

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

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

In Senate Chamber
Thursday
March 27, 1997

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

Prayer by Father Stephen White of Saint Andrews Episcopal Church in Newcastle.

FATHER STEPHEN WHITE: Let us pray. Almighty God, the author and giver of all that is good, the source of all that is blessed, the bearer of all that is true, we invoke Your name and presence here today. We give thanks that You have called this land and this state to a place of trust and responsibility in the world, and in doing so You have offered us unlimited opportunities to work for peace, justice, and reconciliation among peoples of every kind. We ask You now for protection, but even more we seek Your guidance. We ask You for knowledge, but even more we hope for imagination. We ask You for power, but even more we need grace, that we might become the kind of people who change the temper of our times, who champion peace, and who seek to spread justice, honor, humility and righteousness in all that we are and do and say. Make us over according to Your will, O God. Watch over our goings out and our comings in, rule in our decisions, preserve us from discouragement, intolerance, and pride. Finally, we ask Thy blessing upon this Senate, and upon all who work and council together in this place. May we be encouraged by the support of the electorate. May we be heartened by the company of one another. And may we be inspired by the work we have been given to do. Blessed be the name of our God, both now and ever more. Amen.

Doctor of the Day, Francis Kleeman, M.D., Kennebunk.

Reading of the Journal of Wednesday, March 26, 1997.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Amend the Site Law Concerning State and Local Review of Transmission Lines" S.P. 79 L.D. 218
(C "A" S-31)

In Senate, March 21, 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" (S-31)**.

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" (S-31) AS AMENDED BY HOUSE AMENDMENT "B" (H-106)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **PINGREE** of Knox, the Senate **RECEDED** and **CONCURRED**.

Non-concurrent Matter

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Exempt Churches from the Real Estate Transfer Tax" S.P. 17 L.D. 15

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-32)** (6 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-32)**, in **NON-CONCURRENCE**.

Senator **RUHLIN** of Penobscot moved the Senate **ADHERE**.

Senator **LIBBY** of York moved the Senate **RECEDE** and **CONCUR**.

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

Senator **RUHLIN:** Thank you Mr. President, ladies and gentlemen of the Senate. I would point out to you that last week we voted by a large majority that this was a bad idea. The bill hasn't changed, so it's still a bad idea. I wish that you would continue with your efforts and voting of last week and vote against the motion to recede. I also would point out that what this bill attempts to do is to put an additional exemption in the laws of the State of Maine and though it may be well intended, we already are overburdened with exemptions. One of the main chores the tax committee, this year, looks forward to doing is limiting those exemptions so that we'll have a fairer system. This is a special interest exemption added to an already overburdened system. I would really appreciate it if you would vote against the motion to recede.

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

Senator **LIBBY**: Thank you Mr. President, men and women of the Senate. Briefly. I would agree that our system is riddled with tax exemptions and I do not begrudge the prior speaker for that. I think he's correct, but I would not classify this as a special interest exemption. I think there's one thing in this state that we've decided we're not going to tax and that's a church. I'm just, in all sincerity, trying to make sure that we do not charge the real estate transfer tax on churches when they do split, as in the case that we've discussed in the past here. I'm talking about church buildings only. I'm not talking about the real estate that they may own. We're talking about the building itself, the building with the steeple and everything that goes with it, should not be taxed. I think it's a simple issue. I really hope you'll agree with me and it is well intended. Thank you.

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

The Chair ordered a Division. 9 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **LIBBY** of York, to **RECEDE** and **CONCUR**, **FAILED**.

On motion by Senator **RUHLIN** of Penobscot, the Senate **ADHERED**.

House Paper

Bill "An Act to Amend the Victims' Compensation Fund"
H.P. 1184 L.D. 1675

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

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

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 125

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

March 26, 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 Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1277 An Act Concerning the Harvesting and Sampling of Ginseng

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Marjorie L. Kilkelly
Senate Chair

S/Rep. George H. Bunker, Jr.
House Chair

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

The Following Communication: S.C. 126

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

March 26, 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. 1150 An Act to Prohibit Discrimination Based on Genetic Testing Information

L.D. 1185 An Act to Prohibit the Raising of Interest Rates as a Penalty for Late Payment on Debt

L.D. 1210 An Act to Prohibit Insurance Companies from Denying Health Care Coverage Based on DNA Tests

L.D. 1265 An Act to Establish a Maximum Rate of Interest on Credit Card Debt

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. 127

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

March 26, 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 Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 176 An Act to Reduce Snowmobile Registration Fees for Certain Nonresidents
- L.D. 283 An Act to Repeal the Brake Light Requirement on Snowmobiles

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

Sincerely,

S/Sen. Marjorie L. Kilkelly
Senate Chair

S/Rep. Norman R. Paul
House Chair

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

The Following Communication: S.C. 128

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

March 26, 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. 201 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Term of the Governor
- L.D. 855 Resolve, to Convene a Legislative Employee Salary Review Committee
- L.D. 892 An Act to Require Municipalities to Purchase Insurance by Competitive Bidding
- L.D. 1242 An Act to Promote the Effective Delivery of Public Services

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. Ahearn
House Chair

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

The Following Communication: S.C. 129

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

March 26, 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 Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 12 An Act to Clarify Tax-exempt Status of Rental Inventory

LEGISLATIVE RECORD - SENATE, MARCH 27, 1997

- L.D. 149 An Act to Amend the Laws Regarding Property Tax Reimbursement for Certain Business Property
- L.D. 220 An Act to Increase the Tax Relief in the Maine Residents Property Tax Program
- L.D. 314 An Act to Exempt Lobster Traps from the Personal Property Tax
- L.D. 343 An Act to Increase Eligibility for the Maine Residents Property Tax Program
- L.D. 569 An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to the Property Tax Circuit Breaker Program
- L.D. 749 An Act to Eliminate Fraud in the Maine Residents Property Tax Program
- L.D. 761 An Act to Repeal the Reimbursement of Personal Property Taxes Paid on Business Machinery and Equipment
- L.D. 1077 An Act Rendering Land Trusts Ineligible for Property Tax Exemptions
- L.D. 1087 An Act to Authorize Municipal Taxation of the Value of Nonreimbursed Tree Growth Taxes
- L.D. 1219 An Act to Amend the Tax-exempt Status of Property Owned by Certain Nonprofit Organizations
- L.D. 1290 An Act to Clarify Laws Relating to Situs Taxation of Bulk Solid Waste Containers

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. 150 An Act Regarding the Use of Lights and Sirens on Personal Vehicles Used by Volunteer Firefighters and Emergency Medical Services Personnel
- L.D. 154 An Act to Increase the Population Threshold at Which a Town is Responsible for Maintaining Highways
- L.D. 299 An Act to Prohibit the Department of Transportation from Classifying a Road as a Town Way if 4,000 or More Vehicles Travel the Road Daily
- L.D. 750 An Act to Allow Law Enforcement Agencies to Use Red Flashing Lights on Their Vehicles
- L.D. 838 An Act to Permit Towns the Option of Winter Maintenance for Roads That are Turned Over to the Town for That Purpose
- L.D. 849 An Act to Require Reflectors on Snow Plows
- L.D. 1280 Resolve, to Provide Funds to Municipalities for Road Upkeep Based on Need

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

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

Sincerely,

Sincerely,

S/Sen. Richard P. Ruhlín
Senate Chair

S/Rep. Verdi L. Tripp
House Chair

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.

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

The Following Communication: S.C. 130

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

March 26, 1997

SENATE PAPERS

Bill "An Act to Amend the Real Estate Brokerage Laws"
S.P. 554 L.D. 1680

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

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

Sent down for concurrence.

Bill "An Act to Encourage the Development of Charter Schools" S.P. 559 L.D. 1685

Presented by Senator CATHCART of Penobscot
Cosponsored by Representative BARTH, JR. of Bethel

Which was referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and **ORDERED PRINTED**.

Sent down for concurrence.

Resolve, to Establish a Pilot Project Voucher System for Nursing Facility Level Care Reimbursement under the Medicaid Program (Emergency) S.P. 558 L.D. 1684

Presented by Senator BENNETT of Oxford
Cosponsored by Representative FULLER of Manchester and Senators: MITCHELL of Penobscot, PARADIS of Aroostook, Representatives: BERRY, SR. of Belmont, BROOKS of Winterport, LOVETT of Scarborough, MITCHELL of Portland, QUINT of Portland, SNOWE-MELLO of Poland

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

Sent down for concurrence.

Bill "An Act to Assist the Law Enforcement Community in Locating Missing Children" S.P. 553 L.D. 1679

Presented by Senator SMALL of Sagadahoc
Cosponsored by Representative PEAVEY of Woolwich and Representatives: BERRY, SR. of Belmont, FRECHETTE of Biddeford, MARVIN of Cape Elizabeth, MAYO, III of Bath, WHEELER of Bridgewater

(See action later today.)

Bill "An Act Regarding the Receipt of Benefits by a Child Based on a Parent's Disability and the Calculation of Parental Support Obligations" S.P. 555 L.D. 1681

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

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

Sent down for concurrence.

Bill "An Act to Clarify Issuance of the Writ of Possession" S.P. 557 L.D. 1683

Presented by Senator DAGGETT of Kennebec

Cosponsored by Senators: BENNETT of Oxford, FERGUSON, JR. of Oxford, Representatives: FISHER of Brewer, KONTOS of Windham

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

Sent down for concurrence.

Resolve, Directing the Commissioner of Transportation to Propose an Adopt-A-Highway Program S.P. 556 L.D. 1682

Presented by Senator BENNETT of Oxford
Cosponsored by Representative DRISCOLL of Calais and President: LAWRENCE of York, Senator CASSIDY of Washington, KIEFFER of Aroostook, O'GARA of Cumberland, Representatives: BOUFFARD of Lewiston, CLUKEY of Houlton, LINDAHL of Northport, SAVAGE of Union

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

Sent down for concurrence.

COMMITTEE REPORTS

House

Change of Reference

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Make the University of Maine System Board of Trustees an Elected Body" H.P. 952 L.D. 1315

Reported that the same be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Comes from the House with the Report **READ** and **REJECTED** and the Bill and Accompanying Papers **RECOMMENDED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Which Report was **READ**.

On motion by Senator PINGREE of Knox, **TABLED** until Later in Today's Session, pending **ACCEPTANCE** of the Committee Report in **NON-CONCURRENCE**.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Make the State Board of Education Elected" H.P. 962 L.D. 1325

Reported that the same be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Comes from the House with the Report **READ** and **REJECTED** and the Bill and Accompanying Papers **RECOMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Which Report was **READ**.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **ACCEPTANCE** of the Committee Report in **NON-CONCURRENCE**.

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Include Domestic Water Fowl in the Animal Trespass Statutes" H.P. 339 L.D. 461

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-113)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-113)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-113) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Provide Limited Voting Authority for Associate Supervisors of Maine's Soil and Water Conservation Districts" H.P. 369 L.D. 514

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-112)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-112)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-112) **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 Extend Access to Chiropractic Care under Health Maintenance Organization Managed Care Plans"

H.P. 179 L.D. 234

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-23)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-23)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-23) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **NATURAL RESOURCES** on Bill "An Act Concerning Compensation under the Natural Resources Protection Laws" H.P. 205 L.D. 258

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-111)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-111)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-111) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Permit Investigative Officers within the Employ of the Department of Corrections to Exercise the Powers of Law Enforcement Officers" H.P. 246 L.D. 310

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-103)**.

Signed:

Senators:

MURRAY, JR. of Penobscot
O'GARA of Cumberland
MITCHELL of Penobscot

Representatives:

O'BRIEN of Augusta
PEAVEY of Woolwich
MCALEVEY of Waterboro
POVICH of Ellsworth
JONES of Greenville
TOBIN, JR. of Dexter
BUNKER, JR. of Kossuth Township
FRECHETTE of Biddeford
WHEELER of Bridgewater

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

Signed:

Representative:

MUSE of South Portland

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-103)**.

Which Reports were **READ**.

On motion by Senator **MURRAY** of Penobscot the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-103)** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-103) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Protect Deer" H.P. 99 L.D. 123

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-97)**.

Signed:

Senators:

KILKELLY of Lincoln
RUHLIN of Penobscot
HALL of Piscataquis

Representatives:

PAUL of Sanford
CHICK of Lebanon
DUNLAP of Old Town
UNDERWOOD of Oxford
TRUE of Fryeburg

USHER of Westbrook
GOODWIN of Pembroke
CROSS of Dover-Foxcroft

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-98)**.

Signed:

Representatives:

CLARK of Millinocket
PERKINS of Penobscot

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-97)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-97)**.

Which Reports were **READ**.

On motion by Senator **KILKELLY** of Lincoln the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-97)** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-97) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act to Amend the Laws Regulating the Installation and Inspection of Septic Systems" H.P. 442 L.D. 592

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-96)**.

Signed:

Senators:

TREAT of Kennebec
NUTTING of Androscoggin

Representatives:

ROWE of Portland
SHIAH of Bowdoinham
BULL of Freeport
COWGER of Hallowell
JONES of Greenville
MCKEE of Wayne
DEXTER of Kingfield
NICKERSON of Turner
MERES of Norridgewock
FOSTER of Gray

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

Signed:

Senator:

BUTLAND of Cumberland

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-96)**.

Which Reports were **READ**.

Senator **TREAT** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-96)** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by the same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-96)** Report, in concurrence.

Senate

Ought to Pass

Senator **PARADIS** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Amend the Maine Health Data Organization Laws" (Emergency) S.P. 560 L.D. 1693

Reported that the same **Ought to Pass**, pursuant to Joint Order S.P. 482 and printed under Joint Rule 401.

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

The Bill **READ ONCE**.

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

Ought to Pass As Amended

Senator **MURRAY, JR.** for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Clarify the Public Safety Laws Concerning Visual Smoke Detectors" S.P. 266 L.D. 874

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-72)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-72) **READ** and **ADOPTED**.

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

On motion by Senator **LONGLEY** of Waldo, the Senate **RECONSIDERED** whereby it **REFERRED** to the Committee on **JUDICIARY** the following:

Bill "An Act to Assist the Law Enforcement Community in Locating Missing Children" S.P. 553 L.D. 1679

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

SECOND READERS

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

House

Bill "An Act to Ensure Fairness to Merchants under an Implied Warranty of Merchantability" H.P. 405 L.D. 550

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

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

House As Amended

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 (C "A" H-102)

Bill "An Act to Designate Square Dancing as the Official Folk Dance of Maine" H.P. 111 L.D. 135 (C "A" H-30)

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 (C "A" H-84)

Bill "An Act to Establish the Crime of Elevated Aggravated Assault" H.P. 208 L.D. 261 (C "A" H-101)

Bill "An Act to Prohibit Certain Activities by Insurance Adjusters" H.P. 271 L.D. 335 (C "A" H-107)

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 (C "A" H-89)

Bill "An Act to Provide Authority to Close Marine Waters to Fishing in the Event of Contamination" H.P. 361 L.D. 506
(C "A" H-85)

Bill "An Act to Establish a Part-time Liquor License" H.P. 381 L.D. 526
(C "A" H-94)

Bill "An Act to Amend the Maine Consumer Credit Code" H.P. 554 L.D. 745
(H "A" H-105 to
C "A" H-90)

Bill "An Act to Amend the North Yarmouth-Cumberland Town Line" (Emergency) H.P. 638 L.D. 863
(C "A" H-86)

Bill "An Act to Authorize the Issuance of a Credit Card to Benefit the Scholarships for Maine Fund" H.P. 705 L.D. 969
(C "A" H-93;
H "A" H-100)

Resolve, Establishing a Task Force to Examine the Desirability of a Model Municipal Building Code (Emergency) H.P. 775 L.D. 1052
(C "A" H-91)

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

Senate

Bill "An Act Regarding the Funded Depreciation Accounts of the Maine Veterans' Homes" S.P. 353 L.D. 1172

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Protect Near-shore Groundfish Spawning Areas" (Emergency) S.P. 171 L.D. 500
(C "A" S-68)

Bill "An Act to Authorize State-chartered Community Development Credit Unions" S.P. 321 L.D. 1061
(C "A" S-69)

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
(C "A" S-67)

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

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, to Provide for Legislative Review of Certain Agency Rules (Emergency) H.P. 1194 L.D. 1694

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

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

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

Under suspension of the Rules, ordered sent forthwith.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

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

In Senate, March 26, 1997, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-70)**, without reference to a Committee.

Comes from the House, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-70) AND HOUSE AMENDMENT "A" (H-123)**, without reference to a Committee in **NON-CONCURRENCE**.

On motion by Senator **PINGREE** of Knox, the Senate **RECEDED** and **CONCURRED**.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department..

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

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

Off Record Remarks

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

Off Record Remarks

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

After Recess

Senate called to order by the President

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

ENACTORS

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

Emergency Resolve

Resolve, to Provide for Legislative Review of Certain Agency Rules
H.P. 1194 L.D. 1694

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

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

ENACTORS

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

Emergency Resolve

Resolve, Concerning Payments to Legislators during Special Session
S.P. 552 L.D. 1678
(S "A" S-70; H "A" H-123)

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

Senator **KIEFFER:** Thank you Mr. President. I'd just like to speak briefly to this issue. Certainly, I understand the intent of this resolve, but I don't agree with it. I believe that legislators are entitled to make up their own minds as to how their remuneration is donated, and as to whom it will be donated to. I believe it's inherently wrong for the majority party to confiscate legislative per diem, so that the funds will remain in the legislative council to be used for whatever issue the controlling party may desire them to be used for. While I would be willing to serve here for this entire special session without either per diem, or without pay, or without reimbursement for expenses, I believe that choice should be mine and should not be dictated to. I'll be voting against the motion. Thank you.

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

NAYS: Senator: KIEFFER

ABSENT: Senator: RAND

EXCUSED: Senators: HALL, PENDLETON

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with 1 Senator having voted in the negative, 1 Senator being absent, and 2 Senators being excused, and 31 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.

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:

Bill "An Act to Assist the Law Enforcement Community in Locating Missing Children"
S.P. 553 L.D. 1679

Tabled - March 27, 1997, by Senator **LONGLEY** of Waldo.

Pending - **REFERENCE**

(In Senate, March 27, 1997, referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**. Subsequently, **RECONSIDERED**.)

On motion by Senator **LONGLEY** of Waldo, **REFERRED** to the Committee on **CRIMINAL JUSTICE**.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

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

HOUSE REPORT - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Make the University of Maine System Board of Trustees an Elected Body"
H.P. 952 L.D. 1315

Report - **REFER** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Tabled - March 27, 1997, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE** of the Committee Report in **NON-CONCURRENCE**

(In House March 26, 1997, the Report **READ** and **REJECTED** and the Bill and Accompanying Papers **RECOMMENDED** to the Committee on **STATE AND LOCAL GOVERNMENT**.)

(In Senate March 27, 1997, the Report **READ**.)

Which Report was **ACCEPTED** and the Bill and Accompanying Papers **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in **NON-CONCURRENCE**.

Sent down for concurrence.

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

HOUSE REPORT - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Make the State Board of Education Elected"
H.P. 962 L.D. 1325

Report - **REFER** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Tabled - March 27, 1997, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE** of the Committee Report in **NON-CONCURRENCE**

(In House March 26, 1997, the Report **READ** and **REJECTED** and the Bill and Accompanying Papers **RECOMMENDED** to the Committee on **STATE AND LOCAL GOVERNMENT**.)

(In Senate March 27, 1997, the Report **READ**.)

Which Report was **ACCEPTED** and the Bill and Accompanying Papers **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

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

ORDERS

Senate Orders

On motion by Senator **RAND** of Cumberland, the following Order:

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day.
S.O. 15

Which was **READ**.

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

Senator **AMERO:** Thank you Mr. President, ladies and gentlemen of the Senate. I think it's obvious to everybody in this Body today that the Senate has not transacted all the business which has come before it. In fact, we are still referring bills to different committees today. We have set several bills for second reader. We have hearings scheduled this afternoon, tomorrow and for the next few weeks. I don't see how we can send an order to the House which informs that Body that we have indeed transacted all of our business when we have not. So, I pose a question to the good Senator from Cumberland, Senator Rand as to why she is bringing forward this order, which claims that the Senate has indeed transacted all of its business?

THE PRESIDENT: The Senator from Cumberland, Senator Amero poses a question through the Chair to anyone who may be able to answer. The Chair recognizes the Senator from Cumberland, Senator Rand.

Senator **RAND**: Thank you Mr. President. I apologize to the good Senator from Cumberland, Senator Amero for my delay. I guess the simple answer to the question is that we did pass an order yesterday which did carry over all of our business so, in effect, our business is done until we are called back in.

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

Senator **HARRIMAN**: Thank you Mr. President. I request a Roll Call.

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

Senator **LONGLEY**: Thank you Mr. President, colleagues of the Senate. Before we vote I would just remind you that my experience with my constituencies is overwhelming approval of the fact that we have a budget set forth, and I heard nothing but greats and superlatives at events I was at last night.

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

Senator **BENNETT**: Thank you Mr. President, fellow members of the Senate. The issue before us, in my view, doesn't have to do with the budget, it has to do with whether or not we've finished our work and I can tell you as one Senator, who serves on a busy committee, Appropriations and Financial Affairs Committee, we have something in the neighborhood of 50, maybe 60, bills scheduled for public hearing next week, bills that were referred to that committee over the last couple of months. I don't see how we could possibly suggest that the business is done when many of these bills that have been introduced in this First Regular Session of the 118th Legislature have yet to be heard, some of them have barely been referred as you can see. It's patently clear that the work of this session is not done. As a matter of fact, I think there's only been 4 or 5 bills that my committee's actually dispensed with, one of which is the budget. There have been many others. I cannot vote for this adjournment order. I think it's premature. I think this is a charade and I think it's a sham on the people of Maine, to suggest that our work is done and I find it outrageous that we are now adjourning this legislature before the peoples business is complete. Thank you.

THE PRESIDENT: The Chair would answer that the Senator from Oxford, Senator Bennett is accurate. The only question before us is passage of the order, not the budget. The Chair recognizes the Senator from Cumberland, Senator Harriman.

Senator **HARRIMAN**: Thank you Mr. President, good morning ladies and gentlemen of the Senate. I appreciate the additional clarification by the president, regarding the question before us, which indeed is not the budget. It is a motion that I am asked to vote on that says the Senate has transacted all business which has come before it and that we are ready to adjourn without day. And it is clear to me that that is not true. The motion before us, that we're being asked to vote on, is not true, particularly in the area of the committee that I have the pleasure of serving on with my friend from Kennebec, Senator Carey, the Utilities and Energy Committee. We're in the midst, as we speak, literally as we speak, of deregulating the entire

electric utility industry in the State of Maine. We have just begun to do our work in that area, and this order suggests that we finished that business. Indeed we haven't. Second, I'm a little concerned that if we adjourn without day and as the order that my friend from Cumberland, Senator Rand said that we had passed an order regarding the carry over of bills, I have no assurance that we are going to be called back. As I understand it, the constitution says there's one of two ways we can be called back in; by a polling of the members, no one has told me, and second, the Chief Executive of the State of Maine could call us back, and I have not been contacted by his office to tell me if he's going to call us back and if so, under what circumstances we will be brought back. Is it to look at all bills, some bills, bills that may be through the Legislative Council? I feel that those are reasonable questions to want to have answers to before going home and telling the people who sent me here that on March 27th the Legislature passed an order saying that it has transacted all business which has come before it and is ready to adjourn without day. Thank you Mr. President.

At this point, a message was received from the House of Representatives, borne by Representative KONTOS of Windham, informing the Senate that the House had transacted all business before it and was ready to Adjourn Without Day.

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

Senator **MILLS**: Thank you Mr. President, men and women of the Senate. There is really only one sense in which we could possibly be set to accomplish any business at all and that is under some guarantee from another branch of government and that we will be called in under article 5, section 13 of the Constitution which gives the Executive power to bring us back if there is an extraordinary occasion. I will look forward to reading the Governor's proclamation to see what the extraordinary occasion will be. I suspect that if the truth was told the extraordinary occasion is that there was a parliamentary disagreement between the parties that was not resolved and he has declared that to be an extraordinary event. Under the Constitution, I rather think that does violence to the intention of those who wrote this document in Portland during the convention that took place in October of 1919, and I think that we are playing in a charade. I think we have a duty, as a separate branch of government, to read and interpret the Constitution in a responsible and dignified way and I think this is the point where this process breaks down.

THE PRESIDENT: The Chair would instruct the members that it is inappropriate to discuss the actions of, or supposed actions of another Body or of the Executive during debate. The only thing to debate are the actions of this Body. The Chair recognizes the Senator from York, Senator Libby.

Senator **LIBBY**: Thank you Mr. President, women and men of the Senate. I rise to discuss an action of this Body and I believe that it relates to this order. It is the advertisement of a public hearing for the Joint Standing Committee on Inland Fisheries and Wildlife for Friday, March 28, 1997, at 9:30 a.m., in room 109 of the State Office Building, and I just wanted to say

that if this committee were to have a proper public hearing, then that public hearing would be advertised by the legislative body that will hear it, and this is not it. We are in Regular Session and this bill will be heard in Special Session. And furthermore, I am offended that we do not have the discipline to schedule these public hearings on another day besides Good Friday. I am offended. I will be here on Good Friday representing my constituents, under protest. Thank you.

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

Senator **RUHLIN:** Thank you Mr. President, ladies and gentlemen of the Senate. I do want to respond to the procedures that we are about at this point in time. Yesterday, when we voted to do a carry over bill, procedurally what we did, we said our workload shall disappear. Strictly a procedural motion but that is in fact what happened. That's why, when we come down here as duly elected representatives of the people, we have procedures to follow to ensure that anarchy does not reign. We are following those procedures. And, when that order was voted on to carry over and make our workload disappear, it was done, certainly by this Senator, with full knowledge that I can put the faith and the trust in our government, that I can take the good word of many of our officials, and that we will be called back into a special session, which will then have before it, magically if you will, but still so, and probably so, procedurally so, new, additional workload or continuing workload. What I've heard today for your arguments, are really nothing more then persistent and pervasive obstructionism on the procedures of this Body. And I ask you to seriously reconsider your comments. Thank you very much Mr. President.

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

Senator **KIEFFER:** Thank you Mr. President. I fully agree with you Mr. President. The discussion here is only upon the order that is before us and that order makes no reference to any other orders. It merely refers to the fact that the Senate has transacted all of its business which has come before us to this date. I guess my question I'd like to present through the Chair, Mr. President, is if we have in fact transacted all of our business, why are we coming back?

THE PRESIDENT: The Senator from Aroostook, Senator Kieffer poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator **RUHLIN:** I would be more then pleased to respond to the good Senator from Aroostook and I will do so through the Chair and would point out through the Chair what we just said, that by procedure, your work goes away when you carry over those bills, over those items of business before you. So, the work is there. I don't know if I can make it any clearer, any plainer then that. Very simply, this order that's now before us recognizes previous actions promptly taken, procedurally done by this Chamber and it says, in fact, because of those actions, our business has been fully transacted, that which is allowable to come before us. So, it is time to go Sine Die. I hope the good

Senator from Aroostook can understand the explanation. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President, men and women of the Senate. This is my fourth term in the Senate and I had the opportunity to go through several Sine Die's in this Body and every single one of those, when we went Sine Die, there was still business on the calendar that had not been completed. Not every bill, not every resolve, not every issue had been fully completed. Now, the amount or the number may vary, but never have I seen us adjourn when there wasn't something that hadn't been completed, something that was tabled unassigned, something that hadn't been completed. It is clearly in the prerogative of this Body to determine when it wishes to adjourn, when it feels the business that it needs to deal with at the time, for the benefit of the people of this state, is sufficiently complete and that's a decision to be made by this Body and this Body alone. I think one of the things to remember is that when you're elected to public office you have a responsibility to govern. You have a responsibility to see that the meetings and the business of people are completed. It's fairly clear that the majority of this Body means to do that. It means to complete the business of providing the necessary funds to operate the government. And to complete that action, includes the necessity of adjourning the business at this point so we can achieve the constitutional requirement of allowing the public 90 days to determine whether they wish to initiate a citizens action to veto the bill. Those are all consistent, I think, with proper governance and the majorities of Bodies that were elected to do that. Hopefully that would be large majorities, but it's all consistent with what we've done in the past and what I think is in good governance. And I fully support the motion to Sine Die.

The Chair noted the presence of Senator Hall of Piscataquis and welcomed him back to the Chamber.

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

Senator **BENOIT:** Thank you Mr. President, may it please the Senate. For the life of me I can't understand why some of you are agitated over this order. I expected it. I expected to, you know, given our track record so far in the session, I expected to read something that says, we transacted all the business that's come before us, even though perhaps, a good argument can be made that we have some suspicions confirmed, on my part. I will dignify this order by describing it for what it really is, monkey business. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Cassidy.

Senator **CASSIDY:** Thank you Mr. President, men and women of the Senate. You know, sitting here listening to debate this morning, or this afternoon I guess we're into now, I think that the real problem I have with this is that it does say, transacted all the business that's come before us. I think what we might

consider maybe is, I don't know whether anyone would be interested in making a tabling motion, so we may have an amendment that says, transacted all the business that the majority wished to complete, but that's just a suggestion, not really a motion.

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

Senator **FERGUSON:** I'd like to make an inquiry, if I may.

THE PRESIDENT: The Senator may state his parliamentary inquiry.

Senator **FERGUSON:** I have an opportunity to go to Florida next week, would it be safe for me to do that Mr. President?

THE PRESIDENT: The President would merely state I can't speak for the airlines and I certainly can't speak for what the Governor may do.

Senator **FERGUSON:** Thank you, thank you very much Mr. President. I enjoy your quick wit and I compliment you on it.

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

Senator **AMERO:** Thank you Mr. President, ladies and gentlemen of the Senate. I'd like to pose a question to any Senator who would care to answer.

THE PRESIDENT: The Senator may pose her question.

Senator **AMERO:** Thank you Mr. President. If this first regular term of the 118th Legislature, by majority vote, adjourns Sine Die before the completion of a substantial portion of its legislative business, can the Governor exercise Article 5 powers to convene the legislature in extraordinary circumstances, when in fact the extraordinary circumstance is caused by the premature adjournment and termination of the First Regular Session of the 118th Legislature for the purpose of avoiding the need for a two-thirds vote on the budget?

THE PRESIDENT: The Senator from Cumberland, Senator Amero poses a question to anyone in the Chamber who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Ruhlín.

Senator **RUHLIN:** Thank you Mr. President. I would respond to the good Senator from Cumberland through the Chair. The answer is yes.

On motion by Senator **HARRIMAN** 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, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

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

EXCUSED: Senator: PENDLETON

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, on motion by Senator **RAND** of Cumberland the Senate Order was **PASSED**.

The Chair appointed the Senator from Cumberland, Senator **RAND** to deliver the message to the House of Representatives. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

On motion by Senator **PINGREE** of Knox, the following Order:

ORDERED, that a message be sent to Governor Angus S. King, Jr., informing him that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day. S.O. 16

Which was **READ**.

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

Senator **HARRIMAN:** Thank you Mr. President. I rise to pose a parliamentary inquiry.

THE PRESIDENT: The Senator may pose his inquiry.

Senator **HARRIMAN:** Thank you Mr. President. This afternoon, as I understand it, there are a number of joint standing committees who are holding public hearings and I would be wondering under what parliamentary rule will they be able to operate today, since we have adjourned Sine Die?

THE PRESIDENT: The Chair would answer that it is not a parliamentary rule if the Senator refers to title 3, section 2 of the statute, it states: Members of a committee, with the approval of the President and the Speaker of the House may also meet on days when the legislature is not in session.

Senator **HARRIMAN:** Thank you Mr. President.

Senator **MILLS** of Somerset was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

Off Record Remarks

Senator **CLEVELAND** of Androscoggin was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **KILKELLY** of Lincoln was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

Senator **BUTLAND:** Thank you Mr. President, ladies and gentlemen of the Senate. I hope that you'll be voting against the pending motion, so that we may end this charade once and for all and continue to do the people's business. To state here today that we have concluded our business makes an absolute mockery of the legislative process. A process, that I might add, has worked to the benefit of the people of Maine for over 175 years. I'm truly disappointed that the Governor and the majority party find this time tested process inconvenient for their purposes. I'm also disappointed that they have adopted this extreme course of action. When I've gone over to the other Body, from time to time during this session, I've been amazed at the number of new faces over there and I wonder what they think of this attempt to hijack the legislative process. It must be very disappointing, and yes, disconcerting to them to come here full of idealism and enthusiasm and to have this totally unnecessary baptism by fire, to be participating in a process that is spinning out of control at warp speed. I'm reminded of my early days in the legislature under the tutelage of the former speaker, John Martin. Speaker Martin was known to run a very, very tight ship and you can believe me that there was only one hand on the tiller of that ship and it was his. Many members from both parties chafed under his control and positive reform began to take place in the Body in the early 90's. One of the major complaints by the rank and file, was their lack of involvement in the budget process. In the 117th legislature a tremendous amount of time was invested in the budget process by the committees of jurisdiction. It was indeed a tremendous improvement. Rank and file members were finally invested in the process. Unfortunately, these gains are being sacrificed in the 118th. We have taken, in my opinion, ten steps backwards and we probably won't regain the lost ground for decades. The new paradigm will be, the majority budget's made in haste, fraught with waste. I'd like to take a moment to respond to those people who are saying that

we have to do this. We justify this shut down of the legislature because of the threat of a shut down of state government and I would remind people that no member of the Republican party, either in the 117th legislature or in the 118th legislature, in either Body, has ever advocated for a shut down. In the 117th, the only folks mentioning a shut down were the Democratic leadership and the Governor. We didn't have to worry about a shut down. We passed a budget that had 160 votes, 160 votes gained through the strong leadership of the chairman of the Appropriations Committee, former Senator Hanley and his willingness to compromise. I can still remember the letter that we all received from the Chief Executive of the State on June 16th, 1995, stating that he would veto any budget that came across his desk that had broad based tax relief in it, even if it meant shutting down state government. Now, we're here today shutting down the legislative process to prevent any meaningful tax relief from being considered. The road that we appear to be ready to take is fraught with certain danger and I would hope that you would join me in voting against the pending motion to adjourn the legislature Sine Die.

The Chair noted the absence of the Senator from Cumberland, Senator **RAND** and further excused the same Senator from this Roll Call vote.

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, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PINGREE, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

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

EXCUSED: Senators: PENDLETON, RAND

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being excused, on motion by Senator **PINGREE** of Knox the Senate Order **PASSED.**

The President appointed the Senator from Knox, Senator **PINGREE** to deliver the message to the Governor. The Sergeant-At-Arms escorted the Senator to the Governor's Offices.

Subsequently, the Senator from Knox, Senator **PINGREE**, reported that she had delivered the message with which she was charged.

Subsequently, the Senator from Cumberland, Senator **RAND**, reported that she had delivered the message with which she was charged.

Senator **CAREY** of Kennebec moved the Senate adjourn **SINE DIE**.

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

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.

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

Off Record Remarks

THE PRESIDENT: The Chair recognizes the Senator from Arostook, Senator **Paradis**.

Senator **PARADIS:** Mr. President, men and women of the Senate. I am upset. I object strenuously to the Senator referring to a former individual from the St. John Valley, who, before his tenure in the other Body, we, in the St. John Valley, were absolutely abandoned by the people that were here at the time. We went from having cigar smoking in the chambers, booze in drawers and small animals running amuck in the aisles, to having a very disciplined Body that could be respected. So, thank you so much.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: **CAREY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, 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**

EXCUSED: Senators: **HALL, PENDLETON**

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **CAREY** of Kennebec to **ADJOURN SINE DIE, PREVAILED**. The Honorable **MARK W. LAWRENCE**, President of the Senate, declared the First Regular Session of the 118th Legislature, **ADJOURNED SINE DIE** at 12:42 in the afternoon.