

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

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

In Senate Chamber
Thursday
January 16, 1997

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

Prayer by Pastor Jacky Wilhoite of the Apostolic Bible Church in Pittsfield.

PASTOR JACKY WILHOITE: Dear Jesus, I want to give You thanks first of all, that You are Lord of everything. And I want to thank You, Lord and this Senate for the honor of opening today's session with blessings and thanksgiving.

We need You today, for we are but a small, humble people in this vast and awesome universe. May we recognize our need for You, Your power, Your authority. It's Your kingdom, it's Your government which we must first ascribe to. Governments are ordained of You, Lord and we need You to bless our government. You are the lawgiver, and Jesus, You set into motion the worlds keeping the forces at work, and measuring out to mankind his time. In knowing this, we want to respect and fear You, as You rightly should be.

Let the words of our mouth and the meditations of our heart be acceptable unto You, Lord. We want to have Your favor, so forgive us our debts and our sins today, as we forgive those that are indebted to us. Lord, bless these men and these women today so that they may keenly be aware of Your presence, Your wish to lead them, to guide them, to direct them, for the nation, for the people and for our country. Smile on us O sovereign God, and we give thanks to You, Jesus, in Your holy and righteous name, Amen.

Doctor of the Day, Rebecca Chagrasulis, M.D., Casco.

Reading of the Journal of Tuesday, January 14, 1997.

Out of Order and under suspension of the Rules, on motion by Senator **PINGREE** of Knox the following Joint Order
S.P. 81

ORDERED, that when the House and Senate Adjourn they do so until Tuesday, January 21, 1997, at 3:00 in the afternoon.

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

Sent down for concurrence.

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

**PAPERS FROM THE HOUSE
House Papers**

Bill "An Act to Protect Internal Waters of the State"
H.P. 55 L.D. 80

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

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

Bill "An Act to Exempt Contract Dance Instructors from the Unemployment Tax"
H.P. 24 L.D. 49

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

Comes from the House, referred to the Committee on **LABOR**.

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

SENATE PAPERS

Bill "An Act to Decrease the Time Period Allowed for the Rescission of a Time-share Contract"
S.P. 65 L.D. 184

Presented by Senator **HALL** of Piscataquis

Bill "An Act to Allow a Patient to Order Contact Lenses through the Mail without a Prior Visit to a Physician"
S.P. 78 L.D. 217

Presented by Senator **LIBBY** of York

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

Sent down for concurrence.

Bill "An Act to Give an Antlerless Deer Permit to a Person Who Kills 5 or More Coyotes"
S.P. 63 L.D. 182

Presented by Senator **HALL** of Piscataquis
Cosponsored by Representative: **UNDERWOOD** of Oxford

Bill "An Act to Require the Department of Inland Fisheries and Wildlife to Provide Transportation Tags with Big Game Hunting Licenses"
S.P. 64 L.D. 183

Presented by Senator **HALL** of Piscataquis
Cosponsored by Representative: **UNDERWOOD** of Oxford

Bill "An Act to Limit Personal Watercraft"
S.P. 69 L.D. 208

Presented by Senator RUHLIN of Penobscot
Cosponsored by Representatives: CROSS of Dover-Foxcroft,
SPEAR of Nobleboro, USHER of Westbrook

Bill "An Act to Allow Limited Hunting of Antlerless Deer with
an Ordinary Hunting License" S.P. 71 L.D. 210

Presented by Senator LONGLEY of Waldo (By Request)

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

Sent down for concurrence.

Bill "An Act to Permit Filing for the Probate of an Estate for up
to 10 Years Following Death" S.P. 73 L.D. 212

Presented by Senator MILLS of Somerset

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

Sent down for concurrence.

Bill "An Act to Amend the Site Law Concerning State and
Local Review of Transmission Lines"
S.P. 79 L.D. 218

Presented by Senator TREAT of Kennebec
Cosponsored by Senators: KILKELLY of Lincoln, MICHAUD
of Penobscot, NUTTING of Androscoggin, Representatives:
KONTOS of Windham, BERRY of Livermore, COLWELL of
Gardiner, WRIGHT of Berwick

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

Sent down for concurrence.

Bill "An Act to Change How the Mileage Allowance is
Determined for Sheriffs and Deputies"
S.P. 68 L.D. 207

Presented by Senator FERGUSON, JR. of Oxford
Cosponsored by Senators: MACKINNON of York, RUHLIN of
Penobscot

Bill "An Act to Increase Term Limits to 12 Years for Elected
Officials and Constitutional Officers"
S.P. 70 L.D. 209

Presented by Senator MILLS of Somerset
Cosponsored by Representative HATCH of Skowhegan

Bill "An Act to Permit Municipalities to Restrict the Sale of
Tobacco Products" S.P. 72 L.D. 211

Presented by Senator MILLS of Somerset

RESOLUTION, Proposing an Amendment to the Constitution
of Maine to Reduce the Size of the Legislature Following
Redistricting in the Year 2003 S.P. 75 L.D. 214

Presented by Senator MITCHELL of Penobscot
Cosponsored by Representative PLOWMAN of Hampden
and Senators: AMERO of Cumberland, GOLDTHWAIT of
Hancock, HARRIMAN of Cumberland, KIEFFER of
Aroostook, LIBBY of York, MURRAY, JR. of Penobscot,
Representatives: CAMPBELL of Holden, CIANCHETTE of
South Portland

Resolve, to Establish Qualifications for Constitutional Officers
S.P. 80 L.D. 219

Presented by Senator LIBBY of York
Cosponsored by Senator: MACKINNON of York,
Representative: GERRY of Auburn

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

Sent down for concurrence.

Bill "An Act to Create the Position of Director of Econometric
Research within the Bureau of Taxation"
S.P. 74 L.D. 213

Presented by Senator RUHLIN of Penobscot
Cosponsored by Representative SPEAR of Nobleboro and ,
Representative: TRIPP of Topsham
Submitted by the Department of Administrative and Financial
Services pursuant to Joint Rule 204.

Bill "An Act to Amend the Veterans Property Tax Exemption"
S.P. 76 L.D. 215

Presented by Senator FERGUSON, JR. of Oxford
Cosponsored by Senators: MACKINNON of York, MICHAUD
of Penobscot, Representative: BAKER of Dixfield

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

Sent down for concurrence.

Bill "An Act to Abolish the \$3 Photograph Fee for Senior
Citizen Drivers' Licenses" S.P. 77 L.D. 216

Presented by Senator LIBBY of York (By Request)
Cosponsored by Senator: MACKINNON of York,
Representative: JOYNER of Hollis

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

Sent down for concurrence.

ORDERS

Senate Orders

On motion by Senator **PINGREE** of Knox, the following Order:
S.O. 11

ORDERED, that the Senate Rules of the 118th Legislature are as follows:

SENATE RULES

118TH LEGISLATURE

Part 1

General Provisions

Rule 101. Title of Senator. The President, when speaking to any member of the Senate, and the members, when referring to each other in debate, shall use in their addresses the title of Senator, and by way of distinction name the county in which the Senator resides.

Rule 102. Lobbyists banned from member's desk. At no time may a registered lobbyist be at the desk of any member.

Part 2

President and President Pro Tempore

Rule 201. Duties and powers of the President.

1. Duties. The President shall:

A. Take the chair at the time to which the Senate has adjourned and, after the appearance of a quorum, cause the journal of the preceding day to be read;

B. Address the Senate when speaking;

C. Appoint all committees, a sergeant-at-arms, a postmaster, a president pro tempore to perform the duties of the Chair during the President's absence and chamber staff, unless the Senate otherwise directs. The President may rescind these appointments at any time;

D. Appoint the Committee on Bills in the Second Reading and the Committee on Engrossed Bills. Each committee consists of 4 members. Any one member of either committee constitutes a quorum of that committee. The Revisor of Statutes is clerk of the Committee on Bills in the Second Reading;

E. Enforce the observance of order and decorum;

F. Decide questions of order without debate within 7 legislative days;

G. Appoint the Committee on Conduct and Ethics which is comprised of 5 members. At least 2 of the members must represent the political party that has the greatest number of members in the Senate, and at least 2 of the members must represent the political party that has the next greatest number of members in the Senate;

H. Rise to put a question and declare all votes, but if any Senator doubts the vote, all those voting in the affirmative, when called upon by the President, shall rise and stand until they are counted, and also those in the negative, in like manner, to make the vote certain; and

I. Vote in all cases, unless excluded by interest.

2. Powers. The President may:

A. Name a Senator to perform the duties of the Chair;

B. Appoint a temporary Secretary of the Senate and a temporary Assistant Secretary of the Senate to fill any vacancy that may occur in those offices while the Legislature is not in session and to serve until the Senate elects a Secretary or Assistant Secretary. The election must occur within 60 days of the vacancy; and

C. Appoint legal counsel while the Legislature is in session.

Rule 202. Duties of the President pro tempore. The President pro tempore shall:

1. Preside over the Senate. Preside at the time to which the Senate has adjourned when the President is absent; and

2. President assumes office of Governor. When the President assumes the office of Governor, exercise the powers and duties of the office of President until the vacancy in the Senate created by the President's succession to the office of Governor is filled, the Senator so elected is seated and a President is elected.

Part 3

Secretary

Rule 301. Duties of the Secretary. The Secretary shall:

1. Presiding officer. Preside until a President pro tempore is chosen when the President pro tempore is absent;

2. Numbering of bills and resolves. Number bills and resolves in the order in which they are reported by the Committee on Bills in the Second Reading, and enter them upon the calendar in that order;

3. Messages. Carry all messages from the Senate to the House and to the Governor unless the Senate directs some other mode of transmission. All papers must be transmitted to the Governor and the House under the direction of the Secretary or the Assistant Secretary;

4. Senate order or joint order. Forward a copy of each Senate order or joint order requiring action by any department, bureau, commission, board or agency of the State that is passed by both chambers of the Legislature to the department, bureau, commission, board or agency immediately after the adjournment of the legislative day in which the order was passed by the concurring chamber of the Legislature; and

5. Questions of order. Enter on the journal the decision on a question of order.

Part 4

Members

Rule 401. Rights and duties of members. Members of the Senate have the following rights and duties.

1. Member may not speak. A Senator may not address the Senate until recognized by the President. When a Senator speaks, the Senator shall stand in the Senator's place and address the President.

2. Speak more than 3 times. If there is objection, a Senator may not speak more than once on a question to the exclusion of any other Senator without leave of the Senate. If the Senator is the mover of the matter under debate, then the Senator may speak 3 times without leave.

3. Duty to vote. Every Senator who is present shall vote unless excused by the Senate, or excluded by interest.

4. Roll call. Once the Secretary of the Senate commences with a roll call, all Senators must remain seated until the vote has been announced.

5. Question put to vote. A Senator may not speak on a question after it is put to vote.

6. Pairing of votes. A member who is absent by leave of the presiding officer and who has notified the presiding officer of the member's intent to pair the member's vote may join in voting for or against a measure with another member present at the time of the vote who stands on the opposite side of the question, provided that the absent member has submitted in writing the request for pairing and has received approval in writing by the President. The vote of the absent member and the member with whom that member is paired does not become part of the total number of votes causing passage or rejection of the measure.

7. Present bill. Members or members-elect who present a bill, resolve or a petition shall place their signatures on the bill, resolve or petition and a brief descriptive title of its contents.

8. Exchange seats. Members of the Senate may exchange seats with permission of the President.

9. Absent from Senate. A member may not be absent from the Senate without leave, unless there is a quorum left present.

10. Paid representative. A member of the Senate may not act as a paid representative for any party before the Legislature or any legislative committee.

Part 5

Proceedings and Debates

Rule 501. Motion to adjourn. A motion to adjourn must always be first in order, and it must be decided without debate.

Rule 502. Motions and concurrence. The following rules apply to motions and questions of concurrence with the House.

A. When a question is under debate, a motion may not be received except a motion:

- (1) To adjourn;
- (2) To reconsider;
- (3) To lay on the table;
- (4) To postpone to a day certain;
- (5) To commit;
- (6) To amend; or
- (7) To postpone indefinitely.

These motions have precedence in the order in which they are arranged.

Questions of concurrence or otherwise with the House have precedence over each other in the following order:

- 1st. To recede;
- 2nd. To concur;
- 3rd. To insist; or
- 4th. To adhere.

Rule 503. Consideration of motion. A motion must be reduced to writing, if desired by the President or any Senator, and is then considered to be in possession of the Senate, to be disposed of by the Senate, but the mover may withdraw it at any time before a decision or any amendment is made to it.

Rule 504. Germaneness. An amendment must be germane to the proposition under consideration. An amendment proposing to establish a general provision of law upon a private and special bill or beyond the second degree is not in order.

Rule 505. Printing and distribution of amendments. An amendment to a bill or resolve may not be acted upon by the Senate until the same has been printed and distributed to the members under the direction of the Secretary of the Senate, unless the amendment bears the recommendation of the Committee on Bills in the Second Reading that the printing be dispensed with. All amendments filed with the Secretary of the Senate for printing must bear the signature of the member filing the amendment.

Rule 506. Reconsideration. A proposed amendment may be amended before it is adopted, but not afterwards, unless the vote adopting it is first reconsidered.

When a motion has been made and carried in the affirmative or negative, it is in order for any member of the Senate who voted with the prevailing side, or in the negative on a tie vote, to move to reconsider on the same or succeeding day. A motion to reconsider may not be tabled unassigned. When a motion for reconsideration has been decided, the vote may not be reconsidered. A motion to reconsider is not in order more than once on the same question.

When a member of the Senate moves or gives notice of intention to move a reconsideration of any vote, the papers to which the motion relates remain in possession of the Secretary until the question of reconsideration has been decided, or the

right to move the question is lost. All matters acted upon must be held in the Senate for at least 30 minutes after adjournment unless sent forthwith or held for reconsideration by a member.

A motion to reconsider takes precedence over all other questions except a motion to adjourn. However, if a motion to reconsider is made while another question is pending, the motion to reconsider may only be entered and may not be put until the other question is disposed of.

Rule 507. Questions of order. If an appeal of a decision of the President on a question of order is taken, the question of order may be debated like other questions.

Rule 508. Question divided. A question containing 2 or more propositions capable of division must be divided whenever desired by any member.

Rule 509. Papers read once. Every paper must be read once at the table before any Senator is obliged to vote on the paper. If a Senator objects to a reading of a paper that has already been read to the Senate, the Senate must determine the question.

Rule 510. Second reading. All bills and resolves in their second reading must be committed to the Committee on Bills in the Second Reading to be examined and corrected.

After the Committee on Bills in the Second Reading has reported to the Senate that its examination and correction of a bill or resolve has been completed and that bill or resolve has been read by the Secretary, any member of the Senate may request that the bill or resolve be read and considered by paragraphs. This request may only be made before the question is put on passage of that bill or resolve. A bill or resolve may not have a second reading unless a time not less than one hour after the first reading is assigned for the second reading.

A resolve of any kind, or an order making any grant of money, lands, or other public property may not be passed without being read on 2 several days; the time for the second reading must be assigned by the Senate.

Rule 511. Enactment of engrossed bills. A bill or resolve may not pass to be engrossed until the bill or resolve has had 2 readings. All bills and resolves, immediately after being engrossed, must be committed to the Committee on Engrossed Bills to be examined; if found by the committee to be truly and strictly engrossed, and before any bill is passed to be enacted or any resolve is finally passed, the title of the bill or resolve must be read.

Rule 512. Order of Business. After the reading of the journal, the following is the order of business:

1st. **House papers.** House papers, and first reading of accompanying bills and resolves;

2nd. **Messages and documents.** Messages and documents from the Governor and heads of departments;

3rd. **Documents requiring reference to committee.** Reception of petitions, bills and resolves requiring reference to any committee;

4th. **Orders.** Orders;

5th. **Reports of committees.** Reports of committees;

6th. **Second readings.** Bills and resolves reported by the Committee on Bills in the Second Reading;

7th. **Bills and resolves; enactment or passage.** Bills on their passage to be enacted, and resolves on their final passage; and

8th. **Orders of the day.** Orders of the day.

Rule 513. Calendar. Bills and resolves are taken up for their second reading and passage to be engrossed, or other disposition, in the order that they stand on the calendar. If a bill or resolve, after it is put on the calendar, is laid on the table, and no time is assigned for its further consideration, then the bill or resolve must go to the foot of the calendar. Papers from the House, concerning which there has been a disagreeing vote of the 2 chambers, must be disposed of before commencing with the calendar. This rule does not apply to or interfere with motions to reconsider, or special assignments or other privileged questions.

Rule 514. Transact business. Business may not be transacted after the hour of 9:00 p.m. without the affirmative vote of 2/3 of the members present and voting.

Rule 515. Roll call. A roll call must close no more than 30 minutes after the call was commenced. When the yeas and nays are taken, the names of the Senators must be called alphabetically.

A roll call may be requested while the result of a division is being announced.

Rule 516. Unfinished business. The business that was unfinished in the Senate at the time of the last adjournment has precedence in the orders of the day.

Rule 517. Notice to Senate. The President shall give the Senate notice before an engrossed bill or resolve may be sent to the House.

Rule 518. Dispensation of rule. A rule may not be dispensed with, except by the consent of 2/3 of the members present.

Rule 519. Amendment, adoption or repeal of rule. Notwithstanding Rule 518, after the convening of a first regular session and before the 3rd Monday in January and after the convening of a second regular session and before the second Wednesday after the first Tuesday of January, any amendment to the Senate Rules proposed by a Senate order may be adopted by a majority vote of the members present, except that if the amendment has already failed to be adopted during that session, it may be adopted only if, upon reconsideration, it receives the approval of 2/3 of the members present.

Rule 520. Rules of parliamentary practice. The rules of parliamentary practice comprised in Mason's Manual of Legislative Procedure govern the Senate in all cases in which they are applicable and in which they are not inconsistent with the standing rules of the Senate or of the joint rules of the 2 chambers.

Rule 521. Impeachment. Prior to final action by the Senate on any paper initiating any impeachment proceeding under the Constitution of Maine, Article IV, Part First, Section 8; Article IV, Part Second, Section 7; and Article IX, Section 5, and prior to final action by the Senate on any paper initiating any address proceeding under the Constitution of Maine, Article IX, Section 5, the Secretary of State shall furnish members of the Senate with copies of the 1986 report to the 112th Legislature on impeachment and address.

Rule 522. Committee of the whole. The Senate may at any time, upon motion, by a vote of a majority of the members present, resolve itself into a committee of the whole for the purpose of considering any subject named in the motion. The President shall appoint a chair. If a message is announced while the Senate is in this committee, the President shall resume the chair for the purpose of receiving the message; immediately after which the committee shall proceed, until dissolved in the usual manner.

Rule 523. Line-item veto. When a bill or resolve is returned by the Governor with any dollar amount disapproved pursuant to the Governor's line-item veto power, the Senate shall act upon the disapproved item or items within 5 days of receiving the bill or resolve from the Governor or within the remaining balance of time available after receiving the bill or resolve from the House.

Which was **READ**.

On motion by Senator **AMERO** of Cumberland, Tabled until Later in Today's Session, pending **PASSAGE**.

COMMITTEE REPORTS

Senate

Ought to Pass

Senator **LONGLEY** for the Committee on **JUDICIARY** on Bill "An Act to Extend the Reporting Deadline for a Study by the Family Law Advisory Commission of the Statutes and Awards and Allocations Concerning Parental Rights and Responsibilities" (Emergency) S.P. 9 L.D. 1

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

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

Senator **LONGLEY** for the Committee on **JUDICIARY** on Resolve, to Extend the Reporting Deadline of the Task Force on Tribal-State Relations (Emergency) S.P. 27 L.D. 25

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

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

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 had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate the following Tabled and Later Assigned (1/14/97) matter:

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

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

Pending - **REFERENCE**

(Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED**.)

On motion by Senator **MURRAY** of Penobscot, referred to the Committee on **CRIMINAL JUSTICE**.

Sent down for concurrence.

On motion by Senator **PINGREE** of Knox, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Require the Maine Land Use Regulation Commission to Consider Community Benefits when Approving Utility Line Permits" H.P. 175 L.D. 230

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** 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 Require Accountability for Bond Issues" H.P. 174 L.D. 229

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

Which was referred to the Committee on **APPROPRIATIONS AND FINANCIAL 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 Paper

Bill "An Act to Extend Access to Chiropractic Care under Health Maintenance Organization Managed Care Plans" H.P. 179 L.D. 234

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

Which was **READ** and referred to the Committee on **BANKING AND INSURANCE** 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 Laws Pertaining to Electricians" H.P. 162 L.D. 204

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

Which was referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** 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 Classify Vehicular Homicide as a Class A Crime" H.P. 176 L.D. 231

Bill "An Act to Create the Class A Crime of Theft" H.P. 177 L.D. 232

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Limit Reimbursement for Public School Construction and Renovation to \$80 per Square Foot" H.P. 143 L.D. 186

Bill "An Act to Provide That Students Receiving Any Services from a School Be Counted as Full-time Students for Purposes of State Aid" H.P. 144 L.D. 187

Bill "An Act to Require a Revote by Referendum on a School Budget and to Clarify the Budget Referendum Approval Process" H.P. 147 L.D. 190

Bill "An Act to Strengthen the Requirements for Acquisition of Driver's Licenses by Minors" H.P. 181 L.D. 236

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

Which were referred to the Committee on **EDUCATION AND CULTURAL 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 Require a Guide for Certain Nonresident Aliens Hunting in the State" H.P. 149 L.D. 191

Bill "An Act Regarding Trap-tending Requirements" H.P. 161 L.D. 203

Bill "An Act to Exempt Watercraft Powered by Electric Motors from Registration Fees" H.P. 170 L.D. 225

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.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Require the Courts to Accept Civil Orders of Arrest on Any Day Court is in Session" H.P. 180 L.D. 235

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

Which was referred to the Committee on **JUDICIARY** 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 Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers" H.P. 154 L.D. 196

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

Which was 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 Exempt Family Entertainment Centers from Gambling Prohibitions" H.P. 163 L.D. 205

Come 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 Paper

Bill "An Act to Amend the Marine Resources Special Licensing Laws to Provide for Test Marketing and Development of New Seafood Products" (Emergency) H.P. 157 L.D. 199

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

Which was referred to the Committee on **MARINE RESOURCES** 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 Fully Fund the Surface Water Ambient Toxics Monitoring Program" H.P. 152 L.D. 194

Bill "An Act to Amend the Permitting Laws for Septic Waste Disposal Sites" H.P. 156 L.D. 198

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

Which were referred to the Committee on **NATURAL RESOURCES** 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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require Minimum Qualifications for the Treasurer of State
H.P. 145 L.D. 188

Bill "An Act to Prohibit a Former Legislator from Employment in the Legislative, Judicial or Executive Branch for 2 Years after the End of the Legislator's Term" H.P. 150 L.D. 192

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Term of the Governor
H.P. 159 L.D. 201

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-year Terms for Senators and Members of the House of Representatives H.P. 164 L.D. 206

Bill "An Act to Clarify the Territory Included within Lake Arrowhead Community, Incorporated"
H.P. 168 L.D. 223

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 Lobster Traps from the Personal Property Tax" H.P. 151 L.D. 193

Bill "An Act to Increase the Time before Which the Statute of Limitations Bars a Person from Collecting an Overpayment of Tax" H.P. 153 L.D. 195

Bill "An Act to Grant Tax-exempt Status to the Scottish Rite Masonic Children's Learning Centers, Inc." H.P. 158 L.D. 200

Resolve, to Establish the Commission on Comprehensive Tax Reform H.P. 160 L.D. 202

Bill "An Act to Increase the Tax Relief in the Maine Residents Property Tax Program" (Emergency) H.P. 165 L.D. 220

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.

Bill "An Act to Reward Schools for Exceptional Student Performance on the 4th-grade Maine Educational Assessment Exam" H.P. 142 L.D. 185

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

On motion by Senator **PINGREE** of Knox, Tabled until Later in Today's Session, pending **REFERENCE**.

Bill "An Act to Exempt Public Water, Power or Light Systems from Municipal Taxation" H.P. 167 L.D. 222

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

On motion by Senator **PINGREE** of Knox, Tabled until Later in Today's Session, pending **REFERENCE**.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, to Name a Portion of Highway in Milbridge in Honor of David Kennedy H.P. 155 L.D. 197

Resolve, Requiring the Department of Public Safety, Chief of the State Police to Amend the Commercial Vehicle Inspection Standards to Help Control Diesel Truck Emissions H.P. 171 L.D. 226

Bill "An Act to Require the Department of Transportation to Notify Counties of Planned Bridge Projects at the Time of Planning" H.P. 173 L.D. 228

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.

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 Charter of the Madison Water District" H.P. 166 L.D. 221

Bill "An Act Regarding Charges Assessed against Owners of Sprinkler Systems" H.P. 169 L.D. 224

Bill "An Act to Regulate Telephone Directory Entries" H.P. 178 L.D. 233

Come from the House, referred to the Committee on **UTILITIES AND ENERGY** and **ORDERED PRINTED**.

Which were referred to the Committee on **UTILITIES AND ENERGY** and **ORDERED PRINTED**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 148

ORDERED, the Senate concurred, that the Joint Standing Committee on Appropriations and Financial Affairs report out to the House a bill or bills authorizing appropriations and allocations for fiscal years 1996-1997, 1997-98 and 1998-99 and to change certain provisions of the law necessary for the proper operation of State government.

Comes from the House **READ** and **PASSED**.

Which was **READ** and **PASSED**, in 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:

ENACTORS

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

Emergency

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
H.P. 139 L.D. 181

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Emergency Resolve

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

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

After Recess

Senate called to order by the President.

Off Record Remarks

On motion by Senator **AMERO** of Cumberland, **RECESSED** until 3:00 in the afternoon.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act to Exempt Public Water, Power or Light Systems from Municipal Taxation" H.P. 167 L.D. 222

Tabled - January 16, 1997, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

(In House January 16, 1997, referred to the Committee on **TAXATION** and **ORDERED PRINTED**.)

On motion by Senator **RUHLIN** of Penobscot, referred to 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 Paper

Bill "An Act to Exempt Companies That Employ 5 People or Fewer from Carrying Workers' Compensation Insurance"
H.P. 146 L.D. 189

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

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

Bill "An Act to Amend the Motor Vehicle Laws Regarding Loss of License"
H.P. 172 L.D. 227

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

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

In House, January 9, 1997, **REFERRED** to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

In Senate, January 14, 1997, **REFERRED** to the Committee on **CRIMINAL JUSTICE** in **NON-CONCURRENCE**.

Comes from the House, that Body **ADHERED**.

On motion by Senator **MURRAY** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

ORDERS OF THE DAY

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

On motion by Senator **PINGREE** of Knox, the following Order:
S.O. 11

Tabled - January 16, 1997, by Senator **AMERO**, of Cumberland.

Pending - **PASSAGE**

(In Senate January 16, 1997, **READ**.)

On motion by Senator **PINGREE** of Knox, Senate Amendment "B" (S-5) **READ**.

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

Senator **PINGREE:** Thank you Mr. President, men and women of the Senate. This clarifies the rules regarding lobbyist and also regarding the line item veto when it comes down to the Senate.

On further motion by same Senator, Senate Amendment "B" (S-5) **ADOPTED**.

On motion by Senator **HARRIMAN** of Cumberland, Senate Amendment "E" (S-8) **READ**.

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

Senator **HARRIMAN:** Thank you Mr. President. Good Afternoon Ladies and Gentlemen of the Senate. The motion I offer before you, is the opportunity to delete from the Senate Rules, the opportunity to pair votes, and if I could, for just a brief moment, share with you the rationale that I hope you will agree with in supporting my motion. All of us who have taken the oath of office, have in my view, established that one of our highest responsibilities, while the legislature is in session, is to actually be here and be present to vote on behalf of your constituents. And like all of us from time to time, we will be pressured both personally, or professionally, or otherwise, to have to make a difficult choice, whether to be in your seat as your constituents expect, or to not be here, and that is for all of us, always a very difficult decision, but I think one that deserves to stand on its own merits and that we have a responsibility to be here. By using the technique of pairing our votes, it is a way for us to not be present for a vote, yet have the record reflect in some form or fashion the implication that we were here. I think pairing also needs to be looked at from the perspective that someone who pairs their vote, can actually determine the outcome of a piece of legislation, with not having been here for the vote, not having participated in the debate, yet, could have a significant role in the outcome of a pending question. Mr. President, I think it's also confusing to the public; we live in an environment now, where people hold what goes on in State Houses around the country with somewhat disdain. And, this is yet a further indication of a way to confuse and befuddle the public about who's voting. If at all they're voting, and I think this is an opportunity for us to keep what we have conducted in the last session, which is a clear and concise record of who's here to vote and on what issue. I'd also point out that in our guiding principles in Masons Rules, one of the fundamental reasons that we have this form of parliamentary procedure is to protect the minority from the tyranny of the majority. And what this rule does is to empower one person and only one person, the President of the Senate; it gives him or her the authority to determine whether someone can pair their vote or not. And I certainly mean no disrespect to you Mr. President, our current sitting President, but these rules will transfer into the next legislature if they're adopted and who is to say how that President will use this power to decide whether someone can or cannot pair a vote. And lastly Mr. President, I wish to simply say that we already have provision for those of us who need to be excused. There are specific incidences which you can go to the President of the Senate and be excused from voting, and indeed that is how the record is recorded. So, for all those reasons, Mr. President, I hope that you will not take offense personally to what

I said, that's not intended in any way, shape, or manner, but simply to assure that the voting process here remains understandable for the public for all to know. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Mr. President, thank you, members of the Senate. I'll be brief. I personally have a busy life as a dairy farmer. I personally will never pair my vote. That is a personal decision. But I am not going to go so far as to keep somebody else who is forced away from this chamber due to an emergency, or health situation, or business situation from, on a rare occasion, allowing themselves to be recorded on a vote. Thank you.

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

Senator **KIEFFER:** Thank you Mr. President. I'll be very brief. I believe everything that I would have said has been said. However, I feel very strongly that, as an elected State Senator, it's my obligation to be here and to not use the pairing of votes as, what I view as probably, a subterfuge. It's very misleading to have your vote recorded, to have people at home say, "Yes he did have 100% voting record", when that certainly is not true through the pairing of vote procedure, and therefore, I will not be supporting the pairing of votes.

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

Senator **GOLDTHWAIT:** Thank you Mr. President, men and women of the Senate. I just want to say that although this is one of those mechanisms that internally makes sense to us, because we're all aware of the many competing demands on our time. In the few instances when it's come up with constituents of mine, they've had a very difficult time understanding it and, in fact, if they'd seen a roll call sheet that had a "P" on it and asked what that meant and I tried to explain it, as objectively as I could, their response was invariably, that this is some sort of shady dealing that we engage in to get out of voting or something. And because the public perception of our credibility is very important to me, I will be supporting this motion and opposing pairing. I think the mechanism is in place for excused absences, in the case of a health crisis or another assignment from the legislature. And I know that all members make every effort to be here as much as they can, and, I have yet to find my constituents to be unsympathetic to a reasonable explanation of why I might have been absent once or twice. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Kilkelly.

Senator **KILKELLY:** Thank you Mr. President, members of the Senate. The concept of pairing makes a great deal of sense to me, in that, it gives me an opportunity as a member who may, because of a family situation, a work situation, other legislative business, not be able to be here and at the same time gives me an opportunity to be on record on an issue that's important to my constituents. I think it provides us with more openness in terms of what our position is. I think it provides you with less wiggle-

room actually, because you actually are on record as opposed to being able to say, "Well, I wasn't there, but gee, maybe I would have voted for it, or maybe I wouldn't have voted for it". This way you are on record, you're on record as having taken a stand, made a statement on an issue, and at the same time, there's a reason why you couldn't be there. An excused absence is certainly an important part of the process as well, in that, there are emergencies that do come up. But that doesn't provide you with an opportunity to be on the record, on a topic. This does, and on the issues that are very important to my constituents, if there's a time when I can't be here, I would very much appreciate the opportunity to be on record, and pairing would provide that, so, I would urge your support of the concept of pairing. Thank you.

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

Senator **LONGLEY:** Thank you Mr. President. I rise to say that I'll be voting against this motion, and I do so because, just from my personal experience I continue to teach while I continue to legislate and night-times there is that opportunity for me to teach. With all respect to my huge responsibilities here, there are those nights where students, 24, are waiting for me, half hour up the road and I have a huge sense of responsibility to them, too. And in terms of what the good Senator from Hancock had to say, I think the people from Maine understand and want a citizen legislature and part of that is to, in my opinion, allow us to pair so that we continue to uphold our responsibilities in our various professional worlds. Thank you.

THE PRESIDENT: Is the Senate ready for the question? The Chair recognizes the Senator from Cumberland, Senator Harriman.

Senator **HARRIMAN:** Thank you Mr. President, ladies and gentlemen of the Senate. If I might just respond to some of the comments I've heard, to my new friend from Androscoggin, Senator Nutting, that we already have provisions for Senators who run into family emergencies, or business emergencies, or personal sicknesses, or bereavement leave, or what have you, and, that is already part of our process. Having served under three Senate Presidents of both major political parties, I've never once seen a time when a Senate President hasn't been empathetic to the needs of someone's personal or professional responsibilities. So, for those reasons, I think we already have in place, the opportunity for people who have to be away from the chamber for those reasons, to be excused. Thank you Mr. President, I request a Roll Call.

THE PRESIDENT: The Senator from Cumberland, Senator Harriman has requested a Roll Call. In order for the Chair to order a Roll Call, it must have the express desire of one-fifth of the members present. All those in favor of a Roll Call will rise in their places and remain standing until counted. Obviously, more than one-fifth of the members having risen a Roll Call is in order.

The pending question before the Senate is the motion by Senator **HARRIMAN** of Cumberland to **ADOPT** Senate Amendment "E" (S-8). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, CLEVELAND, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL

NAYS: Senators: CAREY, CATHCART, DAGGETT, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senator: BUTLAND

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **HARRIMAN** of Cumberland to **ADOPT** Senate Amendment "E" (S-8) **FAILED**.

Which was **PASSED, as Amended**.

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

SENATE ORDER - relative to the Rules of the Senate of the 117th being the Rules of the 118th Legislature
S.O. 3

Tabled - January 7, 1997, by Senator **PINGREE** of Knox.

Pending - **PASSAGE**

(In Senate, December 4, 1996, **READ**.)

On motion by Senator **PINGREE** of Knox, **INDEFINITELY POSTPONED**.

On motion by Senator **HALL** of Piscataquis, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, January 21, 1997, at 3:00 in the afternoon.