

MAINE STATE LEGISLATURE

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House Legislative Record
of the
One Hundred and Eighteenth Legislature
of the
State of Maine

Volume II

First Special Session

May 16, 1997 - June 20, 1997

Second Regular Session

January 7, 1998 - March 18, 1998

ONE HUNDRED AND EIGHTEENTH LEGISLATURE
SECOND REGULAR SESSION
15th Legislative Day
Thursday, February 12, 1998

The House met according to adjournment and was called to order by the Speaker.

Prayer by Lieutenant Commander Timothy S. Lantz, Chaplain, US Navy, Brunswick Naval Air Station.

Colors presented by the USS Maine Color Guard.

National Anthem by Ceremonial Group of the 195th Army Band of the Maine Army National Guard.

Pledge of Allegiance.

At this point Major General Earl Adams, Commissioner, Department of Defense, Veterans, and Emergency Management came forward to reenlist Chief Electrician's Mate, Todd Leeth, in an actual reenlistment ceremony that honored the service commitment the same as it was in the 1800's for the first sailors of the original USS Maine.

The Journal of yesterday was read and approved.

The following item was taken up out of order by unanimous consent:

ORDERS

On motion of Representative LEMKE of Westbrook, the following Joint Resolution: (H.P. 1578) (Cosponsored by Senator MURRAY of Penobscot and Representatives: BUNKER of Kossuth Township, GOODWIN of Pembroke, LAYTON of Cherryfield, LEMONT of Kittery, PAUL of Sanford, USHER of Westbrook, WATERHOUSE of Bridgton, WINGLASS of Auburn)

**JOINT RESOLUTION RECOGNIZING THE 100TH
ANNIVERSARY OF THE SINKING OF THE BATTLESHIP
MAINE**

WHEREAS, the battleship USS Maine was sunk in Havana harbor, Cuba on February 15, 1898 with great attendant loss of life, including seamen from the state for which the ship was named; and

WHEREAS, this is the 100th anniversary of that event, which contributed to the entry of the United States into the Spanish-American War, although the exact origin of the explosion that caused the battleship Maine's destruction has never been fully ascertained; and

WHEREAS, the State of Maine honors all members of the United States Armed Forces, especially those who died in service to their country, including the 260 men who died that day in Havana harbor; and

WHEREAS, the loss of the battleship Maine has a special significance to this State and was the origin of the famous rallying cry of "Remember the Maine"; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature, now assembled in the Second Regular Session, take this opportunity to mark the centennial of the sinking of the first USS Maine, and we honor all those who lost their lives in that tragedy; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Secretary of Defense William Cohen and to each member of the Maine Congressional Delegation.

READ.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Madam Speaker, Men and Women of the House and honored guests. Today we remember the Maine.

The actual vessel was not the first nor last to bear this state's name.

There was an Army transport ship named the State of Maine in the Civil War, that carried thousands of wounded from the South to hospitals in the North.

There was a later steel battleship Maine, that participated in ceremonies off Camden honoring the memory of a Maine hero of the age of wind and sail, William Conway, in 1906.

And, of course, there is the modern naval submarine Maine, commissioned a few years ago at Kittery, personnel from which are with us today.

The Maine we remember today was one of the first modern steel battleships built by our Navy. When she was put out to sea in 1895, the Maine was basically a floating fortress bristling with 4 10-inch guns, 6 6-inch guns, 7 rapid fire 6-pounders, and 4 launching tubes for torpedoes. 319 feet in length, 6,683 tons, the Maine was manned by 354 officers and men. Painted a gleaming white, with gold ornamentation, she was coal-fired and when underway, making up to 17 knots, the Maine spewed clouds of black smoke from her two funnel stacks. Quaint by our standards, the Maine represented the cutting edge of naval technology a century ago. It was a time when the battleship was the prime physical example of national military power - and its projection abroad.

On January 24, 1898, the McKinley Administration directed the Maine to proceed to Havana Harbor. Spain and the US were then at peace, but tensions between the two countries were high. The focal point was Cuba, where the Spanish government was attempting to suppress a revolution to achieve the island's independence. The US had economic and strategic interests in Cuba. There were humanitarian concerns for the suffering of the Cuban population. We were a rising power with expansionists like Assistant Secretary of the Navy Theodore Roosevelt eager to exercise that muscle. Spain was a crumbling empire clinging to the remnants of past glory. What might well have been resolved diplomatically was jeopardized by those who wished to hasten or delay the inevitable.

Into this mix the USS Maine was placed. Officially it was in Havana to evacuate American nationals if necessary. Many Spaniards and Cubans read more into its presence, but weeks passed without incident.

By the evening of February 15, 1898, the white American battleship's crew were settling in for another humid, quiet night. At 9:10 p.m., Marine Corporal C. H. Newton played taps. Captain Charles Sigsbee, writing the days' report in his cabin, remembered the moment: "I laid down my pen to listen to the notes of the bugle, which were singularly beautiful in the oppressive stillness of the night. Newton, who was rather given to fanciful effects, was evidently doing his best. During his pauses the echoes floated back to the ship with singular distinctiveness, repeating the strains of the bugle fully and exactly."

Corporal Newton finished taps, and, a few minutes later, the USS Maine died.

At 9:40 p.m. an explosion literally blew the Maine apart. 230 sailors, 28 Marines, including Corporal Newton, and 2 officers were killed or "missing", 8 survivors would later die of their injuries. It was the greatest disaster to date in American naval history.

The Maine's mangled wreckage sank into the mud of Havana harbor. The berth was shallow and part of the doomed ship's superstructure remained above the surface, a grim specter. Incredibly, for 14 years the wreck would remain there. She was the subject of 3 naval inquiries, one Spanish, 2 American, in 1898 and 1911, into the causes of the explosion that sank her. Many momentos and souvenirs were scavenged or saved -- including Corporal Newton's bugle.

The remains of 70 of the "missing" trapped in the steel coffin were retrieved and accorded a formal funeral and burial, with their comrades, at Arlington National Cemetery. The Maine was raised for one final voyage in 1912. Towed three miles out to sea, she was sunk again.

We still do not know definitively how the Maine was destroyed. The 1898 and 1911 inquiries ruled an external source, probably a mine, caused the sinking, but assigned no specific responsibility. Public opinion, abetted by politicians and a sensational press, blamed Spain. "Remember the Maine" became a rallying cry. Within months the US and Spain were at war. In 1976 another naval inquiry ruled that the Maine was probably the victim of internal combustion of a coal bunker, setting off a powder magazine, only a quarter-inch of steel separating the compartments. A recent study by *National Geographic*, utilizing computer graphics, was inconclusive.

So what do we commemorate? A horrible accident or an act of treachery? A rallying cry for a just war, or the pretext for an unnecessary war? I submit, none of the above. Whatever the cause of the Maine disaster, its sinking helped set the stage for the US to play a more expansive role in the world. The "splendid little war" that followed also brought huge commitments. In a way the death of the Maine catapulted the US into the 20th century two years early. With power comes responsibility, and that remains our national challenge. Corporal Newton blew taps that night 100 years ago for an essentially isolationist America.

In the final analysis, we honor the men of the USS Maine, ordinary men who, in an extraordinary moment, gave their lives in service to America. They were a cross section of this country then. Many were immigrants, from at least 14 countries, such as Norway and Japan, Canada and Greece, Ireland and Romania. Twenty-two were of African descent. They came from farms and cities, all parts of America. Whatever their origins, most of them died together. When they enlisted, they realized they could be sent in harm's way - and they were.

Today, as so often, we remember the famous men, the Theodore Roosevelts and Admiral Deweys. But let us not praise famous men today, but ordinary heroes, whose names usually are anonymous to us. Among those listed as dead or "missing" on the Maine were at least five men from this state:

Millard F. Harris, Quartermaster 3d class, next of kin, Boothbay Harbor.

Clarence F. Lowell, Ordinary Seaman, next of kin, Gardiner.

Bernard Lynch, Fireman 1st class, allotment drawn by Mary Leonard, Portland

Frank C. Talbot, Landsman, next of kin, Bath

William H. Tinsman, Landsman, next of kin, East Deering

When we honor such men, we also honor all who serve our country, and give the ultimate sacrifice.

REMEMBER THE MAINE.

REMEMBER THE MEN OF THE MAINE.

REMEMBER ALL, MEN AND WOMEN, WHO SERVE OUR COUNTRY TODAY.

ADOPTED.

Sent up for concurrence. **ORDERED SENT FORTHWITH.**

COMMUNICATIONS

The Following Communication: (S.C. 519)

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

February 11, 1998

The Honorable Elizabeth H. Mitchell

Speaker of the House

118th Maine Legislature

2 State House Station

Augusta, Maine 04333

Dear Speaker Mitchell:

In accordance with Joint Rule 506, please be advised the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Business and Economic Development the nominations of Willard E. Riley of Bangor for appointment as a Member of the Real Estate Commission and Jeffrey H. Kaelin of Winterport for reappointment as a Member of the Finance Authority of Maine.

Thank you for your attention to this matter.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bill was received and upon the recommendation of the Committee on Reference of Bills was **REFERRED** to the following Committee, ordered printed and sent up for Concurrence:

STATE AND LOCAL GOVERNMENT

Resolve, to Repeal a Prior Resolve Authorizing the Exchange of a Parcel of Land Owned by the State with One Owned by Luke Bolduc

(H.P. 1581) (L.D. 2211)

Presented by Representative GAGNE of Buckfield.
(GOVERNOR'S BILL)

By unanimous consent, this reference matter requiring Senate concurrence having been acted upon was **ORDERED SENT FORTHWITH.**

ORDERS

On motion of Representative TRIPP of Topsham, the following Joint Order: (H.P. 1582)

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation report out a bill to the House amending the state tax code using the following amounts of revenue: the amount estimated by the Revenue Forecasting Committee in its December 1997 report for revenue generated by the cigarette tax increase designated for tax relief for state residents, exclusive of any current and ongoing commitments; the amount estimated by the Revenue Forecasting Committee in its December 1997 report for individual income tax receipts designated for tax relief for state residents in the 1998-1999 biennium, exclusive of any current commitments; and the amount estimated by the Revenue Forecasting Committee in its December 1997 report for net new General Fund revenue in individual income tax receipts in the 2000-2001 biennium, exclusive of any ongoing commitments.

The amount proposed in that bill may deviate from the total amount estimated to be available by no more than plus or minus 5%.

READ.

On motion of Representative TRIPP of Topsham, **TABLED** pending **PASSAGE** and later today assigned.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

Recognizing:

Eloise R. Ault, of Wayne, who with co-authors Patty K. Lincoln, Walter Anderson and Woodrow Thompson, has published a three-part volume entitled History of Wayne, Maine. The book is being published in conjunction with Wayne's bicentennial celebration. We appreciate Ms. Ault's interest and thank her for her contribution to Wayne's bicentennial;

(HLS 1072)

Presented by Representative McKEE of Wayne. Cosponsored by Senator NUTTING of Androscoggin.

On **OBJECTION** of Representative McKEE of Wayne, was **REMOVED** from the Special Sentiment Calendar.

READ and **PASSED** and sent up for concurrence.

the Town of Wayne, on its 200th Anniversary, beginning a yearlong bicentennial celebration. The Town of Wayne was incorporated by the Massachusetts General Court on February 12, 1798, and was named after the Revolutionary War hero, "Mad Anthony" Wayne. We extend our congratulations to this town in the beautiful Central Maine Lakes District, and our best wishes for continued success in the future;

(HLS 1100)

Presented by Representative McKEE of Wayne. Cosponsored by Senator NUTTING of Androscoggin.

On **OBJECTION** of Representative McKEE of Wayne, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative MCKEE: Madam Speaker, Men and Women of the House. I am very pleased to rise today and to announce to you that the Town of Wayne, Maine begins its yearlong celebration of its bicentennial. Two hundred years ago today, in the general court of the commonwealth in Massachusetts, the Town of Wayne was incorporated. It first began about 25 years before that during which it was called the Pocasset then it was called New Sandwich, named after the people who came here from New Sandwich, Massachusetts. It was certainly a place that people wanted to remain. However, over in the Town of Winthrop, not so far away, people didn't feel quite the same about Wayne, Maine. In the history of Winthrop, there is a recording of a story in which it says that the constable was ordered to give a warning to this certain fiddler who came into the town, unannounced, and he was asked to get out of the town and get off of God's Earth. The fiddler asked, "Where shall I go?" The constable replied, "Get out of this world. Go to Wayne." We feel as the constable did, that Wayne is out of this world. For those of you legislators who drive through the tiny Town of Wayne, perhaps you will know why we think it is, indeed, the prettiest village in all of Maine.

It is a place where volunteers abound. It is a place where people appreciate home, family, church, school, library and community. It is home to about 1,200 people that swells to 3,000

in the summer. We are 17 miles northwest of Augusta. We are located on and among some of the most beautiful lakes in the entire state. So much so that we call ourselves the central Maine lakes district. We are very proud to have had as citizens in our town, Howard Maxim, who invented the machine gun; Louise Carey, the great operatic singer; the renowned ornithologist, Sewall Pettengill and Nell Stevens, who was the founder of the Stevens School in Hallowell. Tonight we kick off our yearlong celebration and we will also be unveiling, for the first time, a new history of the Town of Wayne that was written by Lois Ault and co-authored by Woody Thompson and Walter Anderson. We also have a new cookbook. We have restored the townhouse. We have a community photo album ready. We are ready for geologic wetland home and garden tours and even a regatta. If you get a chance this year, stop by Wayne and enjoy with us the celebration of the bicentennial.

I want to close by reading something that was in a preface to an old town plan. It has to do with small towns. I think it reflects Wayne perfectly. "There is a need for intimate human relationships, for the security of settled home and associations, for spiritual unity and for orderly transmission of the basic cultural inheritance. These, the small community at its best, can supply. Whoever keeps the small community alive and at its best during this dark period, whoever clarifies, refines and strengthens the vision of the small community may have more to do with the final emergence of a great society than those who dominate big industry and big government."

Join me today in wishing the Town of Wayne a happy birthday and join us as we celebrate it throughout the year. Thank you.

PASSED and sent up for concurrence.

REPORTS OF COMMITTEE

Refer to the Committee on Business and Economic Development Pursuant to Joint Order (S.P. 669)

Report of the **Joint Select Committee on Research and Development** on Bill "An Act to Expand the Maine Seed Capital Tax Credit Program"

(S.P. 814) (L.D. 2196)

Reporting that it be **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** pursuant to Joint Order (S.P. 669).

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION** and ordered printed.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION** in concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 1382) (L.D. 1937) Bill "An Act to Restore the Requirement That Certain Expenditures of the Waldoboro Utility District Be Approved by District Vote" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(H.P. 1426) (L.D. 1990) Bill "An Act to Amend the Charter of the Bingham Water District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-791)

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

CONSENT CALENDAR
Second Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 750) (L.D. 2028) Bill "An Act to Clarify the Authority of the Chief of the Bureau of Liquor Enforcement to Conduct Appeal Hearings"

(S.P. 686) (L.D. 1917) Bill "An Act to Amend the Election Laws (C. "A" S-451)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** in concurrence.

ENACTORS
Emergency Measure

An Act to Provide State Matching Funds for Federal Disaster Assistance Relating to the January Ice Storms

(S.P. 812) (L.D. 2191)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Representative DONNELLY of Presque Isle **OBJECTED** to sending this matter **FORTHWITH**.

The same Representative **WITHDREW** his **OBJECTION** to sending this matter **FORTHWITH**.

ORDERED SENT FORTHWITH.

Acts

An Act to Amend the Law Governing the Filing of Municipal Campaign Reports

(H.P. 1365) (L.D. 1915)

An Act to Repeal the Residency Requirement for Credit Union Directors

(H.P. 1390) (L.D. 1943)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by House Rule 502.

Bill "An Act to Provide Health Insurance Coverage for Prostate Cancer Screening"

(S.P. 320) (L.D. 1060)

- In Senate, Senate **ADHERED** to **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-274)** on May 22, 1997.

- In House, House **INSISTED** to **ACCEPTANCE** of the Majority **OUGHT NOT TO PASS** Report and **ASKED FOR A**

COMMITTEE OF CONFERENCE on May 23, 1997, in **NON-CONCURRENCE**.

- **RECALLED** from the Legislative Files pursuant to Joint Order (S.P. 762).

TABLED - February 11, 1998 (Till Later Today) by Representative SAXL of Portland.

PENDING - Motion of same Representative to **RECEDE AND CONCUR**.

Subsequently, the House voted to **RECEDE AND CONCUR**.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was **TABLED** and today assigned:

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-782)** - Minority (1) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Encourage Regionalization of Municipal Services"

(H.P. 297) (L.D. 361)

TABLED - February 11, 1998 by Representative AHEARNE of Madawaska.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On motion of Representative AHEARNE of Madawaska, **TABLED** pending his motion to **ACCEPT** the **Majority Ought to Pass as Amended** Report and specially assigned for Tuesday, February 17, 1998.

The following items were taken up out of order by unanimous consent:

SENATE PAPERS

The following Joint Order: (S.P. 822)

ORDERED, the House concurring, that when the House and Senate Adjourn they do so until Tuesday, February 17, 1998, at 10:00 o'clock in the morning.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED**, in concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bill was received and upon the recommendation of the Committee on Reference of Bills was **REFERRED** to the following Committee, ordered printed and sent up for Concurrence:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act to Encourage High School Students to Pursue Higher Education at Postsecondary Educational Institutions in this State"

(H.P. 1583) (L.D. 2213)

Presented by Speaker MITCHELL of Vassalboro.

Cosponsored by Senator PINGREE of Knox and Representatives: DONNELLY of Presque Isle, KERR of Old Orchard Beach, KNEELAND of Easton, LEMAIRE of Lewiston, MURPHY of Kennebunk, QUINT of Portland, STEVENS of Orono, Senator: CATHCART of Penobscot.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

ORDERED SENT FORTHWITH.

SENATE PAPERS

Bill "An Act to Amend the Authority of the Adjutant General to Sell Armories, to Increase the Authorized Size of the Veterans' Memorial Cemetery and to Authorize the Department of Administrative and Financial Services to Purchase Land in Houlton for a New Public Safety Facility"

(S.P. 823) (L.D. 2212)

Came from the Senate, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

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

On motion of Representative PENDLETON of Scarborough, the House adjourned at 5:00 p.m., until 10:00 a.m., Tuesday, February 17, 1998 pursuant to the Joint Order (S.P. 822) and in honor and lasting tribute to A. Vernon Lent, of Scarborough and Francis Perry, of Mexico.