

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

Off Record Remarks

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

In Senate Chamber
Wednesday
April 12, 1995

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

Prayer by Pastor David Kelly of the Grace Bible Church in Sangerville.

PASTOR DAVID KELLY: It is my privilege to be here with you this morning. I had a surprise, I have my daughter with me, we usually try to take our girls out on a date around their birthday, so I don't think that she anticipated being up front here as well, but I think we will both get through this prayer. It is a privilege to be here, and I thank Senator Hall, especially, for the opportunity to come and ask the Lord's direction this morning. Let's pray.

We bow before you, our God and our Father, the Creator of the heavens and the earth, thanking you that you are willing to look down upon us here in Augusta this morning to give us direction and wisdom for the task at hand. Thank you for the Ladies and Gentlemen who are serving as our Senators here this day. We would ask you that you would give them knowledge of the information and discernment regarding choices that they have to make. We think of the committees and caucus meetings, that you would help each to be like-minded and understanding of each other. Coming before you, we pray that you would search our hearts, test our motives, direct us in a way that would be understanding of who you are, and mindful of your presence in the choices that we make. Might we not only want to make choices that would be right versus wrong, but also, Lord, discerning the difference between what is good, better, and best. Allow us your wisdom in the choices that we make here this day, bowing before you as our God here this day. We thank you for the opportunity to open our session here recognizing your sovereignty and your Lordship. We bow before thee, in the name of Jesus Christ, the Lord and Savior. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

House Papers

Resolve, Authorizing the Director of the Bureau of Parks and Recreation to Sell Land and Improvements on Hospital Street in Augusta, Maine Known as the Trial House

H.P. 809 L.D. 1126

Reference to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** 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.

Bill "An Act to Increase Venture Capital Access to State Businesses"

H.P. 920 L.D. 1296

Reference to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED.**

Comes from the House, referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED.**

Which was referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, in concurrence.

SENATE PAPERS

Bill "An Act to Establish the DNA Data Base and Data Bank Act"

S.P. 480 L.D. 1304

Presented by Senator **BENOIT** of Franklin
Cosponsored by Senator: **PENDEKTER** of Cumberland,
Representatives: **DRISCOLL** of Calais, **LINDAHL** of Northport

Submitted by the Department of Public Safety pursuant to Joint Rule 24.

Reference to the Committee on **CRIMINAL JUSTICE** suggested and **ORDERED PRINTED**.

Which was referred to the Committee on **CRIMINAL JUSTICE** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Clarify Definitions Under the Laws Concerning Games of Chance" (Emergency)
S.P. 479 L.D. 1303

Presented by Senator **MICHAUD** of Penobscot
Cosponsored by Senator: **STEVENS, JR.** of
Androscoggin, Representatives: **GAMACHE** of
Lewiston, **TRUE** of Fryeburg

Submitted by the Department of Public Safety pursuant to Joint Rule 24.

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 Grant the Department of Environmental Protection the Authority to Waive the 180-day Limit to Apply for Coverage under the Insurance Fund"
S.P. 478 L.D. 1302

Presented by Senator **CLEVELAND** of Androscoggin
Cosponsored by Representative: **WINGLASS** of Auburn

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

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

Sent down for concurrence.

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.

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

On motion by Senator **LAWRENCE** of York, **RECESSED** until 11 o'clock in the morning.

After Recess

Senate called to order by the President.

Off Record Remarks

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Establish a Presumption That the Owner of a Motor Vehicle Is the Driver If That Vehicle Is Involved in a High-speed Chase"
H.P. 266 L.D. 368

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-62)**.

Signed:

Senators:

BENOIT of Franklin
HALL of Piscataquis

Representatives:

BUNKER, JR. of Kossuth Township
CLUKEY of Houlton
GOOLEY of Farmington
MCALEVEY of Waterboro
WATERHOUSE of Bridgton
WHEELER of Bridgewater

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

Signed:

Senator:

O'DEA of Penobscot

Representatives:

CLARK of Millinocket
JOHNSON of South Portland
PEAVEY of Woolwich
THOMPSON of Naples

Comes from the House with the Bill and Accompanying Papers **RECOMMITTED** to the Committee on **CRIMINAL JUSTICE.**

Which Reports were **READ.**

Senator O'DEA of Penobscot moved that the Bill and Accompanying Papers be **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

Senator KIEFFER of Aroostook moved that the Bill and Accompanying Papers be **RECOMMITTED** to the Committee on **CRIMINAL JUSTICE**, in concurrence.

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

Senator O'DEA: Thank you very much Mr. President, Men and Women of the Senate. I would ask, this morning, that each of you take the time to pull out L.D. 368 and the amendment, and take a look at this bill. This bill was discussed at some length in the Criminal Justice Committee and also in the other body. It is a bill that is fraught with problems. Basically, what this bill says is that if you are the owner of a motor vehicle that is engaged in a high-speed chase, and you are not the operator, and the police can't find somebody to prosecute as the operator, guess what? You are guilty of an infraction. Now, there has been a lot of talk about this and whether or not this is the sort of precedent we should be setting, and whether or not it should be an infraction for you, not to commit an act, but to simply own something that is legal that is misused by another person, and then be criminally responsible for the conduct that has occurred with your property. I think it sets a bad precedent. I think, in an age when everyone is talking about getting government off of people's backs, this is one way that we can say no to a bill and a precedent that certainly doesn't work for our constituents. I would urge you to vote against the motion to recommit this bill to committee.

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

Senator BENOIT: Thank you Mr. President. The measure has a lot of merit and it also has precedent. It is modeled after the law on the books that deals with illegal passing of stopped school buses. It is almost on all fours with that particular measure. The Legislature, in that area,

has enacted a provision in the law relative to the passing of stopped school buses; buses that are stopped, with lights flashing, taking on or discharging children; that the bus driver is able to take down the license plate number of the vehicle that is illegally passing the bus and can proceed to obtain the cooperation of the owner of the vehicle in an effort at concluding this particular illegal passing of the bus. Now, the law has been on the books for some time in that area. There has been no adverse comment by our constituents and it is another tool for law enforcement to bring about safety for students that are riding the buses. Now, in this area of high-speed chases, we all know that there has been a clamor by citizens in Maine to see if we can't do something about curtailing these high-speed chases, and to get away from the terrible tragedies that we have been seeing in the State on occasion, where police in pursuit of a vehicle thought to have been in violation of the law, at high speeds, find the vehicle that is being pursued to run head-on into oncoming traffic, and thereby causing the death of innocent people. So, the idea here is to copy, if you will, the school bus measure, and to bring that into the area of the high-speed chase, to diffuse the situation. To allow the officer to take down the license plate number of the vehicle being pursued and to cut off the high-speed chase and proceed, then, against the owner of the vehicle, to charge that person with a traffic infraction, the same way under the school bus law, that the person who owns the vehicle is proceeded against for a traffic infraction. The measure has much merit, it has precedent, as I have indicated, and ought to be recommitted to the Committee on Criminal Justice, so I speak in favor of that request. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator KIEFFER of Aroostook to **RECOMMIT** the Bill and Accompanying Papers to the Committee on **CRIMINAL JUSTICE**, in concurrence.

The Chair ordered 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.

23 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator KIEFFER of Aroostook to **RECOMMIT** the Bill and Accompanying Papers to the Committee on **CRIMINAL JUSTICE**, in concurrence, **PREVAILED.**

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

Senate

Ought to Pass As Amended

Senator **SMALL** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Authorize the Towns of Mechanic Falls, Minot and Poland to Form a Community School District" (Emergency)
S.P. 355 L.D. 983

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-61) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as **Amended**.

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

Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act to Provide Funding to a Domestic Violence Shelter in Ellsworth"
H.P. 65 L.D. 101

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-65)**.

Signed:

Senator:

PINGREE of Knox

Representatives:

FITZPATRICK of Durham
JOHNSON of South Portland
JOYNER of Hollis
SHIAH of Bowdoinham
ETNIER of Harpswell
MITCHELL of Portland
JONES of Bar Harbor
WINGLASS of Auburn

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

Signed:

Senators:

PENDEXTER of Cumberland
BENOIT of Franklin

Representatives:

MARVIN of Cape Elizabeth
LOVETT of Scarborough

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-65)**.

Which Reports were **READ**.

Senator **PENDEXTER** of Cumberland moved that the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

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

Senator **PENDEXTER:** Thank you Mr. President, Men and Women of the Senate. I would like to speak briefly to the concerns of what is going on, out there in the hall, relative to this bill. I just want to reassure the members in this body that there is another L.D., L.D. 846, which will cover the concerns expressed in this bill. That particular L.D. has unanimous committee support in the Joint Standing Committee on Human Resources. Both parties representing the Committee, feel strongly that the family crisis shelters are underfunded. There is a lot of awareness, and there are a lot of problems, and they really are doing a lot of work being understaffed. We do not undermine the scenario. That was very clearly made clear in our Committee during the public hearings, that this is an issue that deserves priority. This particular item relates to one scenario in Ellsworth. It is a strict appropriation bill, as is L.D. 846, which is also a strictly appropriations bill. If the concerns expressed, relative to this bill, so that the individuals who sort of want to put the debate off for another day, I would say to you that we can amend the all-encompassing piece of legislation coming forward, L.D. 846, to address that particular concern, and I give my word that that will happen. I think we need to be cognizant of the work that the committees do, and when that particular process starts getting undermined, when we get down to the floor of the chamber and start debating issues, I just feel very strongly that you need to stand behind the committee recommendation. I feel strongly in moving the ought not to pass report because I know that we can address the issue in another all-encompassing bill and I ask you to support my motion. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I appreciate the Senator from Cumberland, Senator Pendexter's, commitment to amending Senator Amero's bill if necessary. I do have one lingering concern that causes me to wish to table this. Number one, I do respect the committee process, and the committee did recommend that the bill ought to pass. Number two, the question on this bill is whether without this bill, this particular project would have a funding base. I defer to Senator Pendexter's vaster experience in these issues than mine, but there seems to be a question because all of the other domestic violence projects in the State have established a funding base that Ellsworth, as a newer project

without a base, might not qualify for funds, depending on how that was allocated. I would feel more comfortable resolving that question for sure in my own mind before this item is voted on, although I don't want to delay the process either. If I can clarify this, so that I am assured that this project would be eligible for funds, I would be glad to take the route that the Senator from Cumberland, Senator Pendexter, recommends, which would be to do this, if necessary, in an amendment to a bill that is not yet before us. Thank you.

Senator **RUHLIN** of Penobscot moved to **TABLE 1 LEGISLATIVE DAY**, pending the motion by Senator **PENDEXTER** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

Senator **PENDEXTER** of Cumberland 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: The pending question before the Senate is the motion of Senator **RUHLIN** of Penobscot to **TABLE 1 LEGISLATIVE DAY**, pending the motion by Senator **PENDEXTER** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

A vote of Yes will be in favor of **TABLING 1 LEGISLATIVE DAY**.

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.

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

ROLL CALL

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

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

ABSENT: Senator: **BUSTIN**

EXCUSED: Senator: **BERUBE**

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent and 1 Senator having been excused, the motion of Senator **RUHLIN** of Penobscot to **TABLE 1 LEGISLATIVE DAY**, pending the motion by Senator **PENDEXTER** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**, **FAILED**.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you Mr. President, Women and Men of the Senate. I rise in support of this bill, and ask you to vote against the ought not to pass minority report of the Committee. I would just like to begin by agreeing with the good Senator from Cumberland, Senator Pendexter. Our Committee is unanimously in support of funding for domestic violence shelters. There is another bill coming out of our Committee and there was very strong support for domestic violence shelters, and we have talked about this at great length. I do, however, support the majority report of this Committee. I believe that this is an important shelter to fund. Hancock County is not currently served by a shelter that is served by State funds, and, as we know, domestic violence is on the rise. Since the Next Step took over the work in Hancock County, their workload has risen over 250% in the last two years. These shelters, these domestic violence services, do an important service for our courts, and provide a very important safety net for families. So, I think this is a great concern to people in that area and it is important to support this particular bill. While I hope that our larger funding bill does survive the Appropriations Table, it, in fact, may not, and I think it is important to look at the needs of this particular area and support this shelter. So I remain in support of the ought to pass motion of the Committee.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President. I would pose a question through the Chair to the good Senator from Knox, Senator Pingree. In fact it is a series of questions. First, to the good Senator, if she could share with the Chamber what the fiscal note of this bill would be. Secondly, whether or not, when she brought forward what her position was from the Human Resources Committee, in meeting the budget target set by the Appropriations Committee, whether or not there were cuts within her area of policy purview, that she would earmark to meet the fiscal note that would be assessed to this bill, and if this was one of the highest priorities in the various other functions of the department.

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

Senator **RUHLIN:** Thank you Mr. President, Honorable Senators of Maine. We have today an opportunity to address the major growth crime in the

State of Maine, that has been defined by the Chief Justice in the Maine Superior Court, that is domestic violence. Now, we have, throughout the State, nine working domestic violence aid centers. However, there is a void, and that void happens to come about in downeast Maine. People in Ellsworth, people outside the Ellsworth area, also are victims of domestic abuse. It is unfortunate, but it is true. The rest of the State also shares in that market, unfortunately. This bill is not to fund at this time, even though it may appear so, for the process that we go through through the Appropriations Table, this bill is not to fund this program called Next Step, in Ellsworth, at this moment in time. It is to put on notice that Ellsworth, the central Hancock County area, does, in fact, need services to address the gross crime of domestic abuse. That's what it does. You should look at it as enabling legislation. Frankly, if you do that, and then put it on the Appropriations Table, we take our chances. We will decide priorities then. I think when you have families being broken apart, the physical abuse, and the mental abuse that comes about from domestic violence, I certainly can give it a high priority when the time comes. Don't worry about your priorities. We will argue those priorities when it comes time to do the Appropriations Table.

What we want today, and speaking as a person who represents a part of that area, is to recognize that we, also, as citizens of the State of Maine, have that problem in our area and we are asking this Senate, this Legislature, to recognize that and to give us enabling legislation to move forward and to recognize a program that works, that is capable. Let's move forward with it and then we will get to the stage of the financing of it at a future date, whether it be through another piece of legislation, or whether it be through its self-standing on the Appropriations Table. I thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you very much Mr. President. I am happy to attempt to answer some of the questions posed. The fiscal note on this bill is \$91,000. In terms of the committee process, and the appropriations process, I'm glad you gave me an opportunity to address this issue. I, on the one hand, have faith in the Appropriations Table, that this bill will be looked at, along with another funding bill, and decided that I would vote in favor of this and let the decision happen down there when they were assessing all the resources, and what money they would be able to spend on domestic violence. I think we are all in agreement, it is a tremendous problem and we would like to see some of our resources diverted in that way. I actually supported the original funding mechanism on the bigger bill that would allow the money to come from an increase in the marriage license fee, which I don't think is how it will be reported out of our Committee, but we did look at funding mechanisms for dealing with the issue of domestic violence. In terms of the overall appropriations process and how my Committee prioritized this particular issue, with all of the issues that we have to face, I would have to say, as a member of that Committee, I don't think that we have appropriately done that. We have not looked at

this in the context of all of our issues, but I think we all agree that it is an important step that we must make. I support this particular shelter, or this particular entity, and its needs, as well as all domestic violence issues.

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

Senator **PENDEXTER:** Thank you Mr. President, Men and Women of the Senate. I just want to make it clear that a vote negative on this item does not reflect a negative reflection on the issue. There is extremely strong bipartisan support for family crisis support. I would challenge my colleagues on the Human Resources Committee, including my seatmate, to come up with the funds to fill the hole, because the appropriation we are talking about in the bigger bill is significant. If we are to really be supportive of the issue, then we also need to be fiscally and financially supportive. So, I do throw out that challenge to all of you, because I think there is no disagreement on support of the family crisis social services. To those of you who are saying this is just a message, and we want to put Ellsworth on the map, and we want to recognize the Next Step program and all of that, then that's all good and well, let's remove the fiscal note, because this is strictly, strictly a fiscal appropriation bill. I feel strongly that that issue will be taken care of in a larger bill yet to come. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Men and Women of the Senate. I would first thank the good Senator from Knox for her answer, and looking at the fiscal note it would appear that it is \$91,000 for each year, so \$182,000 over the course of the biennium. I would like to take a moment and share with the members of this Chamber, what I shared with the members of the Republican Caucus earlier this morning. As a member of the Appropriations Committee, we are forced to face, daily, problems within our State budget. Areas of policy concern that were not addressed in the Governor's budget, but yet still require dollars to appropriately address. I would just put the same challenge to all the members of this Chamber, as I did to my Caucus. When you sit in your policy committees, and you vote out legislation that has a fiscal note attached, I would ask you, I would challenge you to look in your own mind, and as you went through the budget, to try and make prioritizations to meet budget targets.

THE PRESIDENT: The Senator will defer. The Chair would remind the Senators to try to focus their remarks to the pending legislation and the pending motion.

Senator **HANLEY:** Thank you Mr. President, Men and Women of the Senate. This legislation before you has a fiscal note of \$182,000 over the course of the biennium. That money was not found from the Human Resources Committee, or from the majority of the Human Resources Committee. I would state that if the money isn't found it is a very difficult position to put the Appropriations Committee in to cut other departments for funding that. I would just ask that

those considerations be given when items of this sort, with price tags of \$182,000, and vote it out. Thank you Mr. President.

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

Senator McCormick: Thank you Mr. President. I request permission to pose a question through the Chair. A couple of questions. First of all, is this family violence shelter, to be called the Next Step, currently a member of the umbrella group of the Coalition of Family Violence Shelters? Two, a question to the Appropriations Chair, the Senator from Oxford, Senator Hanley, it is my understanding that family violence shelters individually receive their funding through an actually rather innovative and wonderful mechanism whereby their umbrella group requests funding from the State, and we then fund them, and they parcel that money out in a way that we then don't have to deal with. My question is, if this family violence shelter is not a member of that coalition, and cannot be funded currently, why aren't we passing this bill?

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

Senator Pendexter: Thank you Mr. President. There are presently ten family crisis shelters throughout the State. To be perfectly honest with you I can't remember them all at the moment. I have it up in my Committee room. However, the appropriation that we are talking about, that we discussed Monday in our Committee, merely provides appropriations for family crisis services. It doesn't appropriate it to any family crisis structure. This is all purchased social service, and as I remember correctly, the specific issue was addressed in my Committee, and this is why I am so adamant about pursuing and going forward with this bill, because these concerns were discussed in my very Committee this week, and we were assured by the Coalition people that should that particular appropriation come through that the Next Step project would be included. So, I don't feel any need to continue to be concerned about whether they will be included. If you look at the appropriation that is coming down the road, nothing here says, in fact it says it increases services to new geographical areas, increases services to children, sustain existing structures, and build infrastructure. I would say to you it is very general and I think it is all-inclusive. Thank you.

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

Senator Ruhlin: Thank you Mr. President, Honorable Senators of Maine. I understand what the good Senator from Cumberland is saying. To me the important difference, the difference I would like to have this Senate understand, is there are many different ways to fund this project. There are many different ways if we don't have the money to not fund the project. What the sponsor is seeking, what, as a Senator who has a responsibility to the constituents

of this area, is seeking, is that it be enabled, that it be recognized. I did understand the good Senator, and that may happen, but in the legislative process that we go through, it is not appropriate for me to rely on any future possible actions of this body, or any other body. I have to deal with what is in front of me and deal with it in a realistic and normal way. What I am looking for here, what I am dealing with realistically, what I am asking the Senate to deal with, is to enable these services to be officially recognized in the central Hancock County area that is centered around Ellsworth. That is it. Should you do that, should you vote for this particular piece of legislation, it would sit on the Appropriations Table, that is our process. If we don't have the money, it will be the decision of the people in charge of making the decision, the people that we have to make those decisions, ultimately ourselves, to say we don't have that money, so we can't fund it. If another piece of legislation should ever come along that includes this project, fine and good, this will no longer be necessary and we can take it off the Table at that point and do the thing that we do with things like that. We can finish it, put an end to it. But, for now, to enable this project to exist and only to enable it to exist, I ask that you vote against the minority report, that you support the thoughts and desires of the majority of that Committee and you enable this project to stand as a part of that umbrella. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Kieffer.

Senator Kieffer: Thank you Mr. President. I would like to pose a question through the Chair to anyone who cares to answer it. Committee Amendment "A" is very specific, in as much if I am reading it correctly, it says the following funds are appropriated from the general fund to carry out the purposes of this act, \$91,836 in each of the two years. It says this bill includes general fund appropriations in \$91,836 annually in fiscal years 95 and 96, and 96 and 97, for the Department of Human Services to provide funding to a domestic violence shelter. I'm not sure how that provides only enabling legislation Mr. President, and I would have to have that explained to me.

THE PRESIDENT: The Senator from Aroostook, Senator Kieffer, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator Carey: Thank you Mr. President. If the Tabling motion had been allowed, you would have seen an amendment coming in which would have possibly stripped out that money. Then you could have decided, and then that particular shelter in Ellsworth would have fallen in line with the other shelters for a piece of that pie, so there would have been no increase in funding to speak of. It would have only gone on with the other ten that are available. But, unfortunately, partisan politics apparently played a part and we were not allowed to Table.

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

Senator AMERO: Thank you Mr. President, Ladies and Gentlemen of the Senate. It is my understanding that this bill came before the Human Resources Committee before the omnibus bill, which will provide funding for all of the shelters in the State of Maine. If it is unclear whether the Ellsworth shelter is included in that funding level, we can amend that omnibus bill when it comes before us.

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

Senator RUHLIN: Thank you Mr. President. First of all, I want to acknowledge and thank the good Senator from Kennebec in responding to the questions from the gentleman from Aroostook. I also would like to respond to that question. If you do not mention a project, then very often, it is not going to get paid any attention to. What you do, in fact, what the process here calls for, in fact, is to take an item and put it on the Appropriations Table if it requires expenditures. At that point, it is usually in the dark of the night or in the early morning hours, somewhere near June 30th, decisions are made that such and such will exist as a program, and it will be put under an umbrella. But the fiscal note, the dollars, we only have X number of dollars to deal with, consequently we cannot fund it as a separate thing. That is the appropriate way. That is the way we have been doing it for something like 175 years. The process is set up to work that way. If, in fact, the gentlelady, the good Senator from Cumberland, has mentioned that there is another bill, that really is inappropriate for me to stand here this morning and address that other bill. The appropriate form of debate in this body, and discussion in this body is to mention that which is before us and nothing else. I am limiting my comments to that, and that is why we have to do it this way. The good Senator from Kennebec is right, had we Tabled, much of this could have been resolved differently. That did not happen, so we will do it this way, and when we do it this way I think we should keep to the matter in front of us, which is a bill to enable domestic violence crisis intervention in the central Hancock County area. That is important. It is important to those citizens that they have that service available to them. We will worry about the funding when the time comes. Thank you.

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

Senator MCCORMICK: Thank you Mr. President, Men and Women of the Senate. I want to come back to something that Senator Carey, from Kennebec, said. I, too, was incredibly surprised that this body did not allow the courtesy of a Tabling motion. Whether or not you thought it was a good idea or not, it is a courtesy that we are generally accorded, and it seems to me by just listening to the debate on this bill.

THE PRESIDENT: The Senator will defer. The motion before the Senate is acceptance of the ought not to pass report. The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator MCCORMICK: Thank you. It seems, just in listening to this debate, that there was enough

angst, and enough lack of clarity on this bill, that a Tabling motion would have been just the thing. How long have we been talking now about something that sounds like it is going to go right under the hammer. The only disconcerting part of this discussion, I found, was the comments of the Senator from Oxford, Senator Hanley, who seems not to know where he is going to find the funding for this very high priority item. I guess we have a lot of work to do on this, whether it be the omnibus bill or whether it be this bill, because to my mind, family violence, which I totally agree is the growth crime in this State and in this country, is a priority that has to be addressed. There is national money coming to address it and I would like to hear some enthusiasm, some let's all pull together and find the money, to try and squelch out this most awful of crimes. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator HANLEY: Thank you Mr. President, Men and Women of the Senate. I, too, share the concerns of the good Senator from Kennebec, as far as let's all jump on board and row together. Unfortunately, I guess I haven't seen that teamwork taking place as far as the process so far. In asking the Human Resources, when they bring their issues before us for the funding of their department, not only for this program, but for all programs, to say yes, there are needs within our State which are not going to be met under the Governor's budget. The issue before us whether or not this \$182,000 of general fund monies, that's where it will come from, it is not included in the Governor's budget now. That's why it is in front of us here today. Every member of this chamber, I think, is finally, maybe the reality check hasn't been taken yet, that the revenue pie has been set. We know how much money we will have to spend here, men and women of the Senate. We know how much. So, it's not a question of finding more money, let's make that quite clear. That is not the question before us, finding more money, no, the question is how are we going to spend the money that is currently in front of us. Now, there are lots of concerns, people in my area have concerns about two of their hospitals being shut down. That's a legitimate concern. Now, we need to decide where are we going to prioritize and spend our money, because there aren't going to be anymore new monies. There is not going to be taxes that will be passed by this Legislature and signed into law by the Governor, we know how much money we have to spend.

THE PRESIDENT: The Senator will defer. The Chair recognizes the Senator from Penobscot, Senator Ruhlin, who may state his point of privilege.

Senator RUHLIN: Thank you Mr. President. Is the motion still before us?

THE PRESIDENT: The pending question before the body is acceptance of the ought not to pass report.

Senator RUHLIN: Is he being germane to that motion?

THE PRESIDENT: The Chair will, once again, encourage Senators to focus their comments to the issue and the pending motion. The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator HANLEY: Thank you Mr. President. I will attempt to do so, I realize in dealing with a general fund appropriation of \$182,000, which is set forward in this bill, which is not included in the Governor's budget, it raises some serious concerns, as a member of the Appropriations Committee, as far as how those monies will be arrived at. I have not seen the direction of unanimity from the Human Resources Committee of where this \$182,000 is going to come from, nor have I seen other Committees coming forward with \$182,000 of additional general fund money. That's my concern. So, when the good Senator says that we should all get in the boat and row together, I could not more wholeheartedly agree, but let's all row in the same direction.

Senator LAWRENCE of York moved to TABLE 1 LEGISLATIVE DAY, pending the motion by Senator PENDEXTER of Cumberland to ACCEPT the Minority OUGHT NOT TO PASS Report in NON-CONCURRENCE.

The same Senator requested a Division.

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

THE PRESIDENT: The pending question before the Senate is the motion of Senator LAWRENCE of York to TABLE 1 LEGISLATIVE DAY, pending the motion by Senator PENDEXTER of Cumberland to ACCEPT the Minority OUGHT NOT TO PASS Report in NON-CONCURRENCE.

A vote of Yes will be in favor of TABLING 1 LEGISLATIVE DAY.

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, CLEVELAND, ESTY, FAIRCLOTH, GOLDTHWAIT, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PINGREE, RAND, RUHLIN

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

EXCUSED: Senator: BERUBE

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator having been excused, the motion of Senator LAWRENCE of York to TABLE 1 LEGISLATIVE DAY, pending the motion by Senator PENDEXTER of Cumberland to ACCEPT the Minority OUGHT NOT TO PASS Report in NON-CONCURRENCE, FAILED.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator GOLDTHWAIT: Thank you Mr. President. I would like to read just one sentence from a letter from the Police Chief in the town of Mount Desert. This is a very small police department, and one that does not have very sophisticated resources for doing anything other than the most primary functions. In his letter to me regarding this L.D. he spoke about the often significant problem in the rural areas, between violence committed and the availability of a judge, which can be anywhere from three to five days in his experience. He says, "This is normally a time of terror for the victim and the family. The existence of a hotline and a safe house with counseling would do a great deal to alleviate the anguish and speed normalcy in the family." I read that to you only as a way of stating the great urgency for a project of this sort in our area. If this bill passes, and forthcoming legislation also provides a funding mechanism, then I am sure it will simply meet the appropriate fate on the Appropriations Table. But, because of my inability to convince myself, and I apologize for not being able to clarify this prior to this debate and spare us this significant investment of time, but it may be, it is yet not clear in my mind regarding information from the Department of Human Services, that this project would have some technical difficulty in obtaining funding through an omnibus bill if this bill does not pass. I am the first to admit that I may be wrong on that, and this bill, in fact, may not be required to do that, that it could be done through another vehicle and this is not necessary at all. Given the sentiment of the police chief of the town of Mount Desert, and the many other people in our area who feel that this is a critical project, I can't bring myself to take the risk that this project will be jeopardized by an action today that if all of this is the case, as has been stated here, that all of this is not necessary, then this bill won't do any harm. The harm will be that if it turns out that this bill was necessary, and we defeat it today and we thereby deny this type of service to the people in downeast Maine. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Pingree.

Senator PINGREE: Thank you Mr. President. I just wanted to clarify a couple of issues that have come up, and I want to say that I am sorry that we are finding ourselves in a contentious debate over an issue that I think we all feel strongly about and support. I am sorry that it is going this way this day. I do believe, though, that there are occasional issues that come before the body that address a specific problem, that we take into consideration the particular needs of a particular area of the State, and try to address those. This Next Step program would be the tenth in the family crisis centers. It is my understanding, and I apologize for not understanding this better, that in the future they would be included but this particular funding makes sure that, from the start, they are funded. The question about funding for domestic violence, where we will find the money, the reason why I decided to support this bill is because yes, this does ask for

\$182,000 in this biennium, the omnibus bill, sponsored by one of the good Senators from Cumberland, Senator Amero, which would have raised the marriage license fee, asks for \$1.8 million over the biennium. I did not have complete confidence that when it went to the Appropriations Table, in their wisdom they would be able to find nearly ten times as much money as this one bill requests. Therefore, I decided to support this particular project, which I hope will be folded into the other money. I hope we will be able to find funding for all of the needs this year, which are great and which need to be funded, but in my concern that they may not be funded I decided to support this particular bill, even though it will be addressed in another bill, even though it only addresses one part of the State. But, I believe they are not now well served, they should be one of the ten shelters in the future. That is why I am supporting what I do. We were asked, in our Committee, to come back with priorities, but, just speaking slightly on that subject, it was, I felt, a difficult exercise to go back to flat funding instead of looking at the Governor's budget and deciding that. I was not happy with the priorities we set in a year where we also have to eliminate gimmicks, pushes, and pulls, and so this issue was not addressed and prioritized as I wish it had been.

THE PRESIDENT: Senator **PENDEXTER** of Cumberland requested and received Leave of the Senate to speak a fourth time. The Chair recognizes the Senator from Cumberland, Senator **Pendexter**.

Senator **PENDEXTER:** Thank you Mr. President. I will be very brief. I just want to address the Senator from Hancock, Senator **Goldthwait's**, concerns about the appropriation process. Basically it also addresses another issue that was talked about, this is the way we have done things for 175 years. Should this particular piece of legislation be appropriated, then it gets its own little line item in the budget. Men and Women of the Senate, this is sort of a political process. This is the way we have done it for 175 years and I would say to you that this is not the way to do it. We should appropriate an amount of money and then appropriate it to the projects. The single funding of certain entities in geographical locations of the State is the wrong way to go. We need to get back to the process which the omnibus bill covers, and let's appropriate if there is any money at all, remember this is money issued. We don't need to get into the debate of the need for family crisis and we could have a letter from all the police departments in this State. There is significant lack of funding in this area and we all recognize it, so we don't need to debate that. This is not what this is all about. This is about finding money to fund. I would say to you that the better way to do that is in an omnibus bill, where all areas get addressed equally. I would say that the appropriation coming is a big pot of money, and I would ask the Senator from Hancock to read, as I have said before, it clearly states that this is money for family crisis services, and it specifically says it will increase funding to new geographic areas. So, I just don't understand what the big area of concern is. So, I would again ask you to please support the ought not to pass motion. Thank you.

THE PRESIDENT: The pending motion before the Senate is the motion by Senator **PENDEXTER** of Cumberland that the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

The Chair ordered 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.

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **PENDEXTER** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

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

ORDERS

Joint Order

On motion by Senator **MILLS** of Somerset, the following Joint Order:

S.P. 481

ORDERED, the House concurring, that Bill, "An Act to Allow Liens on Claims Not Sounding in Tort," S.P. 144, L.D. 330, and all its accompanying papers, be recalled from the Governor's Desk to the Senate.

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

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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Allow Contract Employees of the Maine State Ferry Service to Buy Retirement Time"

H.P. 234 L.D. 314

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-50)**.

Signed:

Senator:
RAND of Cumberland

Representatives:

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

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

Signed:

Senators:

BEGLEY of Lincoln
MILLS of Somerset

Representatives:

JOY of Crystal
JOYCE of Biddeford
STEDMAN of Hartland
WINSOR of Norway

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

Which Reports were **READ.**

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

Senate

Ought to Pass As Amended

Senator **CARPENTER** for the Committee on **UTILITIES AND ENERGY** on Bill "An Act Amending the Charter of the Department of Electric Works within the Town of Madison" (Emergency)

S.P. 108 L.D. 284

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (S-57).

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-57) **READ** and **ADOPTED.**

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

Senator **CARPENTER** for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Create the Franklin Utility District" (Emergency)

S.P. 256 L.D. 694

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (S-58).

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-58) **READ** and **ADOPTED.**

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

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Require Insurance Companies to Reenroll Individuals Who Return to an Insurance Group as Though No Break in Coverage Occurred"

S.P. 154 L.D. 340

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

Signed:

Senators:

ABROMSON of Cumberland
SMALL of Sagadahoc
MCCORMICK of Kennebec

Representatives:

VIGUE of Winslow
CHASE of China
GATES of Rockport
CAMPBELL of Holden
GUERRETTE of Pittston
LUMBRA of Bangor
MAYO, III of Bath
MITCHELL of Vassalboro
SAXL of Portland

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

Signed:

Representative:

JONES, JR. of Pittsfield

Which Reports were **READ.**

The Majority **OUGHT TO PASS AS AMENDED REPORT ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-60) **READ** and **ADOPTED.**

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

SECOND READERS

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

House

Bill "An Act Relating to Municipal Clerks Who Chair Boards of Voter Registration"
H.P. 410 L.D. 567

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

House As Amended

Bill "An Act to Require the Use of the Process of Forcible Entry and Detainer in Eviction of Mobile Home Owners and Tenants"
H.P. 256 L.D. 358
(C "A" H-73)

Bill "An Act to Amend the Limitation on Damages in State Tort Claims Actions to Allow for the Accrual of Post-judgment Interest"
H.P. 377 L.D. 512
(C "A" H-76)

Bill "An Act to Clarify Law Enforcement Relating to Junkyards and Automobile Graveyards"
H.P. 427 L.D. 590
(C "A" H-75)

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

Bill "An Act to Establish a Minimum Percentage Markup for Alcoholic Beverages"
H.P. 276 L.D. 380
(C "A" H-74)

Which was READ A SECOND TIME.

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

Senator HATHAWAY: Thank you Mr. President. If I could I would like to ask a question through the Chair. I would just like to ask for further information on what this does.

THE PRESIDENT: 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 Oxford, Senator Ferguson.

Senator FERGUSON: Mr. President, Ladies and Gentlemen of the Senate. What we are doing on this is removing the markup on alcoholic beverages on the upper end, to let it float to what the market will stand. That was the intent of this legislation and that's what it does.

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

Senator HATHAWAY: Thank you Mr. President. I would like to pose another question through the Chair, if I may. I guess I am curious about establishing a minimum percentage markup for alcoholic beverages and I was wondering whether that does set some minimum markup on retailer.

THE PRESIDENT: 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 Oxford, Senator Ferguson.

Senator FERGUSON: Mr. President. There currently is a minimum on alcoholic beverages. We took the upper end off so isolated places where they might require a little more markup, they would be allowed to do that. As I said, there is a minimum amount of markup that has to be on alcoholic beverages.

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

Senator HATHAWAY: Thank you Mr. President. I want to thank the good Senator, Senator Ferguson, for answering those questions. I certainly support any bill that allows our businesses the opportunity to make a profit and I would encourage the passing of this bill to allow a greater maximum percentage markup. I was a little curious about the minimum because, knowing how difficult it is to make any profit in some of these businesses in this State, I certainly don't want to take away the freedom of some companies to be able to lose money.

Which was PASSED TO BE ENGROSSED, As Amended, in concurrence.

Senate As Amended

Bill "An Act to Include Individuals with Property in a Living Trust in the Maine Residents Property Tax Program"

S.P. 192 L.D. 501
(C "A" S-52)

Bill "An Act to Include the Law Court's Imprisonment Sentencing Procedure in the Maine Criminal Code"

S.P. 199 L.D. 542
(C "A" S-56)

Bill "An Act to Allow County Commissioners to Perform Routine Road Maintenance without Permission from the Maine Land Use Regulation Commission"
S.P. 219 L.D. 561
(C "A" S-51)

Bill "An Act Regarding the Disclosure of Financial Information by Federally or State-chartered Credit Unions"
S.P. 274 L.D. 724
(C "A" S-53)

Bill "An Act to Clarify the Discharge of Mortgages"
S.P. 275 L.D. 725
(C "A" S-54)

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

Sent down for concurrence.

ENACTOR

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

An Act to Allow Restaurants to Sell Liquor on Sunday Mornings
H.P. 239 L.D. 341
C "A" (H-45)

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

ORDERS OF THE DAY

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

An Act to Increase the Limit on the Extradition Account
S.P. 53 L.D. 82
C "A" (S-33)

Tabled - April 11, 1995, on Motion by Senator KIEFFER of Aroostook.

Pending - **PASSAGE TO BE ENACTED.**

(In House, April 11, 1995, **PASSED TO BE ENACTED.**)

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

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

An Act to Exempt the Custom Sawing of Lumber from the Sales Tax
H.P. 339 L.D. 459
C "A" (H-64)

Tabled - April 11, 1995, on Motion by Senator KIEFFER of Aroostook.

Pending - **PASSAGE TO BE ENACTED.**

(In House, April 11, 1995, **PASSED TO BE ENACTED.**)

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

Senator LAWRENCE: Thank you Mr. President. May I pose a question through the Chair? Can anybody tell me how much this bill will cost the State of Maine?

THE PRESIDENT: The Senator from York, Senator Lawrence, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator HANLEY: Thank you Mr. President. To answer the good Senator's question. It appears there is a loss of revenue projected for FY 96 of \$169,432, and for 95/96 of \$281,023.

Senator HANLEY of Oxford moved to **PLACE ON THE SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT.**

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

Senator LORD: Mr. President. I don't know whether,

THE PRESIDENT: The Senator will defer. The Chair would remind the Senator that this is a Tabling motion and is not debatable. The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator CAREY: If I might, I would pose a question to the Chair for a point of clarification. There is a difference between Tabling to another time or something else, but we should be allowed, I am quite sure, to question Tabling to the Appropriations Table, and I would ask the Chair for a ruling on that.

Senate at Ease

Senate called to order by the President.

THE PRESIDENT: The Chair would rule that it is, in fact a Tabling motion.

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

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

An Act to Broaden the Crime of Criminal Mischief and to Repeal the Crime of Animal Enterprise Terrorism
S.P. 204 L.D. 547
C "A" (S-39)

Tabled - April 11, 1995, on Motion by Senator **KIEFFER** of Aroostook.

Pending - **PASSAGE TO BE ENACTED**.

(In House, April 11, 1995, **PASSED TO BE ENACTED**.)

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

Off Record Remarks

Senator **FAIRCLOTH** of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator **FAIRCLOTH:** Mr. President, Colleagues of the Senate. Winston Churchill drank liquor at breakfast, was often rude, sometimes racist, unquestionably sexist, wildly egotistical, and he is a hero to me because he had a lion's heart. Many of my Republican friends rightly point to Churchill as a sage. So it's worth asking, who were the favorite American Presidents of this sage? They can be defined by nine letters: FDR, HST, JFK. So old Winston was a sage indeed. But Churchill believed the best of this exemplary lot was Franklin Delano Roosevelt who died at Warm Springs, Georgia fifty years ago this very afternoon.

FDR is remembered most for two deeds. First, it was Franklin Roosevelt, more than any other human being, who initiated and led America to three decades

of unparalleled economic growth from 1933 to 1963. With the Tennessee Valley Authority, the highways, the bridges, and the social progress, Franklin Roosevelt fathered the greatest economic growth, not only in the history of this century, not only in the history of this Republic, the greatest sustained economic growth in human history. FDR did that.

Second, though many, Churchill nearly most prominent among them, valiantly battled the evil one - Adolph Hitler - it is true that in the face of popular Hitler apologists like Charles Lindberg, Franklin Roosevelt, more than any other person on the planet, stopped Adolph Hitler. FDR did that.

But today I ask that you remember Franklin Roosevelt as a swimming teacher. For though his portrait has been removed from the walls of this chamber, Franklin Roosevelt first was stricken with poliomyelitis in 1921 on Campobello, off the coast of Maine. He was 39 years old. He had lost his bid for the Vice Presidency in 1920. Many considered Franklin Roosevelt a young has-been and a pampered light-weight. After the summer of '21 everyone knew poor Franklin was washed up. No cripple could ever be elected to high public office. Franklin's doting mother agreed. She pleaded with him to retire to Hyde Park, play the country squire, and tend his stamp collection.

FDR had a different plan. Hot springs, it was believed in that era, could rejuvenate paralytic legs. So Franklin Roosevelt went to Warm Springs, Georgia and struggled with all his heart and might to learn to walk by learning to swim. Through continuous exercise he built for himself what the fighter Jack Dempsey called the most powerful torso Dempsey had ever seen.

But more than that, Franklin bought an old tumble-down hotel and turned it into a spa, a spa to which he invited children - hundreds of crippled children from throughout this land, sometimes paying their way himself. Franklin Roosevelt believed that through sheer charming optimism and smiling determination he could, by teaching these crippled children to swim, teach them to walk again.

Not one of these children, his comrades in polio, ever walked again. Not one. But these children, FDR's swimming students, were inspired to become doctors, teachers, and social workers, lawyers, and politicians, priests and rabbis. They became active competitive people out to change the world and make it better. Franklin Roosevelt taught these crippled children, as he would teach a crippled nation, through his words and through his deeds, that the only thing we have to fear is fear itself.

Franklin Roosevelt had beyond measure what John Kennedy called the greatest human quality - courage. For Franklin Roosevelt knew that the most courageous heart is the heart that is most kind. Mr. President, I request a brief moment of silence for President Franklin Delano Roosevelt.

A moment of silence was observed.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Make Minor Technical Adjustments to Various Professional Licensing Boards"
H.P. 933 L.D. 1314

Reference to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

Which was referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, in concurrence.

Bill "An Act to Clarify the Supervision of Juveniles Under Observation"
H.P. 924 L.D. 1305

Bill "An Act to Regulate Bank Accounts of Clients of the Department of Corrections"
H.P. 928 L.D. 1309

Reference to the Committee on **CRIMINAL JUSTICE** suggested and **ORDERED PRINTED**.

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

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

Bill "An Act to Provide for the Position of President of the University of Maine System"
H.P. 932 L.D. 1313

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

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

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

Bill "An Act to Amend the Laws Governing Civil Liability for Individual Medical Providers with Whom the Department of Corrections Contracts"
H.P. 925 L.D. 1306

Bill "An Act to Require that Fact-finding Hearings of the Maine Human Rights Commission be Recorded"
H.P. 926 L.D. 1307

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 Concerning Inspection at Sea"
H.P. 929 L.D. 1310

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.

Bill "An Act Regarding the Motor Vehicle Emission Inspection Program" (Emergency)
H.P. 930 L.D. 1311

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

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

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

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory
H.P. 934 L.D. 1315

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

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

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

Resolve, to Create the Maine 175th Anniversary of Statehood License Plate (Emergency)
H.P. 931 L.D. 1312

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

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

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

Off Record Remarks

On motion by Senator **FAIRCLOTH** of Penobscot, **ADJOURNED**, in memory and in honor of **PRESIDENT FRANKLIN DELANO ROOSEVELT**, until Thursday, April 13, 1995, at 9:30 o'clock in the morning.