

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

**One Hundred And Seventeenth Legislature**

OF THE

**State Of Maine**

**VOLUME IV**

**FIRST REGULAR SESSION**

**Senate**

May 2, 1995 to June 16, 1995

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

In Senate Chamber  
Wednesday  
May 10, 1995

Senate called to Order by the President Pro Tempore, Stephen E. Hall of Piscataquis.

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Prayer by Reverend Ted Poland of the Foss Street United Methodist Church in Biddeford.

**REVEREND TED POLAND:** Good morning. I bring you greetings from the members and friends of Foss Street United Methodist Church in Biddeford. Let us be in the spirit of prayer.

Eternal and Gracious God, we give you thanks for the sleep of the past night, and for the gift of this new day, with all of its opportunities. We pray that you give to those elected to serve your people your discernment in their deliberations. May reason, open and fair discussion, and cooperation inform all the decisions of this body. For these times of fear and difficulty in our society, and in these times of financial restraints, we pray your presence will be with those here, who seek what is fair and just for all people in the State of Maine. In your name we pray. Amen.

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The President Pro Tem requested the Sergeant-at-Arms escort Captain Gary Gradisnik, Commanding Officer of the USS MAINE; Janet Humphreys Ramos, Vice President General, National Society of the Daughters of the American Revolution; the Honorable Theodore S. Curtis, Jr., Chairman of the USS MAINE Commissioning Committee; and Norman K. Berge of Brunswick to the Rostrum.

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Posting of the Colors by the USS Maine Color Guard, United States Navy.

National Anthem and The USS Maine March by the Bangor Band, Dr. Gordon W. Bowie, Director.

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**THE PRESIDENT PRO TEM:** The Chair is pleased to invite Captain Gradisnik to address the Senate.

**CAPTAIN GRADISNIK:** Mr. President, Ladies and Gentlemen of the Senate, State Senate of Maine. It is a pleasure for me to be here today with you. This is a little bit shy of two years since I was here for my first official act on Maine, which was the re-enlisting of five Chief Petty Officers in your Hall of Flags. I did that on August 12, 1993. A lot has changed on the ship since that time. The crew has grown, from an initial compliment of 43 people, in September of 1993, to 310, as I address you today. I will share with you what I am happy to share with everybody that I meet. I have been in the Navy for 26 years. The crew of the pre-commissioning unit, Maine, is the finest group of sailors, Chief Petty Officers and Officers that I have had the pleasure and privilege to work with in my entire 26 years. I have been saying that for about two years now; and, as I will share with you shortly, we have begun to prove it. I'm going to share with you our pride in the ship, and give you something to brag about.

First, what I would like to do is introduce eight of the eighteen members of my crew who are native sons of Maine. They are standing over to my left side, against what we would call the bulkhead, and I will introduce them. Lieutenant Scott Hogan, who is also my Public Affairs Officer, and whose mother is on the Maine Commissioning Committee, he is from Bangor, Maine.

Senior Chief Robert Freytag is from Gouldsboro, Maine. I want to share with you a little bit of my pride in the group here. Senior Chief Freytag is a very special guy. He came to me one day in my office, in this not so luxurious barge that we spend a lot of our time on, he said, "Captain, I have an idea." This was back in the summer of 1994. He had just seen a news report from New London about a park, called Riverside Park. The park was in the hands of drug dealers and prostitutes. It was overgrown, full of debris; and it was useless to the children who lived in the neighborhood. It was dangerous. He said, "I have an idea. I can organize the Chief Petty Officers on Maine, and the Chief Petty Officers in the area, and we can reclaim that park." I looked at him and I said, "It sounds like a great idea," thinking to myself, "You don't know what you are getting into." So, Senior Chief Freytag, a Mainer, went out and organized the City, five organizations within the City, the Chief Petty Officers' Association, and the Chief Petty Officers in Grotton. They went out and spent three months, 25 truck loads of debris, Navy frogmen swimming the beaches and clearing up bottles. Finally, by that fall, Riverside Park was reclaimed, all because of one guy's idea. I want to tell you, he is exemplary of the people that we have serving on your ship.

I have my Assistant Public Affairs Officer, ETC Chief John Ward. He just made Chief Petty Officer while he has been on Maine. He is from Bangor, Maine. Quarter Master Chief Todd Grant from West Tremont, Maine. Petty Officer First Class Dennis Pace from Madison, Maine. Petty Officer Second Class Cameron Morton from Limington, Maine. And, Petty Officer Third Class Sydor Steven from Jackman, Maine. They are all happy to be here. I am so proud of these guys. I applaud them in my heart, daily.

This is an auspicious year, of course you all know, with the 175th anniversary of Maine Statehood, the 100th anniversary of the commissioning of the first Maine, and the 50th anniversary of the end of World War Two. And, coming is the best, and that is the commissioning of Maine on July 29, 1995. What I would like to do right now is tell you a little bit of the history of where this new ship has been, and where it is right now. Ship construction began a little over six years ago, in April of 1989. It was modular construction. The hulls were built in cylinders in Rhode Island, in Newport at the electric boat facility there. It wasn't until July 7, 1990 that she officially became Maine. The Secretary of the Navy made the decision on that day, and that day is preserved as the day the keel was laid, because we don't lay keels anymore. Last year, on the 16th of July, the ship was proudly christened and blessed at a ceremonial launching, by Mrs. Donna McClarity, the wife of the Counselor to the President. On March 17 of this year, in a very uncelebrated event, I gathered the crew of the Maine on the pier, amidst all the hum and busyness of the shipyard, with no real stoppage in the shipyard work. I gathered the crew, said a few words, and on March 17 we raised the United States flag on Maine again.

Since then, things have moved rapidly. On April 10 I took the ship to sea for the first time, with about 270 folks, including Admiral Bruce Demars, who is the head of Naval Reactors and the direct successor to Admiral Rickover. His job was to determine whether the ship's propulsion plant was ready to take the ship to sea safely. At that time I had been bragging about my crew to everybody. We had done well in things like the Reactor Safeguards Examination. We had done well in other examinations, such as Crew Certification. But, I made a determination, because you sense these things when you talk to people, that something that I had been resisting for about two years was something that I was going to have to face. I had been telling my crew that Alpha Trials, the initial sea trials, was not a race. About two weeks before we went on Alpha Trials I changed my mind. Captains are allowed to do that. So, we were gathered together for an awards presentation, and I told the crew that I lied to them, that Alpha Trials was a race. Because I had come to the realization that Alpha Trials, the initial sea trials, is the singular event in the ship's new construction career that stays with the ship, that marks the ship. I wanted to do them justice, so I had to let them in on the secret. So, I threw the gauntlet down to the crew of the Maine, people like those standing before you right now. I was confident that the crew of the Maine would succeed. They did better than that, and I am happy to report to you that your ship broke all the records. The previous average for the 15 former trident submarines, that had gone before us, was a completion of the 30 events of sea trials in 48 hours and 36 minutes. They have all the data on these things, 48 hours and 36 minutes for the previous 15, that was the average, some were more and some were less. Maine did it in 30 hours and 17 minutes. Eighteen hours better than the average, and fully 2 hours and 51 minutes better than your neighbor to the south, Rhode Island. So, I bring with me today, and offer to you, bragging rights over Rhode Island. So,

when you see your counterparts from the great State of Rhode Island, please express to them that we appreciate that they are number two in trident submarines.

We have also just come back from two and a half weeks at sea. We went down the Atlantic coast of the United States, down to the Bahamas. We did acoustic trials down there, and we set another record I am somewhat proud of. That is we are the first submarine ever to hold a swim call in Exuma Sound. I share that with you because the shipyard, who still controls the ship, was somewhat aghast at my suggestion that we hold a swim call on their time, but we finished early and so, the Maine is also the first submarine ever to hold a swim call topside, surfaced in Exuma Sound, while on sea trials. I expect you will see a number of firsts from this crew and the subsequent crews on Maine, because our job is to make you proud of us. I know you have probably all seen in the papers and heard a lot of rhetoric about why it is important for our nation to continue to build the best submarines, and clearly the Maine is the best the nation can offer in technology. It is a wonderful ship. It is a pleasure to drive. It is spectacular doing angles. It is 18,000 tons. It is a great, great ship. You also know that it is important for us to maintain an industrial base, and those of you here are very familiar with the industrial base that we maintain down at Portsmouth Naval Shipyard. I'm not going to speak to that today, what I want to talk to you about is my vision of our partnership.

Today is the confirmation of that partnership. I just want to tell you, briefly, it is important to the crew of the Maine, it is important to the ship, to have the backing of the State. We carry that with us. We designed the crest in early 1994 in concert with the Maine State Museum, and a fine gentleman named Don Basset. Our crest compliments the State's crest, that was intentional. We have a banner that is hanging out in the rotunda that is the ship's crest, on it you will see a focus of a solitary lone submarine headed out to sea at dawn, with the lighthouse still vigilant. I would ask you to take that aboard, because when we go out on patrol we are a thin line in a dangerous world, and we will carry 160 or 170 sailors who have chosen to leave their families for two to three months because they feel it is important to be out there. As our partnership succeeds, they will carry with them all of you in their hearts. That backing will be important to them. So, my pitch to you today is, let's build that relationship. Let's strengthen it and let's continue it throughout the ship's term in service, which could be as many as 40 years. The other side of that coin is clearly we want to be a point of pride for the great State of Maine. We want the people of Maine to identify with us, to follow what we do, and to be proud that the submarine that carries their name is out there, doing the nation's business, and carrying the proud banner that has been worn by only two ships before.

I will promise you something, that in everything the ship does, from today on, we will do it with you in our minds. We will do it partially to make you proud of us. And, when we are out, walking that thin line in this dangerous world, away from family and

friends, we will remember you. I will make you the promise that we will make you proud of us. Thank you.

**THE PRESIDENT:** The Chair is pleased to recognize Janet Humphreys Ramos, Vice President General, National Society of the Daughters of the American Revolution, who will make a presentation.

**JANET HUMPHREYS RAMOS:** Mr. President. Ninety years ago, on January 28, 1905, the Maine Daughters of the American Revolution presented Captain Hutchins, of the second USS Maine battleship, the banner which was on display this morning in the rotunda. This flag, crafted by French artisans in New York, was commissioned by our Maine Daughters as a gift to the battleship carrying our State's name. Aboard that ship, this banner sailed around the world with the Great White Fleet in 1907. In recent years the exquisite old silk deteriorated to such an extent it could no longer be displayed. During this past year it has been lovingly restored by a Maine daughter, Georgia Emery Randall, whom, I might add, is the mother of former Congressman David Emery. It is the wish of the Maine State Organization of the Daughters of the American Revolution that this banner, with its historical significance, be placed aboard the new trident submarine and, once again, circle the globe with yet another Maine, on its world tour. It is my pleasure to present this beautiful banner to Captain Gradisnik, from the Maine DAR, and wish you calm and tideless seas.

**THE PRESIDENT:** The Chair is pleased to invite a former member of this body, the Honorable Theodore S. Curtis, Jr., Chairman of the USS Maine Commissioning Committee, to address the Senate.

**HONORABLE THEODORE S. CURTIS, JR.:** Thank you Mr. President. It is a great pleasure to be here. A year ago the State created the USS Maine Commissioning Committee. Captain Gradisnik, we are so proud of your work and the Navy's work that there is another ship named for us. I note that in the corner of the Senate hangs a picture of the first USS Maine, and I further note that we are so pleased that this time the Navy decided to name a ship after our State that was designed to sink.

I would like to ask the members of the Commissioning Committee to rise, because they are from all parts of the State of Maine. I will not introduce them individually, because I know you have time constraints, but many are in the balcony. This is the group that is tasked with the job of supporting the effort, so that our State will be properly represented at the time of the commissioning and in these ceremonies that occur before it. Would the members of our Committee please rise? This Committee, which is really your Committee, has done a great deal of work, and we have more work yet to be performed. About a month ago we circulated, here in the Senate, information about how to obtain tickets for the commissioning. Just in case someone needs another one of those, I am going to leave some with the Secretary of the Senate's Office and ask you to fill them out and send them back if you would like tickets for the commissioning. The commissioning is to be July 29 in Kittery. The first job of your Commissioning Committee, when we were created a year ago, was to work on trying to get the commissioning

in Maine. New London, Connecticut, wanted this event in the worst way. We felt that it was important, partly because it is a magnificent event for the summer in coastal Maine, at a time when we expect 6000 people to be on the shipyard to observe the commissioning and more, if there is an overflow, across the river in Portsmouth, and partly because of the importance of highlighting the abilities of Portsmouth Naval Shipyard in Maine, to service the finest, the biggest and the best that the Navy has for nuclear submarines.

For all these reasons, and especially because we thought that the ship should be started from commission and put into service from her name State's shores, we asked the Secretary of the Navy, and using the Captain's motto, "The 'Maine' thing is teamwork", the Congressional delegation, members of the Legislature, two Governors, and your Commissioning Committee all worked on that and ultimately, the Secretary of the Navy did decide to have the commissioning in Maine. The Captain has graciously invited groups who are interested in touring his vessel to arrange tours of the vessel in the week before the commissioning ceremony. That is something that I urge you to make contact with our Committee, or with the Adjutant General's Office here in the capitol, to arrange and to tell groups in your areas that it is possible to visit the finest ship in the world. It will be in Kittery this summer. The day before, on the 28th, in Portland, there will be a reception, a Governor's reception for the crew and we urge anybody who is able and interested to participate in that event. To get information and to participate, for that we expect about 2000 people.

All of these things, sir, cost money. At this point we have been in the business of fund raising, and I am going to ask for your assistance, whenever you possibly can, to pass the word to businesses, organizations. We have had wonderful support. Everything from the Navy League, to the DAR, to a variety of other organizations. But, we do need more financial support so it is clear that these events are supported by people in the State of Maine. To this end, I have asked to accompany me, the finance chairman for our Committee, Norman Berge of Brunswick. Norman if you would stand, so if anybody wants to send a check they will know where to send it. The financial support is crucial for us. We, particularly at this time, want the Navy to know that Maine is proud of the Navy of the USS Maine, and proud of our ability, in this State, to service the United States Navy. Thank you.

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

**ORDER**

**Joint Resolution**

On Motion by Senator **LAWRENCE** of York, the following Joint Resolution:

S.P. 557

**JOINT RESOLUTION COMMEMORATING THE USS MAINE**

**WHEREAS**, the USS Maine is a new Trident submarine built in Groton, Connecticut and named after the State of Maine, which is the 3rd time a ship has had this noble and illustrious name; and

**WHEREAS**, the first USS Maine exploded and sank in Havana Harbor in Cuba in 1898 with great loss of life and under mysterious circumstances and "Remember the Maine" became the rallying cry for entrance into the Spanish-American War; and

**WHEREAS**, the 2nd USS Maine was laid down a year to the day of the explosion of its predecessor and, when launched, served with distinction in the United States Navy, was part of President Theodore Roosevelt's "Great White Fleet," was decommissioned twice, sold in 1922 and subsequently scrapped in accordance with an arms limitation treaty; and

**WHEREAS**, the newest and grandest of the ships to bear the name of the State of Maine is a missile-launching Trident submarine and with our rich seafaring culture and nautical history it is only fitting that this magnificent vessel will be commissioned in our State; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Seventeenth Legislature, now assembled in the First Regular Session, commemorate, with honor and pride, the commissioning of the newest United States Navy Trident Submarine, the USS Maine; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Secretary of the Navy and to each member of the Maine Congressional Delegation on behalf of the People of the State of Maine.

Cosponsored by: Senator **AMERO** of Cumberland, Senator **BUSTIN** of Kennebec, Senator **BUTLAND** of Cumberland, Senator **KIEFFER** of Aroostook, Representative **CARLETON** of Wells, Representative **GWADOSKY** of Fairfield, Representative **JACQUES** of Waterville, Representative **LEMONT** of Kittery, Representative **MITCHELL** of Vassalboro, Representative **OTT** of York, Representative **WHITCOMB** of Waldo.

Which was **READ**.

**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. It is, indeed, a special honor for the State of Maine that we have a Navy vessel being commissioned in our State. As Mr. Curtis said, it is not an easy thing to do to let alone have the ceremonies in your State, but to bring the ship into your State. That is, indeed, a tremendous accomplishment for the State of Maine. It is also a special honor for the people of York

County, and the people of Kittery, and the workers at the Kittery Naval Shipyard. I do say Kittery Naval Shipyard, knowing its name is the Portsmouth Naval Shipyard, but we have no doubt as to its location. It is the oldest shipyard in the country, and the first shipyard to publicly construct submarines. During World War Two over half the submarines constructed at public shipyards were constructed in Kittery. It has a tremendous reputation in the submarine Navy, so it is a great honor for the people of that part of the State to have the commissioning in our part of the State. I just want to applaud the work the special Commissioning Task Force has done. Mr. Curtis has done a tremendous job in heading it up. Locally, we are spearheaded by many people. Kathy Goodwin, at the Kittery/Elliott Chamber of Commerce, and many other people locally are working hard on this task, which is not an easy task. I would simply ask, as we pass this Resolution today, that you select a special place in your heart for the crew, and future crews, of the USS Maine. Even though we have eight here from our State, many are, as we say in the State of Maine, "from away". Serving on a submarine is not a easy task, certainly not on this type of submarine. It requires a tremendous amount of personal sacrifice. I would ask that you create a special place in your heart, and in the hearts of the people of the State of Maine, for this crew and the future crews of the USS Maine. Thank you.

Which was **ADOPTED**.

Sent down for concurrence.

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Senate at Ease

Senate called to order by the President Pro Tem.

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Reading of the Journal of Yesterday.

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Off Record Remarks

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**PAPERS FROM THE HOUSE**

**House Papers**

Resolve, to Identify Priorities for Public Acquisition of Interests in Land

H.P. 1070 L.D. 1505

Reference to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and **ORDERED PRINTED**.

Which was referred to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in concurrence.

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Bill "An Act to Promote Additional Health Insurance Reform"  
H.P. 1074 L.D. 1513

Reference to the Committee on **BANKING AND INSURANCE** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED**.

Which was referred to the Committee on **BANKING AND INSURANCE**, in concurrence.

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Bill "An Act to Prevent the Use of Correctional Facilities for the Detention of the Mentally Ill"  
H.P. 1072 L.D. 1507

Bill "An Act to Provide Services for Children in Need of Supervision"  
H.P. 1073 L.D. 1508

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

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

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

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Bill "An Act Regarding the Registration and Publication of Residences of Released Persons Convicted of Sexual Abuse of a Minor"  
H.P. 1071 L.D. 1506

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

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

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

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Resolve, Establishing the Task Force on Alcoholic Beverage Sales (Emergency)  
H.P. 1075 L.D. 1514

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.

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#### COMMUNICATIONS

The Following Communication: S.C. 167

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333-0002

May 9, 1995

Honorable May M. Ross  
Secretary of the Senate  
117th Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Provide for 4-year Terms for Senators (S.P. 155) (L.D. 378):

Representative **AHEARNE** of Madawaska  
Representative **SAXL** of Bangor  
Representative **YACKOBITZ** of Hermon

Sincerely,

S/Joseph W. Mayo  
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

**COMMITTEE REPORTS**

The Following Communication: S.C. 168

**House**

**Change of Reference**

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333-0002**

The Committee on **TAXATION** on Bill "An Act to Establish a Spaying and Neutering Program for Domestic Pets"

H.P. 665 L.D. 888

May 9, 1995

Reported that the same be REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY.**

Honorable May M. Ross  
Secretary of the Senate  
117th Legislature  
Augusta, Maine 04333

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY.**

Dear Madam Secretary:

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

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature Following Redistricting in the Year 2003 (S.P. 170) (L.D. 431):

The Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in concurrence.

Representative **DAGGETT** of Augusta  
Representative **SAXL** of Bangor  
Representative **ROBICHAUD** of Caribou

Sincerely,

The Committee on **JUDICIARY** on Bill "An Act to Clarify the Forcible Entry and Detainer Law"  
H.P. 982 L.D. 1390

S/Joseph W. Mayo  
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

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

**SENATE PAPERS**

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

Bill "An Act to Amend the Laws Governing Child Support"

S.P. 556 L.D. 1516

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

Presented by Senator **MILLS** of Somerset  
(GOVERNOR'S BILL)

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

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

**Ought to Pass As Amended**

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

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Revise the Security Deposit and Reinsurance Requirements for Individual Self-insurers"

Sent down for concurrence.

H.P. 207 L.D. 266



Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-193)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-193)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-193) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Amend the Laws Regarding the Procedures for Emergency Admissions to a Mental Hospital" (Emergency)

H.P. 611 L.D. 821

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-191)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-191)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-191) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HUMAN RESOURCES** on Bill "An Act to Improve the Well-being of Communities by Providing Adequate Services for Victims of Sexual Assault, Incest, Rape and Child Sexual Abuse and Enhance Community Education and Prevention Programs Statewide"

H.P. 640 L.D. 863

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-190)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-190)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-190) **READ** and **ADOPTED**, in concurrence.

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

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### Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Include Short-term Health Insurance Policies in the Continuity Laws" H.P. 321 L.D. 442

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-124)**.

Signed:

Senators:

ABROMSON of Cumberland  
SMALL of Sagadahoc

Representatives:

CAMPBELL of Holden  
GUERRETTE of Pittston  
JONES, JR. of Pittsfield  
LUMBRA of Bangor  
MAYO, III of Bath

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

Signed:

Senator:

MCCORMICK of Kennebec

Representatives:

CHASE of China  
GATES of Rockport  
SAXL of Portland  
MITCHELL of Vassalboro

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" (MENDMENT "A" (H-161)**, thereto.

Which Reports were **READ**.

On motion by Senator **KIEFFER** of Aroostook, Tabled until Later in Today's Session, pending **ACCEPTANCE** of Either Report.

**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Allow the Issuance of Life Sentences for Violent Crimes"

H.P. 152 L.D. 200

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-184)**.

Signed:

Senators:

BENOIT of Franklin  
HALL of Piscataquis  
O'DEA of Penobscot

Representatives:

CLARK of Millinocket  
BUNKER, JR. of Kossuth Township  
CLUKEY of Houlton  
GOOLEY of Farmington  
MCALEVEY of Waterboro  
PEAVEY of Woolwich  
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:

Representatives:

JOHNSON of South Portland  
THOMPSON of Naples

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-184)**.

Which Reports were **READ**.

The Majority **UGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-184) **READ** and **ADOPTED**, in concurrence.

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

---

**Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Modify the Presidential Primary Laws"

H.P. 442 L.D. 608

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-164)**.

Signed:

Senators:

FERGUSON, JR. of Oxford  
MICHAUD of Penobscot

Representatives:

NADEAU of Saco  
BUCK of Yarmouth  
TRUMAN of Biddeford  
LABRECQUE of Gorham  
FISHER of Brewer  
TRUE of Fryeburg  
CHIZMAR of Lisbon  
LEMONT of Kittery

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

Signed:

Senator:

STEVENS, JR. of Androscoggin

Representatives:

MURPHY of Berwick  
GAMACHE of Lewiston

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-164)**.

Which Reports were **READ**.

The Majority **UGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-164) **READ** and **ADOPTED**, in concurrence.

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

---

**Divided Report**

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act to Reestablish the 300-foot Setback for Siting of Solid Waste Disposal Areas"

H.P. 409 L.D. 566

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

Signed:

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

Senators:

LORD of York  
HATHAWAY of York  
RUHLIN of Penobscot

Representatives:

GOULD of Greenville  
POULIN of Oakland  
SAXL of Bangor  
BERRY of Livermore  
MERES of Norridgewock  
SHIAH of Bowdoinham  
DAMREN of Belgrade  
NICKERSON of Turner  
MARSHALL of Eliot

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

Signed:

Representative:

GREENLAW of Standish

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-180).**

Which Reports were **READ.**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-180) **READ** and **ADOPTED**, in concurrence.

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

---

**Senate**

**Ought to Pass**

Senator **HARRIMAN** for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend Certain Provisions of the Maine Emergency Medical Services Act of 1982"

S.P. 421 L.D. 1144

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

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

The Bill **READ ONCE.**

---

Senator **PARADIS** for the Committee on **TRANSPORTATION** on Bill "An Act to Amend the Maine Turnpike Authority's Budget for Calendar Year 1995" (Emergency)

S.P. 504 L.D. 1363

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

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

The Bill **READ ONCE.**

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

---

**Ought to Pass As Amended**

Senator **CASSIDY** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Authorizing the Director of the Maine Forest Service to Dispose of Facilities and Properties of the Bureau of Forestry in Order to Streamline Operations"

S.P. 325 L.D. 906

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-124).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-124) **READ** and **ADOPTED.**

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

---

Senator **BENOIT** for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Clarify the Definition of Escape"

S.P. 430 L.D. 1198

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-125).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-125) **READ** and **ADOPTED.**

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

---

**Divided Report**

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Coordinate Low-income Energy Assistance Programs"  
S.P. 270 L.D. 721

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

Signed:

Representatives:

ROWE of Portland  
CAMERON of Rumford  
DAVIDSON of Brunswick  
KONTOS of Windham  
LIBBY of Kennebunk  
POVICH of Ellsworth  
REED of Dexter  
SIROIS of Caribou

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-126).**

Signed:

Senators:

HARRIMAN of Cumberland  
CIANCHETTE of Somerset  
GOLDTHWAIT of Hancock

Representative:

BIRNEY of Paris

Which Reports were **READ.**

The Minority **UGHT TO PASS AS AMENDED** Report **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-126) **READ** and **ADOPTED.**

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

---

**Divided Report**

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Include the Emergency Medical Services' Board in the List of Boards Reviewing Criminal Convictions Before Licensing"

S.P. 346 L.D. 951

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

Signed:

Senators:

HARRIMAN of Cumberland  
CIANCHETTE of Somerset  
GOLDTHWAIT of Hancock

Representatives:

ROWE of Portland  
BIRNEY of Paris  
BRENNAN of Portland  
DAVIDSON of Brunswick  
KONTOS of Windham  
LIBBY of Kennebunk  
POVICH of Ellsworth  
REED of Dexter  
SIROIS of Caribou

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

Signed:

Representative:

CAMERON of Rumford

Which Reports were **READ.**

The Majority **UGHT TO PASS** Report **ACCEPTED.**

The Bill **READ ONCE.**

The Bill TOMORROW ASSIGNED FOR SECOND READING.

---

**Divided Report**

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Delete the Definition of Tanning Devices from the Laws Regulating the Board of Barbering and Cosmetology"  
S.P. 394 L.D. 1082

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-127).**

Signed:

Senators:

HARRIMAN of Cumberland  
CIANCHETTE of Somerset  
GOLDTHWAIT of Hancock

Representatives:

ROWE of Portland  
BIRNEY of Paris  
BRENNAN of Portland  
DAVIDSON of Brunswick  
KONTOS of Windham

LIBBY of Kennebunk  
POVICH of Ellsworth  
REED of Dexter  
SIROIS of Caribou

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

Signed:

Representative:  
CAMERON of Rumford

Which Reports were **READ.**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-127) **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 to Enable the Department of Corrections to Share Information with Canadian Criminal Justice Agencies"

H.P. 846 L.D. 1177

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

---

**House As Amended**

Bill "An Act to Authorize Community Service Work as a Sentencing Alternative"

H.P. 20 L.D. 14  
(C "A" H-169)

Bill "An Act to Permit Law Enforcement Officers to Transport Truants Back to School"

H.P. 204 L.D. 263  
(C "A" H-114)

Bill "An Act to Clarify Professional Liability"

H.P. 231 L.D. 311  
(C "A" H-172)

Bill "An Act to Increase Police Authority in Certain Cases of Disorderly Conduct"

H.P. 357 L.D. 477  
(C "A" H-173)

Resolve, to Implement the Recommendations of the Healthy Start Task Force

H.P. 405 L.D. 540  
(C "A" H-185)

Bill "An Act to Provide Adequate Counseling for Minors Incarcerated for Sex Offenses"

H.P. 535 L.D. 731  
(C "A" H-170)

Resolve, to Create a Task Force to Review the State's Involuntary Commitment Law

H.P. 662 L.D. 885  
(C "A" H-187)

Bill "An Act to Establish Standards for Preadmission Assessments for Long-term Care Services"

H.P. 804 L.D. 1121  
(C "A" H-186)

Bill "An Act to Abolish the Local Government Records Board and to Assign Its Functions to the Archives Advisory Board"

H.P. 988 L.D. 1396  
(H "A" H-197)

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

---

Bill "An Act to Create a Purple Heart License Plate" (Emergency)

H.P. 102 L.D. 137  
(S "A" S-123 to  
C "A" H-154)

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

Sent down for concurrence.

---

**Senate**

Bill "An Act to Amend the Procedures for Conducting a School District Referendum"

S.P. 317 L.D. 898

Bill "An Act to Remove Outdated and Duplicative Provisions from the Statute Governing the Office of Substance Abuse"

S.P. 349 L.D. 977

Bill "An Act Regarding Abandoned Prescription Drugs at State Facilities"

S.P. 419 L.D. 1142

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

Sent down for concurrence.

**Senate As Amended**

Bill "An Act to Clarify the Liquor Licensing Laws for Certain Eating Establishments"

S.P. 94 L.D. 234  
(C "A" S-121)

Bill "An Act to Clarify the Tax Records Laws"

S.P. 140 L.D. 326  
(C "A" S-111)

Bill "An Act to Release the Public Utilities Commission from Mandatory Participation in Welfare Programs"

S.P. 149 L.D. 335  
(C "B" S-118)

Bill "An Act to Clarify the Sales Tax Law Applicable to Packaging"

S.P. 207 L.D. 550  
(C "A" S-113)

Bill "An Act to Discourage Prescription Drug Fraud"

S.P. 265 L.D. 705  
(C "A" S-120)

Bill "An Act to Expand Access to Financing for Health and Social Service Agencies"

S.P. 283 L.D. 771  
(C "A" S-122)

Bill "An Act to Provide Funds for Family Crisis Shelters"

S.P. 307 L.D. 846  
(C "A" S-110)

Resolve, to Strengthen Fish Hatchery Capacity within the State by Establishing a Partnership between Public and Private Organizations (Emergency)

S.P. 365 L.D. 991  
(C "A" S-116)

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

Sent down for concurrence.

Bill "An Act to Clarify Juvenile Detention"

S.P. 354 L.D. 982  
(C "A" S-114)

Which was **READ A SECOND TIME**.

On motion by Senator **CARPENTER** of York, Senate Amendment "A" (S-129) **READ** and **ADOPTED**.

Which was **PASSED TO BE ENGROSSED, As Amended**.

Sent down for concurrence.

**ENACTORS**

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

An Act to Protect Forest Management as a Viable Land Use

S.P. 25 L.D. 56  
C "A" (S-81)

An Act to Allow Plumbers and Pump Installers to Install Wiring on Replacement Water Heaters and Water Pumps in Residential Property

S.P. 30 L.D. 60  
S "A" (S-87) to  
C "A" (S-65)

An Act to Direct the Department of Human Services to Contract with the Next Step for Domestic Violence Family Crisis Services

H.P. 65 L.D. 101  
H "A" (H-105)

An Act to Increase the Bonding Limits of the Maine Turnpike Authority

S.P. 102 L.D. 242  
C "A" (S-94)

An Act to Permit Greenhouses To Have Temporary Road Signs

H.P. 193 L.D. 252  
C "A" (H-153)

An Act to Continue Protection Under a Protection From Abuse Order

H.P. 297 L.D. 401  
C "A" (H-174)

An Act Concerning Juveniles Hunting without Adult Supervision

S.P. 163 L.D. 424  
C "A" (S-67)

An Act to Prohibit State Legislative Employees from Using State Time or Property for Campaigning

S.P. 169 L.D. 430  
S "A" (S-86) to  
C "A" (S-68)

An Act to Restrict the Use of Eminent Domain Power

H.P. 397 L.D. 532  
C "A" (H-121)

An Act to Increase the Time Period for Veterans Serving in Desert Storm Recognized in the Veterans Preference Program

S.P. 213 L.D. 555  
C "A" (S-69)

An Act to Clarify Credit Union Common Bond Requirements

S.P. 235 L.D. 600  
C "A" (S-71)

An Act to Expand the Jurisdiction of the Consumer Advisory Board of the Department of Mental Health and Mental Retardation by Giving Board Members and its Staff Direct Access to All Areas of Agencies that Serve Clients of the Department of Mental Health and Mental Retardation and People with Autism

H.P. 456 L.D. 622  
C "A" (H-156)

An Act Pertaining to the Signing of Petitions

H.P. 471 L.D. 652

An Act Governing Privileged Communications between Victims of Domestic Violence and Their Advocates

S.P. 261 L.D. 697  
C "A" (S-78)

An Act to Allow the Submetering of Electric Rates in Campgrounds

H.P. 565 L.D. 766  
C "A" (H-160)

An Act to Amend the Purchasing Laws

S.P. 290 L.D. 788

An Act to Allow the Workers' Compensation Board to Submit Legislative Proposals Annually

S.P. 292 L.D. 790

An Act to Amend the Sexual Abuse Laws by Including 16-year-olds and 17-year-olds Who Are Still in School in the Provisions for Sexual Abuse of Minors

H.P. 616 L.D. 826  
C "A" (H-157)

An Act to Allow the Workers' Compensation Board to Regulate Nonfinancial Aspects of Workers' Compensation Arbitration

S.P. 300 L.D. 839  
C "A" (S-73)

An Act Regarding Insurance Rates for Volunteer Drivers

S.P. 309 L.D. 847  
C "A" (S-74)

An Act to Change the Department of Corrections' Lease Provisions to Conform with Statutes Regarding Leases of State Buildings by Other Departments

H.P. 654 L.D. 877

An Act to Clarify the Use of the Power of Sale Foreclosures Regarding Limited Liability Corporations

S.P. 320 L.D. 901

An Act to Extend the Time Period for a District Attorney to File a Petition in Order to Allow Time for Juveniles to Fulfill All Conditions of Informal Adjustment

S.P. 326 L.D. 907

An Act to Provide for the Timely Passage of the State Budget

H.P. 687 L.D. 938

An Act to Protect the Integrity of the Maine Cellular Telecommunications Network

H.P. 711 L.D. 968

An Act Regarding Designation by the Commissioner of Transportation of a Deputy or Another Staff Member to Represent the Commissioner of Transportation at Maine Turnpike Authority Meetings

H.P. 847 L.D. 1178

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

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An Act Regarding Fees Assessed by the Maine Land Use Regulation Commission for Changes within a Development District

S.P. 194 L.D. 503  
C "A" (S-76)

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

---

An Act to Amend the Law Governing Real Estate Transfer Taxes Applicable to the Maine Turnpike Authority

H.P. 479 L.D. 660  
C "A" (H-146)

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

---

An Act to Increase the Compensation of Members of the State Claims Commission

H.P. 536 L.D. 732  
C "A" (H-159)

On motion by Senator **STEVENS** of Androscoggin, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**.

---

**Emergency**

An Act to Create Additional Employment Opportunities in the Financial Services Industry by Allowing Financial Organizations to Charge Additional Finance Charges

S.P. 18 L.D. 49  
C "A" (S-70)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with 1 Senator having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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

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Off Record Remarks

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Senate at Ease

Senate called to order by the President Pro Tem.

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

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

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

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Senator **BUSTIN** of Kennebec was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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On motion by **THE PRESIDENT PRO TEM**, RECESSED until five o'clock in the afternoon.

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After Recess

Senate called to order by the President Pro Tem.

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

Senator **LAWRENCE**: Thank you Mr. President, Men and Women of the Senate. For the past several weeks we have been an incomplete body, with one of our members missing. Today we have the privilege of having back with us the good Senator from Androscoggin, Senator Berube. I just want to get up and welcome her back with us, and say, particularly on behalf of the Senate Democratic Caucus, we have felt like a member of our family has been missing over the past few weeks, and now, once again, we feel like we are whole again. We want to welcome Senator Berube back. Thank you.

---

Senator **HATHAWAY** of York was granted unanimous consent to address the Senate on the Record.

Senator **HATHAWAY**: Thank you Mr. President. On behalf of the Republican Caucus, we would also like to welcome back Senator Berube, who we truly feel is the conscience of this Chamber and the soul of this Senate. She once told me that there are two types of women, there are nice women and there are lovely women. I think it goes without saying that, certainly, this is the most lovely woman that ever graced this Chamber, and one of the loveliest ever in the State of Maine. I would just like to read a short poem. It is a simple poem, but I think it reminds us of what is genuine friendship and the closeness of hands and hearts and souls. It is called "The Human Touch".

Tis the human touch in this world that counts.  
The touch of your hand in mine.  
Which means far more to the fainting heart,  
Then shelter, and bread, and wine.  
For shelter is gone when the night is over,  
And bread lasts only a day,  
But the touch of the hand,  
and the sound of the voice,  
Sing on in the soul always.



I would also just like to, if Senator Berube would let us, I'm sure that each one of here would like to just stop by for a minute and show and share our appreciation for you and how much we have missed you. If you would, I think Senator Abromson would like to go first, and perhaps just come by and say hello to you.

May 9, 1995

Honorable May M. Ross  
Secretary of the Senate  
117th Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it accepted the Majority **"Ought Not to Pass"** Report of the Committee on **State and Local Government** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Maine Legislature to 99 Members in the House and 33 Members in the Senate (H.P. 46) (L.D. 40)

Sincerely,

S/Joseph W. Mayo  
Clerk of the House

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

Senator **BERUBE** of Androscoggin was granted unanimous consent to address the Senate on the Record.

Senator **BERUBE**: Thank you very much Mr. President. One of the biggest words in the French language, and one of the smallest, is the word "merci", thank you. Somehow it isn't a big enough word for me to express all my gratitude and appreciation for your kindness, your cards, your letters, your notes, and this glorious, elegant display of roses. In the notes that I received, I was very pleasantly surprised and stunned by the way some came addressed in French. I commend Senator Cianchette and Senator John Cleveland, whom I didn't know spoke French so fluently. I can see the imprimatur of Senator Paradis. To President Butland, who was so gracious to me and my family. To Senator Mark Lawrence, and to my Caucus, for the wonderful, is it a Franco-American, or is it an Irish Shillelagh. To John Cleveland, who was the Postmaster, acting as delivery man, mailman and friend, from the State House to my home. And to the many people to donated to the blood drive. One note that I received that they had been informed that I had received blood transfusions made up of far left liberal blood, and the writer said, "I am hurrying up to donate my contribution to replenish the stock." Unbeknownst to her, I found out from my doctor, because I was worried, and the doctor said, "Don't worry, within six weeks your own blood reproduces itself." At any rate, I would like to thank you all very much. For lack of a better word, merci, thank you.

The Following Communication: S.C. 170

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333-0002**

May 9, 1995

Honorable May M. Ross  
Secretary of the Senate  
117th Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it accepted the Minority **"Ought Not to Pass"** Report of the Committee on **State and Local Government** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of Constitutional Officers (H.P. 113) (L.D. 148)

Sincerely,

S/Joseph W. Mayo  
Clerk of the House

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

Off Record Remarks

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

**COMMUNICATIONS**

The Following Communication: S.C. 169

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333-0002**

The Following Communication: S.C. 171

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333-0002

May 9, 1995

Honorable May M. Ross  
Secretary of the Senate  
117th Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to insist on its former action whereby it accepted the Minority "Ought Not to Pass" Report of the Committee on Legal and Veterans Affairs on Bill "An Act to Clarify the Statutory Prohibition of the Collection of More Than 2 Months of Rent in Advance" (H.P. 196) (L.D. 255)

Sincerely,

S/Joseph W. Mayo  
Clerk of the House

Which was READ, and with Accompanying Bill, ORDERED PLACED ON FILE.

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Ensure Courteous Treatment of the Public by State Employees" H.P. 294 L.D. 398

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-176).

Signed:

Senators:

AMERO of Cumberland  
CARPENTER of York

Representatives:

GERRY of Auburn  
ROSEBUSH of East Millinocket  
ROBICHAUD of Caribou  
LANE of Enfield  
SAVAGE of Union  
YACKOBITZ of Hermon

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

Signed:

Senator:

LONGLEY of Waldo

Representatives:

DAGGETT of Augusta  
AHEARNE of Madawaska

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

Which Reports were READ.

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

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Resolve, That State Agencies Develop a Refund-for-Compliance Policy H.P. 300 L.D. 404

Reported that the same Ought Not to Pass.

Signed:

Senators:

AMERO of Cumberland  
LONGLEY of Waldo  
CARPENTER of York

Representatives:

DAGGETT of Augusta  
AHEARNE of Madawaska  
YACKOBITZ of Hermon

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-167).

Signed:

Representatives:

GERRY of Auburn  
ROSEBUSH of East Millinocket  
ROBICHAUD of Caribou  
LANE of Enfield  
SAVAGE of Union

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 **BENOIT** for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Permit Wire-tapped Conversations of or with Prisoners to be Used in Court"

S.P. 460 L.D. 1256

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-130)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-130) **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 Combine the Sabattus Water District and the Sabattus Sanitary District"

S.P. 411 L.D. 1099

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-131)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-131) **READ** and **ADOPTED**.

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

---

**Divided Report**

The Majority of the Committee on on Bill "An Act to Prohibit Campaign Signs on Public Property"

S.P. 288 L.D. 786

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

Signed:

Senators:

STEVENS, JR. of Androscoggin  
MICHAUD of Penobscot

Representatives:

NADEAU of Saco  
TRUMAN of Biddeford  
LABRECQUE of Gorham  
FISHER of Brewer  
TRUE of Fryeburg  
CHIZMAR of Lisbon  
MURPHY of Berwick  
LEMONT of Kittery  
GAMACHE of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-128)**.

Signed:

Senator:

FERGUSON, JR. of Oxford

Representative:

BUCK of Yarmouth

Which Reports were **READ**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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**ENACTOR**

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

An Act to Clarify the Licensing Authority of the Board of Trustees of the Maine Criminal Justice Academy

H.P. 591 L.D. 801

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

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act Authorizing the Judicial Supervision of the Disclosure of Utility Records to the Attorney General"

H.P. 1076 L.D. 1515

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

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

Which was referred to the Committee on JUDICIARY, in concurrence.

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**COMMITTEE REPORTS**

**House**

**Ought to Pass**

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Protect Maine's Maritime Heritage"  
H.P. 708 L.D. 965

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

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

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

The Bill **READ ONCE.**

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

---

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Name a Mountain in the Town of Oxford  
H.P. 848 L.D. 1179

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

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

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

The Resolve **READ ONCE.**

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

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The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Concerning the Office of Geographic Information Systems"

H.P. 861 L.D. 1192

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 **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Preserve the Confidentiality of Witnesses Providing Information on the Forest Fire Arson Phone Line"

H.P. 724 L.D. 998

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-219).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-219).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-219) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Appropriate Funds to the Baxter State Park Authority for Road Maintenance"  
H.P. 783 L.D. 1100

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-207)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-207)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-207) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Enable Sworn Law Enforcement Employees of the Immigration and Naturalization Service of the Department of Justice and Officers of the United States Custom Service of the Department of the Treasury to Enforce Maine Law"

H.P. 67 L.D. 103

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-205)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-205)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-205) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Enhance Criminal Penalties for Hate Crimes"

H.P. 592 L.D. 802

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-204)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-204)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-204) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Provide a 3-day Nonresident Small Game Hunting License"

H.P. 734 L.D. 1008

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-217)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-217)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-217) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **NATURAL RESOURCES** on Bill "An Act to Amend the Laws Regarding Consent Agreements of the Department of Environmental Protection"

H.P. 167 L.D. 215

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-220)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-220)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-220) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on TAXATION on Bill "An Act to Amend the Sales Tax Exemption for Emergency Shelter and Feeding Organizations"

H.P. 390 L.D. 525

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-199).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-199).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-199) READ and ADOPTED, in concurrence.

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

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**Divided Report**

The Majority of the Committee on CRIMINAL JUSTICE on Bill "An Act Authorizing Work-restricted Drivers' Licenses for Certain Habitual Motor Vehicle Law Offenders"

H.P. 672 L.D. 923

Reported that the same Ought Not to Pass.

Signed:

Senators:

BENOIT of Franklin  
HALL of Piscataquis  
O'DEA of Penobscot

Representatives:

CLARK of Millinocket  
BUNKER, JR. of Kossuth Township  
CLUKEY of Houlton  
GOOLEY of Farmington  
MCALEVEY of Waterboro  
PEAVEY of Woolwich  
THOMPSON of Naples  
WATERHOUSE of Bridgton  
WHEELER of Bridgewater

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-203).

Signed:

Representative:

JOHNSON of South Portland

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.

---

**Divided Report**

The Majority of the Committee on INLAND FISHERIES AND WILDLIFE on Resolve, to Encourage the Harvest of Coyotes

H.P. 583 L.D. 793

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-194).

Signed:

Senators:

HALL of Piscataquis  
KIEFFER of Aroostook  
MICHAUD of Penobscot

Representatives:

ROTONDI of Madison  
JACQUES of Waterville  
CLARK of Millinocket  
KEANE of Old Town  
ROSEBUSH of East Millinocket  
TUFTS of Stockton Springs  
CHICK of Lebanon  
PERKINS of Penobscot

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

Signed:

Representatives:

GREENLAW of Standish  
UNDERWOOD of Oxford

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-194).

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report ACCEPTED, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-194) **READ** and **ADOPTED**,  
in concurrence.

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

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES  
AND WILDLIFE** on Bill "An Act to Allow Hunting on the  
First Sunday after the First Saturday of Hunting  
Season"

H.P. 649 L.D. 872

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

Signed:

Senators:

HALL of Piscataquis  
KIEFFER of Aroostook  
MICHAUD of Penobscot

Representatives:

ROTONDI of Madison  
JACQUES of Waterville  
CLARK of Millinocket  
KEANE of Old Town  
ROSEBUSH of East Millinocket  
TUFTS of Stockton Springs  
GREENLAW of Standish  
CHICK of Lebanon  
PERKINS of Penobscot

The Minority of the same Committee on the same  
subject reported that the same **Ought to Pass** as  
**Amended by Committee Amendment "A" (H-221)**

Signed:

Representative:

UNDERWOOD of Oxford

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.

---

**Emergency**

An Act to Make Revisions to the Uniform  
Interstate Family Support Act  
S.P. 286 L.D. 774

This being an Emergency Measure and having  
received the affirmative vote of 28 Members of the  
Senate, with 1 Senator 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 Pro  
Tem, was presented by the Secretary to the Governor  
for his approval.

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**Emergency**

An Act to Conform the Maine Tax Laws for 1994  
with the United States Internal Revenue Code  
H.P. 626 L.D. 851  
C "A" (H-147)

This being an Emergency Measure and having  
received the affirmative vote of 28 Members of the  
Senate, with No Senator 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 Pro  
Tem, was presented by the Secretary to the Governor  
for his approval.

---

**Resolve**

Resolve, Directing the Department of Human  
Services to Review the Regulations for the Licensure  
of General and Specialty Hospitals and Report to the  
Joint Standing Committee on Human Resources  
H.P. 408 L.D. 565  
C "A" (H-155)

Resolve, to Revise the Reporting Date of the Home  
School Study Committee  
S.P. 315 L.D. 896  
C "A" (S-83)

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

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**Constitutional Amendment**

RESOLUTION, Proposing an Amendment to the  
Constitution of Maine to Require the Popular Election  
of the Attorney General  
H.P. 153 L.D. 201  
C "A" (H-70)

Comes from the House having **FAILED OF FINAL PASSAGE**.

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

Senator **LAWRENCE:** Thank you Mr. President. I hope you will vote against this Resolution to change the process in which we select our Attorney General. There has never been any evidence that I know of, presented, that the process we now use has led to a poor candidate for Attorney General of a poor Attorney General. In fact, I think we have one of the finest Attorney Generals now that I have seen in recent memory. I hope that we do not create another level of the election process that is simply going to consume more public money. Mr. President, I would ask for a Roll Call.

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 Chair recognizes the Senator from Cumberland, Senator Amero.

Senator **AMERO:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would urge you to vote in favor of this Constitutional Amendment. Maine is the only State in the Union that elects its Attorney General through the legislative process. We would give people in this State a chance to voice their opinion on whom they would like to see serve in the office of Attorney General. It is a process that is used in 43 of our states. I would like to give the people of this State a chance to voice their opinion on this matter. Thank you.

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

Senator **FAIRCLOTH:** Mr. President, Colleagues of the Senate. I have concerns about this proposal on behalf of the people of this State. An attorney is sworn to not violate their oath as an attorney, and to represent their client. The Attorney General of the State is supposed to serve justice. I, personally, think the best system would be similar to judges, who are in a much more non-partisan fashion brought to office where they are nominated by the Executive and go through a confirmation process of the Legislature. I think that would have the least partisan overtones. To put it into a political process, where it could lend itself, not only to the vagaries of campaign spending, but also to a lot of political demagoguery, I think would demean the office of the Attorney General, which should be above partisan ship and seek justice only. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Men and Women of the Senate. I am intrigued by the comments of the good Senator from Penobscot, and would ask to pose a question through the Chair, if I might. To the good Senator from Penobscot, if he so chooses to

answer, based on the actions taken by this Chamber, would the good Senator be willing to back this item up and to propose the amendment like you have just pursued?

**THE PRESIDENT PRO TEM:** 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 Faircloth.

Senator **FAIRCLOTH:** Thank you Mr. President. I have long supported the concept. As I understand it, the good Senator from Cumberland, Senator Harriman, already proposed the concept, and I was happy to, and would continue to support that idea. As I understand his summary of what occurred with that idea, I don't know that that would be a good use of the Senate's time. Thank you.

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

Senator **HARRIMAN:** Thank you Mr. President. Good evening Ladies and Gentlemen of the Senate. I rise, Mr. President, to ask that my colleagues join me in supporting the question by Senator Amero, from Cumberland, to support the pending motion. Like the Senator from Penobscot, Senator Faircloth, I agree that this high constitutional office, as a matter of fact the others as well, State Treasurer, Secretary of State, and even Auditor, ought to be appointed by the Governor of the State of Maine and confirmed by the House and the Senate. As the Senator from Penobscot indicated, that was legislation that I introduced to the State and Local Government Committee, which was rejected. So, what we have now, is a high inside fastball process here, where whoever is in the majority party in the Legislature control those high constitutional officers. In fact, for the three years that I have had the honor of serving the twenty-third district in the Maine Senate, only one constitutional officer has had any interest in talking to me, only one, and that was to send me a list of the abandoned property in my district so I could contact my constituents who may need to recover money from the State of Maine. Other than that, not one of these high constitutional officers has cared to even extend a hello to me when running for office. So, my personal feeling is that if the Legislature doesn't have the will to let the Governor nominate it, and have it confirmed, that at least let's get it out of the realm of partisan politics here in the Legislature, and offer it to the citizens of Maine. So, I hope you will join me, and my good friend from Cumberland, Senator Amero, in supporting the pending motion. Thank you.

**THE PRESIDENT PRO TEM:** The pending question before the Senate is **FINAL PASSAGE**.

A vote of Yes will be in favor of **FINAL PASSAGE**.

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, AMERO, BEGLEY, BENOIT, BUTLAND, CARPENTER, CASSIDY, FERGUSON, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, MILLS, PENDEXTER, SMALL, STEVENS, and the PRESIDENT PRO TEM, Senator HALL

NAYS: Senators: BERUBE, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, ESTY, FAIRCLOTH, GOLDTHWAIT, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, O'DEA, PARADIS, RUHLIN

ABSENT: Senators: LORD, PINGREE, RAND

This being a Constitutional Amendment, in accordance with the provisions of Section 4 of Article X of the Constitution, having received the affirmative vote of 17 Members of the Senate, with 15 Senators having voted in the negative, and 3 Senators being absent, and 17 being less than two-thirds of the membership present and voting, FAILED OF FINAL PASSAGE.

Mandate

An Act to Increase Compensation of Trustees of the Gray Water District

S.P. 220 L.D. 562 C "A" (S-75)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 29 Members of the Senate, with No Senator having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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

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 Later Today Assigned (May 9, 1995) matter:

HOUSE REPORTS from the Committee on NATURAL RESOURCES on Bill "An Act to Change Certain Provisions of the Saco River Corridor Law" (Emergency) H.P. 324 L.D. 445

Majority - Ought to Pass As Amended by Committee Amendment "A" (H-151). (9 members)

Minority - Ought to Pass As Amended by Committee Amendment "B" (H-152). (4 members)

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

Pending - ACCEPTANCE OF EITHER REPORT.

(In House, May 4, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-152).)

(In Senate, May 9, 1995, Reports READ.)

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

The Chair laid before the Senate the second Tabled and Later Today Assigned (May 9, 1995) matter:

SENATE REPORT from the Committee on TAXATION on Bill "An Act to Reestablish the Tax Credit for Intrastate Airlines" (Emergency)

S.P. 245 L.D. 642

Report - Ought to Pass As Amended by Committee Amendment "A" (S-112).

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

Pending - ACCEPTANCE OF THE REPORT.

(In Senate, May 9, 1995, Report READ.)

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

Senator **LAWRENCE**: Thank you Mr. President. May I pose a question to the Chair? Could the Chair tell me whether this report is a divided report or a unanimous report out of the Committee?

**THE PRESIDENT PRO TEM**: It is a unanimous Committee Report. The Chair recognizes the Senator from York, Senator Lawrence.

Senator **LAWRENCE**: Thank you Mr. President. May I pose a question through the Chair? Does this bill have a fiscal note on it?

**THE PRESIDENT PRO TEM**: 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 York, Senator Hathaway.

Senator **HATHAWAY**: Thank you Mr. President. If I could answer that question for the good Senator from York, Senator Lawrence, Senator Rand had posed that question also the other day, which I think is the reason why she wanted to Table this. 1995/1996, I believe the fiscal note is about \$20,000, for 1996/1997 it is about \$21,000.

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

Senator **CAREY**: Thank you Mr. President. What may be confusing the Senator from York, Senator Lawrence, is in the calendar it says "An Act to Re-establish the Tax for Intrastate Airlines", the bill says, "An Act to Re-establish the Tax Credit for Intrastate Airlines".

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

Senator **LONGLEY**: Thank you Mr. President. I would like to pose a question through the Chair. I would like to know the thinking behind deciding to give this tax credit.

**THE PRESIDENT PRO TEM**: The Senator from Waldo, Senator Longley, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Aroostook, Senator Paradis.

Senator **PARADIS**: Thank you Mr. President, Men and Women of the Senate. This is to help out Valley Airlines, that was serving Frenchville. The only way out of the Valley for us, except the highway system, which is very bad, was purchased by another airline and he killed it. So we have been left without any service, left without our Medivac being able to evacuate our sick people. The base would help us out. The original owner, who had Valley Airlines, has felt the sense of responsibility all this time that he thought, by selling it, he was doing the area a favor. It did not. He has been working hard for years to bring it back up to speed. In order to get up to speed is a major, major investment. We don't have any people collecting this tax now, if we don't help him out he probably won't be able to start a new airline. That is the rationale behind this bill. It was a unanimous Ought to Pass from the Taxation

Committee, because they realize it is an economic development issue. The loss of our airline had really cut us off, in terms of the Valley. Thank you.

Which Report was **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-112) **READ** and **ADOPTED**.

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

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The Chair laid before the Senate the third Tabled and Later Today Assigned (May 9, 1995) matter:

**RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Limit State Spending and Establish a Reserve Fund. (Emergency)  
H.P. 630 L.D. 855

Tabled - earlier in the day by Senator **LAWRENCE** of York.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-177)**, in **NON-CONCURRENCE**.

(In House, May 3, 1995, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

On motion by Senator **KIEFFER** of Aroostook, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-177)** in **NON-CONCURRENCE**.

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

**SENATE REPORT** from the Committee on **HUMAN RESOURCES** on Bill "An Act to Expand Eligibility for Benefits under the Adoption Assistance Program" (Emergency)  
S.P. 247 L.D. 644

Report - **Ought to Pass As Amended by Committee Amendment "A" (S-109)**.

Tabled - May 9, 1995 by Senator **KIEFFER** of Aroostook.

Pending - **ACCEPTANCE OF THE REPORT**.

(In Senate, May 9, 1995, the Report **READ**.)

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

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

SENATE REPORTS from the Committee on **TAXATION** on Bill "An Act to Create an Income Tax Stabilization Program" (Emergency)

S.P. 98 L.D. 238

Majority - **Ought to Pass As Amended by Committee Amendment "A" (H-115)**. (10 members)

Minority - **Ought Not to Pass**. (3 members)

Tabled - May 9, 1995 by Senator CAREY of Kennebec.

Pending - **ACCEPTANCE OF EITHER REPORT**.

(In Senate, May 9, 1995, the Reports **READ**.)

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

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

HOUSE REPORTS - from the Committee on **BANKING AND INSURANCE** on Bill "An Act to Include Short-term Health Insurance Policies in the Continuity Laws"

H.P. 321 L.D. 442

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-124)**. (7 members)

Minority - **Ought Not to Pass**. (5 members)

Tabled - earlier in the day by Senator KIEFFER of Aroostook

Pending - **ACCEPTANCE** of Either Report

(In House, May 9, 1995, 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-124) AS AMENDED BY HOUSE AMENDMENT "A" (H-161)**, thereto.)

(In Senate, May 10, 1995, Reports **READ**.)

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

**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. This bill would gut the insurance reforms that we have already passed in this State. This bill has come before us before, in the last session to be exact, and we did not pass it. This bill is opposed by the Bureau of Insurance. It is opposed by Health Source, an insurance company New England wide, but also based in Maine. Basically, what this bill does, it concerns short-term, one-year, insurance policies. There is such an animal and they are issued for one year. Since we passed our insurance reforms last session, they have not been able to be issued in Maine, because they undercut Maine's contract with its citizens in the continuity of insurance policy that we have, and our guaranteed issuance and guaranteed renewal policies. So, let me just take you through that. If we were to pass this bill, these one-year insurance, short-term health insurance policies, would be exempt from the continuity law. That means that pre-existing conditions could be excluded under the short-term policies, even if the individual had prior coverage, meaning even if the individual had stayed covered all of his, or her, life. If they got one of these short-term policies, any pre-existing condition that they might have had, like diabetes, is not coverable.

That brings me to another group who is wildly opposed to this legislation, and that is the Diabetes Association of Maine. These short-term policies, under this bill, will also be exempt, this bill exempts them from our guaranteed issuance and guaranteed renewal law. That means that an individual who becomes ill, while covered by one of these policies, would be unable to renew his, or her, coverage at the end of the year. Let me just give you an example that was given by the Bureau of Insurance. If a person has a one-year short-term insurance policy and gets in an accident, let's say a car accident, and let's say they break their leg. They will get that leg fixed on this insurance policy, they will reimburse you for the fixing of that leg, however, if there is any ongoing treatment for that broken leg, if there are any complications that continue on past that year, and that could be a lifetime of treatment, that ongoing treatment will not be covered by your next insurance policy that you get. It will not be covered because these short-term policies are excluded from pre-existing condition exclusions. How many people will that affect? How many people are we talking about? The Insurance Bureau thought we were probably talking about five people out of one thousand, but for those five people it will be a very significant problem. Therefore, it is a very significant problem for the Bureau.

That's what this bill looks like for the individual. What does it look like for the insurance market? The insurance market will be completely undercut by these short-term policies. Which is why we outlawed them last year. By not having to comply with community ratings, and by not having to comply

with guaranteed issuance and guaranteed renewal and pre-existing condition exclusions, they will be able to price this policy very low and appeal to, what is called in the market, "the young immortals". That price is going to be at the expense of everyone else's price. Everyone else's price will tend to be higher. If I could just read from the letter from the Bureau of Insurance, from Richard Diamond, Life and Health Actuary, he says that "By not having to comply with community rating, the premiums would be even lower, and more attractive, for the young, while older people would be more likely to buy the guaranteed renewal policies. This would drive up the cost of guaranteed renewable policies, possibly to the point where carriers would be forced out of this market. It would defeat much of the recent health care reform measures adopted in Maine." This is from the Bureau of Insurance. So, I urge you to vote with me, and oppose this bill. The bill, as written, is faulty. It was faulty before and it is still faulty. The bill, as amended, is even faultier, and even further undercuts what we have been trying to do in insurance reform. Let me just, once again, remind us all that we have tried, for about two years, on the national level and on the state level, to do what is often called health care reform. We have failed in every single attempt. The only thing we have been able to do is insurance reform. Insurance reform is exactly what this bill undercuts. The insurance reform that was a unanimous report out of Banking and Insurance last year, that extended guaranteed issuance, guaranteed renewal, continuity of coverage, limited pre-existing condition exclusions, all of the bipartisan insurance reforms that have nationally been accepted by both parties, that is what this bill undercuts. It will segment the market. It is not healthy for our market, and I urge you to vote against this bill.

On motion by **THE PRESIDENT PRO TEM, ADJOURNED**, in honor and memory of Mary Payson of Falmouth, until Thursday, May 11, 1995, at 9:30 o'clock in the morning.

On motion by Senator **KIEFFER** of Aroostook, Tabled 1 Legislative Day, pending the motion by Senator **McCORMICK** of Kennebec that the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

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Senator **BUTLAND** of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator **BUTLAND**: Thank you Mr. President, Ladies and Gentlemen of the Senate. First of all, I would like to thank the good Senator from Piscataquis for the outstanding job that he did today as President Pro Tem. It allowed me to attend a funeral in Portland earlier today, the funeral of Mary Payson.

Mary Payson was very active in civic affairs in the Cumberland County area. She was the first woman elected to the Falmouth Town Council. She was later elected to the State Legislature, during the 103rd, 104th, and 105th Legislatures, from 1967 to 1972. That was back when being a woman in the Legislature was a novelty. She was noted for her hard work and commitment to her constituents, and for her civility. I would move that when the Senate adjourns today, that it do so in the honor and memory of a former colleague, Mary Payson.