

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
Wednesday
March 26, 1997

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

Prayer by the Honorable John W. Benoit of Franklin.

HONORABLE JOHN W. BENOIT: Thank you. Last session I wrote some lines and gave the prayer and here it is again, I'd like to think by popular demand, with two new lines. So, we have old lines, not heard by new members and new lines for returning members. And I'd like to thank the Senator from Cumberland, Senator Abromson for helping me with the ending.

When I look out a window and see a green tree, I know our Creator made it for you and for me. When I look in your eyes and see a lively hue, I know our Creator lives in me and in you. If we could see far across time and across space, most certainly we would see our Creators own face. But lacking all that, we should still do the next best thing, sharing love smiles that tug at our Creators heart string. A peace word to you, ends my poem. Happy Easter, in you heart, Shalom.

Doctor of the Day, Brian M. Jumper, M.D., Falmouth.

Reading of the Journal of Tuesday, March 25, 1997.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Authorizing the Theta Chi Building Association to File with the Secretary of State as a Nonprofit Corporation
S.P. 145 L.D. 424
(C "A" S-28)

Majority - **Ought to Pass as Amended** (11 members)

Minority - **Ought Not to Pass** (2 members)

In Senate, March 20, 1997, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolved **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-28)**.

Comes from House, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

Non-concurrent Matter

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Allow Municipalities to Advertise Public Legal Notices in Weekly Papers"
S.P. 18 L.D. 16

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended** (5 members)

In Senate, March 20, 1997, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-14)** in **NON-CONCURRENCE**.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

House Papers

Bill "An Act to Ensure Safe Abatement of Lead Hazards"
H.P. 1137 L.D. 1593

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

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.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 118

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

March 24, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Banking and Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 900 An Act Regarding the Decision by an Insurance Carrier Whether to Cover Certain Services

L.D. 911 An Act to Define the Diagnosis of Pregnancy for the Purposes of Insurance Coverage

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Lloyd P. LaFountain III
Senate Chair

S/Rep. Jane W. Saxl
House Chair

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

The Following Communication: S.C. 119

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 24, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 586 An Act to Ensure that Children in Kindergarten to Grade 6 Have Complete School Vision Screening

L.D. 684 An Act to Organize Schools in the Unorganized Territory as a Single School Administrative Unit

L.D. 685 An Act to Limit Reimbursement for Administrative Expenses Based on the Size of a Local Educational Unit

L.D. 754 Resolve, to Create a Study Committee to Examine School Union Organization and Governance Issues

L.D. 793 An Act to Require that Medication in Schools be Administered by Licensed Personnel

L.D. 947 An Act to Include Youth in Public Service

L.D. 953 An Act to Ensure That the Technical College System Is More Responsive to the Needs of the State

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Peggy A. Pendleton
Senate Chair

S/Rep. Shirley K. Richard
House Chair

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

The Following Communication: S.C. 120

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY**

March 24, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 730 An Act to Limit Adverse Possession

L.D. 1081 An Act to Clarify the Adoption Laws

L.D. 1088 An Act to Clarify the Interpretation of Property Descriptions

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Susan W. Longley
Senate Chair

S/Rep. Richard H. Thompson
House Chair

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

The Following Communication: S.C. 121

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

March 24, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 485 An Act to Limit the Taking of Sea Urchins
- L.D. 992 An Act to Amend the Sea Urchin Management Plan

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Jill M. Goldthwait
Senate Chair

S/Rep. David Etnier
House Chair

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

The Following Communication: S.C. 122

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

March 24, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1031 An Act Relating to the Use and Reclamation of Number One Pond in Sanford
- L.D. 1299 Resolve, to Establish the Council on Environmental Monitoring and Assessment

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Sharon Treat
Senate Chair

S/Rep. G. Steven Rowe
House Chair

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

The Following Communication: S.C. 123

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

March 24, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 449 An Act to Create a Legislative Finance Office
- L.D. 926 Resolve, Creating a Special Commission to Erect a Plaque in the Hall of Flags Honoring Those Who Served in the Civilian Conservation Corps from Maine

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John M. Nutting
Senate Chair

S/Rep. Douglas J. Ahearne
House Chair

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

The Following Communication: S.C. 124

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

March 24, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 617 An Act to Prohibit Passing an Emergency Vehicle Using Its Lights and Siren
- L.D. 700 An Act to Authorize the Department of Transportation to Cut Brush and Trees along a Highway at the Request of a Business
- L.D. 1039 An Act Relating to the Use of Railbeds as Recreational Trails
- L.D. 1125 An Act to Amend the Laws Governing Driver's Licenses

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. William B. O'Gara
Senate Chair

S/Rep. Joseph D. Driscoll
House Chair

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

SENATE PAPERS

Bill "An Act to Authorize a Bond Issue to Assist Small Businesses in Improving Accessibility for Individuals with Disabilities and to Provide Loans to Individuals with Disabilities"
S.P. 550 L.D. 1668

Presented by Senator JENKINS of Androscoggin
Cosponsored by Senators: NUTTING of Androscoggin, PARADIS of Aroostook, RAND of Cumberland, RUHLIN of Penobscot, TREAT of Kennebec
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act to Require Bids from Health Care Providers for State Employees to Include Medicaid Coverage"
S.P. 546 L.D. 1664

Presented by Senator PINGREE of Knox

Cosponsored by Representative SAXL of Portland and Representative: VOLENIK of Brooklin

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

Sent down for concurrence.

Bill "An Act to Permit Involuntary Medication of Mentally Ill Persons Residing in Department of Corrections Facilities"
S.P. 549 L.D. 1667

Presented by Senator MITCHELL of Penobscot
Cosponsored by Representative JONES of Greenville and Representatives: FRECHETTE of Biddeford, MCALEVEY of Waterboro, MUSE of South Portland, PEAVEY of Woolwich, POVICH of Ellsworth, TOBIN, JR. of Dexter, WHEELER of Bridgewater: Submitted by the Department of Corrections pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act to Ensure the Appropriate Treatment of Autism"
S.P. 545 L.D. 1663

Presented by Senator SMALL of Sagadahoc

Which was referred to the Committee on **HEALTH AND HUMAN SERVICES** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act to Improve Children's Health"
S.P. 551 L.D. 1677

Presented by Senator LONGLEY of Waldo
Cosponsored by Speaker MITCHELL of Vassalboro and President LAWRENCE of York, Senator PARADIS of Aroostook, Representatives: FULLER of Manchester, LEMAIRE of Lewiston, SNOWE-MELLO of Poland, TOWNSEND of Portland, TRIPP of Topsham, WINGLASS of Auburn

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

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

Resolve, Establishing a Task Force to Propose Targeting of Revenue Sharing Dollars to Communities That Accept Community-based Services S.P. 544 L.D. 1662

Presented by Senator SMALL of Sagadahoc

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

Sent down for concurrence.

Bill "An Act Concerning the Authority of the Secretary of State to Suspend and Revoke Licenses and Privileges to Operate in Maine" (Emergency) S.P. 548 L.D. 1666

Presented by President LAWRENCE of York
Cosponsored by Representative DONNELLY of Presque Isle and Senators: AMERO of Cumberland, CASSIDY of Washington, O'GARA of Cumberland, Speaker MITCHELL of Vassalboro, Representative WHEELER of Elliot
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act to Amend the Charter of the Hebron Water Company" S.P. 547 L.D. 1665

Presented by Senator BENNETT of Oxford
Cosponsored by Representative GAGNE of Buckfield and Representative: UNDERWOOD of Oxford

Which was referred to the Committee on **UTILITIES AND ENERGY** and **ORDERED PRINTED**.

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **BANKING AND INSURANCE** on Resolve, to Establish a Task Force to Study the Feasibility of a Single Claims Processing System for 3rd-party Payors of Health Care Benefits H.P. 286 L.D. 350

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-89)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-89)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-89) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BANKING AND INSURANCE** on Resolve, Establishing a Task Force to Examine the Desirability of a Model Municipal Building Code (Emergency) H.P. 775 L.D. 1052

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-91)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-91)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-91) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the North Yarmouth-Cumberland Town Line" (Emergency) H.P. 638 L.D. 863

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-86)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-86)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-86) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on 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

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

Signed:

Senators:

PENDLETON of Cumberland
CATHCART of Penobscot
SMALL of Sagadahoc

Representatives:

RICHARD of Madison
BAKER of Bangor
BRENNAN of Portland
BELANGER of Caribou
DESMOND of Mapleton
STEDMAN of Hartland
WATSON of Farmingdale
MCELROY of Unity

The Minority of the same Committee on the same subject reported that the same **Ought to Pass.**

Signed:

Representatives:

BARTH, JR. of Bethel
SKOGLUND of St. George

Comes from the House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**

Which Reports were **READ.**

On motion by Senator **PENDLETON** of Cumberland the Majority **OUGHT NOT TO PASS** Report **ACCEPTED,** in concurrence.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Amend the Laws Regarding the Approval Process of Budgets of School Administrative Districts" H.P. 514 L.D. 705

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

Signed:

Senators:

PENDLETON of Cumberland
CATHCART of Penobscot
SMALL of Sagadahoc

Representatives:

RICHARD of Madison
BAKER of Bangor
BRENNAN of Portland
BELANGER of Caribou
DESMOND of Mapleton
MCELROY of Unity

SKOGLUND of St. George
STEDMAN of Hartland
WATSON of Farmingdale

The Minority of the same Committee on the same subject reported that the same **Ought to Pass.**

Signed:

Representative:

BARTH, JR. of Bethel

Comes from the House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**

Which Reports were **READ.**

On motion by Senator **PENDLETON** of Cumberland the Majority **OUGHT NOT TO PASS** Report **ACCEPTED,** in concurrence.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Regarding Opening Hours of Voting Places" H.P. 216 L.D. 280

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

Signed:

Senators:

DAGGETT of Kennebec
CAREY of Kennebec
FERGUSON, JR. of Oxford

Representatives:

TESSIER of Fairfield
BIGL of Bucksport
GAMACHE of Lewiston
BELANGER of Wallagrass
GAGNE of Buckfield
TUTTLE, JR. of Sanford
TRUE of Fryeburg
FISHER of Brewer
CHIZMAR of Lisbon

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-12).**

Signed:

Representative:

LABRECQUE of Gorham

Comes from the House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**

Which Reports were **READ.**

On motion by Senator **DAGGETT** of Kennebec the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Extend the Territorial Waters to 12 Miles for the Purpose of Marine Resource Protection and the Enforcement of Marine Resource Laws" H.P. 212 L.D. 276

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

Signed:

Senators:

GOLDTHWAIT of Hancock
PENDLETON of Cumberland
MACKINNON of York

Representatives:

ETNIER of Harpswell
GOODWIN of Pembroke
BAGLEY of Machias
PIEH of Bremen
LAYTON of Cherryfield
HONEY of Boothbay
PINKHAM of Brunswick

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-77)**.

Signed:

Representatives:

PERKINS of Penobscot
PINKHAM of Lamoine
VOLENIK of Brooklin

Comes from the House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Which Reports were **READ**.

On motion by Senator **GOLDTHWAIT** of Hancock the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Provide Authority to Close Marine Waters to Fishing in the Event of Contamination" H.P. 361 L.D. 506

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-85)**.

Signed:

Senator:

GOLDTHWAIT of Hancock

Representatives:

ETNIER of Harpswell
PERKINS of Penobscot
PIEH of Bremen
PINKHAM of Lamoine
VOLENIK of Brooklin
LAYTON of Cherryfield
HONEY of Boothbay
PINKHAM of Brunswick

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

Signed:

Representative:

GOODWIN of Pembroke

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-85)**.

Which Reports were **READ**.

On motion by Senator **GOLDTHWAIT** of Hancock the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-85)** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-85) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Designate Square Dancing as the Official Folk Dance of Maine" H.P. 111 L.D. 135

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-30)**.

Signed:

Senators:

NUTTING of Androscoggin
LIBBY of York

Representatives:

BAGLEY of Machias
LEMKE of Westbrook
BUMPS of China
GIERINGER, JR. of Portland
KASPRZAK of Newport
DUTREMBLE of Biddeford

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

Signed:

Senator:

GOLDTHWAIT of Hancock

Representatives:

AHEARNE of Madawaska
FISK, JR. of Falmouth
GERRY of Auburn
SANBORN of Alton

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-30).**

Which Reports were **READ.**

On motion by Senator **NUTTING** of Androscoggin, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT.**

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Exempt Capital Gains from the Maine Income Tax"
H.P. 86 L.D. 111

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

Signed:

Senators:

RUHLIN of Penobscot
DAGGETT of Kennebec
MILLS of Somerset

Representatives:

TRIPP of Topsham
TUTTLE, JR. of Sanford
GREEN of Monmouth
GAGNON of Waterville
MORGAN of South Portland
SPEAR of Nobleboro
LEMONT of Kittery
CIANCHETTE of South Portland
ROWE of Portland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-69).**

Signed:

Representative:

BUCK of Yarmouth

Comes from the House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**

Which Reports were **READ.**

On motion by Senator **RUHLIN** of Penobscot, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Protect Traditional Marriage and Prohibit Same Sex Marriages"
I.B. 1 L.D. 1017

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-104).**

Signed:

Senators:

LAFOUNTAIN III of York
BENOIT of Franklin

Representatives:

THOMPSON of Naples
JABAR, SR. of Waterville
MAILHOT of Lewiston
PLOWMAN of Hampden
MADORE of Augusta
NASS of Acton
WATERHOUSE of Bridgton

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

Signed:

Senator:

LONGLEY of Waldo

Representatives:

ETNIER of Harpswell
POWERS of Rockport
WATSON of Farmingdale

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-104).**

Which Reports were **READ.**

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Senate
Ought to Pass

Senator **DAGGETT** for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Regarding the Funded Depreciation Accounts of the Maine Veterans' Homes"
S.P. 353 L.D. 1172

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

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

The Bill **READ ONCE**.

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

Ought to Pass As Amended

Senator **PARADIS** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Allowing Registered Nurses Employed by Licensed Home Health Care Agencies to Possess and Administer Certain Noncontrolled Prescription Drugs under Certain Conditions"
S.P. 325 L.D. 1063

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-67)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-67) **READ** and **ADOPTED**.

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

Senate at Ease

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:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Allow Municipalities to Advertise Public Legal Notices in Weekly Papers"
S.P. 18 L.D. 16

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended** (5 members)

Tabled - March 26, 1997, by Senator **PINGREE** of Knox.

Pending - **FURTHER CONSIDERATION**.

(In Senate, March 20, 1997, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In House, March 25, 1997, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-14)** in **NON-CONCURRENCE**.)

Senator **NUTTING** of Androscoggin moved the Senate **RECEDE**.

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

Senator **NUTTING:** Thank you Mr. President, men and women of the Senate. We've debated this issue here once before. I'll be brief. The other Body has seen to give local communities the option, if they so choose, to advertise their public notices in weekly papers, if they meet certain standards. This is a property tax relief bill. My local municipalities are asking me please to do whatever I can to get them out from under the monopoly they are under, having to use daily newspapers that sometimes aren't even that popular in their local community. The other point I wanted to make was that many, many cases in my district, most local small town news has now been transferred, so to speak, to the weekly papers. Our daily papers now contain very little small town news. So, I hope you'd consider voting in favor of the motion. Thank you.

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

Senator **GOLDTHWAIT:** Thank you Mr. President, ladies and gentlemen of the Senate. I think the current system is the best one for proper notification on important public issues and I hope that you will vote as you did previously on this issue. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Mr. President and men and women of the Senate. I concur on the sentiments of the Senator from Hancock, Senator Goldthwait. This is a bill we debated extensively. There are some very sound public policy reasons why we should be putting out public notice advertisements in newspapers that actually have news in them, so that people will read them and not simply throw them in the trash can. There's a very common sense basis for the current law. We have a government to run. We are the custodians of these public rights and public rights are at stake in this issue. They're very important rights and the law that we have on the books now has

been there for many, many, many years. It's served us well and there are some things, at least a few things in our society, that cannot be sacrificed for the sake of saving just a few dollars here and there. I do urge you to vote against the pending motion, so that we may go on to insist or adhere, as the case may be. Thank you.

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

Senator **LIBBY:** Thank you Mr. President, men and women of the Senate. I realize we have discussed this issue. I won't go into to great detail but I do want to make a few comments before we pass on this. At this juncture we're critically close to actually making a decision here that can save our municipalities a lot of money. And we're talking about an issue here where we have decided in many, many, many other arenas that we are going to let those municipal officers make their own decisions and that's all this bill does. It allows the municipality to make their own decision about where they want to advertise. They must, they must, on every property tax payers bill, state where they will advertise. They must guarantee third class mail. That means it will get to every single box in that town, that's what will happen in the case of these notices. It will be better, not weakened, not lessened, not watered down, this will be better notice for your particularly rural towns. So, I hope that you will join me in voting for this measure. I think it's high time we did this. As I said before, we are looking at changes down the road anyway, you know, given the electronic age, I am quite certain that we are headed down this road and we are going to be able to, not to save municipalities, but I think create a new competitive environment for advertising out there. I would appreciate your vote. Thank you very much.

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

Senator **BENOIT:** Thank you Mr. President, may it please the Senate. When we debated this previously, I tinkered with an old adage, "if it ain't broke, fix something else", and I pleaded with this chamber not to water down the present provisions for giving notice to our citizens on important legal matters and I'll say it once more, looking at this bill and reading a sentence that really bothers me. The municipality has notified its residents, its residents, of the name of the publication in which it will be placing notices. What about non-residents that have legal interest in that municipality? There's nothing in this bill that gives them notice. And, please remember that the Maine Supreme Court on plural occasions ruled favorably for our present procedure in giving our citizens notice in important legal matters. And finally, if this Shopper's Guide kind of notice is going to be good enough, you know what's next? Those Shop N' Save and Shows fliers every Sunday in the Sunday paper. They're regular, every Sunday there they are and is that the next step for us, to water this thing down? This is important. Legal notices should not be watered down. Thank you Mr. President.

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

Senator **CLEVELAND:** Thank you Mr. President, men and women of the Senate. I rise to concur that legal notice is extremely important and that the goal that we ought to try to

achieve is to communicate in a way that reaches the largest number of people. However, I know that there are communities, some in my district for example, where the regular daily newspaper does not reach the majority of residents. I'll give you one example, the town of Durham. The town of Durham perhaps where a quarter of the people get the newspaper from the Brunswick area, perhaps a quarter of the people get the newspaper from the Portland area, and about a quarter of the people get the newspaper from Lewiston, and another quarter don't get any newspaper, or at least not the daily newspaper. So, by posting it in any one of those three daily's, it would meet the legal requirement, but only about 25% of the households would ever get the notice because they only go to 25%, because there is no requirement that those mailings go to the majority of the individuals in that community. So, the effort to try to communicate to the public and give them public notice is defeated, simply because of the means that are used. That's why I would suggest to you that there are communities in this area where there is another form of communication, which is known to be widely and commonly read which has large display advertising announcing that advertisement, that reaches the majority of the people in that specific area. So, simply to allow the option for local officials to choose a means of communication that gets to the majority, seems to me to achieve the goal that is stated, that people actually receive the notice, as opposed to meeting a set of criteria that may or may not achieve the goal that the majority of the people even get that newspaper in that particular community. There's nothing in this bill that prevents any community from posting a small legal notice, if they so choose, in the daily paper, but allowing them also, as well, to use the other paper for communication, where the individuals in the community actually get the notice and can read it. I think that fear that promulgated by some here is overstated. So, therefore, I would urge you to support the passage of this bill.

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

Senator **NUTTING:** Thank you Mr. President. I wasn't planning on getting up again but I felt I had to respond to some of the things said by the good Senator from Franklin, Senator Benoit. First off, I want to remind this Body that this bill, as amended in committee, if a community chooses, if they choose to use this option, they must notify everybody in their property tax bill before they do it. Now last time I knew, all communities sent their property tax bills to residents and non-residents. Non-residents are going to get notice with this bill. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Mr. President, I don't usually speak twice on one issue and I'm breaking that rule, I guess I've broken it before this session, may probably do so again and I apologize to the Body for that. Men and women of the Senate, this is a quick reminder of the standards that are in place, that we are incorporating into law, by virtue of adopting a second class mail requirement brings with it a whole set of really meaningful criteria for the publication in which the notice must appear and you may recall that it includes that the publication must have a stated frequency with an intent to be published indefinitely within that community. So that it's a publication that isn't just here today, trying to barge into the market and then disappears tomorrow. It

must be, to be a second class mail publication, it must be one that has a certain sense of permanence within the community. It must show continuity from issue to issue, it can't just be a flier that goes out when the publisher feels that he wants to run something out of his computer and he has enough advertising revenue to justify the publication. It must be a publication that maintains a known office of publication within the community where the second class mail is authorized. Each issue must be of some substantial length, 24 pages and it must not contain any more than 75% advertising. It has to be 25% news that people, presumably, would like to read. It must have a legitimate list of persons who have requested the publication and 50% or more of the copies must be distributed to such people who actually subscribe. We are in danger of relegating legal notice to the third class junk mail category and I can't leave this issue without clarifying something that I left a little, in an odd note I think, when this issue was last on the floor. I said it will be somehow in the category of the many charitable solicitations that we receive, and I got a few raised eyebrows around the chamber, and I want to tell you that I give to many, many charities and as a result, I've been crossed fed, and I know many of you have been as well cross fed, onto one mailing list after another and as a result, we get solicitations, I'm sure many of you are in the same boat, from hundreds and hundreds different charities that we don't have that much interest in giving to, perhaps, and the ones we do give to sometimes send as many as 14 or 15 different solicitations to you in the same year. This is a situation that's totally out of hand and does not mean, on my part, that I have any reluctance to give to charities, quite the contrary. But, the problem with our mail system right now is that so much of our mail every day has to be sorted in front of the fireplace in order to get through it and that's particularly true if your in politics. I for one would be reluctant to see municipal notices relegated to the fireplace. Thank you.

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

Senator **LIBBY:** Thank you Mr. President, men and women of the Senate. I think there is a question here that was just raised here recently by the last speaker about publications that come and go, and I want to address that. You might ask yourself, why do some of these smaller publications just come and go? And I would submit that the partial answer to that question is, because in statute, this legislature allows monopoly status on issues just like this. The advertising, the legal notices must go to a daily newspaper. Let me give you an example of some of the testimony that came in front of our committee. We had legal counsel from the town of Parsonsfield come to the committee and testify and he said, the town of Parsonsfield has approximately, I can't remember the exact number, 20 subscriptions for the Portland Press Herald. It was slightly more subscriptions for the Biddeford Journal Tribune and that's it. There are 1,100 residents in Parsonsfield. What kind of notice is that? They're not getting notice. If you would allow this town and many others, we got letters from all kinds of other towns, if you would allow these towns to advertise in some of the weekly's, where they get the news of their community news anyway, and they read them cover to cover, you'd be doing a service to, A, those who are concerned about legal matters in their towns and, B, to the tax payers of Maine. And, I want to make one more important point before I sit down. If there is an individual who is not a resident of that town and is concerned

about legal notices, they have every opportunity to subscribe to one of these free weekly's, and they'll get it in their mail for free. How can you have a better notice system than that? But concurrently, how can we have a notification system anymore fraught with waste than the one we have for towns like Parsonsfield? They have to advertise in the Journal Tribune. They have to advertise in the Press Herald and nobody's reading those publications? Check the cost, if you have any doubt of those small, small public notices in those papers. Check the cost and then compare that cost to the weekly's and just see how much your town will save. Thank you very much.

Off Record Remarks

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

Senator **BENOIT:** Thank you Mr. President, may it please the Senate. I guess when all else fails, you appeal to fairness and I'll ask you if it's fair to create, in this bill, two types of legal notice, one for municipalities and one for the rest of us? On the basis of money, frankly, it's backwards. I would think this bill would be trying to get legal notice cheaper for poor people. If anybody can afford to put a legal notice in a newspaper, it's a municipality, by comparison and if this whole argument has rested on money for a municipality to cheapen the notice, they'll have one form of notice in a town, the rest of us will have another. I don't think that's very good government. Thank you.

On motion by Senator **LIBBY** of York, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Chair noted the absence of the Senator from Piscataquis, Senator **HALL** and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: CAREY, CLEVELAND, FERGUSON, JENKINS, KIEFFER, LIBBY, MACKINNON, MURRAY, NUTTING, O'GARA, PARADIS, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, CATHCART, DAGGETT, GOLDTHWAIT, HARRIMAN, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MILLS, MITCHELL, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT

EXCUSED: Senator: HALL

12 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **NUTTING** of Androscoggin to **RECEDE** from **ACCEPTANCE** of the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

On motion by Senator **MILLS** of Somerset the Senate **ADHERED**.

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

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Protect Traditional Marriage and Prohibit Same Sex Marriages" I.B. 1 L.D. 1017

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-104)** (9 members).

Minority - **Ought Not to Pass** (4 members).

Tabled - March 26, 1997, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF EITHER REPORT**.

(In House, March 25, 1997, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-104)**).

(In Senate, March 26, 1997, Reports **READ**.)

Senator **LONGLEY** of Waldo moved to **ACCEPT** of the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

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

Senator **LONGLEY:** Thank you Mr. President, colleagues in the Senate. I stand to speak as a citizen legislator facing and standing up to a citizen referendum. I urge you to vote Ought Not to Pass and I have put a lot of time into thinking and learning and working and listening and it's the steepest learning curve I, for one, have been on in a long time. And, as a citizen legislator, when I'm outside of the State House, my main goal in life is to become the best teacher I can become and that means that I've had to become the best student I know how to become and to find the best teachers out there that can teach me the most. So, I speak as a teacher on a steep learning curve and I refer to all my teachers in life. I begin with Senator Margaret Chase Smith and she taught me how to stand up to fear, ignorance, bigotry and smear. I think of my father, the Governor, and he happened to have been at Bowdoin College, the one person who stood up in Chapel and said, "I have a black roommate and I will keep my black roommate, because if we are the people we are, we've judged people by the content of their character." Compliments of that action in that chapel that day, blacks were then allowed to be members of fraternities at Bowdoin College. So that was a major lesson and I learned a lot from him about honoring the equal rights of people. Another teacher for me is the constitution

and I refer to the "equal protection clause" and the "full faith and credit clause" and the "privileges and immunities clause" and the fact that we will treat every person with equal rights and we will not single out any group to target them and to make them the victims of fear, ignorance, bigotry and smear. I believe this citizen referendum is filled with fear, ignorance, bigotry and smear. I refer to the Maine Constitution, Article 6A, it says discrimination against persons is prohibited. "No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of that persons civil rights or discriminate against in the exercise thereof." I rely on the constitution. In the hearing I was privileged to be at the hearing and we dignified the process, we listened to everybody and we treated everyone with equal respect. And I'm siding with those who decided to stand up, for their neighbors, their friends, their family members and themselves. As background, I'd like to shift you to what just happened on the congressional level, that makes what is happening here, not only not an issue for us, but also not necessary. On the federal level it's called DOMA, defense of marriage act, it just said exactly what those proponents of this bill are trying to get into State law. It basically says, "no state, territory or possession of the United States or Indian tribe shall be required to give effect to any public act, record or judicial proceeding of other state, territory possession. Respecting the relationship between persons of the same sex that is treated as a marriage under the laws of such other state." It says that "no state", including Maine, shall have to give effect to marriages coming from, say, Hawaii. Yet, the arguments of the proponents were largely based on the fact that we somehow had to have the symbolic gesture to target this group so that if they wanted to get married in another state, we wouldn't have to recognize them here, yet, the federal legislation does just that. I'm not supporting that federal legislation. I think that too will be proven to be unconstitutional in 3 to 5 years. Mostly I'm standing up for this, our equal protection. I'd like to tell you a lot of what I learned in this hearing and ask you to come along with me now, in this steep learning curve and I should begin also by noting that the "New York Times" editorial this summer, talked about how the issue of same sex marriage touches basic, deep, social and religious values and the question of the governments lending it's incriminator to such marriage is an enormous and profoundly convulsive one. So, we are digging very deep and we're working very hard on this issue and I thank you all, those of you who stand with me. Let me just say that this bill would say that the purpose is to nurture, sustain and protect the traditional, monogamous family unit in Maine's society, its moral imperatives, its economic function in its unique contribution to the rearing of healthy children. It tries to state that its a compelling State interest. That man meets woman and bears children and I say that traditional marriage, far be it from me to challenge it, let me just say that the definition is changing and current definition doesn't meet real life situations. A family is a diversity in structure and configuration. As we know it, children are raised by natural parents, single parents, step-parents, grandparents, adopted parents, foster parents and yes, gay and lesbian and same sex parents. Some people marry and have no children at all. This provision, as the proponents try to say, there's a compelling State interest that we honor one type of family and there are several types of families in all different forms of configuration. Next issue is children's health. The single most important factor in the development of a happy, healthy, well-adjusted child is a nurturing relationship between the child and

the parent. One where the parents are sensitive care-givers. Sexual orientation, in and of itself, is not an indicator of ones ability to be a sensitive care-giver. In fact, it's very possible that, those in same-sex couples are very good and fit and loving and successful parents and even better than some of the other situations we see out there, without a doubt. Basically, sexual orientation, in and of itself, is in my view, not an indicator of ones fitness to be a parent. Yet, we heard testimony to the opposite effect, out of fear, or ignorance, or bigotry, or smear. This act, by banning same sex marriages, in fact deprives children of the protection and benefits that come with marriage. Next piece is, why do people marry? People marry for all the reasons, children, stability, commitment, emotional closeness, intimacy, monogamy, framework for long-term happiness, recognition by society and yes, gay men and women share this mix of motives for wanting to live together and love each other in monogamous relationships. Yet, our society only gives the rights of marriage, the rights of legal union to opposite gender and that deprives gays and lesbians in a variety of ways. Hospital visitation, guardianship, other issues, taxation, torts evidence, social welfare, inheritance, adoption, all those rights and privileges come with marriage and as we have it defined in a traditional sense, it's man and woman and as we would put it as a compelling interest in our statute, it would be man and woman with the interest of bearing children. In terms of polling data, what do our constituents think? 70% support the fact that gay and lesbian people shouldn't have to be deprived of hospital visitation because they're not legally honored in any way. The same goes with guardianship, 67% say that guardianship positions should have nothing to do with sexual orientation. Again, the fitness of the person to be a parent and to help children has nothing to do with sexual orientation, has everything to do with, as Martin Luther King said, "the content of ones character and the ability to give sensitive care-giving to young children." As I close, let me just say that, I listened and I tried not to judge and I refused to judge and my entire committee gave people, dignified everyone who stepped forward and the ones I choose to stand with are not the ones who came to talk to us about gay militants in the agenda, they are not the ones who said, "I was once gay and I'm no longer and I'm happily married and here's a picture of my child and yes it is a choice. Not the ones, and I felt really badly for the mothers who came forward and talked about how their children, various ones of them were the victims of some pedophilic act, and because of that they were against, broad stroked, all same sex issues and I'm not standing with the ones who instead of in this public realm, relied on constitutions like this. Many, many, many came forward and held the bible and quoted from the bible. I instead, want to stand with the parents and the neighbors and the woman in a 25 year old relationship, who has a 12 year old daughter and, far be it from me to judge, that her inability, in fact, I think she's very able to give loving, sensitive care. I want to stand with people who are standing up for those who are being targeted. On a light note, let me just say that one woman came forward and she said, "You know, the fact that my neighbor is gay: When we had a flood, everyone helped each other. When I have to get my kids to the doctor in an emergency, I have no problem having that neighbor help me take care of the other kids. And if she and her partner or my other friends, who are gay males, if they chose to get married, it wouldn't threaten my marriage, in fact, I'd be honored, I'd be happy for them." She said, "what would really threaten my marriage," and she thought for a moment, "what would really threaten my marriage, is when my husband doesn't

take out the trash." She's basically saying, you know, loving relationships, I encourage, I encourage loving, monogamous relationships. In our culture, let's encourage loving, monogamous relationships. We don't have enough loving, monogamous relationships, as far as I can see. So, I stand with all those people who stood up. And lastly, I just refer to all my teachers, Margaret Chase Smith, this bill is filled with fear, ignorance, bigotry and smear. And, from another teacher, my Dad, who stood up in time said, "the color of ones skin doesn't matter, it's the content of character." And lastly, let me just say, I rely on myself and whenever I'm walking around this State House I'm carrying this quote with me and I'm relying on this quote, it says, "leaders, we leaders are called to stand in that lonely place, between the no longer and the not yet, and intentionally make decisions that will bind, forge, move and create history. We are not called to be popular. We are not called to be safe. We are not called to follow. We're the ones called to take risks. We're the ones called to change attitudes, to risk displeasures. We're the ones called to gamble our lives for a better world." And on that note, colleagues in the Senate, I thank you for listening and I ask you to vote Ought Not to Pass on this bill that is filled with fear, ignorance, bigotry and smear. Thank you.

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

Senator **BENOIT:** Thank you Mr. President, may it please the Senate. This is going to be kind of a difficult statement for me to make, in light of the motion that is before us, to accept the Minority Report. Senator Longley, from Waldo has just made a powerful and sensitive statement for one side of the issue. And, if there are any highlights in this session for me, and there are many, working with her on the Judiciary Committee is right at the top of the list. I have a lot of respect for Susan, for Senator Longley and we've got a great committee going and we've had some tough issues, and this is one of them. I will be voting in opposition to the motion because my constituents and the vast number of our constituents in the State, who have initiated this bill, want this bill to pass. And, you know, right from down here last session, I thought a lot about whether I'd vote my agenda on issues or my constituents agenda, and I soon learned, I vote my constituents agenda. And the tougher the issue, the more I go out of my way to find out what their agenda is. If the record of the public hearing means anything, and it should in this matter, more emphasis was presented in support of the bill. Now we have a couple of options, and you want to consider this please, we either pass this measure as the majority of the Judiciary Committee has suggested or we don't pass it and we send it out to referendum. Many of the committee members do not want to send this issue out to referendum. I don't want to send it out to referendum for two reasons. First, my constituents are asking that this be enacted to protect the traditional marriage and furthermore, that we not have a long hot summer, run it into the fall, to November, in a divisive referendum. Now, at the hearing, people came in with their bibles on both sides of the issue with a lot of passion, and I can just picture a summer of conflict that we don't need. We know the majority of our people want this bill enacted. That's the message I get, and I say that respectfully to the other side, and I mean that. We're not ready, we're not ready in our society, our constituents are saying, we're not ready to enact this type of legislation, to put the situation into effect, take a ban off, if you will. And, this bill, if enacted will say simply,

persons of the same sex may not contract marriage and if there is such a contract in another jurisdiction, it is not to be recognized in Maine. That's what our people want us to pass. They do not want the other result. And I say that respectfully. I don't want to see people at each others throats, over the summer, over the next many months till November hashing this out, and hashing it out, because I got the message at the hearing, people came in with plaquereds, their bibles, a lot of passion on both sides. So, when you vote on this motion, please consider, do you want to put our people through such a long hot summer as that? Thank you Mr. President.

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

Senator ABROMSON: Thank you Mr. President, men and women of the Senate. This bill, L.D. 1017, is a result of a citizen initiative by concerned Maine families of Portland. This bill is mean-spirited, it's homophobic, it's intrusive. At the same time, its defeat could mark the beginning of a long, expensive, hate-filled referendum campaign. A campaign that would cost both sides a fortune in time, treasure and talent. I wish to avoid that. However, that alone would not keep me from voting today for its defeat. You see, I firmly believe, and I've shared this belief with a U.S. District Court Judge who allowed that he felt that what I believe just may be correct. When I believe that this bill, if challenged under the "Full Faith and Credit" clause of the U.S. Constitution, might well be deemed to be unconstitutional. Ladies and gentlemen of the Senate, as abhorrent as I find this bill and the ideas behind it, I shall not support the Ought Not to Pass Report. I shall hope for acceptance of the Ought To Pass Report and I shall pray for its being declared null and void by the third branch of government. Thank you Mr. President.

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

Senator CLEVELAND: Thank you Mr. President, men and women of the Senate. I rise today because I know, like everyone of you in this Chamber, you support families, you support the marriage and you support heterosexual relationships, as I do. I'm married and I have two children and one of the greatest joys in my life has been to experience that. But, I also rise because it would be awfully easy for me to sit here quietly and it would be, often times, more convenient and less uncomfortable for me not to speak what I believe to be the truth. That this is a hurtful and meaningful bill, that its intention is not honorable and that its aim will not strengthen the State, will not strengthen families and will not strengthen the society that we live in, but it will do quite the opposite. And I think it's important that we put on the record our understanding about the purpose of this bill and reason why we may or may not support it. I have many concerns about the bill. First and foremost, I as well, share the opinion that it may well be unconstitutional. And, I think it's always problematic that simply for purposes of convenience and social conformity, that we vote for laws that we suspect do not live up to the purpose of the constitution of this State, or the constitution of this country. One need not reach too far back into history to see how often we have done that because we've had emotions of fear or intolerance because of a persons religion, a persons skin color, a persons background. We've done what is convenient and what is most comfortable rather than to stand up and say what we think is right, what we think the meaning of this constitution is

and the rights of every person within it. I also think that what this legislation does is suggest that there is only one kind of relationship that ought to be honored, that love can't be shared in many forms, that we don't encourage individuals to care for one another and to make lifetime commitments to them, in whatever form is appropriate for them, to support one another, to build strong communities, relationships of health and caring and support. And, that's not the kind of communities that we live in. This bill really promotes intolerance, it promotes hatred, it builds on fear and the lack of knowledge individuals have about this issue. It takes advantage of those fears for its own purposes. That is always unconscionable. You don't build strong families by tearing down other people. You don't support heterosexual marriage by tearing down other kinds of relationships. You don't build strong communities by tearing communities apart. You don't support the sanctity of individuals by tearing down other individuals. Those actions always diminish you, not increase the respect that you build in a community. There is no indication that there is any particular need for this bill. There's no urgent movement within this State that would suggest that heterosexual relationships in any way, or marriage in any way is being challenged. I also understand and respect and actually concur that this would be an enormously divisive issue and it would tend to tear this State apart, if it had to go out to a public referendum vote. And that at this point, because it's perhaps a lack of understanding and a lack of knowledge and a lack of appreciation in parliamentary procedure, that it might actually prevail in a referendum and the end results would be worse then if we passed it. And, I understand and appreciate that. But, when I cast my vote, I'm going to cast it no, and what I would like each and every one of you to do is to send a strong message, when the record is read, it's not being passed because of its merits, but it's being passed reluctantly because of the fear and the divisiveness. So, when the Roll Call is taken, count them carefully, and as soon as you see that it prevailed, stand up and switch your vote so individuals know that the real intention of this Body was not to pass it, but did it only under duress, and I think that that sends the proper balance that this measure should never pass this Body but by the slimmest margin. Thank you.

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

Senator PINGREE: Thank you Mr. President, men and women of the Senate. When I look at this piece of legislation before us I have to ask myself, what does this law seek to remedy? I think it's remedying something that doesn't exist and something that was never proposed by those individuals who are affected by this law. We did not have concerned citizens come before us and say, please could we have same sex marriages, no one ever asked us to do that, we're prohibiting something, in this law, that doesn't even exist. And as the good Senator from Waldo, Senator Longley said in her eloquent remarks, the federal government has already taken care of this issue for us and it does not need to be in front of us today. I have enjoyed a quote that I've heard a couple of times and again today on the floor from the good Senator from Franklin, Senator Benoit, and that is, "if it isn't broke, fix something else". Well, today we are fixing something that was never broke in the first place. I ask myself why this is before us? It was so that some organization could be in the polling places collecting signatures, that very nasty and divisive item, so that they could be before us this summer with a referendum campaign that would again be

divisive, mean-spirited, stir hate, bigotry and contentiousness amongst all of us and do us no good. I have to ask myself, what kind of people are we, when we pass this kind of a law? When we would deny equal rights to any of our citizens and I don't feel good about that, at all. I know we find ourselves in a very sorry situation today. I know that we are far better served if this passes today and is not sent out for referendum and I am deeply disappointed about that. I think we'll also find ourselves in the future, affecting things that we weren't even thinking about. This law looks at the marriages between cousins, between people who are mentally ill or mentally retarded, and it goes into a lot of domains about the State taking compelling interest in the physical and mental health of children. I don't think this bill does things that we know are going to happen or that we want to have happen. Well, I do have to say that for this reason I understand that the vote today will probably be against the Ought Not to Pass motion, but I, myself, will be voting yes, Ought Not to Pass, because I can't put my vote in a place where it just does not belong. Thank you.

Off Record Remarks

The President requested the Sergeant-at-Arms to escort the Senator from Knox, Senator **PINGREE** to the Rostrum where she assumed the duties as President Pro Tem.

The President took a seat on the Floor of the Senate.

The Senate called to Order by the President Pro Tem.

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

Senator **GOLDTHWAIT:** Thank you Madam President, ladies and gentlemen of the Senate. I will be voting in favor of the pending Ought Not to Pass motion because I believe in the right of individual self determination. My concerns about this bill go beyond the extensible issue to other issues that we have not even begun to consider. For instance, what about a widowed parent? This State will be taking a position through this bill, that if you are not married to a person of the opposite sex, you are endangering the mental health of your children. What does that say to someone who's spouse is deceased and who does not wish to remarry because of their devotion to that relationship? That's a cruel position in which to put a person. It is not the business of this State, whether you choose to remarry after a death or after a divorce. It is not the business of this State, with its increasingly diverse population, to be deciding what the moral imperatives are. The good Senator from Franklin, Senator Benoit, talked about the dilemma of every legislator who turns at that decision that we make when we're considering a vote which may go against what we're hearing in our district. The majority interests always say, "We sent you there to represent us." The minority interests always say, "We sent you there to be a leader", and so we are caught by the horns of that dilemma. If this referendum passes, I will uphold it, as I have sworn to do with all State laws, but I am not afraid to vote for the Ought Not to Pass motion, simply because this will be a divisive debate or because this may pass in referendum. The issue of marriages between people of the same sex is not currently recognized in the State of

Maine. We do not have to recognize these or other relationships other than a heterosexual marriage, according to federal law. And, that makes this bill no more than a poke in the eye with a sharp stick and I do not intend to support it. Thank you.

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

Senator **TREAT:** Thank you Madam President, men and women of the Senate. I will also be voting for the pending motion. I do so because this bill is not necessary, as has been explained by several of the members of this Body. I do so, because it is a divisive bill and a hurtful one. Although I too wish to avoid a long hot summer of increasingly divisive debate, I feel that I cannot vote in a way that my heart does not tell me is appropriate. I don't want to repeat what other people have already said here today, but I did want to encourage members of this Body to actually read the language of this bill. I hope that everyone has actually done that. I must say, that when I took a look at the actual language of this, I was somewhat disturbed by it and I have many questions. These are really rhetorical questions. I'm not asking for anyone here to give me the answer and I'm really not sure that there is any answer to these questions. I'm sure it's going to be a matter for the courts, if this bill goes into law. But, when I read that it is of a compelling State interest to maintain traditional, monogamous relationships of marriage, I have to ask what does that language mean, compelling State interest? We sometimes use terms of art in our laws and they mean certain things and I believe there is an intention here to establish that kind of strong State interest. When I read further, I see various things that are supposed to be in the State's compelling State interest. I see here that the traditional, monogamous family is supposed to be the basic building block of our society and I have to ask the question, as someone who is currently a single woman, does that mean I am a less valued person than someone who is married? I read here that we are here to support the traditional economic function of the family and I have to ask the question, when did it become traditional and what tradition are we looking at? Are we talking about the Victorian family? Are we talking about the 1950's family? Does this mean that we are supporting women staying home and men working out in the economic market place and that those who don't have that choice are less valued by the State? I don't know, but I think that one could read this to say exactly that. I see here that we are supporting the traditional family and its function of rearing healthy children. Does this mean that a childless couple, who is married, is less valued than a couple that has had children, even if it is not the choice of that couple not to have children? I mean, this is quite apart from all the issues of same sex marriage. This is, you know, language that I think we should think about before we enact it and I really do have a lot of concerns, both the stated intent of this law and also what it could be doing to our society. I think this State is a very open minded State, in general. The people of this State have a lot of common sense. I agreed with the Senator from Waldo that this is an issue that has had a steep learning curve and there hasn't been a lot of time for people to really talk about these issues and see what they think about them. As I said, I'm concerned about the referendum also, but I just can't see how I can vote for language of this nature and I will be supporting the pending motion.

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

Senator **CATHCART:** Thank you Madam President, men and women of the Senate. I just have to rise on this. This is such a dilemma for me. I've been rereading the legislation and, you know, I can quote my bible and bring my bible just as easily as those people who attended the hearing and I can give you quotes from church about the God that I believe in. But, I'm thinking seriously, you know, do I vote in favor of this legislation, which is nothing but hypocrisy and bigotry of the worst kind I have ever seen? Should I vote in favor of this to spare the citizens of this State the kind of horrible, divisive debates that would go on if we send it out to referendum? And, I just believe I cannot vote to send this to a referendum. It's just too abhorrent to me and I agree with the good Senator from Kennebec, Senator Treat, that we each should really read the language in this bill. This is talking about the traditional man and woman joined in traditional monogamous marriage and that kind of society is the one that promotes the physical and mental health of children. Well, of course we all believe in that in our hearts and I'm a married woman too. I do believe in marriage but I have to point out that this is also a State where between 1990 and 1995, 51% of all the homicides were related to families, they're domestic violence homicides. And, I would bet you, without looking at the names and actual families, that these were mostly homicides in traditional, monogamous families, men and women and that is one of the reasons, given that language in this legislation, that I just have to vote my conscience. I don't see that I'm threatened, or my marriage is threatened, by any gay people or lesbian couples who are wanting to be married. If my marriage is threatened, it would be threatened were my spouse to be unfaithful to me, nonmonogamous. It would be threatened if my spouse were to become abusive, in fact, it would end if that were the case. It would be threatened, as the good Senator from Waldo, Senator Longley, mentioned if he refused to cook my dinner some nights when I'm tired or refused to carry out the trash, but it's not being threatened by these other people who are slightly different in their sexual orientation. And, I will have to support Senator Longley on the motion. Thank you Madam President.

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

Senator **BENOIT:** Thank you Madam President, may it please the Senate. Let's put this in perspective. I'm the oldest of 8 children, 5 boys, 3 girls. I have a brother who is gay. Do I love him less? Get a life, of course not. Now, this is no time for labels, whether I am a leader or not, in following my constituents agenda. But I can tell you this, down here in Augusta, my constituents agenda leads, mine follows. Call me what you want. It's as simple as that. There are two things on my mind right now as I vote on this. What do my constituents want me to do, regardless of my personal view, regardless of my agenda? My agenda could be just the opposite. do my constituents, who would like to be here in this chair voting, want me to do? And, do I want to vote to put this out through summer and fall and imagine the difficulty of that for people who mean well? I can't do it. It's as simple as that. Thank you Madam President

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

Senator **RAND:** Thank you Madam President, men and women of the Senate. I will probably be voting with the good Senator from Waldo, Senator Longley. We have heard some debate here today that has been of an extremely high level and I think we all understand the predicament that we have been placed in. Not by members of the gay and lesbian community, but actually by people who are strongly opposed to members of the gay and lesbian community. We've talked about being on the horns of a dilemma here. Should we vote one way and protect the citizens of Maine from this referendum question being out there and the horrible rhetoric that Maine sue. Or should we pass this ban and protect our people from horrible debate. I personally am not sitting on those horns. I have a great deal of faith in the people of Maine. I realize that, I'm not naive, I realize the rhetoric would be severe and I realize it would be a tough long summer, as the good Senator from Franklin has noted. But, I also believe that when the people of Maine read the language in this bill, when they read the language which is exactly the same as, of course, the initiated question. I have faith that they would say no. Maybe it's my lifelong commitment to civil rights and human rights for all people. Maybe it's my strong background in labor, which moves me to vote as I will today. There's an old labor song out, "Which Side Are You On", and when I look at the proponents of this measure and I look at the opponents of this measure, I know very firmly and strongly where I stand. I know who's side I am on. So, it is with pride that I stand with the good Senator from Waldo, Senator Longley, and the other members of this Chamber who will be voting yes on the Ought Not to Pass. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you Madam President and men and women of the Senate. This bill might be one thing, if it had one sentence in it. The sentence that simply says, persons of the same sex may not contract marriage. That's probably a statement of our current common law and nothing more and in that respect it's probably unnecessary addition to title 19 or title 19A. But, as with so many of these referendum, the people that put pen to paper began to imagine themselves in the role of Thomas Jefferson, and that's not an analogy that I make with any seriousness, and they begin to hog draft, at what we lawyers call hog draft, the document. At least 85% of the language in this document has absolutely nothing to do with law. It is simply the expression of somebody's intentions, obviously the people who drafted it, and the people who drafted it are sincerely hoping that we will vote against this bill so that they will have the opportunity to stand on soap boxes this summer and fall and make the most of our refusal to pass this document. But, I think in making judgments about whether to vote for or against the document, we have to stand here as representatives of the people, not necessarily doing what a majority of them may want us to do, but doing what each one of us in his own mind knows is the right thing to do, given the text of the document that's in front of him or her. This is representative government. If people in Somerset County don't like me for voting against this document, they'll have to find somebody else who is better qualified, in their minds, to send down here, that's all there is to it. And, I have many single issue constituents who think that theirs is the most burning issue of the day and who will deeply resent, and will let me know about it, failing to support this document. But the

document is full of flaws that were generated by the hard drafting tendencies of those who put pen to paper when they wrote it. And to add to the examples that were given to you by the Senator from Hancock, I give you another. In a situation where I am representing one divorced parent, in an issue of custody against the other, will it be within the province of the other parent to say, "Well, now having run off with another member of the same sex, having gotten divorced, having remarried, I can now present a home and a lifestyle that is available to the child of the former marriage, that the legislature says is far superior to anything else. So, rubber stamp my custody decree." And, how many times have I seen, in 25 years of law practice, a marriage break up almost precisely because a third person has entered into the scene and it's not uncommon for the person who is emotionally losing in that setting to wind up with custody of the children. So, does the partner who runs off and finds another mate quickly, gain the upper hand in a custody dispute, over who will get to rear the children of the former relationship? I don't know why that should be. I don't know why we should endorse that policy, but this language has a tendency to support that view. This language may also have some bearing on adoption proceedings, on foster parent proceedings, on guardianship and conservatorship issues. It has a wide array of insidious implications and I hesitate to think about the text of legal briefs that may be written in years to come, sighting this language as support for one misguided notion or another. So, I urge you to vote yes. I realize that that puts our State into an awkward situation this summer and fall. I realize it plays into the hands of those who will enjoy taking this issue out onto the public stump and I regret that, but I think that each one of us in this Chamber has an obligation to go back to our constituents and attempt, as best we can, to education them about the deficiencies of this proposed legislation. Thank you.

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

Senator **MURRAY:** Thank you Madam President, men and women of the Senate. I'm pleased about one thing this morning, as I rise to debate this bill, and that one thing is the level of the debate that we have had this morning. It has been reasoned, it has been rational, it has been thoughtful and it has addressed the issues that are most compelling and the most important for us to decide today. I applaud the eloquence of the Senator from Waldo, Senator Longley, as she told us the reasons why she would be voting the way she will be and I share a lot of those same thoughts with her. But, the heightened nature of this debate and the eloquence we've heard this morning, over the past hour, hour and a half, whatever it has been, points out one of the dilemmas that we face, on the horns of the dilemma that we have, because of the posture of this bill. I am equally confident, unfortunately, that the level of the debate that we have heard today and the luxury we have to debate this in the manner that we have will not be repeated, were this matter to go to a referendum. And in fact, quite the contrary. I'm afraid the level of the debate in that setting would be something that none of us would be proud of and what we would be forced to deal with is a five to ten second sound bite from one side or the other, which certainly would not give this issue the justice it deserves. That is the unfortunate position we are all in. Were we here debating a mere L.D. that had the language in front of us it did, there is little doubt in my mind it would pass in the form it is in. It is fraught with problems. I agree with that. I think a lot of the issues that

have been raised by a number my good colleagues are correct, with regard to the problems this bill presents and I am confident, if this were a mere L.D., it would never pass in its present form. We do not have that luxury here today. Our options are, we pass this, as is and make it a statute of this Body and the other Body, if that were to be what happens. Or, we don't pass it as is and it goes to referendum, as it is with its problems, with its bad wording and with, obviously, the threat of the divisive debate which has already been discussed. I will be voting this morning against the pending motion because of my fear of putting forth a bill to referendum which may be adopted with all its imperfections, problems and the bloodshed, if you will, politically or otherwise, it would be created from that divisive battle and I do this for a couple of reasons. I think the better course, even though it's not a great course or one that I feel very good about, is to make this a mere statute now and I use the phrase mere statute because I think by doing so and by avoiding the referendum statute, which may come forward, we may have the opportunity in the future to deal with the many imperfections that I suspect will exist with this law, if it becomes a law. We will have the opportunity in another day, to amend a mere statute and we may have the opportunity to have the third branch of government look very carefully at the constitutional problems which I suspect and I believe exist with this document, and allow them to deal with the constitutional questions looking at this only as a mere statute. The political reality, if this bill is adopted as a referendum statute however, is that it becomes much more difficult, politically, for any future legislature to deal with the problems that a referendum initiated statute would create. That's the political reality that I believe exists. It's the one that, unfortunately, I find we are placed in today. Those are the consequences we face. I share the thoughts of my good colleague and friend from Cumberland, Senator Abromson, that I too will be voting against the pending motion. I wanted to state the reasons why. It's not a particularly attractive position for any of us to be in. It's not one that I particularly enjoy but for the reasons I've set forth, I think it's the appropriate course for this Body to take today.

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

Senator **LONGLEY:** Thank you Madam President, thank you everybody, men and women of the Senate. I hear that a few of you are voting on this issue based on the process that you don't want to see happen and others of us can't get to the process, we are focused on the substance. It's substance that we can't support and therefore we're going to vote for the Ought Not to Pass. I'd like to simply just reissue the challenge from the Senator from Androscoggin that if in fact, the process reason of not wanting a divisive debate in our constituencies is what is causing you to vote against the pending motion, I reissue the challenge that let's first vote on the substance and if, by majority vote, the Ought Not to Pass prevails, our process allows for a reconsideration and a revote where you can then get to the process question. And on that process question, far be it from me to judge, having seen civil rights battles in history and in my State, I'm aware of how messy and divisive and ugly and sad and all the above it can be. And, I'm aware that, especially for teenagers who might be gay and to subject them to that sort of possibility of the kind of discrimination or hate messages, far be it from me to want to subject any teenager in a gay situation to have to struggle through, survive that hot summer. So, I hear

what you say and I'm not judging your decisions to go with process, I would simply ask that the first vote, as Senator from Androscoggin has said, be on the substance and if necessary to protect the people from the divisive debate, then you change your vote. And I would also say that in the public hearing, it was very civil. It was very respectful. Everybody followed the rules. Everybody listened. I think Maine people are capable on this really steep Mount Everest style learning curve. I think we can rise to the occasion, but then again, do we want to subject people who are being victimized and targeted to this sort of fear, ignorance, bigotry and smear, which I realize are strong words and I understand we're at different levels on our learning curve, but for me, it comes down to honoring our constitutional obligations, which is treating everyone equally and targeting no group. So again, I ask you on the first round of votes, you vote with me on the Ought Not to Pass and do what you need to do after that. Thank you.

On motion by Senator **GOLDTHWAIT** of Hancock, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

- YEAS: Senators: CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, JENKINS, LONGLEY, MILLS, RAND, TREAT, THE PRESIDENT PRO TEM - CHELLIE PINGREE
- NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CAREY, CASSIDY, FERGUSON, HARRIMAN, KIEFFER, KILKELLY, LAFOUNTAIN, LAWRENCE, LIBBY, MACKINNON, MICHAUD, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, RUHLIN, SMALL.

EXCUSED: Senator: HALL

10 Senators having voted in the affirmative and 24 Senators having voted in the negative, with 1 Senators being excused, the motion by Senator **LONGLEY** of Waldo, to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**, **FAILED**.

Senate at Ease

Senate called to order by the President Pro Tem.

On motion by Senator **LAFOUNTAIN** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-104)** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-104) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME**.

Senator **KIEFFER** of Aroostook moved to **TABLE** until Later Today, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence. Subsequently the same Senator requested and received leave of the Senate to withdraw his motion to **TABLE**.

Which was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-104)**, in concurrence.

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

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

SENATE PAPERS

Resolve, Concerning Payments to Legislators during Special Session S.P. 552 L.D. 1678

Presented by President **LAWRENCE** of York
Cosponsored by Representative **SAXL** of Portland and
Senators: **PINGREE** of Knox, **RAND** of Cumberland,
Representatives: **KONTOS** of Windham, Speaker **MITCHELL** of Vassalboro

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

Committee on **STATE AND LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.

Senate at Ease

Senate called to order by the President Pro Tem.

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

Off Record Remarks

On motion by Senator **RAND** of Cumberland, **RECESSED** until 4:00 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:

Resolve, Concerning Payments to Legislators during Special Session S.P. 552 L.D. 1678

Tabled - March 26, 1997, by Senator LAWRENCE of York.

Pending - REFERENCE.

(Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.)

The Chair moved to give this Bill its FIRST READING, without reference to Committee.

On motion by Senator AMERO of Cumberland, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

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

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL

ABSENT: Senator: KILKELLY

EXCUSED: Senator: HALL

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by the Chair to give this Bill its FIRST READING, without Reference to a Committee, PREVAILED.

The Bill READ ONCE.

The Chair moved to SUSPEND THE RULES for the purpose of giving this Bill its SECOND READING.

At the request of Senator AMERO of Cumberland a Division was had. 15 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by the Chair to SUSPEND THE RULES for the purpose of giving this Bill its SECOND READING, FAILED.

The Bill ASSIGNED FOR SECOND READING at 5:30 in the evening.

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 Indemnification in Construction Contracts" H.P. 1179 L.D. 1670

Bill "An Act to Establish the Licensing of Sexual Assault Nurse Examiners" H.P. 1181 L.D. 1672

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

Which were referred to the Committee on BUSINESS AND ECONOMIC DEVELOPMENT and ORDERED PRINTED, in concurrence.

Bill "An Act Related to Bind-over of Older Juveniles Who Commit Certain Offenses" H.P. 1183 L.D. 1674

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

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

Bill "An Act Concerning the Calculation of the State's Share of School Funding" H.P. 1180 L.D. 1671

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

Which was referred to the Committee on EDUCATION AND CULTURAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Amend the Child and Family Services and Child Protection Act" H.P. 1182 L.D. 1673

Comes from the House, referred to the Committee on HEALTH AND HUMAN SERVICES and ORDERED PRINTED.

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

Bill "An Act Regarding the Relocation of a Child by a Parent Having Primary Physical Custody" H.P. 1178 L.D. 1669

Committee on HEALTH AND HUMAN SERVICES suggested and ORDERED PRINTED.

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

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

Bill "An Act to Preserve Live Harness Racing in the State"
H.P. 1185 L.D. 1676

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

Comes from the House, referred to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Which was referred to the Committee on **LEGAL AND VETERANS AFFAIRS** and **ORDERED PRINTED**, in concurrence.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Designate Square Dancing as the Official Folk Dance of Maine"
H.P. 111 L.D. 135

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-30)** (8 members).

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

Tabled - March 26, 1997, by Senator **NUTTING** of Androscoggin

Pending - **ACCEPTANCE OF EITHER REPORT**.

(In House, March 25, 1997, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-30)**.)

(In Senate, March 26, 1997, Reports **READ**.)

Senator **NUTTING** of Androscoggin moved to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-30)** Report, in concurrence.

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

Senator **NUTTING:** Thank you Mr. President, men and women of the Senate. The State and Local Government Committee had this public hearing of two or three weeks ago on this proposed bill. The people involved in many, many square dancing groups across the State, some of which are here today in the back of the Chamber, had spent a great deal of time

researching the fact that square dancing had spread all over the United States and their research showed that square dancing had originated in the State of Maine. The bill not only is limited to square dancing, it may be contra dancing, many other forms of square dancing and they just felt it would help the State's historical perspective if square dancing could become the official folk dance of Maine. Thank you.

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

Senator **GOLDTHWAIT:** Thank you Mr. President, ladies and gentlemen of the Senate. This is a greater issue to me than the rather curmudgeonly one I spoke to last week about a commemorative day for children, because this bill actually has, what I think is, a real cultural issue in it. Today has been a day where there has already been significant discussion of diversity in our State and so on. And though I have nothing against square dancers or square dancing, it certainly reflects one, but only one, aspect of the cultural diversity of Maine. There could certainly be arguments made that a Native American dance would be more appropriate as the official State dance. I am sure there are arguments from communities of people of French extraction, or of Cambodian extraction, many of whom now reside in our State, that this particular designation of an official State dance is an exclusive one rather than an inclusive one. That is unlike our other State things that don't really carry cultural weight. I'm thinking of birds, flowers, soils, fossils, etc.. Therefore, and in accordance with the recommendation of the Maine Arts Commission, I would urge you to vote against the pending motion so that we can defeat this bill. Thank you.

The Chair ordered a Division. 13 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **NUTTING** of Androscoggin, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-30)** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-30) **READ** and **ADOPTED**, in concurrence.

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

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **BANKING AND INSURANCE** on Resolve, Regarding Legislative Review of Chapter 850, Health Plan Accountability, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance (Emergency) H.P. 874 L.D. 1191

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

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

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

The Resolve **READ ONCE**.

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

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Ensure Fairness to Merchants under an Implied Warranty of Merchantability"
H.P. 405 L.D. 550

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

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

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

The Bill **READ ONCE**.

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

Ought to Pass As Amended

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Prohibit Certain Activities by Insurance Adjusters"
H.P. 271 L.D. 335

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-107)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-107)**

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-107) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Amend the Maine Consumer Credit Code"
H.P. 554 L.D. 745

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-90)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-90) AS AMENDED BY HOUSE AMENDMENT "A" (H-105)** thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-90) **READ**.

House Amendment "A" (H-105) to Committee Amendment "A" (H-90) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-90) as Amended by House Amendment "A" (H-105) thereto, **ADOPTED**, in concurrence.

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

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Increase the Fee That May Be Assessed against a Prisoner to Help Defray the Costs of Incarceration" H.P. 31 L.D. 56

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-102)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-102)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-102) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Establish the Crime of Elevated Aggravated Assault"
H.P. 208 L.D. 261

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-101)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-101)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-101) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Establish a Part-time Liquor License"
H.P. 381 L.D. 526

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-94).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-94).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-94) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Authorize the Issuance of a Credit Card to Benefit the Scholarships for Maine Fund"
H.P. 705 L.D. 969

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-93).**

Signed:

Senators:

LAFOUNTAIN III of York
MURRAY, JR. of Penobscot
ABROMSON of Cumberland

Representatives:

PERRY of Bangor
DAVIDSON of Brunswick
CARLETON, JR. of Wells
SAXL of Bangor
WINN of Glenburn
O'NEIL of Saco
BRUNO of Raymond
JONES, JR. of Pittsfield
STANLEY of Medway

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

Signed:

Representative:

MAYO III of Bath

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-93) AND HOUSE AMENDMENT "A" (H-100).**

Which Reports were **READ.**

On motion by Senator **LAFOUNTAIN** of York, The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-93)** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE.**

Committee Amendment "A" (H-93) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-100) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-84).**

Signed:

Senators:

GOLDTHWAIT of Hancock
PENDLETON of Cumberland

Representatives:

ETNIER of Harpswell
GOODWIN of Pembroke
PERKINS of Penobscot
BAGLEY of Machias
PIEH of Bremen
VOLENIK of Brooklin
LAYTON of Cherryfield

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

Signed:

Representatives:

HONEY of Boothbay
PINKHAM of Brunswick
PINKHAM of Lamoine

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-84)**.

Which Report was **READ**.

On motion by Senator **GOLDTHWAIT** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-84)** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-84) **READ** and **ADOPTED**, in concurrence.

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

Senate

Ought to Pass As Amended

Senator **LAFOUNTAIN** for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Authorize State-chartered Community Development Credit Unions" S.P. 321 L.D. 1061

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-69)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-69) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Protect Near-shore Groundfish Spawning Areas" (Emergency) S.P. 171 L.D. 500

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-68)**.

Signed:

Senators:

GOLDTHWAIT of Hancock
PENDLETON of Cumberland
MACKINNON of York

Representatives:

ETNIER of Harpswell
GOODWIN of Pembroke
BAGLEY of Machias

PERKINS of Penobscot
PIEH of Bremen
VOLENIK of Brooklin
HONEY of Boothbay
PINKHAM of Brunswick

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

Signed:

Representatives:

LAYTON of Cherryfield
PINKHAM of Lamoine

Which Reports were **READ**.

On motion by Senator **GOLDTHWAIT** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-68)** Report **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-68) **READ** and **ADOPTED**.

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

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:

An Act to Protect Traditional Marriage and Prohibit Same Sex Marriages I.B. 1 L.D. 1017 (C "A" H-104)

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

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

Off Record Remarks

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

After Recess

Senate called to order by the President

Senate

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 Making Unified and Supplemental Appropriations and Allocations for the Expenditures of State Government, Highway Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999

S.P. 474 L.D. 1476
(C "A" S-47)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with 2 Senators having voted in the negative, and 25 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:

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1186

ORDERED, the Senate concurring, that all matters in the possession of the Legislature, including working papers and drafts in the possession of nonpartisan staff offices and gubernatorial nominations, at the time of adjournment of the First Regular Session of the 118th Legislature and held over to the next special or regular session of the 118th Legislature.

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

Which was **READ**.

At the request of Senator **AMERO** of Cumberland a Division was had. 17 Senators having voted in the affirmative and 10 Senators having voted in the negative, **PASSED**, in concurrence.

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

SECOND READERS

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

Resolve, Concerning Payments to Legislators during Special Session S.P. 552 L.D. 1678

Which was **READ A SECOND TIME**.

On motion by Senator **SMALL** of Sagadahoc, Senate Amendment "B" (S-71) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator **SMALL:** Thank you Mr. President. This amendment simply reduces the meal allowance from \$32 to \$16 for the length of the special session, just as we waived the \$100 per diem for that duration. The reason I put this in was because this special session, I believe, should be just that, it should be special session. It should be short. It should not be treated as though it were the regular session of the legislature, even though it looks as though that's what it will be. But, I thought the \$32 to \$16 would help to speed up the session by giving added incentive to legislators to get out of here and it would also save \$3,000 a day from the legislative budget for that and perhaps there are better uses that we could put that money to than legislative meals. So, I hope you will adopt Senate Amendment "B". Thank you.

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

Senator **RUHLIN:** Thank you Mr. President. Through the Chair, I would like to ask the good Senator from Sagadahoc, does that mean we're supposed to cut our food intake in half?

THE PRESIDENT: The Senator from Penobscot, Senator Ruhlin asks a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator **SMALL:** Thank you Mr. President. Food and anything else that we intake during the session.

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

Senator **PINGREE:** Thank you Mr. President. I'm going to move indefinite postponement of this amendment and ask for a Roll Call on my motion and I just want to urge all the members of the Body to vote with me on this indefinite postponement. Once again, I just have to say that I really appreciate all the work that people do in this Chamber. I know that legislators are very hard working but this is a sacrifice for many people, the time and the money that it takes to be a legislator, and I think this would be a bad time to cut this allowance.

Senator **PINGREE** of Knox moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-71).

On further motion by same Senator, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

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

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL

ABSENT: Senators: BUTLAND, NUTTING

EXCUSED: Senator: HALL

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator PINGREE of Knox to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-71), **PREVAILED**.

On motion by Senator PINGREE of Knox, Senate Amendment "A" (S-70) **READ**.

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

Senator PINGREE: Thank you Mr. President. Briefly, this is the amendment that just shows that there is no fiscal note on this bill and I urge everyone to vote with me on this motion.

Off Record Remarks

At the request of Senator AMERO of Cumberland a Division was had. 16 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator PINGREE of Knox, to **ADOPT** Senate Amendment "A" (S-70), **PREVAILED**.

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

Senator BENNETT: Mr. President, I request an opinion from the Chair whether this matter is properly before the Body.

THE PRESIDENT: Perhaps it would help if the Senator would state his grounds and why he believes it is not properly before the Body.

Senator BENNETT: I am searching for an opinion from the Chair whether this matter ought to have an emergency clause.

THE PRESIDENT: The Chair would answer that pursuant to article 4 of the constitution part 3, section 16, matters relating to the functioning of the legislature become effective upon enactment, regardless of whether or not there is an emergency clause.

On motion by Senator PINGREE of Knox, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, CLEVELAND, DAGGETT, FERGUSON, GOLDTHWAIT, HARRIMAN, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: KIEFFER, LIBBY

ABSENT: Senators: BUTLAND, MURRAY, NUTTING

EXCUSED: Senator: HALL

Senator ABROMSON of Cumberland requested and received leave of the Senate to change his vote from NAY to YEA.

Senator AMERO of Cumberland requested and received leave of the Senate to change her vote from NAY to YEA.

29 Senators having voted in the affirmative and 2 Senators having voted in the negative, with 3 Senators being absent and 1 Senator being excused, the Bill was **PASSED TO BE ENGROSSED, AS AMENDED BY SENATE AMENDMENT "A" (S-70)**.

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:

ENACTORS

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

An Act to Raise the Fee for Congressional and Legislative
Registration Plates H.P. 19 L.D. 44
(C "A" H-31)

An Act Concerning Prisoner Participation in Public Works
Projects H.P. 70 L.D. 95
(C "A" H-47)

An Act to Preserve Roadside Springs S.P. 48 L.D. 158
(C "A" S-29)

An Act to Amend the Permitting Laws for Septic Waste
Disposal Sites H.P. 156 L.D. 198
(C "A" H-67)

An Act to Change the Laws Pertaining to the Issuance of
Copies of Birth, Marriage or Death Certificates by Towns
S.P. 159 L.D. 488
(C "A" S-21)

An Act to Repeal the Maine Surplus Energy Auction Program
S.P. 251 L.D. 820

An Act to Exempt Public Airports with Approved Airport
Layout Plans from Subdivision Review S.P. 327 L.D. 1105

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

An Act to Allow the Maine Forest Service to Retain Funds
from the Sale of Real Estate S.P. 117 L.D. 396
(C "A" S-23)

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

Emergency

An Act to Clarify the Law Concerning Evictions from Mobile
Home Parks S.P. 22 L.D. 20
(C "A" S-27)

This being an Emergency Measure and having received the
affirmative vote of 28 Members of the Senate, with no Senators
having voted in the negative, and 28 being more than two-thirds
of the entire elected Membership of the Senate, was **PASSED
TO BE ENACTED** and having been signed by the President, was
presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Directing the Commissioner of Marine Resources to
Report on the Status of Discussions with the Passamaquoddy
Tribe H.P. 209 L.D. 273
(C "A" H-33)

This being an Emergency Measure and having received the
affirmative vote of 27 Members of the Senate, with no Senators
having voted in the negative, and 27 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.

Mandate

An Act to Clarify Municipal Review and Enforcement of
Sludge Spreading and Storage Permits S.P. 10 L.D. 2
(C "A" S-30)

This being a Mandate, in accordance with the provisions of
Section 21 of Article IX of the Constitution, having received the
affirmative vote of 27 Members of the Senate, with no Senators
having voted in the negative, and 27 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.

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

Off Record Remarks

On motion by Senator **PINGREE** of Knox **ADJOURNED**, until
Thursday, March 27, 1997, at 10:00 in the morning.