

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME III

FIRST REGULAR SESSION

Senate

December 7, 1994 to April 27, 1995

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

Reading of the Journal of Yesterday.

In Senate Chamber
Wednesday
April 5,

Senate called to Order by the President, Joseph H. Butland of Cumberland.

Prayer by Rabbi Carolyn Braun of Temple Beth Shalom in Portland.

RABBI CAROLYN BRAUN: I know if you can't at least you can hear me. I understand this is to come or leave during my prayer, which is a different experience I have had than at a Synagogue. It is indeed a pleasure and a privilege to be here with all of you. I have only been in Maine for three months so I can't say that I voted for anybody here but I will be reading the newspapers for my next try. This is like coming home again, because twenty-two years ago I was elected the Chaplain of the California Student Assembly, where I went up and I was asked to give the opening prayer. So, I took that book that we all used twenty-two years ago, or some of us, which was Chairman Mao's Little Red Book. I thought that everybody was going to die, including my parents, who were in the audience.

Let me begin with a teaching of the early rabbis. As our sages taught, "The world stands on three pillars; on truth, on justice and on peace". Know then, that if you pervert justice, you shake the world, for justice is one its pillars.

Holy One of Blessing, Source of all creation, who is known to many of us by many different names, grant all those gathered here knowledge, discernment, and understanding that they may administer all affairs of state fairly and justly. Be their guide and their strength as they are called upon to make complex choices and decisions which affect your works of creation. Just as you clothe the naked, release the captive and raise the downtrodden, so may they, created in your image, walk in your paths of righteousness throughout the day.

Finally, today, as we remember the victims of the Holocaust, whose lives were cut short through the tyranny of others, may we remember that life is both fragile and beautiful and needs much care as it is renewed each day.

Baruch ata Adonai Elohainu melech ha-olam, shehecheyanu, v'kiyamanu, v'higianu la-zman ha-zeh. Praised are You, who has kept us alive, sustained us and has brought us to this new day. Let us say Amen.

original

...sted the Sergeant-at-Arms to
...om Cumberland, Senator HARRIMAN
...a he assumed the duties as

... a seat on the Floor of the

...o Order by the President Pro Tem.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Establish Minimum Qualifications for the Office of Sheriff"
H.P. 790 L.D. 1107

Reference to the Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

Comes from the House, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Which was referred to the Committee on STATE AND LOCAL GOVERNMENT, in concurrence.

SENATE PAPERS

Bill "An Act to Amend the Requirements for School Construction Projects"
S.P. 444 L.D. 1211

Presented by Senator MCCORMICK of Kennebec
Cosponsored by Senator: PINGREE of Knox,
Representative: AULT of Wayne

Reference to the Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and **ORDERED PRINTED**.

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

Sent down for concurrence.

Reference to the Committee on **STATE AND LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.

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

Sent down for concurrence.

Bill "An Act to Eliminate State Participation in the Retail Liquor Business"

S.P. 445 L.D. 1212

Presented by Senator **BEGLEY** of Lincoln
Cosponsored by Senator: **STEVENS, JR.** of
Androscoggin, Representative: **LOVETT** of
Scarborough

Reference to the Committee on **LEGAL AND VETERANS AFFAIRS** suggested and **ORDERED PRINTED**.

Which was referred to the Committee on **LEGAL AND VETERANS AFFAIRS** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Protect Near-shore Groundfish Spawning Areas" (Emergency)

S.P. 443 L.D. 1210

Presented by Senator **HARRIMAN** of Cumberland

Reference to the Committee on **MARINE RESOURCES** suggested and **ORDERED PRINTED**.

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

Sent down for concurrence.

Bill "An Act to Implement the Recommendations of the Special Commission on Governmental Restructuring"

S.P. 446 L.D. 1213

Presented by Senator **AMERO** of Cumberland
Cosponsored by Senators: **ABROMSON** of Cumberland,
BUTLAND of Cumberland, **CARPENTER** of York, **CASSIDY**
of Washington, **FERGUSON, JR.** of Oxford, **HARRIMAN**
of Cumberland, **KIEFFER** of Aroostook, **STEVENS, JR.**
of Androscoggin, Representatives: **DEXTER** of
Kingfield, **LANE** of Enfield, **ROBICHAUD** of Caribou,
SAVAGE of Union, **YACKOBITZ** of Hermon

ORDERS

Joint Resolution

On motion by Senator **ABROMSON** of Cumberland.
(Cosponsored by: Representative **DORE** of Auburn,
Senator **AMERO** of Cumberland, Senator **BEGLEY** of
Lincoln, Senator **BENOIT** of Franklin, Senator **BERUBE**
of Androscoggin, Senator **BUSTIN** of Kennebec, Senator
BUTLAND of Cumberland, Senator **CAREY** of Kennebec,
Senator **CARPENTER** of York, Senator **CASSIDY** of
Washington, Senator **CIANCHETTE** of Somerset, Senator
CLEVELAND of Androscoggin, Senator **ESTY** of
Cumberland, Senator **FAIRCLOTH** of Penobscot, Senator
FERGUSON of Oxford, Senator **GOLDTHMAIT** of Hancock,
Senator **HALL** of Piscataquis, Senator **HANLEY** of
Oxford, Senator **HARRIMAN** of Cumberland, Senator
HATHAWAY of York, Senator **KIEFFER** of Aroostook,
Senator **LAWRENCE** of York, Senator **LONGLEY** of Waldo,
Senator **LORD** of York, Senator **McCORMICK** of Kennebec,
Senator **MICHAUD** of Penobscot, Senator **MILLS** of
Somerset, Senator **O'DEA** of Penobscot, Senator **PARADIS**
of Aroostook, Senator **PENDEXTER** of Cumberland,
Senator **PINGREE** of Knox, Senator **RAND** of Cumberland,
Senator **RUHLIN** of Penobscot, Senator **SMALL** of
Sagadahoc, Senator **STEVENS** of Androscoggin,
Representative **ADAMS** of Portland, Representative
AHEARNE of Madawaska, Representative **AIKMAN** of
Poland, Representative **AULT** of Wayne, Representative
BARTH of Bethel, Representative **BENEDIKT** of
Brunswick, Representative **BIGL** of Bucksport,
Representative **BOUFFARD** of Lewiston, Representative
BRENNAN of Portland, Representative **BUCK** of Yarmouth,
Representative **CAMERON** of Rumford, Representative
CAMPBELL of Holden, Representative **CARLETON** of Wells,
Representative **CHASE** of China, Representative **CHICK**
of Lebanon, Representative **CLARK** of Millinocket,
Representative **CLOUTIER** of South Portland,
Representative **CLUKEY** of Houlton, Representative
CROSS of Dover-Foxcroft, Representative **DAMREN** of
Belgrade, Representative **DESMOND** of Mapleton,
Representative **DEXTER** of Kingfield, Representative
DONNELLY of Presque Isle, Representative **DRISCOLL** of
Calais, Representative **DUNN** of Gray, Representative
ETNIER of Harpswell, Representative **FITZPATRICK** of
Durham, Representative **GAMACHE** of Lewiston,
Representative **GATES** of Rockport, Representative
GREEN of Monmouth, Representative **GREENLAW** of
Standish, Representative **GWADOSKY** of Fairfield,
Representative **HARTNETT** of Freeport, Representative
JOHNSON of South Portland, Representative **JOSEPH** of
Waterville, Representative **JOY** of Crystal,
Representative **JOYNER** of Hollis, Representative **KEANE**
of Old Town, Representative **KONTOS** of Windham,
Representative **LANE** of Enfield, Representative **LEMKE**
of Westbrook, Representative **LEMONT** of Kittery,

Representative LINDAHL of Northport, Representative LOVETT of Scarborough, Representative LUMBRA of Bangor, Representative LUTHER of Mexico, Representative MADORE of Augusta, Representative MARVIN of Cape Elizabeth, Representative MAYO of Bath, Representative McELROY of Unity, Representative MERES of Norridgewock, Representative MURPHY of Berwick, Representative NICKERSON of Turner, Representative O'GARA of Westbrook, Representative PEAVEY of Woolwich, Representative PERKINS of Penobscot, Representative POVICH of Ellsworth, Representative REED of Dexter, Representative ROBICHAUD of Caribou, Representative ROTONDI of Madison, Representative SAVAGE of Union, Representative SAXL of Bangor, Representative SAXL of Portland, Representative STONE of Bangor, Representative TAYLOR of Cumberland, Representative THOMPSON of Naples, Representative TOWNSEND of Portland, Representative TREAT of Gardiner, Representative TRUE of Fryeburg, Representative TRUMAN of Biddeford, Representative TUFTS of Stockton Springs, Representative VIGUE of Winslow, Representative WATSON of Farmingdale, Representative WHITCOMB of Waldo, Representative WINGLASS of Auburn.)
S.P. 442

**JOINT RESOLUTION COMMEMORATING YOM HASHOAH,
THE DAYS OF REMEMBRANCE OF THOSE WHO
SUFFERED AS VICTIMS OF THE HOLOCAUST**

WHEREAS, 53 years ago, 6,000,000 Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide and millions of other people suffered as victims of Nazism; and

WHEREAS, the year 1995 is the 50th anniversary of the conclusion of World War II; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some at the cost of their lives and others with lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, April 27, 1995 has been designated internationally as a Day of Remembrance of the Victims of the Nazi Holocaust, known as Yom Hashoah; and

WHEREAS, the national community pursuant to an Act of Congress will be commemorating the week of April 23rd to April 30th as the Days of Remembrance of the Victims of the Nazi Holocaust; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Seventeenth Legislature, now assembled in the First Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Nazi Holocaust, and urge one and all to recommit themselves to the lessons of the Nazi Holocaust through this international week of commemoration and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Holocaust Memorial Council in Washington, D.C., on behalf of the people of the State of Maine.

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

Sent down for concurrence.

Off Record Remarks

COMMITTEE REPORTS

**House
Ought to Pass**

The Committee on **TRANSPORTATION** on Resolve, to Name the Connector Road from Exit 6 of the Maine Turnpike to Route 1 in Scarborough the Dr. Philip Haigis Memorial Parkway

H.P. 533 L.D. 729

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 **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Allow Wine Tasting in Fine Wine Stores"

H.P. 62 L.D. 98

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-59)**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-59)**

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-59) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act to Exempt the Custom Sawing of Lumber from the Sales Tax"

H.P. 339 L.D. 459

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-64)**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-64)**

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-64) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act to Simplify the Procedure for Making Anatomical Gifts under the Motor Vehicle Laws"

H.P. 160 L.D. 208

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-60)**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-60)**

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-60) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Resolve, to Reduce the Paperwork Required in the Purchase of a Vehicle

H.P. 172 L.D. 220

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-61)**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-61)**

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-61) **READ** and **ADOPTED**, in concurrence.

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

Senator **LAWRENCE** of York was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator **McCORMICK** of Kennebec, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President Pro Tem.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Amend the Misconduct Provisions of the Unemployment Compensation Law"

H.P. 130 L.D. 178

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-51)**

Signed:

Senators:

MILLS of Somerset
RAND of Cumberland

Representatives:

HATCH of Skowhegan
CHASE of China
LEMAIRE of Lewiston
SAMSON of Jay
TUTTLE, JR. of Sanford

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

Signed:

Senator:

BEGLEY of Lincoln

Representatives:

JOY of Crystal
JOYCE of Biddeford
PENDLETON, JR. of Scarborough
STEDMAN of Hartland
WINSOR of Norway

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

Which Reports were **READ**.

Senator **BEGLEY** of Lincoln moved that the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence.

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

Senator **BEGLEY:** I apologize for moving this because I had agreed with one of the other Senators on the Labor Committee to give them the right to put their motion on first. I'm sorry that she is not here to do so, and I hope that she accepts my apology, but that's all right because I much prefer this. I will wait for her to come back and dispute.

Subsequently, Senator **BEGLEY** of Lincoln requested and received Leave of the Senate to withdraw his motion to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence.

Senate at Ease

Senate called to order by the President Pro Tem.

On motion by Senator **KIEFFER** of Aroostook, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Either Report.

Off Record Remarks

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act Concerning Municipal Shellfish Conservation Program Penalties"

H.P. 194 L.D. 253

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

Signed:

Senators:

BUTLAND of Cumberland
PINGREE of Knox
GOLDTHWAIT of Hancock

Representatives:

CLOUTIER of South Portland
ADAMS of Portland
BENEDIKT of Brunswick
BIGL of Bucksport
ETNIER of Harpswell
LAYTON of Cherryfield
LOOK of Jonesboro
PINKHAM of Lamoine
VOLENIK of Sedgwick

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

Signed:

Representative:

RICE of South Bristol

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

Which Reports were **READ**.

The Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Allow the Judicial Department to Make Payment in Lieu of Property Taxes to Municipalities Where Administrative Offices are Located" H.P. 92 L.D. 127

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

Signed:

Senators:

HATHAWAY of York
FERGUSON, JR. of Oxford
CAREY of Kennebec

Representatives:

DORE of Auburn
TRIPP of Topsham
TUTTLE, JR. of Sanford
KEANE of Old Town
MURPHY of Berwick
SPEAR of Nobleboro
DUNN of Gray
REED of Falmouth

The Minority of the same Committee on the same subject reported that the same **Ought to Pass** as Amended by Committee Amendment "A" (H-49)

Signed:

Representatives:

RICHARDSON of Portland
GREEN of Monmouth

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

Which Reports were **READ**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Senate

Ought to Pass As Amended

Senator **PENDEXTER** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Repeal the Prohibition against Nursing Home Owners and Employees Becoming Guardians of Patients"

S.P. 56 L.D. 85

Reported that the same **Ought to Pass** as Amended by Committee Amendment "A" (S-42)

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-42) **READ** and **ADOPTED**.

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

Senator **FERGUSON, JR.** for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Laws Pertaining to the Return of Security Deposits and Nonpayment of Rent or Utility Charges"

S.P. 152 L.D. 338

Reported that the same **Ought to Pass** as Amended by Committee Amendment "A" (S-43)

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-43) **READ** and **ADOPTED**.

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

SECOND READERS

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

House As Amended

Bill "An Act to Clarify the Financial Assurance Provisions Applicable to Solid Waste Disposal Facilities"

H.P. 129 L.D. 177
(C "A" H-29)

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

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

ENACTORS

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

An Act to Amend the Charter of the Kingfield Water District

H.P. 32 L.D. 26
C "A" (H-25)

An Act to Decrease to Zero the Allowable Blood-alcohol Level of a Person Holding a Juvenile Provisional License

H.P. 47 L.D. 41
C "A" (H-22)

An Act to Repeal the Sunset on the Grandparents Visitation Act

S.P. 19 L.D. 50

An Act to Allow Off-duty Police Officers to Work in Retail Stores That Are Licensed to Sell Alcoholic Beverages

H.P. 69 L.D. 105

An Act to Allow the Maine Human Rights Commission to Request the Cooperation of the Bureau of Consumer Credit Protection in Enforcing the Fair Credit Extension Laws

H.P. 104 L.D. 139
C "A" (H-41)

An Act Relating to the Conferral of Degrees by the Research Institute for Mathematics

H.P. 128 L.D. 176
C "A" (H-31)

An Act to Permit Full-time Deputies To Hold Local Public Office

H.P. 138 L.D. 186
C "A" (H-36)

An Act to Allow Municipal Officials to Approve the Use of Flashing Lights by Fire Department Members

H.P. 173 L.D. 221
C "A" (H-26)

An Act to Allow Liens on Claims Not Sounding in Tort

S.P. 144 L.D. 330

An Act to Credit Incineration of Used Tires as Recycling

H.P. 278 L.D. 382
C "A" (H-37)

An Act to Make Certain Housekeeping Changes to the Banking Code Regarding Hours of Operation, Closing during Emergencies, the Publication of Reports of Financial Condition and the Maturity of Credit Lines

H.P. 358 L.D. 478
C "A" (H-28)

An Act to Extend the Duration of Workers' Compensation Health Benefit Pilot Projects

H.P. 375 L.D. 510
C "A" (H-42)

On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending **ENACTMENT**.

Emergency

An Act to Appropriate Funds for the Expansion and Renovation of the Norway Armory

H.P. 270 L.D. 372
C "A" (H-24)

Comes from the House having **FAILED OF ENACTMENT**.

On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending **ENACTMENT**.

Emergency

An Act to Amend the Law Regarding Mandatory Insurance Coverage for Mental Illness

H.P. 150 L.D. 198
C "A" (H-27)

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

Mandate

An Act to Expand the Boundaries of the Presque Isle Water District and the Presque Isle Sewer District

H.P. 260 L.D. 362
C "A" (H-32)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, 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 Mandate

An Act to Increase the Debt Limit of the Richmond Utilities District

S.P. 151 L.D. 337
C "A" (S-22)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, 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 Resolve

Resolve, to Change the Nature of the Commission to Study the Feasibility of a Capital Cultural Center and Its Powers

H.P. 154 L.D. 202
C "A" (H-21)

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

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate the first Tabled and Specially Assigned (April 4, 1995) matter:

SENATE REPORTS from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Establish the Chesuncook Soil Series as the Official State Soil"
S.P. 117 L.D. 292

Majority - Ought to Pass (10 members)

Minority - Ought Not to Pass (3 members)

Tabled - March 30, 1995, by Senator **LAWRENCE** of York.

Pending - **FURTHER CONSIDERATION**

(In Senate, March 14, 1995, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In House, March 21, 1995, **PASSED TO BE ENGROSSED**, in **NON-CONCURRENCE**.)

Senator **KIEFFER** of Aroostook moved that the Senate **ADHERE**.

Senate at Ease

Senate called to order by the President Pro Tem.

On motion by Senator **LAWRENCE** of York, the Senate **RECEDED**.

The Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

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

The Chair laid before the Senate the second Tabled and Specially Assigned (April 4, 1995) matter:

HOUSE REPORT from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Require an Endorser's Authorization for a Candidate To Use an Endorsement"

H.P. 45 L.D. 39

Report - Ought to Pass as Amended by Committee Amendment "A" (H-54)

Tabled - March 30, 1995, by Senator BUSTIN of Kennebec

Pending - **ACCEPTANCE OF THE COMMITTEE REPORT**

(In House, March 30, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-54).**)

(In Senate, March 30, 1995, Report **READ.**)

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

The Bill **READ ONCE.**

Senator LAWRENCE of York moved that the Bill and Accompanying Papers be **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

Senator KIEFFER of Aroostook requested a Division.

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

Senator BUSTIN: Thank you Mr. President, Members of the Senate. I rise to offer some reasons why I would vote for the Indefinite Postponement of this bill. I have run for office eight times now, and I have never once run into a problem that this bill is trying to address. That is that you have to have the endorser's authorization before you can claim that they have endorsed you in a newspaper advertisement or in any kind of claim that you are being endorsed by that person or organization. Never once have I personally had a problem with it, or with any of my opponents, and I have had some pretty tough opponents in my day. It seems to me we already have a remedy. That remedy is that when and if your opponent claims to be endorsed by somebody that has not endorsed them, you can put it in the paper, you can challenge them, you can do anything that says to the public that, indeed, they have not been endorsed by this organization or person. Or, that organization or person can also let that be known in the press. I think that's the way that you run campaigns. You don't need to micromanage all of the reports. There is a \$200 fine here if you don't do that. You could end up having an enormous amount of paperwork that indicates to everybody that you have been endorsed. I don't think that we need this law. I think it is micromanaging and we don't need to do it.

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

Senator AMERO: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would just like to point out that this was a unanimous committee report. I respect the committee process, the fact that thirteen people had a public hearing on this item and voted unanimously to pass this bill out. I think if we are going to get through this session in a timely manner we need to respect that committee process and I would urge you to vote against the pending motion.

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

Senator BUSTIN: I would like to say just one thing Mr. President. We respected the committee process when we passed the air emissions law.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator LAWRENCE of York to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers in **NON-CONCURRENCE.**

A Division has been requested.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

12 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion of Senator LAWRENCE of York to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers in **NON-CONCURRENCE, FAILED.**

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

Committee Amendment "A" (H-54) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the third Tabled and Specially Assigned (April 4, 1995) matter:

HOUSE REPORT from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Allow Election Officials to Request Identification from Prospective Voters"

H.P. 251 L.D. 353

Report - Ought to Pass as Amended by Committee Amendment "A" (H-43)

Tabled - March 30, 1995, by Senator BUSTIN of Kennebec

Pending - **ACCEPTANCE OF THE COMMITTEE REPORT**

(In House, March 30, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-43).**)

(In Senate, March 30, 1995, Report **READ.**)

Senator LAWRENCE of York moved that the Bill and Accompanying Papers be **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

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

Senator **LAWRENCE:** Thank you Mr. President, Men and Women of the Senate. This bill, when we actually had a chance to take a look at it, raises many tremendous concerns. What the bill, as I understand it, would allow an individual to do is to stand at a polling place and challenge any voter going into the polling place. If they did not have an identification card with them, their ballot would be marked as a challenged ballot, set aside specially marked, and they would then be allowed to go in and vote. A number of times I have been at the polls and I have seen people turned away by harrassment, by intimidation, by the process of simply going in to vote. This opens a tremendous loophole for people to harrass and intimidate people who are going in to vote, to slow down the process, to prevent people from practicing the most fundamental right we have in a democratic process, and that is the right to vote. I hope you will Indefinitely Postpone this bill.

Senator **KIEFFER** of Aroostook requested a Division.

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

Senator **RAND:** Thank you Mr. President. Mr. President, may I pose a question through the Chair to whomever can answer? What was the Committee vote on this piece of legislation?

THE PRESIDENT PRO TEM: The Senator from Cumberland, Senator Rand, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** Mr. President. I would be glad to answer that question. It was a unanimous ought to pass committee report.

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

Senator **CAREY:** Thank you Mr. President. I noticed in the bill that it talks about an election official. Now, there are people who are ballot clerks, depending on the number of booths that you have, there is a person who passes out the ballots, there is the person who checks off the people coming back with their ballot. So we have several election officials. This really could become a contest between the Democrats, who may challenge some people, and the Republicans, who may then reciprocate and challenge the others. So we could have some real hair-raising experiences at these places. Supposedly the Warden is the one who will be ruling and will certainly depend on what party the Warden sits in, as to what happens. I sincerely believe that, being a municipal official myself, this bill has been poorly drawn and the amendment makes no clarification that makes any sense. I would support the Indefinite Postponement.

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

Senator **RAND:** Thank you Mr. President, Men and Women of the Senate. It seems to me that a while back I remember reading about some type of legislation that sounds similar to this. It was making the rounds in California. The real intent behind it, and I am not trying to say that the Committee here in Maine had this intent at all, please don't misunderstand me, but the real intent behind similar legislation that was being proposed in California was proven that it was going to be used to intimidate people when they went to the polls to vote. Probably people who were of Hispanic or Mexican descent who had become naturalized citizens. I really, quite frankly, am surprised that this is a unanimous report out of the committee. I see a host of possibilities here and it opens the door to a lot of things that I certainly don't feel comfortable with happening here at the polls in the State of Maine. If a person goes to vote and they have forgotten their identification card, that would embarrass them at the polls in front of their neighbors. I just think that this thing is fraught with potential problems. In fact, I have a real negative feeling about this. I really hope that we will Indefinitely Postpone this. If it is as important an issue, it can be brought back in two years and we can be told why we have to demand that citizens of this State, when they go to access the polling places, they have to flash an identification card. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** Mr. President, Ladies and Gentlemen of the Senate. The intention of this bill is not to embarrass anyone. The intention is to, in the event a person doesn't have proper identification, they may still cast a challenged ballot. In the discussions of the Committee, it reverts back to several bills that wanted to eliminate election day registration. During our deliberations it was decided that we should probably tighten up the process. This is an outgrowth of that. I would vote against the motion and urge my colleagues to do the same. Thank you.

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

Senator **LAWRENCE:** Thank you Mr. President, Men and Women of the Senate. Just so we know what we are talking about here. Recently I went to help a woman in my district. She is in her late seventies, maybe eighty, her husband is in the hospital and she cannot drive. She does not have a Maine driver's license. Under this bill she would be required to have one of two things, a Maine driver's license or a state I.D. in order for her ballot not to be challenged. A State I.D. would cost her \$2.00 to purchase. I don't know how much it costs to get a State driver's license but in my opinion that is a poll tax. It goes back to the days of having to pay for something for the ability to go in unheeded, uninterrupted and do what you have a democratic right to do, vote. There are currently only 10,000 state I.D.'s issued. Think of the number of people out there without drivers' licenses who don't have a state I.D. who can be easily challenged at the polls. Think of the effect that is going to have on them and the

democratic process. A woman who has been voting all her life, in her late seventies, suddenly can have someone she doesn't know, some party worker, and I don't care which party they belong to, they can come up and say to her "I challenge her right to vote." What message are we giving the public out there? What message are we sending them about how much we want them to participate in the democratic process? I urge you to defeat this bill.

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

Senator **CARPENTER:** Thank you Mr. President. I would pose a question through the Chair to any Senator who may wish to answer. How do absentee ballots get challenged?

THE PRESIDENT PRO TEM: The Senator from York, Senator Carpenter, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **MCCORMICK:** Thank you Mr. President. I can't specifically answer that question without the law book in front of me, but the other day when we were musing over this bill, we looked up in the law book where this amendment fits. It adds a 10a, I think, to the eleven categories, or eleven reasons that someone can challenge a ballot. There are already eleven reasons and I think that the Senator from York will find that the challenge of absentee ballots is one of those reasons.

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

Senator **LAWRENCE:** Thank you Mr. President, Men and Women of the Senate. To answer the good Senator from York, Senator Carpenter's, question. An absentee ballot can be challenged in the same way any other ballot can be challenged. There is a process set up to do that now. You have to have a valid reason to challenge the ballot. What we are debating here is whether or not we are going to require voters to carry identification cards in order not to be challenged to the right to vote. That is what we are coming to. To me you are getting to a very totalitarian, a very Marxist society if you are requiring people to carry identification badges in order to vote unimpeded. That is not what the democratic process is about.

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

Senator **RUHLIN:** Thank you Mr. President. Could anybody on the Committee tell me what acceptable identification is as proscribed by section 115, sub 4. Could they define that identification?

THE PRESIDENT PRO TEM: The Senator from Penobscot, Senator Ruhlin, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Somerset, Senator Cianchette.

Senator **CIANCHETTE:** Mr. President. If I am in order, and if the motion is in order, I think there

really is some serious concerns about this bill that perhaps the Committee didn't have the opportunity to look at thoroughly. I think there have been enough reasons submitted here to question if this has been thought through well enough. My belief is that it has not had a thorough review of the Committee with some new issues that have been raised. I looked at it and I question the wisdom of this particular bill. I would like very much for this bill to get some more scrutiny at the Committee level, therefore, if it is in order I would like to recommit this bill to the Committee.

Senator **CIANCHETTE** of Somerset moved to **RECOMMIT** Bill and Accompanying Papers to the Committee on **LEGAL AND VETERANS AFFAIRS** in **NON-CONCURRENCE**.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Before we do that, this bill actually came out of the fact that there have been many bills in the past, and I even had a bill in this year myself, to disallow registration on election day. This bill is actually a compromise, I believe, from those bills that have been there. Without rehashing why we shouldn't allow people to register on election day completely, this bill would at least allow, where there is not time enough to check when somebody comes in and registers on election day, to check where they have come from. To make sure they are not voting in two places. This identification would help to clarify that. If they have been there any length of time, they should have changed their driver's license immediately upon moving from one place to another. This is not meant to impede anybody's right to vote. They still have a right to cast their ballot, even if it is challenged. That is fair enough. It is not to hurt the little old senior citizen who doesn't carry around a driver's license and has probably lived in that place for years, everybody knows her, she has been on the polls there for years. I am sure she is not going to be challenged to show any identification. This is mainly for the last minute people who are registering and there is some question in the Clerk's mind as to whether they had, indeed, moved to that municipality. I think there is being a lot made of nothing here.

The Committee has indeed researched this. They told me when I was there at work session that they were looking at this weeks ago as an alternative to the registration bill, of which they have had several. I know they have done a lot of time on this. Any bill that is coming out of there unanimous, I don't think needs to be referred back to them. I think it is a waste of the Committee's time. It is a very busy committee, with a lot of bills. I know for a fact, as I have talked to several of them, they don't want this bill back. They are convinced. They sent it out unanimous ought to pass and I think we should honor that. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator O'Dea.

Senator **O'DEA:** Thank you Mr. President, Men and Women of the Senate. I would very respectfully disagree with my friend and colleague, the Senator

from Piscataquis, who said that there has been a lot made about nothing on this bill. I think there is a serious problem with this piece of legislation. I think back to times when I was quite young when the lines coming out of the polling places, in some parts of this State, would stretch out of the building and down the road, because some communities had very few polling places. Guess what? If you got off of work, and got done at the end of a shift someplace, the last thing in the world you wanted to do was to stop and stand in line for two and a half hours to cast your vote. I think that this mechanism, if in place, has the potential to be very seriously abused. I can imagine a situation in some very busy polling places in some communities around this State, where some person will stand there and challenge every person who comes through and create a situation where every prospective voter has to cast the equivalent of an absentee ballot. If you don't think that there can be lines now to vote, think what will happen when that is going on. Think about the potential to discourage people from voting. I think this is a step in the wrong direction. I think it sends the wrong message and I don't want to be one of the people standing there explaining to my constituents why it is that their word isn't good enough when they go to their polling place and tell their municipal officials, who work for them, that they are there to vote and this is where they live. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** I realize in the short two years that I have been here that change, for some reason or other, comes very difficult. But, it is time for change. There is the possibility that if there is, indeed, any fraud in our election process, which many people refuse to recognize, this will help clear it up. I will make the comment, it does say "elected official", which would, and could as it was brought out here a few minutes ago, that a politician could stand there at the polling place and challenge everybody if he wanted to, or anybody he didn't recognize. I would simply remind you this body just defeated a bill that would take care of your concern in the bill to disallow politicians from being at the polling place except to vote. That change went down to defeat, this one should not. I ask for a division on the motion.

Senator **HALL** of Piscataquis requested a Division.

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

Senator **LAWRENCE:** Thank you Mr. President. I sometimes wonder what we are doing here. This is an individual who has already gone in and registered to vote. They have already gone before the election officials to prove who they are. Now we are doubting that that person is the same person when they come back to vote. Have we gotten that suspicious about the people who put us here? Have we gotten that cynical about society? Are we now going to require fingerprinting to go in to vote? Are we going to require everybody to show their fingerprints in order to have the ability to exercise what is part of the democratic process? Let's get serious about what we are doing. We are trying to make the democratic

process work as easily and as smoothly and as user friendly to the people out there who want to vote, and want to vote in a legitimate manner. This bill can only obstruct that. This bill can only be used against certain members of society, and it is retired people who move into a new retirement community, and are challenged about their ability to vote. Students who are coming to school in a community and want to vote in that community can be challenged to vote. These are people who have already registered and proven that they are a legitimate resident. Now we are giving somebody the right to stand there at the polls and set them off to the side and say, "I challenge your ability to vote." While I support the motion to send this back to Committee, I hope the Committee takes a serious look if it does go back there, at what we are really doing here to the election process.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** I want to read the Statement of Fact. "This amendment gives the election official broader discretion than the bill to determine what is acceptable identification for a voter who is unknown to the election official." That is not any politician, State Senator, or State Representative, or County official, it has to be an election official. "It permits a person who does not provide the required identification to cast a challenged ballot." In committee, when we were discussing this, we used the example of a person who is out jogging and happened to jog by the polls and discovered it was an election day and wants to vote. They go in, and maybe they are unknown to the election officials, it would give them an opportunity to vote but they would vote a challenged ballot. All we are trying to do is clean up the situation here a little bit. As the good Senator from Kennebec, Senator Carey, mentioned in debate a few weeks back, of an incident where some of the college students had gone around and voted in several locations. This would address that and at least tighten the election process up a little bit. I would hope that we could put this to bed. The Committee has debated this thoroughly. It was a unanimous ought to pass report and I would hope that we can either vote it up or down today. Thank you.

Off Record Remarks

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

Senator **RUHLIN:** Mr. President, Honorable Senators of Maine. I asked a question through the Chair earlier. I am still waiting for an answer. If I may, Mr. Chairman, I will re-ask that question. I would like to ask the Chair of the Committee, or any other member of the Committee, precisely the definition of what is acceptable identification at that point in time?

THE PRESIDENT PRO TEM: The Senator from Penobscot, Senator Ruhlin, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** Mr. President. I'm sorry, I'm getting a little excited here. I'm not as used to debate as the other Honorable Senators here. A driver's license would be acceptable identification. A State I.D. would be acceptable identification. A person, if they were on the voter rolls, if they had their social security or any other identification that they happen to be carrying upon their body, that would be acceptable identification. What we were discussing, if a person came in and they had no identification, we wanted them to be able to go in and vote. That's why we put the language in that they can vote a challenged ballot. I think it seems to me that this is a reasonable compromise. Thank you Mr. President.

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

Senator **CAREY:** Thank you Mr. President, Members of the Senate. It is true that I have told you on one or two occasions, and certainly it has been mentioned at the committee level, that we had some Colby students on the first time that we had same day registration, who ran a contest. The winner of that contest was a student who had voted in seventeen different precincts. I want to explain to you that absolutely nothing happened to them. It was thought of as a prank by a college student. He was not expelled from the school. He was not reprimanded by the school. The District Attorney chose not to do anything about it. It was a childish prank by somebody who was 22 or 23. I would like to talk to you a little bit about challenged ballots. Years ago we had a Mayor in Waterville who rose to become the Chief Judge of the Maine Supreme Court. At the time that he was Mayor he was questioning the loyalty of his tax assessor, a single assessor. He found a way to do it by challenging that assessor's vote. The assessor had to go and vote on a paper ballot, put it in an envelope, as you would with an absentee ballot, and marked "challenged" on it. It was set aside and at the end of the day it was opened, identified as a challenged ballot, and the challenge was made that he wanted to know if he was going to be re-appointing this tax assessor had he supported the Mayor in his re-election effort. Well, it just so happened that he had and was able to keep his job. But, that is one of the ways that you can check on what people do when they are in the challenging position. I'm not familiar that that has changed in any way since those days. I'm talking about way back in the '20's. That sticks out like a sore thumb and has been mentioned many times.

Recently, we had a young lady who ran for the School Board down in Ward 7, in Waterville. Her father is an attorney. Her father used to be the City Solicitor. A professor from Thomas College was running against her for the office of School Board. He was running for re-election. The father put out a notice to all of the Thomas College students that he personally would challenge their vote, obviously

figuring that most of them would support the college professor. He was admonished by the Secretary of State in that case because the professor actually went to the Secretary of State and lodged a complaint. So, there were no challenges, but I have to tell you that the students from Thomas College voted in a much smaller number than they normally would have. I leave any inference to your own conscience on that one.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY:** Thank you Mr. President, Men and Women of the Senate. Just for information, I will be happy to explain what the law already says. My personal opinion is that we don't need to make this bill into law, we already have something on the books that works. Basically, it talks about challenges. It says, "A voter of any municipality may challenge the right of another to vote at any election in that municipality." It goes on to say how it is made. You bring it up to the warden and the warden asks the correct questions and, I presume, at some point the warden would ask for identification, but it doesn't specifically say. Then it goes on to say about enforcement for violation of any of these provisions and part of it are Class E and D crimes. The Class C says, "knowingly causes a delay in the registration or enrollment of another; knowingly causes a delay in the delivery of a ballot." I could go on but suffice it to say that there are provisions on challenging and anybody at the voting place can already challenge somebody going in to vote. I appreciate what the Senator from Oxford has to say about how there were harsher measures before them and this was an attempt at a compromise. I applaud the attempts at compromise and would just like to say that, in this instance, had we all looked at the law first, I think most of us would have realized, as we say in law, this extra provision is "surplusage". It is a surplus provision that I don't think we need. Thank you.

On motion by Senator **KIEFFER** of Aroostook, Tabled until Later in Today's Session, pending the motion of Senator **CIANCHETTE** of Somerset to **RECOMMIT** the Bill and Accompanying Papers to the Committee on **LEGAL AND VETERANS AFFAIRS** in **NON-CONCURRENCE**.

On motion by Senator **CIANCHETTE** of Somerset, **RECESSED** until 4 o'clock this afternoon.

After Recess

Senate called to order by the President Pro Tem.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Award Child Support Payments Directly to the Recipient"

H.P. 864 L.D. 1214

Reference to the Committee on **HUMAN RESOURCES** suggested and **ORDERED PRINTED**.

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

Which was referred to the Committee on **HUMAN RESOURCES**, in concurrence.

Senate at Ease

Senate called to order by the President Pro Tem.

Bill "An Act to Consolidate Health Care Planning, Oversight and Regulation in Maine"

H.P. 869 L.D. 1219

Reference to the Committee on **HUMAN RESOURCES** suggested and **ORDERED PRINTED**.

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

Senator **HATHAWAY** of York moved to refer the bill to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

On motion by Senator **PENDEXTER** of Cumberland, Tabled 1 Legislative Day, pending the motion by Senator **HATHAWAY** of York to **REFER** the Bill to the Committee on **TAXATION** in **NON-CONCURRENCE**.

Bill "An Act to Amend the Maine Civil Rights Act to Provide Greater Protections to Reproductive Facilities"

H.P. 866 L.D. 1216

Bill "An Act to Protect Constitutional Property Rights and to Provide Just Compensation"

H.P. 867 L.D. 1217

Reference to the Committee on **JUDICIARY** suggested and **ORDERED PRINTED**.

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

Which were referred to the Committee on **JUDICIARY**, in concurrence.

Bill "An Act to Amend the Laws Relating to Harness Racing"

H.P. 868 L.D. 1218

Reference to the Committee on **LEGAL AND VETERANS AFFAIRS** suggested and **ORDERED PRINTED**.

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

Which was referred to the Committee on **LEGAL AND VETERANS AFFAIRS**, in concurrence.

Bill "An Act to Clarify Licensing in the Sea Urchin Fishery"

H.P. 865 L.D. 1215

Reference to the Committee on **MARINE RESOURCES** suggested and **ORDERED PRINTED**.

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

Which was referred to the Committee on **MARINE RESOURCES**, in concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, to Make the Monument Erected at the Mount Hope Cemetery in Bangor the Official State Memorial Honoring Veterans from Maine Who Died during the Korean War

H.P. 23 L.D. 17

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 Resolve **READ ONCE.**

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

The Committee on **TAXATION** on Bill "An Act to Amend Certain Laws Relating to the Collection of Property Taxes"

H.P. 421 L.D. 578

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.**

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

ENACTORS

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

An Act to Change the Activities Requiring a Permit from the Department of Environmental Protection

H.P. 165 L.D. 213
C "A" (H-38)

An Act to Enhance the Title to Real Estate Acquired by Municipalities for Nonpayment of Taxes

H.P. 168 L.D. 216

An Act to Amend the Sewer Lien Law to Provide Clear Title

H.P. 169 L.D. 217
C "A" (H-30)

An Act to Amend the Law Regarding Minimum Sentences for Class C Crimes Involving the Use of a Firearm against a Person

H.P. 317 L.D. 438

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

ORDERS OF THE DAY

The Chair laid before the Senate the fourth Tabled and Specially Assigned (April 4, 1995) matter:

HOUSE REPORT from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Require That the Dollar Value of the Employee Benefit Package Be Included in All Official Statements Concerning State and Municipal Salaries"

H.P. 378 L.D. 513

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-47)**

Tabled - March 30, 1995, by Senator **BUSTIN** of Kennebec

Pending - **ACCEPTANCE OF THE COMMITTEE REPORT**

(In House, March 30, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-47).**)

(In Senate, March 30, 1995, Report **READ.**)

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

Senator **BUSTIN:** I would like to pose a question through the Chair. I note in the amendment that the title has been changed from "An Act to Require That the Dollar Value of the Employee Benefit Package Be Included in All Official Statements Concerning State and Municipal Salaries" to "An Act to Require That the Dollar Value of the Employee Benefit Package Be Included in All Official Statements Concerning State and Legislative Salaries". Could somebody on the Committee tell me why this was changed?

THE PRESIDENT PRO TEM: The Senator from Kennebec, Senator Bustin, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Cumberland, Senator Amero.

Senator **AMERO**: Thank you Mr. President, Ladies and Gentlemen of the Senate. The title was changed after the public hearing and work session because, for one reason, of the fiscal note that would be attached if this requirement was also extended to all municipal employees as well. So, for the time being, the Committee was willing to only require that benefits be added for State employees at this time.

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

Senator **BUSTIN**: Thank you Mr. President. I also note that the fiscal note said that the cost can be absorbed. So, to pose another question through the Chair, if the cost can be absorbed in the State government, why can it not be absorbed in the municipal government?

THE PRESIDENT PRO TEM: The Senator from Kennebec, Senator Bustin, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT**: Thank you Mr. President. I believe that the answer to that question is that most municipalities in Maine are not computerized to the level that the State is; and, therefore, if this bill applied to municipalities, it would place a much greater burden on them than on the State, theoretically.

Senator **BUSTIN** of Kennebec moved that the Bill and Accompanying Papers be **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Senator **HALL** of Piscataquis requested a Division.

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

Senator **BUSTIN**: Thank you. I saw this bill come through. I didn't know that it was being heard or any of that until I saw it on the calendar. I took a look at it to see what was happening with this bill. Basically, what you are doing is singling out a group of workers, i.e. legislators and State workers, so that their salaries, when it is published, and they can be published right now, but it is published that their benefits are beside their salaries. This is public knowledge, anybody can get it. What you are really making people believe is that when they look at a municipal salary, that wouldn't have those benefits beside it, that there is a real skewing of what a State worker gets against what a municipal worker gets. There are all kinds of things that you bargain for, or that you are offered by the employer, in order to provide you with a package for working for them, along with salaries. Some balance off others, and you can't really tell when you look at benefits and salary packages what is balancing off the other.

The other point that I would make, other than that inequity, is that, in fact, you can get that public information. But, what the bill says is that on any official document, and I guess my question would be what kind of an official document are you

talking about? Are you talking about anything that the department puts out when they are talking about employees? What exactly is the official document that you are looking for? I think that anybody can call in to a department, or the Legislature, and ask for the specific information that they want. We do not have to spend the computer time, the printing time, nor the employee time to be able to garner that information. Somebody said to me that one minute of computer time and printing time for 186 legislators is only 186 minutes. Well, if you value worker salaries any, then you will have some idea of what that "only 186 minutes" would cost and that is only for 186 legislators. We are talking about 10,000 to 15,000 State employees. So, I would hope that you would vote with me on the Indefinite Postponement.

Off Record Remarks

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator **BUSTIN** of Kennebec to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers in **NON-CONCURRENCE**.

A Division has been requested.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

10 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion of Senator **BUSTIN** of Kennebec to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers in **NON-CONCURRENCE**, **FAILED**.

THE PRESIDENT PRO TEM: The pending question before the Senate is **ACCEPTANCE** of the Committee Report, in concurrence.

Senator **BUSTIN** of Kennebec requested a Division.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

20 Senators having voted in the affirmative and 10 Senators having voted in the negative, the Report was **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-47) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the fifth Tabled and Specially Assigned (April 4, 1995) matter:

HOUSE REPORTS from the Committee on HUMAN RESOURCES on Bill "An Act Relating to the Maine Health Program" (EMERGENCY)

H.P. 271 L.D. 373

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-15) (7 members)

Minority - Ought Not to Pass (5 members)

Tabled - March 30, 1995, by Senator LAWRENCE of York.

Pending - ACCEPTANCE of the Majority OUGHT TO PASS AS AMENDED Report.

(In House, March 28, 1995, under suspension of the Rules READ TWICE and PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-15).)

(In Senate, March 30, 1995, ACCEPTANCE of the Minority Report FAILED (15-15).)

The Chair moved that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence.

Senator HALL of Piscataquis requested a Division.

On motion by Senator LAWRENCE of York, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The President Pro Tem noted the absence of Senator BERUBE of Androscoggin, and excused her from today's Roll Call votes.

THE PRESIDENT PRO TEM: The pending question before the Senate is ACCEPTANCE of the Majority OUGHT TO PASS AS AMENDED Report, in concurrence.

A vote of Yes will be in favor of ACCEPTANCE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: BUSTIN, CAREY, CIANCHETTE, ESTY, FAIRCLOTH, GOLDTHWAIT, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PINGREE, RAND, RUHLIN

NAYS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BUTLAND, CARPENTER, CASSIDY, FERGUSON, HALL, HANLEY, HATHAWAY, KIEFFER, LORD, PENDEXTER, SMALL, STEVENS, and the PRESIDENT PRO TEM, Senator HARRIMAN

ABSENT: Senator: CLEVELAND

EXCUSED: Senator: BERUBE

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent and 1 Senator having been excused, ACCEPTANCE of the Majority OUGHT TO PASS AS AMENDED Report, in concurrence, FAILED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

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

JOINT RESOLUTION relative to Memorializing the Congress of the United States to Stop Mandates that are Beyond its Constitutionally Delegated Powers H.P. 693 (H"A" H-35)

Tabled - April 4, 1995 by Senator KIEFFER of Aroostook

Pending - the motion by Senator BUSTIN of Kennebec to INDEFINITELY POSTPONE the Joint Resolution and Accompanying Paper.

(In House March 23, 1995, READ and ADOPTED AS AMENDED BY HOUSE AMENDMENT "A" (H-35).)

(In Senate March 23, 1995, Joint Resolution READ.)

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by Senator BUSTIN of Kennebec to INDEFINITELY POSTPONE the Joint Resolution and Accompanying Papers in NON-CONCURRENCE.

Senator HALL of Piscataquis requested a Division.

On motion by Senator **LAWRENCE** of York, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

On further motion by the same Senator, Tabled 1 Legislative Day, pending the motion by Senator **BUSTIN** of Kennebec to **INDEFINITELY POSTPONE** the Joint Resolution and Accompanying Papers in **NON-CONCURRENCE**. (Roll Call Ordered.)

Senate at Ease

Senate called to order by the President Pro Tem.

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

HOUSE REPORT from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Allow Election Officials to Request Identification from Prospective Voters"

H.P. 251 L.D. 353

Report - Ought to Pass as Amended by Committee Amendment "A" (H-43).

Tabled - earlier in the day by Senator **KIEFFER** of Aroostook.

Pending - the motion by Senator **CIANCHETTE** of Somerset to **RECOMMIT** the Bill and Accompanying Papers to the Committee on **LEGAL AND VETERANS AFFAIRS**

(In House, March 30, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-43).**)

(In Senate, April 5, 1995, Motion by Senator **LAWRENCE** of York to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.)

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

Senator **McCORMICK:** Thank you Mr. President, Men and Women of the Senate. I got out both a copy of the bill and the Committee Amendment. I wanted to point out that just about every concern that is raised in this body, not just about, every concern, that was raised here in this discussion this morning is addressed already in the law. The Senator from Oxford, Senator Ferguson, talked about when people come in to vote and whether or not they are registered, he made that statement. Well, if they are not registered, then they can't vote. They need to get registered and to be registered you have to have an I.D. and that is already in the law. If they

are registered, then they have already given their I.D. and they are on the rolls and they are a member of that town. Then the Senator from Kennebec, my colleague, Senator Carey, mentioned the story about the college students who were doing a prank. In fact, that breach of the voting law, what they did is already against the law; and, had the election officials been enforcing the law, they would not have been able to do that; because, of course, no one can be registered in more than one place at one time. Since the story seems to be either true or not true, I would like to have a little bit more verification than we have had so far, someone simply cannot go voting in seventeen places unless someone is registered in those seventeen places. I think that given in this country we have a problem with people underparticipating in the electoral process, and in Maine we used to be second, but we are leading the nation, we are in the top tier of states who has a larger percentage of their population participating in the process, and we know how we do that. We do that by having motor voter. We do that by making it easy to vote. We do it by having same-day registration. This is not rocket science, it is something to be proud of. It is not something to put more barriers up against. That is what gives states like Illinois and other states, a 40% voter-participation rating. We don't want to go that way. Far from, as the Senator from Piscataquis, Senator Hall, said, far from being afraid of change this is not change. This is going back, as our leader said, to the days of the poll tax. This is not change. This is going backwards. Putting more barriers to voting is going backwards, we need to go forward and make it easy to vote. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Washington, Senator Cassidy.

Senator **CASSIDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I listened to the debate this morning, as you all did, and the only problem I have with this bill is to go against the unanimous report from the Committee. As I listen to the debate, and I read the bill and know the situation that we all are involved in when we go to vote in our respective communities, I honestly don't know how this bill got out of committee with a unanimous vote. First of all, if you think back about when you go to your community to vote, I go to one of the clerks working and I say I am Vinton Cassidy. She will check my name off. I get my ballots. I go vote. I come out of the voting booth. I give the ballots to the lady or man who is running the ballot box and I have to state my name again. I put my ballot in the box. For me to vote in five, or six, or seven, or thirteen communities I would have to have Vinton Cassidy on each one of those communities to go there, because the minute I said Vinton Cassidy, and I'm not on the register, then I have to go and register that day, which I disagree with, and vote. I think this bill doesn't really do a whole lot to stop anything. As I said, the only problem I have with this bill is I hate to go against the Committee, but I don't see where this is really going to save the voters of Maine anything. It will perhaps just add a lot of confusion to the process. Obviously, if a person had some intent to be deceitful and do this, then they would have to go to a community and know that that

person was not available that day or they hadn't voted yet that day. It would really take a lot of work to go to seventeen, or five, or two different communities and do this. So, I think I just can't support this bill, although I hate to go against the Committee. Thank you Mr. President.

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

Senator **CAREY:** Mr. President. If I might address my remarks, not only to the members of the Senate, but the Senator from Washington, Senator Cassidy, as well. A committee is made up of thirteen people. There are one hundred and eighty-six in the entire Legislature. There are thirty-five, obviously, in the Senate, and one hundred and fifty-one in the House. So, there are times when we will disagree. I have to tell you that it is not unusual for a unanimous report to be upset. The report you really have to concern yourself with, as far as coming out of the committee, is that one that is twelve to one. One person is usually saving the bill for some remarks that the sponsor may want to make, or somebody who really wants to make a remark. It is not unusual for a unanimous report to be upset.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President. Having participated and listened very carefully, and having served two years on the Legal Affairs Committee, I realize full well that it is very difficult for someone who has not been associated with any bill to, within a fifteen or twenty or thirty-minute debate, know as much about that bill as the thirteen members that sit on the Committee and worked over it several times for maybe an hour or more. Surely, listening to the testimony at the hearing, and then going over it and weighing all of the pros and cons, the good, the bad, what is this bill going to do, do we need it, and so on and so forth, and then, to finally come out and vote unanimous ought to pass. I think we really need to look at just what the bill does. I have opened up the amendment and sat here, while other people have talked, and this is something that we should do before we open our mouths, we ought to read what it says. See if it is plain enough to interpret what it means, because if you read this, and there has been some remarks said, that are completely way off base to what this bill does. For example, under A, section 2, 21a, only the following reasons for challenges may be accepted by the warden, the challenged person is not a registered voter. Think about that. We were talking about any elected official could stand there in the polling lines and upset the whole thing. No, they are registered voters, they have already gone in and become registered, so now it is not a challenged ballot. That is not where you are going to show the identification. Has anybody ever been questioned when you walk up and state your name? They check your name off the list and pass you a ballot, they don't question you. They can't here if you pass this bill. Read it. The challenge is back when you are registering to vote, that is where it should be. Think about it for a moment, please, before you cast your ballot, and go with the unanimous ought to pass report. First you have got to vote against the motion, which I asked for a Division on before, not to send this back to the Committee. Thank you.

Senator **HALL** of Piscataquis requested a Division.

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

Senator **RAND:** Thank you Mr. President. I would like to say that I wish that our good friend, Senator Hall, had continued to read, because he is absolutely correct. I did pull out this amendment before I rose to speak earlier today on this very matter. It was reading the amendment that convinced me that I could not support this legislation. It says, "Only the following reasons for challenges may be accepted by the warden." This is present law. The challenged person is not a registered voter, they can be challenged. They are not enrolled in the proper party if it is a primary election. They are not qualified to be a registered voter because they are not 18, are not a citizen of the United States, not a resident of the municipality or appropriate electoral district within a municipality. Therefore, already in law, the warden may challenge a vote of someone who they consider not to be a resident of that municipality or appropriate electoral district. That is already present law. What this bill is intending to do is add another layer that says, "Did not provide acceptable identification as prescribed by section 115, subsection 4". This is putting another layer that I am sure the motive of the committee members, and this is why we probably got a unanimous report out of this committee, the motives of the committee members were absolutely pure, and absolutely innocent. But, I don't think that that speaks to every single person in any state who works at the polls. I see this, definitely, as a tool that could be used by an unscrupulous person to harrass or intimidate free citizens of the State of Maine when they go to exercise their right to vote. It is totally unnecessary. The law already provides the election officials at the polls with enough power to challenge ballots. To demand that in order to not be suspicious looking when you are at the polls, to demand that we all have to carry I.D.'s when we go to the polls is stepping a little bit too close to some things that happened in other countries at other times, things that we thought we eradicated in this country with the Civil Rights Act and the Voters' Rights Act. I would ask you, please, to vote against committing this back to committee, so that we can go on to Indefinitely Postpone this and all of its accompanying papers. Thank you.

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

On motion by Senator **KIEFFER** of Aroostook, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator **HATHAWAY**: Thank you Mr. President. I would like to pose a question through the Chair, if I could. If it is proper, I would like to ask the good Senator from Penobscot, Senator Michaud, who I believe is on the Legal Affairs Committee, if, in fact, Mr. President, this report did have a thirteen to zero vote. Were all the members present?

THE PRESIDENT PRO TEM: The Senator from York, Senator Hathaway, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Penobscot, Senator Michaud.

Senator **MICHAUD**: Thank you Mr. President, Men and Women of the Senate. I don't know if the Senator was here earlier, but usually when it comes out for first reading, unless it specifically says it is divided, it was unanimous. So, to answer your question, yes, it was unanimous.

While I am on my feet, Mr. President, I disagree with the Senator from Cumberland, Senator Rand, that we ought to vote against this motion. I intend to vote in favor of recommitting this back to the Legal and Veterans Affairs Committee, and I will explain why. All committees are not infallible. What Senator Carey has mentioned earlier, there are errors. I have no problem reviewing this issue. I have heard discussion this morning and I understand the concern that members of this body have as far as this particular bill. So, during the recess, I went back to my folder to get those who were in favor of and opposed to the bill; and I agree with Senator Hall, normally we do listen to all the testimony and see what people have to say; however, there was hardly any testimony on this bill. The sponsor and a co-sponsor, and someone from the Secretary of State who spoke neither for or against it. There was also someone from Maine Municipal who spoke neither for nor against it. Then we have a copy of the law that is in our folder. I asked the Committee Clerk if there is anything else and she did show me her folder. There was a position by the Maine Town and City Clerk's Association who is opposed to this bill, which I thought was kind of surprising. That is why I am going to vote to support the motion so that we can re-look at this issue.

Before I sit down I would like to read what the Clerk's Association, Linda Cohen who is from the City of South Portland, states. I will just read a couple of sentences. It says, "I cannot support this legislation because I feel it would openly invites discrimination against the homeless, special interest groups, and anyone the officials may wish to harrass. I would like to think that all election officials have no prejudice or bias, but personal experience has taught me otherwise. In larger communities, more often than not, the official does not recognize the voter. We currently have in place the ability to challenge a voter." I thought it was kind of ironic that someone from the Clerk's Association would admit that there is harrassment from people in their own profession, but that was what I pulled out of our Clerk's file and I would like to have this bill recommitment so that the Committee can rehash this issue. The reason why I supported it is because I have no problem if someone

questions a voter, they should have a right to ask, but according to this memo, and from what Senator Longley had mentioned earlier, they currently do have that ability now. Being a member of the Committee, I would just as soon have it sent back to us so that we can re-look at this issue. So, I will be voting in favor of recommitting to the Committee on Legal and Veterans Affairs. Thank you Mr. President.

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

Senator **HATHAWAY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to thank the good Senator from Penobscot, Senator Michaud, for answering the question. However, it was not the question that I asked. However, I believe that I do understand from his answer that all thirteen people were at the hearing and did, in fact vote. My question was not whether or not it was unanimous but whether or not all thirteen people did vote. So, I want to thank the good Senator from Penobscot. I agree with him, also, that there is irony in this issue. What I find ironic, Mr. President, is the fact that this week, and certainly today, we have spent a lot of time debating this issue. It seems that it is a hotly debated issue, and I certainly have no problem with any issue being fully debated. I do find it interesting that the good Senator from Penobscot, Senator Michaud, did report to us that no one from this chamber did show up to testify neither for nor against, at the committee hearing. I also find it ironic that a lot of people have been talking today about the time and money that we are spending on frivolous issues in this chamber. I find it ironic that my good friend from York, Senator Lawrence, who last week, I think, challenged the Chair about the time spent on these issues, has decided to have such a full debate on this issue. I think it is ironic that we have heard today a direct attack, not only on the committee process of this Legislature, but we have heard a direct attack on the Committee itself. I think it is sad that we have heard suggestions that perhaps this bill has some type of sinister intent involved in it. I also find it sad that people think that somehow a bill that is going to clean up the process somehow puts fear in their heart. I know, in my particular district, in the City of Arundel they did, in fact, have a problem with people who could not be identified, who voted and who did, in fact, change an election. Those people admitted afterwards that they did vote and they were not from that town. I think this is a serious issue. Again, I think everybody has every right to stand up as long as they want to and say whatever they want to about this bill. I will close with some suggestions. If, in fact, you do disagree with this then you have the right to vote against it. If you don't like what is coming before a committee, you have the right to go to a committee hearing and express your views. If that doesn't please you, then you certainly have the right to ask the President to put you on that committee, if you're not happy with the committee process in this Legislature. If you are not happy with the committee process, then I suggest that you come forth with some other process so that we can get the people's business done in this chamber. I really think it is sad that we are spending so much time, as has been said before, and wasting the people's money when we have a lot of business to do, Mr. President. Thank you very much.

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

Senator **CIANCHETTE:** Thank you Mr. President. I find it a little ironic that I am standing up here twice to speak on this bill, but I feel a little compelled to do that. I do think that listening to the debate, again, that there may have been some oversights in the committee. I say that very respectfully, and refer to Senator Ferguson from Oxford, that the challenge must come from the official. I don't think that that is correct. I think that the challenge can come from anybody and the official makes the judgement and asks for the identification. I believe the Senator from Oxford, Senator Ferguson, was incorrect in his interpretation of this particular law, in that a person can offer the challenge, anybody. Any politician or anybody else can offer the challenge and then the official makes the determination as to whether that person has the proper identification or not. If I am wrong on that I would like to be notified. It is my understanding that under this law, under the amendment, that anybody can make the challenge. They make it to the official and the official makes the judgement. But if I wanted to be unscrupulous and I wanted to be at that poll, and I thought it was a tight election or something, and I wanted to stand there and challenge the voters coming through, if I had some reason to want to challenge them, each one of those would have to be looked at by the official to determine whether or not that person had a correct identification. I believe that the Committee missed that point. Again, if I am wrong on that I would like to be notified, but that is the way that I read the bill. I believe, if it is true, that it is very appropriate to ask the Committee to take this back and look at it and make sure that we are passing something that they want to pass. Thank you Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** Thank you very much Mr. President. I am looking at the amendment right now and it says, "Other identification acceptable to the election official". It may be true that a citizen could ask an election official to challenge a voter, and I feel awfully sad that this has degenerated into this type of discussion. There is no cynical motive here whatsoever by any member of the Legal and Veterans Affairs Committee to try to deny anyone an opportunity to vote. Quite to the contrary. What we were trying to do is just, in the event that there were some fraudulent things happening, to maybe tighten up the law to allow the folks to vote and register on election day. We fully debated that up in the Committee. It would be my hope that we can put this to rest here this afternoon and I thank the Senate's indulgence.

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

Senator **LAWRENCE:** Thank you Mr. President, Men and Women of the Senate. I just rise to make a couple of points. One of them is in response to the good Senator from York, Senator Hathaway. What one

person designates as frivolous is sometimes an important issue to another person. I have sat here and heard debate on many issues that I would consider frivolous and I have never attempted to limit anybody else's debate on something that they thought was important. I consider the right to vote the fundamental right that we are here to protect. It is the fundamental right that created this Legislature and it is why we are here. To just answer the point posed by the Senator from Somerset, Senator Cianchette, let me read to you what the law says. The law says "a voter", not an election official, but "a voter of any municipality may challenge the right of another to vote in an election in that municipality. Only the following reasons for challenge may be accepted by the warden:" And we have created a twelfth condition in there, and that is the condition that they did not provide acceptable identification prescribed by section 115, which is the process of registration. That simply says that any voter at the polls can challenge the right of a person to vote in that election. The question there is whether they provided the proper identification to the registration officials. That means that they have to prove that they have that identification and that they have provided it to them. That is what we are objecting to here, the fact that any voter can do it, the fact that it can be used in mannerisms and methods to slow down the election process and to hinder the right of people to vote. I don't mean to suggest that the Legal Affairs Committee had any ulterior motive in passing out this bill. I just think there are things they did not consider. Having served four years on that Committee I know how complicated election laws are and I just think, whenever I see a bill that I think is not in the public's best interest, then it is our right and our duty to speak out on that and oppose it. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY:** Thank you Mr. President, Men and Women of the Senate. I would just like to add to my comments of the morning, which were that we don't need this extra provision. In reading down the list of times when you can challenge, I should point out that all the list says is someone who is trying to vote who shouldn't be, because they aren't eighteen, they are trying to go under another name. They are trying to do something that we don't want them to do, and then we add this provision, they don't have sufficient identification. If they are jogging by and decide to jog to the polls, it could be they don't have their license in their pocket. They should be able to vote. Thank you.

THE PRESIDENT PRO TEM: Senator **FERGUSON** of Oxford requested and received leave of the Senate to speak a fourth time. The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** Thank you very much. I will try to keep my comments as brief as possible. A person that is out jogging, who has no identification, may vote. They would vote a challenged ballot, that is the only difference. I just wanted to point that out. Thank you Mr. President.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator **CIANCHETTE** of Somerset to **RECOMMIT** the Bill and Accompanying Papers to the Committee on **LEGAL AND VETERANS AFFAIRS** in **NON-CONCURRENCE**.

A vote of Yes will be in favor of **RECOMMITTING** the Bill to the Committee on **LEGAL AND VETERANS AFFAIRS**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: BUSTIN, CAREY, CIANCHETTE, ESTY, FAIRCLOTH, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, O'DEA, PARADIS, PINGREE, RAND, RUHLIN

NAYS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BUTLAND, CARPENTER, CASSIDY, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HATHAWAY, KIEFFER, LORD, MILLS, PENDEXTER, SMALL, STEVENS, and the **PRESIDENT PRO TEM**, Senator **HARRIMAN**

ABSENT: Senator: CLEVELAND

EXCUSED: Senator: BERUBE

14 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent and 1 Senator having been excused, the motion of Senator **CIANCHETTE** of Somerset to **RECOMMIT** the Bill and Accompanying Papers to the Committee on **LEGAL AND VETERANS AFFAIRS**, **FAILED**.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by Senator **LAWRENCE** of York to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers in **NON-CONCURRENCE**.

Senator **HALL** of Piscataquis requested a Division.

On motion by Senator **LAWRENCE** of York, supported by a division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by Senator **LAWRENCE** of York to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers in **NON-CONCURRENCE**.

A vote of Yes will be in favor of **INDEFINITE POSTPONEMENT**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: ABROMSON, BUSTIN, CAREY, CARPENTER, CASSIDY, CIANCHETTE, ESTY, FAIRCLOTH, GOLDTHWAIT, LAWRENCE, LONGLEY, McCORMICK, MILLS, O'DEA, PARADIS, PINGREE, RAND, RUHLIN

NAYS: Senators: AMERO, BEGLEY, BENOIT, BUTLAND, FERGUSON, HALL, HANLEY, HATHAWAY, KIEFFER, LORD, MICHAUD, PENDEXTER, SMALL, STEVENS, and the **PRESIDENT PRO TEM**, Senator **HARRIMAN**

ABSENT: Senator: CLEVELAND

EXCUSED: Senator: BERUBE

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent and 1 Senator having been excused, the motion by Senator **LAWRENCE** of York to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President Pro Tem.

Off Record Remarks

On motion by **THE PRESIDENT PRO TEM**, **ADJOURNED** until Thursday, April 6, 1995, at 9:30 o'clock in the morning.