-301)**.



Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-301)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-301) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Requiring the Department of Human Services to Provide Custodial History of Children in the Care of the Department" H.P. 738 L.D. 1002

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-303)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-303)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-303) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Clarify Requirements Pertaining to the Maine Certificate of Need Act" H.P. 767 L.D. 1044

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-302)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-302)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-302) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Ensure Quality Care to Residents of Nursing Facilities through the Establishment of a Task Force on Minimum Staffing (Emergency) H.P. 828 L.D. 1133

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-304)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-304)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-304) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **JUDICIARY** on Bill "An Act to Ensure Public Safety and Proper Allocation of Liability for Gas Pipelines" H.P. 388 L.D. 533

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-298)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-298)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-298) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **JUDICIARY** on Bill "An Act to Clarify the General Powers of Attorney" H.P. 508 L.D. 699

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-297)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-297)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-297) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Authorize Corporate Officers to Represent Their Corporation in Certain Civil Actions in District Court" H.P. 602 L.D. 827

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-296).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-296).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-296) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Mobile Home Park Laws Regarding Sales of Homes" H.P. 439 L.D. 589

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-299).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-299).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-299) **READ** and **ADOPTED**, in concurrence.

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

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

**ENACTORS**

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

**Resolve**

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory S.P. 223 L.D. 682 (C "A" S-118)

Resolve, to Establish the Sister State Program S.P. 459 L.D. 1431

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

Resolve, Recognizing the Theta Chi Building Association as a Nonprofit Corporation S.P. 145 L.D. 424 (C "A" S-28)

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Daggett.

Senator **DAGGETT:** Thank you Mr. President, men and women of the Senate. In regard to item 7-1 and the Theta Chi Building Association, I would like to put on the record that this Resolve was requested by the Theta Chi Building Association in order to convert to a non-profit corporation status and simultaneously preserve its original filing date of August 15, 1907. It's the committee's understanding, and my understanding, that the reason for the Resolve is purely to preserve the original filing date and is not a method to claim exemption from real estate taxation of its Orono property. Thank you.

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

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

**COMMITTEE REPORTS**

**House**

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Amend the Maine Civil Legal Services Fund" H.P. 739 L.D. 1003

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-295).**

Signed:

Senators:

LONGLEY of Waldo  
LAFOUNTAIN III of York  
BENOIT of Franklin

Representatives:

THOMPSON of Naples  
WATSON of Farmingdale  
ETNIER of Harpswell  
JABAR, SR. of Waterville  
MAILHOT of Lewiston  
POWERS of Rockport  
PLOWMAN of Hampden  
MADORE of Augusta  
NASS of Acton

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

Signed:

Representative:

WATERHOUSE of Bridgton

Comes from the House with 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-295)**.

Which Reports were **READ**.

Senator **LONGLEY** of Waldo moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-295)** Report, in concurrence.

At the request of Senator **HARRIMAN** of Cumberland a Division was had. 27 Senators having voted in the affirmative and 1 Senator having voted in the negative, the motion by Senator **LONGLEY** of Waldo to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-295)** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-295) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act Requiring Progress Reports for Mapping Significant Wildlife Habitat" H.P. 1088 L.D. 1531

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-275)**.

Signed:

Senators:

TREAT of Kennebec  
NUTTING of Androscoggin  
BUTLAND of Cumberland

Representatives:

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

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

Signed:

Representatives:

NICKERSON of Turner  
FOSTER of Gray

Comes from the House with 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-275)**.

Which Reports were **READ**.

On motion by Senator **TREAT** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-275)** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-275) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Allow County Commissioners to Serve on the Maine Land Use Regulation Commission" (Emergency) H.P. 9 L.D. 6

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-293)**.

Signed:

Senators:

NUTTING of Androscoggin  
GOLDTHWAIT of Hancock  
LIBBY of York



**ROLL CALL**

Senator **CATHCART**: Thank you Mr. President, men and women of the Senate. I have before me a letter from the Attorney General, but this letter refers to the other bill, L.D. 66, "An Act to Prohibit an Employer from Hiring Replacement Workers During a Strike", not to the piece of legislation that is before us. As I said, I'm not aware of any Attorney General's opinion or any pre-emption of this bill. All that this bill that we are now debating would do is to prohibit the recruitment or employment of professional strike breakers and define the term professional strike breaking activity, so it is only applying to those persons or organizations that have made a practice of supplying replacement workers, professional replacement workers, during labor disputes. I hope that clarifies the issue. Thank you Mr. President.

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

Senator **BUTLAND**: Mr. President, I'd like to pose a question through the Chair.

**THE PRESIDENT**: The Senator may pose his question.

Senator **BUTLAND**: Thank you. To anyone who may have the knowledge, the good Senator from Somerset, Senator Mills, has said that we have never passed this legislation and it would never be considered. I can't believe that no other state in the Union has passed similar legislation to this and that we don't have the results of their action. My question would be, has any other state passed legislation similar to this and what has been the response when it's been challenged? Thank you.

**THE PRESIDENT**: The Senator from Cumberland, Senator Butland poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS**: Thank you Mr. President, men and women of the Senate. I'm not sure that I can answer the good Senator's current and pending question. It's just that I must, with some embarrassment, stand up to say that I think I've misinterpreted the impact of this bill if we choose to enact it. I was informed that we already have, essentially, the substance of this law on the books now as a criminal offense. It's a Class E or Class D crime. What is new about the bill is that it gives a right of civil enforcement. In other words, a party who is aggrieved by the presence or the activities of professional strike breakers within our state would have power to go to court to get an injunction, or to obtain civil relief, and that that is the only thing new, apparently, about the measure that's currently before us. The substance of this professional strike breaking activity prohibition has apparently been on the books for 20 or 30 years and I have no idea whether it's been challenged and I certainly have no idea whether it is in effect in any other state. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**YEAS**: Senators: CAREY, CATHCART, DAGGETT, FERGUSON, GOLDTHWAIT, JENKINS, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

**NAYS**: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, HALL, HARRIMAN, LIBBY, MITCHELL, SMALL

**ABSENT**: Senators: CLEVELAND, KILKELLY, PENDLETON

**EXCUSED**: Senator: KIEFFER

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 3 Senators being absent and 1 Senator being excused, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **PINGREE** of Knox, **ADJOURNED** until Tuesday, May 6, 1997, at 9:00 in the morning.