

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

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

In Senate Chamber
Tuesday
May 6, 1997

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

Prayer by Reverend Douglas Trottier of the Woodfords Congregational Church in Portland.

REVEREND DOUGLAS TROTTIER: Would you join me in prayer. Gracious and loving God, creator of every person in this building, in this great state and indeed, in this whole world and universe. We give You our thanks for this new day, in which to live, work and practice our faithfulness to the ways You have taught us. May we have discerning minds and compassionate hearts as we struggle to create good public policy. All major religions teach the importance of following basic, ethical precepts and God, all have prescriptions, similar to that found in the 6th chapter of the prophet Micah, who writes, "What does the Lord require of you, but to do justice, to love loving kindness or mercy, and to walk humbly with your God." Help us to measure our daily work by such a precept, to move through this day determined to please You God, to discern what is just, to work for a kinder world and in humility, to walk boldly with You, who have called us into this time and space and walk with us into the remainder of this day. We offer You all of our prayers, Oh Lord. Amen.

Doctor of the Day, Myron K. Krueger, M.D., Brunswick.

Reading of the Journal of Monday, May 5, 1997.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Concerning Submission of the Legislative Budget within the Unified Budget Document" H.P. 48 L.D. 73

In House, April 15, 1997, Bill and Accompanying Papers **RECOMMENDED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

In Senate, April 28, 1997, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body **ADHERED**.

On motion by Senator **MICHAUD** of Penobscot, the Senate **ADHERED**.

COMMUNICATIONS

The Following Communication: S.P. 643

118TH MAINE LEGISLATURE

May 5, 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 Dolores F. Starbird for reappointment and Linda D. McGill and James M. Connellan for appointment as members of the Civil Service Appeals Board.

Pursuant to Title 5, MRSA Section 7081, 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.

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Amend the Lobster Laws and to Study the Feasibility of Basing Categories of Lobster and Crab Fishing Licenses on the Percentage of Income Derived from Commercial Lobster Fishing" H.P. 1063 L.D. 1501

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-307)**.

Signed:

Senators:
GOLDTHWAIT of Hancock
PENDLETON of Cumberland
MACKINNON of York

Representatives:

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

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

Signed:

Representative:
 PERKINS of Penobscot

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-307) AND HOUSE AMENDMENT "A" (H-340).**

Which Reports were **READ.**

On motion by Senator **GOLDTHWAIT** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-307)** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE.**

Committee Amendment "A" (H-307) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-340) **READ** and **ADOPTED**, in concurrence.

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

SECOND READERS

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

House As Amended

Bill "An Act to Ensure Public Safety and Proper Allocation of Liability for Gas Pipelines" H.P. 388 L.D. 533
 (C "A" H-298)

Bill "An Act to Amend the Mobile Home Park Laws Regarding Sales of Homes" H.P. 439 L.D. 589
 (C "A" H-299)

Resolve, to Establish the Commission to Examine Rate Setting and the Financing of Long-term Care Facilities (Emergency) H.P. 486 L.D. 657
 (C "A" H-301)

Bill "An Act to Clarify the General Powers of Attorney" H.P. 508 L.D. 699
 (C "A" H-297)

Bill "An Act to Change the Membership of the Lobster Advisory Council" H.P. 536 L.D. 727
 (C "A" H-274)

Bill "An Act to Authorize Corporate Officers to Represent Their Corporation in Certain Civil Actions in District Court" H.P. 602 L.D. 827
 (C "A" H-296)

Bill "An Act Regarding the Obligation of the State to Fund Adult Education" H.P. 629 L.D. 854
 (C "A" H-306)

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
 (C "A" H-305)

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
 (C "A" H-303)

Bill "An Act to Amend the Maine Civil Legal Services Fund" H.P. 739 L.D. 1003
 (C "A" H-295)

Bill "An Act to Clarify Requirements Pertaining to the Maine Certificate of Need Act" H.P. 767 L.D. 1044
 (C "A" H-302)

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
 (C "A" H-304)

Bill "An Act Requiring Progress Reports for Mapping Significant Wildlife Habitat" H.P. 1088 L.D. 1531
 (C "A" H-275)

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

Bill "An Act to Allow County Commissioners to Serve on the Maine Land Use Regulation Commission (Emergency) H.P. 9 L.D. 6
 (C "A" H-293)

Which was **READ A SECOND TIME.**

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Benoit.

Senator **BENOIT:** Thank you Mr. President, may it please the Senate. I'm concerned over this measure and wish to speak against further proceeding with it and would like to be heard.

THE PRESIDENT: The Senator may proceed.

Senator **BENOIT:** This bill is here because during the last session, as you will recall, the Governor appointed a County Commissioner in Franklin County to serve on the Land Use Regulation Commission. The appointment had to be withdrawn. I went to the public hearing and indicated that, on occasion, because of LURC work and the County Commissioner's duties, they would confront one another and that there was an opinion, I believe, by the Attorney General's Office that there was a conflict of interest that a County Commissioner could not simultaneously hold that office and the office on LURC. If you take a look at the duties of a County Commissioner and the duties of LURC you will find that they confront one another in unorganized areas of the state and it's possible, because of the duties running counter to one another, that a person in litigation could be on both sides of the case. You could find yourself with LURC being a moving party. You could find yourself being a defendant of the counties involved with LURC and if the county has a matter with LURC, you could find the moving party a County Commissioner. It seems to me that we have a problem enacting into law a conflict of interest to promote a situation where you have to wear two hats in doing your duty. And just because, last session, the Governor's appointment had to be withdrawn because of a conflict of interest does not mean we just turn around and write into law a situation which still is going to find the person in a conflict of interest. And so, I would ask that this matter not be promoted further and I would ask for a roll call.

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

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED, As Amended**, in concurrence. (Roll Call Ordered)

Bill "An Act to Create an Elder Abuse and Fraud Unit in the Department of the Attorney General" H.P. 476 L.D. 647 (C "A" H-248)

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

Sent down for concurrence.

Senate

Bill "An Act to Establish the Interstate Economic Development Commission for the Northern New England States" S.P. 538 L.D. 1657

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Clarify Use of Tree Stands" S.P. 28 L.D. 26 (C "A" S-177)

Bill "An Act to Restrict Circulators of Initiated Petitions from Being within 250 Feet of Voting Places" S.P. 102 L.D. 381 (C "A" S-181)

Bill "An Act Regarding the Form of Motorcycle License Plates" S.P. 260 L.D. 868 (C "A" S-180)

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 (C "A" S-178)

Bill "An Act to Make Technical Changes in the Laws Relating to the Sale of Alcoholic Beverages" S.P. 510 L.D. 1572 (C "A" S-182)

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

Sent down for 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.

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 **PINGREE** of Knox, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Protect Victims of Domestic Violence"
H.P. 1317 L.D. 1867

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **RAND** for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Resolve, Establishing a Blue Ribbon Commission to Study the Effect of Government Regulation on Small Businesses in Maine (Emergency)
S.P. 422 L.D. 1343

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-183)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-183) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Relating to Applied Technology in Western Washington County"
S.P. 400 L.D. 1295

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

Signed:

Senators:

PENDLETON of Cumberland
CATHCART of Penobscot
SMALL of Sagadahoc

Representatives:

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

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

Signed:

Representative:

SKOGLUND of St. George

Which Reports were **READ**.

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

Sent down for concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Encourage Employee Stock Ownership"
H.P. 1197 L.D. 1697

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

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

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

The Bill **READ ONCE**.

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

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Provide for the 1997 and 1998 Allocations of the State Ceiling on Private Activity Bonds" (Emergency)
H.P. 1210 L.D. 1710

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

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

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

The Bill **READ ONCE**.

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

Ought to Pass As Amended

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Maine Veterinary Practice Act of 1975" H.P. 1051 L.D. 1468

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-322)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-322)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-322) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Provide That Students Receiving Any Services from a School Be Counted as Full-time Students for Purposes of State Aid" H.P. 144 L.D. 187

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-321)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-321)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-321) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, to Establish a Task Force to Review the Regional Applied Technology Centers H.P. 771 L.D. 1048

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-320)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-320)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-320) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Allow Bow Hunters to Take a Deer during Bow Hunting Season in Addition to the Deer Allowed during Firearm Season" H.P. 28 L.D. 53

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-318)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-318)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-318) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Regarding Destruction of Fish Populations" H.P. 199 L.D. 252

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-314)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-314)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-314) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Regarding the Funding of Search and Rescues by the Department of Inland Fisheries and Wildlife" H.P. 274 L.D. 338

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-315)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-315)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-315) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Amend the Hunting Laws As They Pertain to Antlerless Deer" H.P. 686 L.D. 950

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-317)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-317)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-317) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Reestablish the State Compensation Commission" H.P. 999 L.D. 1391

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-309)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-309)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-309) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act to Guarantee That Real Estate Taxes Are Paid" H.P. 242 L.D. 306

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-311)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-311)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-311) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1997-98" (Emergency) H.P. 1193 L.D. 1692

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-312)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-312)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-312) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act to Make Allocation for Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 1998" H.P. 744 L.D. 1008

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-261)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-261)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-261) **READ** and **ADOPTED**, in concurrence.

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

Off Record Remarks

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

ENACTORS

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

An Act Concerning the Taxation of Manufactured Homes That Are Stock-in-trade H.P. 72 L.D. 97 (C "A" H-244)

An Act to Amend the Motor Vehicle Laws Regarding Proof of Financial Responsibility and to Increase the Required Minimum Amounts of Liability Insurance Coverage H.P. 138 L.D. 180 (C "A" H-218; H "A" H-258)

An Act to Allow Property Tax Credit to Lessees of Motor Vehicles H.P. 211 L.D. 275 (C "A" H-242)

An Act to Modify Waiver of a Defense in the Criminal Law H.P. 228 L.D. 292 (C "A" H-254)

An Act to Clarify the Provisions that Implement Performance Budgeting in State Government S.P. 151 L.D. 430 (C "A" S-124)

An Act to Provide Municipal Notification of Utility Services S.P. 183 L.D. 601 (C "A" S-146)

An Act Relating to Value of Property Held by Portland Yacht Club S.P. 210 L.D. 669 (C "A" S-149)

An Act to Amend the Laws Relating to Auctioneers S.P. 219 L.D. 678 (C "A" S-107)

An Act to Amend Procedures Relating to Extradition Proceedings H.P. 502 L.D. 693 (C "A" H-255)

An Act to Amend the Penobscot County Budget Committee Process H.P. 511 L.D. 702

An Act to Permit the Temporary Removal of Gravestones from Cemeteries for the Purpose of Repair H.P. 549 L.D. 740 (C "A" H-224)

An Act to Further Facilitate the Purchase of Service Credit in the Maine State Retirement System S.P. 270 L.D. 878 (C "A" S-136)

An Act Concerning Trust Investments by Trustees in Affiliated Securities and Bonds S.P. 278 L.D. 886 (C "A" S-151)

An Act Relating to the State's Deferred Compensation Plan H.P. 685 L.D. 937 (C "A" H-232)

An Act to Protect the Confidentiality of Financial Records S.P. 295 L.D. 946 (C "A" S-148)

An Act to Ensure the Accurate Collection of Excise Tax on New Motor Vehicles S.P. 303 L.D. 1011 (C "A" S-140)

An Act to Allow Foam Food and Beverage Containers in School Cafeterias under Certain Circumstances S.P. 310 L.D. 1019 (C "A" S-123)

An Act to Amend the Maine Probate Code H.P. 751 L.D. 1028

An Act to Implement the Recommendations of the Family Law Advisory Commission Concerning Parental Rights and Responsibilities H.P. 776 L.D. 1053

An Act to Ensure Fair Pricing for Consumers of Health Care Services under Managed Care Plans H.P. 794 L.D. 1082 (C "A" H-236)

An Act to Amend the Charter of the Lucerne-in-Maine Village Corporation H.P. 795 L.D. 1083

An Act Regarding the Enforcement of the Motor Vehicle Laws H.P. 809 L.D. 1097 (C "A" H-230)

An Act to Make Technical Corrections in the Maine Administrative Procedure Act S.P. 337 L.D. 1115

An Act to Ensure Enforcement of Protection from Abuse Laws S.P. 387 L.D. 1272

An Act to Amend the Maine Probate Code to Eliminate Interest on Claims of Creditors of Insolvent Estates S.P. 401 L.D. 1296 (C "A" S-150)

An Act to Remove the Sunset for the Employment of an Owner's Representative H.P. 960 L.D. 1323

An Act to Clarify Reimbursement by Responsible Parties to the Maine Coastal and Inland Surface Oil Clean-up Fund S.P. 463 L.D. 1435 (C "A" S-128)

An Act to Increase Access to and Affordability of Mental Health Services H.P. 1062 L.D. 1500 (C "A" H-237)

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 Create the Position of Director of Econometric Research within the Bureau of Taxation S.P. 74 L.D. 213
(C "A" S-141)

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

An Act to Continue the State's Dioxin Monitoring Program and Consolidate Reports to the Legislature H.P. 220 L.D. 284
(C "A" H-225)

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

An Act to Establish a Tuition Rate for Education in the Unorganized Territory H.P. 360 L.D. 505
(C "A" H-229)

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

An Act to Provide for an Additional Staff Member for the Business Enterprise Program S.P. 187 L.D. 605
(C "A" S-145)

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

An Act to Increase Access to Education, Training and Employment for Displaced Homemakers S.P. 328 L.D. 1106
(C "A" S-142)

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

An Act to Promote Adult Education H.P. 1095 L.D. 1538
(C "A" H-246)

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

An Act to Assist the Maine Potato Industry S.P. 516 L.D. 1600

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

Emergency

An Act to Bring Certain State Retirement Laws into Compliance with Federal Laws S.P. 132 L.D. 411
(C "A" S-134)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 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 Sea Urchin Management H.P. 362 L.D. 507
(C "A" H-233)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 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 Foxcroft Academy H.P. 608 L.D. 833
(C "A" H-223)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 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 Maximize the State's Processing of Aquaculture Fish and to Extend the Salmon Aquaculture Monitoring, Research and Development Fund H.P. 687 L.D. 951
(C "A" H-251)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 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, Establishing a Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities S.P. 293 L.D. 944
(C "A" S-152)

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

Emergency Resolve

Resolve, to Establish a Commission to Study Insurance Fraud
H.P. 681 L.D. 933
(C "A" H-238)

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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 **BANKING AND INSURANCE** on Bill "An Act to Require Banks to Forward Copies of Mortgages to the Municipalities in Which the Property Is Located" H.P. 1087 L.D. 1530

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

Signed:

Senators:

LAFOUNTAIN III of York
MURRAY, JR. of Penobscot
ABROMSON of Cumberland

Representatives:

MAYO III of Bath
DAVIDSON of Brunswick
CARLETON, JR. of Wells
WINN of Glenburn
BRUNO of Raymond
JONES, JR. of Pittsfield

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-325)**.

Signed:

Representatives:

PERRY of Bangor
SAXL of Bangor
O'NEIL of Saco
STANLEY of Medway

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

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Allow the Town of Old Orchard Beach to Operate High-stakes Beano" H.P. 10 L.D. 7

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

Signed:

Senators:

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

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-338)**.

Signed:

Representative:

TRUE of Fryeburg

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

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Implement a Sliding Scale Salary Plan for Legislators" H.P. 866 L.D. 1183

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

Signed:

Senators:

NUTTING of Androscoggin
GOLDTHWAIT of Hancock
LIBBY of York

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-327)**.

Signed:

Representative:

LEMKE of Westbrook

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

Which Reports were **READ**.

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

Senator **RUHLIN** of Penobscot was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

Off Record Remarks

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

Off Record Remarks

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

On motion by Senator **PINGREE** of Knox, **ADJOURNED** until Wednesday, May 7, 1997, at 9:00 in the morning.