

# MAINE STATE LEGISLATURE

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**Senate Legislative Record**  
**One Hundred and Eighteenth Legislature**  
**State of Maine**

**Volume 1**

**First Regular & Special Session**  
**December 6, 1996 to May 19, 1997**

**Pages 1 - 980**

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

In Senate Chamber  
Tuesday  
January 14, 1997

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

Prayer by Reverend Victor Stanley of the First Baptist Church in Gardiner.

**REVEREND VICTOR STANLEY:** I'm happy to be with you again, it was just last Thursday I was here. Father Fles sends along with me his apology because he was unable to be here today. He also says he owes me big time and he owns a sailboat so I'm beginning to think June, Penobscot Bay, anyway, let's pray.

Gracious God, we pause for a moment on this cold winter day, to seek the warmth of Your presence in our lives. Warm our hearts with Your love, warm our minds with vision, warm our hands for service. We pray for all the people of Maine and we ask that Your blessing will rest upon us all in a powerful way; this we pray together. Amen.

Doctor of the Day, Mary Harkins Becker, M.D., Cumberland Foreside.

Pledge of Allegiance led by Senator Anne Rand, of Cumberland.

Reading of the Journal of Thursday, January 9, 1997.

**SENATE PAPERS**

Bill "An Act to Fund Research Regarding the Reinstatement of a Meat Inspection Program" S.P. 50 L.D. 160

Presented by Senator KILKELLY of Lincoln  
Cosponsored by Representative PIEH of Bremen and Senator: PARADIS of Aroostook, Representatives: BUNKER, JR. of Kossuth Township, LEMAIRE of Lewiston, POVICH of Ellsworth, SPEAR of Nobleboro

Which was referred to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and **ORDERED PRINTED.**  
Sent down for concurrence.

Bill "An Act to Provide for Long-range Revenue Forecasts" S.P. 62 L.D. 172

Presented by Senator MICHAUD of Penobscot  
Cosponsored by Representative: OTT of York  
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Which was referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act to Clarify the Parity Provision in Maine Banking Law" (Emergency) S.P. 49 L.D. 159

Presented by Senator ABROMSON of Cumberland  
Cosponsored by Senator: MURRAY, JR. of Penobscot, Representatives: MAYO III of Bath, VIGUE of Winslow  
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Which was referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act to Clarify the Right of Campground Owners To Evict or Deny Accommodations to Problem Guests" S.P. 55 L.D. 165

Presented by Senator KILKELLY of Lincoln  
Cosponsored by Senator: PARADIS of Aroostook, Representatives: BUNKER, JR. of Kossuth Township, HATCH of Skowhegan, HONEY of Boothbay, JONES of Greenville, PAUL of Sanford, PENDLETON, JR. of Scarborough, PIEH of Bremen

Bill "An Act to Allow Members of Cooperatives to Vote by Proxy" S.P. 60 L.D. 170

Presented by Senator CAREY of Kennebec

Which were referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act Concerning Theft of Rental Property" S.P. 59 L.D. 169

Presented by Senator BUTLAND of Cumberland  
Cosponsored by Senators: BENOIT of Franklin, HARRIMAN of Cumberland, MITCHELL of Penobscot, Representatives: BUCK of Yarmouth, CARLETON, JR. of Wells, TAYLOR of Cumberland

Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED.**

On motion by Senator **MURRAY** of Penobscot, **TABLED** until Later in Today's Session, pending **REFERENCE.**

Bill "An Act to Allow Retired Law Enforcement Officials to Obtain a Lifetime Concealed Weapons Permit"  
S.P. 52 L.D. 162

Presented by Senator LIBBY of York. (By Request)

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

Sent down for concurrence.

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Resolve, to Extend the Reporting Deadline for the Task Force on Paperwork Reduction in Nursing Facilities (Emergency)  
S.P. 57 L.D. 167

Presented by Senator HARRIMAN of Cumberland

Committee on **HEALTH AND HUMAN SERVICES** suggested and **ORDERED PRINTED**.

On motion by Senator **PARADIS** of Aroostook, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to Committee.

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

Senator **HARRIMAN**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I'd just like to take a moment to express my appreciation to the good Senator from Aroostook, Senator Paradis for expediting this, to save the Committee time.

Sent down for concurrence.

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Bill "An Act to Amend the Laws Regarding Hunting from a Paved Way"  
S.P. 45 L.D. 155

Presented by Senator FERGUSON, JR. of Oxford  
Cosponsored by Representative: O'NEAL of Limestone

Which was referred to Committee on **INLAND FISHERIES AND WILDLIFE** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Prohibit the Use of Bait and Dogs for Hunting Bear"  
S.P. 61 L.D. 171

Presented by Senator BENOIT of Franklin  
Cosponsored by Representative: GOOLEY of Farmington

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and **ORDERED PRINTED**.

On motion by Senator **BENOIT** of Franklin, **TABLED** until Later in Today's Session, pending **REFERENCE**.

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Bill "An Act to Shift from Small Business Owners to the Department of Labor the Responsibility for Providing the

Department of Human Services with Information on New Employees"  
S.P. 53 L.D. 163

Presented by Senator MACKINNON of York  
Cosponsored by Senator: MITCHELL of Penobscot,  
Representatives: MACDOUGALL of North Berwick, WHEELER of Eliot, WRIGHT of Berwick

Bill "An Act to Amend the Eligibility Requirements for Collecting Unemployment Benefits" S.P. 58 L.D. 168

Presented by Senator BUTLAND of Cumberland  
Cosponsored by Senators: HARRIMAN of Cumberland, MITCHELL of Penobscot, Representatives: DONNELLY of Presque Isle, WATERHOUSE of Bridgton

Which were referred to the Committee on **LABOR** and **ORDERED PRINTED**.

Sent down for concurrence.

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Bill "An Act to Amend the Charter of the Loring Development Authority as It Pertains to Immunity of the Authority" (Emergency)  
S.P. 46 L.D. 156

Presented by Senator KIEFFER of Aroostook  
Cosponsored by Representative ROWE of Portland and Senators: AMERO of Cumberland, PARADIS of Aroostook, Representatives: BELANGER of Caribou, CLUKEY of Houlton, DONNELLY of Presque Isle, O'NEAL of Limestone, VIGUE of Winslow, WATERHOUSE of Bridgton

Bill "An Act to Impose a Surcharge on Documents Recorded in a Registry of Deeds to Fund Preservation of Registry Documents"  
S.P. 47 L.D. 157

Presented by Senator DAGGETT of Kennebec  
Cosponsored by Senator: NUTTING of Androscoggin,  
Representatives: LEMKE of Westbrook, MAYO III of Bath

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

Sent down for concurrence.

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Bill "An Act to Provide Tax Credits for Small Businesses Providing Health Insurance Benefits for Employees"  
S.P. 54 L.D. 164

Presented by Senator MACKINNON of York  
Cosponsored by Senator: MILLS of Somerset, Representatives: MACDOUGALL of North Berwick, WHEELER of Eliot, WRIGHT of Berwick

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

Sent down for concurrence.

Bill "An Act to Increase the Population Threshold at Which a Town is Responsible for Maintaining Highways"  
S.P. 44 L.D. 154

Presented by Senator LIBBY of York (By Request)

Bill "An Act to Require that Cargo Being Hauled by Trucks Be Covered"  
S.P. 51 L.D. 161

Presented by Senator CAREY of Kennebec (By Request)

Bill "An Act to Issue Military Service Award License Plate Decals"  
S.P. 56 L.D. 166

Presented by Senator LIBBY of York (By Request)

Which were referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Preserve Public Springs"  
S.P. 48 L.D. 158

Presented by Senator FERGUSON, JR. of Oxford  
Cosponsored by Representative LAVERDIERE of Wilton and ,  
Representatives: COLWELL of Gardiner, JONES of Bar Harbor

Committee on **TRANSPORTATION** suggested and **ORDERED PRINTED**.

On motion by Senator O'GARA of Cumberland, referred to the Committee on **HEALTH AND HUMAN RESOURCES**.

Sent down for concurrence.

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

**HELD MATTER**

The **PRESIDENT**: The chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE**: Mr. President, is the Senate in possession of L.D. 61 "An Act to Require Reimbursement to Counties for Services Rendered by County Law Enforcement Officers"?

The **PRESIDENT**: The chair would respond in the affirmative having been held at the Senator's request.

On motion by Senator **PINGREE**, of Knox, under suspension of the Rules, the Senate **RECONSIDERED** whereby it referred to the Committee on **JUDICIARY**:

Bill "An Act to Require Reimbursement to Counties for Services Rendered by County Law Enforcement Officers" (Emergency)  
H.P. 36 L.D. 61

(In Senate, January 9, 1997, **REFERRED** to the Committee on **JUDICIARY** and **ORDERED PRINTED**, in concurrence.)

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **REFERENCE**.

The **PRESIDENT**: The Chair recognizes the Senator from Kennebec, Senator **CAREY**.

Senator **CAREY**: Thank you Mr. President. Mr. President, Members of the Senate. During the 117th, those of you who were either in this Body or in the other Body, will recall that during the September session we, in fact, changed the wording in a bill so that we were as interested in retaining jobs as we were in creating new jobs. Basically, obviously, that bill was primarily intended to help immediately, the Hathaway Factory, but is in place to help anyone. It is my extreme pleasure today to show you a headline which says, "Help Wanted at the New Hathaway". And so, in fact, what we did turned out to be exactly the thing that should have been done, and I, for the people of the Waterville area, thank you very much.

Senator **PINGREE** of Knox was granted unanimous consent to address the Senate off the Record.

**Off Record Remarks**

On motion by Senator **AMERO** of Cumberland, **RECESSED** until the sound of the bell

**After Recess**

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Prohibit Destruction of Any Artificial Structure within Baxter State Park"  
H.P. 103 L.D. 127

Bill "An Act to Require Public Access to Any Public Lands Conveyed for Inclusion in a National Park"  
H.P. 104 L.D. 128

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

Which were referred to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and **ORDERED PRINTED**, in concurrence.

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

**PAPERS FROM THE HOUSE**  
**House Papers**

Bill "An Act to Allow Independent Investigation of a Complaint against a Law Enforcement or Corrections Officer upon Request" H.P. 121 L.D. 145

Bill "An Act to Appropriate Funds for the Staffing and Operation of the Northern Maine Regional Juvenile Detention Facility" (Emergency) H.P. 124 L.D. 148

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

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

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

**PAPERS FROM THE HOUSE**  
**House Papers**

Bill "An Act to Repeal the Funding for the Family Planning Association of Maine" H.P. 98 L.D. 122

Bill "An Act to Limit Medicaid Coverage for Methadone Rehabilitation to One Year" H.P. 102 L.D. 126

Bill "An Act to Require That All Medicaid Funds Be Controlled by a Single State Agency" H.P. 105 L.D. 129

Bill "An Act to Provide Financial Incentives to a Company That Hires and Provides Health Insurance Benefits to a Medicaid Recipient" H.P. 106 L.D. 130

Resolve, to Establish the Commission to Study the Use of Pharmaceuticals in Long-term Care Settings H.P. 122 L.D. 146

Bill "An Act to Provide Social Services to Children in Need of Services and State Supervision" H.P. 129 L.D. 153

Bill "An Act to Clarify Medicaid Reimbursement for Acadia Hospital Corporation" (Emergency) H.P. 137 L.D. 179

Come from the House, referred to the Committee on **HEALTH AND HUMAN SERVICES** and **ORDERED PRINTED**, in concurrence.

Which were referred to the Committee on **HEALTH AND HUMAN SERVICES** and **ORDERED PRINTED**, in concurrence.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Change the Moose Hunting Season" H.P. 93 L.D. 117

Bill "An Act to Provide a Day for Resident Hunters Only at the Opening of the Moose Season" H.P. 94 L.D. 118

Bill "An Act to Protect Deer" H.P. 99 L.D. 123

Bill "An Act to Create a 3-Person Regional Fisheries and Wildlife Advisory Council within Each Resource Management Administrative Region" H.P. 128 L.D. 152

Bill "An Act to Reduce Snowmobile Registration Fees for Certain Nonresidents" H.P. 134 L.D. 176

Come from the House, referred to the Committee on **INLAND FISHERIES AND WILDLIFE** and **ORDERED PRINTED**.

Which were referred to the Committee on **INLAND FISHERIES AND WILDLIFE** and **ORDERED PRINTED**, in concurrence.

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

**PAPERS FROM THE HOUSE**  
**House Papers**

Bill "An Act to Require Disclosure to Prison Workers in the Case of an Inmate Who Tests Positive for Acquired Immune Deficiency Syndrome" H.P. 97 L.D. 121

Bill "An Act to Allow the Release of the Name of and Juvenile Crimes Committed by a Juvenile 14 Years of Age or Older" H.P. 101 L.D. 125

Bill "An Act to Prohibit the Plea Bargaining of Child Sex Abuse Cases" H.P. 108 L.D. 132

Bill "An Act to Remove Immunity for Fraudulent Testimony or Perjury" H.P. 119 L.D. 143

Bill "An Act Regarding the Duties of Guardian Ad Litem" H.P. 120 L.D. 144

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

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Require Workers' Compensation Hearings within 30 Days of a Request" H.P. 112 L.D. 136

Bill "An Act to Amend the Maine Workers' Compensation Act of 1992 as It Relates to Worker Reinstatement Rights" H.P. 114 L.D. 138

Bill "An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Public Employees Who Have Been Employed Fewer Than 6 Months" H.P. 123 L.D. 147

Bill "An Act to Provide Disclosure of the Bureau of Unemployment Compensation Records and Reports to Authorized Agents" H.P. 131 L.D. 173

Bill "An Act to Amend the Child Labor Laws to Prohibit Minors 14 Years of Age from Working in a Restaurant or Eating Place" H.P. 135 L.D. 177

Bill "An Act to Permit an Employer to Offer a Compressed Time Workweek to Consenting Employees" H.P. 136 L.D. 178

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

Which were referred to the Committee on **LABOR** and **ORDERED PRINTED**, in concurrence.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act to Amend the Treatment of Security Deposits to Provide a Remedy for Failure to Comply" H.P. 91 L.D. 115

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** and **ORDERED PRINTED**, in concurrence.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Remove Travel Policy from the Maine Administrative Procedure Act and to Transfer the Authority for Fixed Assets Inventory" H.P. 96 L.D. 120

Bill "An Act to Authorize a State Agency to Charge Interest on Money Owed to that Agency" H.P. 107 L.D. 131

Bill "An Act Regarding Qualifications for the Office of Sheriff" H.P. 109 L.D. 133

Bill "An Act to Designate Square Dancing as the Official Folk Dance of Maine" H.P. 111 L.D. 135

Bill "An Act to Prohibit Omnibus Fish and Game Legislation" H.P. 113 L.D. 137

Bill "An Act to Allow Municipal Law Enforcement Officials to Enforce Handicapped Parking Restrictions" H.P. 127 L.D. 151

Bill "An Act to Make Technical Changes in Laws Authorizing the Sale of the Pineland Center" H.P. 133 L.D. 175

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

Which were referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED**, in concurrence.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Exempt Certain Taxpayers from Filing State Income Tax Returns" H.P. 115 L.D. 139

Resolve, to Establish a Commission to Study Methods to Reduce Reliance on the Property Tax to Fund Education H.P. 116 L.D. 140

Bill "An Act Regarding the Authority of County Government Assessments" H.P. 117 L.D. 141

Bill "An Act to Adjust the Taxation of Public Pensions and Social Security Benefits" H.P. 118 L.D. 142

Bill "An Act to Amend the Laws Regarding Property Tax Reimbursement for Certain Business Property" H.P. 125 L.D. 149

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

Which were referred to the Committee on **TAXATION** and **ORDERED PRINTED**, in concurrence.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Amend the Law Regarding Fog Lights"  
H.P. 92 L.D. 116

Resolve, to Name a Section of Route 26 in Bethel in Oxford County in Memory of Captain Carl R. Churchill, United States Air Force, Killed in Action in Laos, May 3, 1970  
H.P. 95 L.D. 119

Bill "An Act to Repeal the Rental Fees for Road Signs"  
H.P. 100 L.D. 124

Bill "An Act Regarding the Use of Lights and Sirens on Personal Vehicles Used by Volunteer Firefighters and Emergency Medical Services Personnel"  
H.P. 126 L.D. 150

Bill "An Act to Amend the Motor Vehicle Laws Regarding Proof of Financial Responsibility and to Increase the Required Minimum Amounts of Liability Insurance Coverage"  
H.P. 138 L.D. 180

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

Which were referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**, in concurrence.

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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 to Increase Health Insurance Benefits for Retired Educators"  
H.P. 132 L.D. 174

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

On motion by Senator **CATHCART** of Penobscot, **TABLED** until Later in Today's Session, pending **REFERENCE**.

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

**ORDERS**

**Joint Order**

On motion by Senator **BENNETT** of Oxford, the following Joint Order: S.P. 66

**ORDERED**, the House concurred, that Joint Rule 202 be amended to read:

**Rule 202. Cloture for Legislators at the First Regular Session.**

All requests for bills and resolves submitted by Legislators for a first regular session must be submitted in complete form, as provided in Joint Rule 208, to the Revisor of Statutes by 4:00 p.m. on the 3rd Friday in December, except that, beginning with the 119th Legislature, each Legislator may submit 2 additional bills or resolves on or before February 28th at 4:00 p.m. without the approval of the Legislative Council.

Which was **READ**.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending **PASSAGE**.

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

**ORDERS**

**Joint Order**

On motion by Senator **MILLS** of Somerset, the following Joint Order: S.P. 67

**ORDERED**, the House concurred, that Joint Rule 308, first paragraph be amended as follows:

All bills and resolves must be referred to committee, except that this provision may be suspended by a majority vote in each chamber. All bills that contain proposed fee increases and other efforts to raise revenue must be referred to the Joint Standing Committee on Taxation.

Which was **READ**.

On motion by Senator **MILLS** of Somerset, **TABLED** 1 Legislative Day, pending **PASSAGE**.

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Off Record Remarks

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**ORDERS OF THE DAY**

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

Bill "An Act to Prohibit the Use of Bait and Dogs for Hunting Bear"  
S.P. 61 L.D. 171

Tabled - January 14, 1997, by Senator **BENOIT** of Franklin.

Pending - **REFERENCE**



(Committee on **INLAND FISHERIES AND WILDLIFE** suggested and **ORDERED PRINTED**.)

On motion by Senator **BENOIT** of Franklin, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

Sent down for concurrence.

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

Bill "An Act to Require Reimbursement to Counties for Services Rendered by County Law Enforcement Officers" (Emergency)  
H.P. 36 L.D. 61

Tabled - January 14, 1997 by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

(In Senate, January 9, 1997, **REFERRED** to Committee on **JUDICIARY** and **ORDERED PRINTED**, in concurrence.)

(In Senate, January 14, 1997, on motion by Senator **PINGREE** of Knox, under suspension of the Rules, **RECONSIDERED**.)

On motion by Senator **MURRAY** of Penobscot, referred to Committee on **CRIMINAL JUSTICE** in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

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

#### **PAPERS FROM THE HOUSE**

##### **House Paper**

Bill "An Act to Make Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 1997" (Emergency)  
H.P. 139 L.D. 181

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Which was, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee and **ORDERED PRINTED**, in concurrence.

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

#### **ORDERS OF THE DAY**

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

Joint Order - relative to Amending Joint Rule 202, Cloture for First Regular Session.  
S.P. 66

Tabled - January 14, 1997, by Senator **BENNETT** of Oxford.

Pending - **PASSAGE**

(In Senate January 14, 1997, **READ**.)

The **PRESIDENT**: The Chair recognizes the Senator from Oxford, Senator Bennett.

Senator **BENNETT**: Mr. President, fellow Senators. I present this order for several reasons. As you may see from it, what it would do is fairly simple; it would allow any member of the legislature, beginning with the next legislature, to put in up to two bills to February 28th without going through the process of getting approval by the Legislative Council. Now on the face of it, you might say, "Well this bill's going to actually increase the number of bills". But I think that if we all take a hard look at what it's like around cloture time, in our own behavior in many cases, we'll see that clearly, without coming into the legislative session without being able to talk with other legislators and flush out ideas, and perhaps put some ideas together into one instrument, we often will put bills in, or titles in, or ideas in, just to make sure that we have them in the process because, for some of us, that may be the only chance of getting that idea before the legislature for the next two years. So, even before we have a chance to serve in our positions, we have to know fully, just a few weeks after our election, exactly what changes we want to make to State Government. And I know, in my case I'm guilty of it, I know others have expressed the same concern to me that sometimes we put bills in because we have no other opportunity. Well, this gives us that opportunity and it relieves the pressure valve and allows ordinary members to get a bill in up to February 28th, no more than two. And, I actually believe that this will decrease the number of bills filed at cloture, because people will realize that they have this mechanism available to them and they'll avail themselves of it and decide later on, after they have a chance to talk with people about whether or not they will put the idea in or in what fashion they'll put it in. Just as evidence of this, I'd like to suggest that I think that the Legislative Council, right now, has already got fifty or sixty bills before it that are after-deadline requests. And I really think that this is a bill that empowers ordinary members of the Legislature and that's its intent and I hope that you support me on this order. Thank you.

The **PRESIDENT**: The Chair recognizes the Senator from Cumberland, Senator Rand.

Senator **RAND**: Thank you Mr. President. Men and women of the Senate. I would move Indefinite Postponement of this Joint Order for, actually, a number of reasons. We could go on and have a very healthy discussion about the pros and cons of this proposal but, I guess the main reason for objection would be that it doesn't take effect until the 119th Legislature, which makes this a particularly meaningless order. There's nothing that we can do in this legislature, the 118th, as far as the rules go, that will bind the 119th. So, this is kind of a gesture that's being put out there that could stimulate a great deal of very interesting debate, but at this time, I would move that it be Indefinitely Postponed.

The **PRESIDENT**: The Senator from Cumberland, Senator **RAND** moves that this Joint Order be **INDEFINITELY POSTPONED**. The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator **RUHLIN**: Thank you Mr. President. It is my understanding that this proposed joint rule would indeed impact on the 119th Legislature, therefore, I ask the Chair, the President of the Senate, if such a rule would be germane to the joint standing rules of the 118th Legislature?

The **PRESIDENT**: The Chair would rule that the order is germane but that this legislature cannot bind another legislature as to what their joint rules are.

The **PRESIDENT**: The Chair recognizes the Senator from Oxford, Senator Bennett.

Senator **BENNETT**: Mr. President and fellow Senators. I suspect that the Senator from Cumberland's objection is not the only objection that she may have so, my suggestion may not bare much fruit, but, the reason I put the effective date with the 119th Legislature was simply because I think this idea should be tried. I don't really see a problem with experimenting with the legislative process, to see if we can reduce the number of bills that come in here. I'd love it to take effect with this legislature, and I'd be willing to amend the order to that affect and put in a new order to that affect if we'd like to try it with this legislature. But, the point here is really to just; maybe it would only be that one legislature that would try it, maybe they would reject it when they come in and vote on their joint rules. I don't know. This is an idea that I think is worthy of an attempt to reduce the number of bills that this legislature considers, and to streamline this process. Again, I'd encourage you to support it and I would ask for a division. Thank you.

The **PRESIDENT**: The Chair recognizes the Senator from Cumberland, Senator Rand.

Senator **RAND**: Thank you Mr. President. With all due respect to the good Senator from Oxford, Senator Bennett, and for his reasoning behind this order, as I said previously, I'm sure that we could have a very lively discussion on the pros and cons of this particular order. The truth is, and the very plain fact is, the 119th Legislature, which will be duly elected by the citizens of this State, shall or will look at the rules and fashion them to suit

their needs. Passage of this in no way, in no way, guarantees that the 119th Legislature will adopt this rule. I say, give them all rules, as we have them, and allow them the opportunity, which they have anyway, without our permission, to fashion the rules to suit the 119th Legislature. And I would hope that the Body would go with Indefinite Postponement. Thank you.

The **PRESIDENT**: A Division has been requested.

Will all those in favor of **INDEFINITE POSTPONEMENT** of this Joint Order please rise and remain standing until counted

Will all those opposed to **INDEFINITE POSTPONEMENT** of this Joint Order please rise in their places and remain standing until counted.

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **RAND** of Cumberland to **INDEFINITELY POSTPONE PREVAILED**.

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

Bill "An Act to Increase Health Insurance Benefits for Retired Educators"  
H.P. 132 L.D. 174

Tabled - January 14, 1997, by Senator **CATHCART** of Penobscot.

Pending - **REFERENCE**

(In House January 14, 1997, referred to Committee on **EDUCATION AND CULTURAL AFFAIRS** and **ORDERED PRINTED**.)

On motion by Senator **CATHCART** of Penobscot, referred to the Committee on **LABOR**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Off Record Remarks

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

**JOINT ORDER** - relative to amending Joint Rule 208; concept drafting  
H.P. 5

Tabled - January 9, 1997 by Senator **PINGREE** of Knox.

Pending - **PASSAGE**

(In House, January 7, 1997, **READ** and **PASSED**.)

(In Senate, January 9, 1997, **READ.**)

On motion by Senator **PINGREE** of Knox, Senate Amendment "B" (S-3) **READ** and **ADOPTED.**

Which was **PASSED, as Amended**, in **NON-CONCURRECE.**

Sent down for concurrence.

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Off Record Remarks

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On motion by Senator **RAND** of Cumberland, **ADJOURNED** until Thursday, January 16, 1997, at 10:00 in the morning.