

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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 SPECIAL SESSION  
JOURNAL OF THE SENATE**

In Senate Chamber  
Thursday  
March 27, 1997

In compliance with a proclamation of Governor **ANGUS S. KING, JR.**, the Senators convened in the Senate Chamber at four o'clock in the afternoon and were called to order by the President, **MARK W. LAWRENCE** of York.

Prayer by the Honorable Richard J. Carey of Kennebec.

**HONORABLE RICHARD J. CAREY:** Thank you Mr. President. Mr. President and members of the Senate. I find it a great honor, on the very same day that we closed out the regular session, as the senior Senator, to come back just a few hours later to be the one delivering the opening prayer of the First Special Session of the 118th. Please, let's pray together.

Dear Lord, please help us work closer together in this special session. We do represent the people of this great State but we sometimes forget that in the heat of partisan debate. Both parties must realize that the interest of the state rise above the district or the party issues. Help us find solutions to the problems together, for the benefit of all of our people. And we ask this in Your name. Amen.

Pledge of Allegiance led by Senator Vinton Cassidy of Washington.

The Secretary read the Proclamation.

S.C. 131

**STATE OF MAINE  
PROCLAMATION**

WHEREAS, there exists in the State of Maine an extraordinary occasion arising out of the need to resolve many legislative matters pending at the time of the recess of the First Regular Session of the 118th Legislature of the State of Maine; and

WHEREAS, the public health, safety and welfare requires that the Legislature resolve these pending matters as soon as possible, and in any event prior to the date of the Second Session of the 118th Legislature, including, but not limited to, pending nominations of state board and commission members by the Governor requiring legislative confirmation, and pending bond authorizations for highway, bridge and other transportation related expenditures, pollution control and other public facilities:

**NOW THEREFORE, I, ANGUS S. KING, JR.**, Governor of the State of Maine, by the virtue of the constitutional power vested in me as Governor pursuant to Article V, Part 1, Section 13 of the Constitution of Maine, convene the Legislature of this State, hereby requesting the Senators and Representatives to

assemble in their respective chambers at the Capitol in Augusta on Thursday, March 27, 1997 at 4:00 o'clock in the afternoon, in order to receive communications, resolve pending legislation carried over from the First Regular Session of the 118th Legislature and act upon pending nominations.

In testimony whereof, I have caused the Great Seal of the State to be hereunto affixed GIVEN under my hand at Augusta this twenty-sixth day of March in the Year of our Lord One Thousand Nine Hundred and Ninety Seven.

S/ANGUS S. KING, JR.  
Governor

Attest:  
S/Dan A. Gwadosky  
Secretary of State

Which was **READ** and **ORDERED PLACED ON FILE**.

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

The Roll being called, the following Senators answered to their name:

**ROLL CALL**

Senators: **ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CAREY, CASSIDY, CATHCART, CLEVELAND, DAGGETT, FERGUSON, HARRIMAN, JENKINS, LAFOUNTAIN, LIBBY, LONGLEY, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE**

**ABSENT:** Senators: **KIEFFER, KILKELLY, MITCHELL, PARADIS, SMALL**

**EXCUSED:** Senators: **GOLDTHWAIT, HALL, MACKINNON, PENDLETON**

26 Senators having answered to the Roll, the Chair declared a quorum present.

**ORDERS**

On motion by Senator **RAND** of Cumberland, the following Senate Order: **S.O. 18**

**ORDERED**, that a message be sent to Governor Angus S. King, Jr., informing him that a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

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

The President appointed the Senator from Cumberland, Senator **RAND**, to deliver the message to the Governor. The Sergeant-At-Arms escorted the Senator to the Governor's Office.

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

On motion by Senator **PINGREE** of Knox, the following Senate Order: S.O. 17

ORDERED, that a message be sent to the House of Representatives informing that Body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

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

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

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

Senate at Ease

Senate called to order by the President.

On motion by Senator **PINGREE** of Knox, the following **JOINT ORDER**: S.P. 561

ORDERED, the House concurring, that when the House stands adjourned it does so until Monday, March 31, 1997 at 9:00 in the morning and when the Senate stands adjourned it does so until Tuesday, April 1, 1997 at 10:00 in the morning.

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

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

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

**COMMUNICATIONS**

The Following Communication: S.C. 132

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

March 27, 1997

The Honorable Mark W. Lawrence  
President of the Senate of Maine  
118th Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 118th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Margaret J. Kravchuk of Bangor, for reappointment as a Justice of the Maine Superior Court.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators	3 Longley of Waldo, LaFountain of York, Benoit of Franklin
Representatives	9 Thompson of Naples, Watson of Farmingdale, Jabar of Waterville, Mailhot of Lewiston, Powers of Rockport, Plowman of Hampden, Madore of Augusta, Nass of Acton, Waterhouse of Bridgton

NAYS: 0

ABSENT: 1 Rep. Etnier of Harpswell

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Margaret J. Kravchuk of Bangor, for reappointment as a Justice of the Maine Superior Court be confirmed.

Signed:

S/Susan W. Longley  
Senate Chair

S/Richard H. Thompson  
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

At this point, a message was received from the House of Representatives, borne by Representative **KONTOS** of Windham, informing the Senate that a quorum was present for the consideration of such business as might come before the House.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 506 of the 118th Legislature, the vote was taken by the Yeas and Nays.

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

Senator **LONGLEY:** Thank you Mr. President, colleagues of the Senate. I'll be quick. We just had a very meaningful session in the Judiciary Committee and I'd like to share, and it concerns Justice Kravchuk, who's up for reappointment. Basically, we heard quotes from wonderful people, everything from Socrates to Thomas Moore and Senator Muskie. We had a wonderful history lesson and dealt a lot with the importance of treating people courteously and giving them fair hearings, and I would urge you to vote no on this confirmation. In support of Judge Kravchuk, I think that if the Senator from Cumberland would have been there, I think that she would too, agree that Judge Kravchuk best represents the motto that Senator Amero, from Cumberland said when she said the prayer from Margaret Chase Smith last year. It applies very well to the one who we're about to vote for. As Senator Margaret Chase Smith would say, "My credo is that public service must be more than doing a job efficiently and honestly. It must be a complete dedication to the people and to the nation, with full recognition that every human being is entitled to courtesy and consideration. That constructive criticism is not only to be expected but sought. That smears are not only to be expected but fought, and that honor is to be earned, not bought." We're about to vote on someone, who has in every way, courteously, constructively and honorably earned her position and I'm very proud to have her about to be reconfirmed for appointment on the court. Thank you for listening.

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

Senator **BENOIT:** Thank you Mr. President, may it please the Senate. As Senator Longley has just indicated, we had a unanimous committee vote on this particular nomination from the governor. The thing that I like about the situation is that Justice is a woman and is a very good example, according to my two daughters, of the success we see our women achieving in society today and I'm pleased about that. Justice Kravchuk has acquitted herself well, she's earned another term and I was pleased to vote for her. Thank you.

The Chair noted the absence of the Senator from Penobscot, Senator **MITCHELL** 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: None

**NAYS:** Senators: **ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CAREY, CASSIDY, CATHCART, CLEVELAND, DAGGETT, FERGUSON, HARRIMAN, JENKINS, LAFOUNTAIN, LIBBY, LONGLEY, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA,**

**PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE**

**ABSENT:** Senators: **KIEFFER, KILKELLY, PARADIS, SMALL**

**EXCUSED:** Senators: **GOLDTHWAIT, HALL, MACKINNON, MITCHELL, PENDLETON**

No Senator having voted in the affirmative and 26 Senators having voted in the negative, with 4 Senators being absent and 5 Senators being excused, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the **Honorable Margaret J. Kravchuk**, for reappointment as a Justice of the Maine Superior Court, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

**Off Record Remarks**

On motion by Senator **PINGREE** of Knox, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, April 1, 1997, at 10:00 in the morning.