

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

Volume 1

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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
Tuesday
April 8, 1997

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

Prayer by Reverend Elsie Dame, Retired of Manchester.

REVEREND ELSIE DAME: Eternal and Everlasting God, Creator of all things, Giver of every good and perfect gift, hear us this day as we seek Your blessing upon these entrusted and empowered to serve and lead the citizens of the great State of Maine. Hear us when we pray for all those in places of influence and authority, that they may do right and rule wisely and well. Guide those who lead us, and touch them with Thy gracious spirit, that their faith may be revived, their hope renewed, and their vision made clear. Give to them the conviction that with divine help all things are possible. By Thy grace may we all become more aware of our limitations and our weaknesses. We all need Your help and seek it humbly. We want to do right and to be right, so Great Spirit be with us in all that we do and say. We thank Thee, Almighty God for the rich heritage of this good land, for the evidences of Thy favor in the past, and for the guiding hand that has led us and made us a great state and preserved us as part of a great nation. We thank You for the women and men whom You have called to this assembly and entrusted with so great a task. Having called them O God, strengthen and enable them to rule wisely, and with love and concern for those whom they govern. Give us all the faith to believe that there is no problem before us that Thy wisdom cannot solve. As Thou hast guided our leaders in the past, so guide our leaders today. We thank You for the beauty of this day, and the sacredness of life. May Thy will be done this day and in this place.

"Dear Lord and Father of mankind, forgive us our feverish ways, reclothe us in our rightful mind, in purer lives Thy service find, in deeper reverence praise. Take from our souls the strain and stress, and let our ordered lives confess, Thy beauty of Thy peace."

Doctor of the Day, Larry Oliver, M.D., Lewiston.

Reading of the Journal of Monday, April 7, 1997.

Pursuant to Senate Rule 201.1, the President appointed the Senator from Penobscot, Senator **MURRAY** to serve as President Pro Tem for the session on Wednesday, April 9, 1997.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Licensure Act for Speech Pathologists and Audiologists" H.P. 1234 L.D. 1751

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

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

Bill "An Act Concerning the Rights of Children with Special Needs" H.P. 1233 L.D. 1750

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.

Resolve, Authorizing the Department of Transportation to Erect Signs Identifying the World War II Memorial in Bangor H.P. 1232 L.D. 1749

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

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

Joint Resolution

The following Joint Resolution: H.P. 1231

**JOINT RESOLUTION MEMORIALIZING
THE COMMISSIONERS OF DEPARTMENTS
OF STATE GOVERNMENT TO VISIT EACH COUNTY
IN THE STATE AT LEAST ONCE EACH YEAR**

WE, your Memorialists, the Members of the One Hundred and Eighteenth Legislature of the State of Maine, now assembled in the First Special Session, most respectfully present and petition the commissioners of the departments of State Government as follows:

WHEREAS, the commissioners of the departments of State Government have responsibility for adopting and implementing policies affecting all citizens of the State; and

WHEREAS, commissioners are responsible for adopting rules relating to numerous programs that govern the daily activities of public and private institutions, business and individual citizens; and

WHEREAS, commissioners adopting rules and policies should have an intimate knowledge of all areas of the State, including the issues and problems affecting those areas and the local people who are involved in addressing those issues and policies; and

WHEREAS, it is necessary to visit an area in order to truly understand its problems and know its people; now, therefore, be it

RESOLVED: That the commissioners of the departments of State Government should visit each county in the State at least once each year to visit with local officials and members of the public and gather information about local issues and concerns; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable Angus S. King, Jr., Governor of Maine and each commissioner of a department of State Government.

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

Which was **READ** and **ADOPTED**, in concurrence.

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 retired from the Chamber.

The Senate called to Order by the President Pro Tem.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 156

**THE SENATE OF MAINE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

April 3, 1997

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to my authority under 20-A MRSA c. 329 §9801, 1995, I have appointed Senator Chellie Pingree of Knox to the Maine Commission for Global and Geographic Education.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Mark W. Lawrence
President of the Senate

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

The Following Communication: S.C. 157

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC
DEVELOPMENT**

April 4, 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 Business and Economic Development has had under consideration the nomination of R.P. Field Rider of New Gloucester, for appointment to the Finance Authority of Maine.

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	2 Jenkins of Androscoggin, MacKinnon of York
Representatives	6 Vigue of Winslow, Farnsworth of Portland, Shannon of Lewiston, Wright of Berwick, Cameron of Rumford, Murphy of Kennebunk,
NAYS:	0
ABSENT:	5 Sen. Rand of Cumberland, Rep. Sirois of Caribou, Rep. Bodwell of Brunswick, Rep. MacDougall of North Berwick, Rep. Mack of Standish

Eight 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 R.P. Field Rider of New Gloucester, for appointment to the Finance Authority of Maine be confirmed.

Signed,

S/John T. Jenkins
Senate Chair

S/Marc J. Vigue
House Chair

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

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** 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 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, DAGGETT, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, JENKINS, KIEFFER, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, O'GARA, PARADIS, PENDLETON, RAND, TREAT, THE PRESIDENT PRO TEM - CHELLIE PINGREE

ABSENT: Senators: CATHCART, CLEVELAND, LAWRENCE, MITCHELL, NUTTING, RUHLIN, SMALL

No Senators having voted in the affirmative and 28 Senators having voted in the negative, with 7 Senators being absent, 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 nomination of R.P. Field Rider, for appointment to the Finance Authority of Maine was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication: S.C. 158

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC
DEVELOPMENT**

April 4, 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 Business and Economic Development has had under consideration the nomination of Peter C. White of E. Winthrop, for reappointment to the Real Estate Commission.

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 2 Jenkins of Androscoggin,
MacKinnon of York

Representatives 5 Vigue of Winslow, Farnsworth of
Portland, Shannon of Lewiston,
Wright of Berwick, Cameron of
Rumford

NAYS: 0

ABSENT: 6 Sen. Rand of Cumberland, Rep.
Sirois of Caribou, Rep. Murphy of
Kennebunk, Rep. Bodwell of
Brunswick, Rep. MacDougall of
North Berwick, Rep. Mack of
Standish

Seven 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 Peter C. White of E. Winthrop, for reappointment to the Real Estate Commission be confirmed.
Signed,

S/John T. Jenkins
Senate Chair

S/Marc J. Vigue
House Chair

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

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** 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 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, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, JENKINS, KIEFFER, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, O'GARA, PARADIS, PENDLETON, RAND, SMALL, TREAT, THE PRESIDENT PRO TEM - CHELLIE PINGREE

ABSENT: Senators: CATHCART, CLEVELAND, DAGGETT, LAWRENCE, MITCHELL, NUTTING, RUHLIN

No Senators having voted in the affirmative and 28 Senators having voted in the negative, with 7 Senators being absent, 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 nomination of **Peter C. White**, for reappointment to the Real Estate Commission was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication: S.C. 159

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC
DEVELOPMENT**

April 4, 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 Business and Economic Development has had under consideration the nomination of Richard J. McGoldrick of Cape Elizabeth, for reappointment to the Finance Authority of Maine.

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 2 Jenkins of Androscoggin, MacKinnon of York

Representatives 7 Vigue of Winslow, Farnsworth of Portland, Shannon of Lewiston, Wright of Berwick, Cameron of Rumford, MacDougall of North Berwick, Mack of Standish

NAYS: 0

ABSENT: 4 Sen. Rand of Cumberland, Rep. Sirois of Caribou, Rep. Murphy of Kennebunk, Rep. Bodwell of Brunswick

Nine 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 Richard J. McGoldrick of Cape Elizabeth, for reappointment to the Finance Authority of Maine be confirmed.

Signed,

S/John T. Jenkins
Senate Chair

S/Marc J. Vigue
House Chair

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

Off Record Remarks

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** 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 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, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, JENKINS, KIEFFER, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, O'GARA, PARADIS, PENDLETON, RAND, SMALL, TREAT, THE PRESIDENT PRO TEM - CHELLIE PINGREE

ABSENT: Senators: CLEVELAND, DAGGETT, LAWRENCE, MITCHELL, NUTTING, RUHLIN

No Senators having voted in the affirmative and 29 Senators having voted in the negative, with 6 Senators being absent, 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 nomination of **Richard J. McGoldrick**, for reappointment to the Finance Authority of Maine was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

SENATE PAPERS

Bill "An Act to Further Maine's Welfare Reform Initiatives and Establish Maine's Temporary Assistance for Needy Families Program" (Emergency) S.P. 587 L.D. 1757

Presented by Senator PARADIS of Aroostook
Cosponsored by Representative LOVETT of Scarborough
and Senators: MICHAUD of Penobscot, MITCHELL of
Penobscot, Representatives: FULLER of Manchester, KANE
of Saco, KERR of Old Orchard Beach, LEMAIRE of Lewiston,
MARVIN of Cape Elizabeth, SAXL of Portland
Submitted by the Department of Human Services pursuant to
Joint Rule 204.

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

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **LABOR** on Bill "An Act to Revise the Procedure to Appeal Nonacceptance into a Self-employment Assistance Program" H.P. 872 L.D. 1189

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**.

The Committee on **LABOR** on Bill "An Act to Clarify Part-time School Week for the Purpose of Enforcing Child Labor Laws in the State" H.P. 901 L.D. 1244

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**.

The Committee on **LABOR** on Bill "An Act to Revise the Confidentiality Provisions of the Maine Revised Statutes, Title 26" H.P. 902 L.D. 1245

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**.

The Committee on **TAXATION** on Bill "An Act to Conform the Maine Tax Laws for 1996 with the United States Internal Revenue Code" (Emergency) H.P. 718 L.D. 982

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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Fund the Collective Bargaining Agreement for the Law Enforcement Services Bargaining Unit" (Emergency) H.P. 1092 L.D. 1535

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-152)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-152)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-152) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BANKING AND INSURANCE** on Bill "An Act Amending the Maine Consumer Credit Code"
H.P. 519 L.D. 710

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-147)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-147)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-147) **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 Provisions Applicable to Property Casualty Insurers and Reporting Requirements to the Bureau of Insurance"
H.P. 716 L.D. 980

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-148)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-148)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-148) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Enhance the State's Moose Hunt"
H.P. 774 L.D. 1051

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-151)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-151)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-151) **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 Allow Hunting on Sunday"
H.P. 217 L.D. 281

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

Signed:

Senators:

KILKELLY of Lincoln
RUHLIN of Penobscot
HALL of Piscataquis

Representatives:

PAUL of Sanford
CLARK of Millinocket
CHICK of Lebanon
DUNLAP of Old Town
TRUE of Fryeburg
USHER of Westbrook
CROSS of Dover-Foxcroft
PERKINS of Penobscot

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

Signed:

Representatives:

GOODWIN of Pembroke
UNDERWOOD of Oxford

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

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Allow Persons 15 Years of Age or Older to Work at Games of Skill"
H.P. 648 L.D. 901

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

Signed:

Senators:

CATHCART of Penobscot
TREAT of Kennebec
MILLS of Somerset

Representatives:

HATCH of Skowhegan
SAMSON of Jay
BOLDUC of Auburn
CLARK of Millinocket
STANLEY of Medway
JOY of Crystal
TREADWELL of Carmel

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

Signed:

Representative:

RINES, JR. of Wiscasset

Comes from the House, Reports **READ** and Bill and Accompanying Papers **RECOMMITTED** to the Committee on **LABOR.**

Which Reports were **READ.**

On motion by Senator **CATHCART** of Penobscot, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED** in **NON-CONCURRENCE.**

Sent down for concurrence.

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act to Clarify Sanitary District and Sewer District Authority to Adopt Impact Fees"
H.P. 576 L.D. 767

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

Signed:

Senators:

TREAT of Kennebec
BUTLAND of Cumberland

Representatives:

ROWE of Portland
MERES of Norridgewock
SHIAH of Bowdoinham
BULL of Freeport
MCKEE of Wayne

FOSTER of Gray

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-145).**

Signed:

Senator:

NUTTING of Androscoggin

Representatives:

DEXTER of Kingfield
COWGER of Hallowell
JONES of Greenville
NICKERSON of Turner

Comes from the House, Bill and Accompanying Papers **COMMITTED** to the Committee on **UTILITIES AND ENERGY.**

Which Reports were **READ.**

On motion by Senator **TREAT** of Kennebec, the Bill and Accompanying Papers **COMMITTED** to the Committee on **UTILITIES AND ENERGY**, in concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Exempt Certain Landowners from Hiring a Licensed Forester"
H.P. 782 L.D. 1070

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

Signed:

Senators:

RUHLIN of Penobscot
DAGGETT of Kennebec
MILLS of Somerset

Representatives:

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

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

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 **RAND** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Senate

Ought to Pass

Senator **PARADIS** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Amend the Maine Children's Trust Incorporated" S.P. 366 L.D. 1225

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 **O'GARA** for the Committee on **TRANSPORTATION** on Bill "An Act to Provide for Department of Transportation Assistance in the Rehabilitation of Access Roads to Bridges of Historic Significance" S.P. 198 L.D. 626

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-92)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-92) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Clarify the Reporting Responsibility of Lobbyists" S.P. 104 L.D. 383

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

Signed:

Senators:

DAGGETT of Kennebec
CAREY of Kennebec

Representatives:

TUTTLE, JR. of Sanford
GAMACHE of Lewiston

CHIZMAR of Lisbon
FISHER of Brewer
TESSIER of Fairfield

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

Signed:

Senator:

FERGUSON, JR. of Oxford

Representatives:

TRUE of Fryeburg
GAGNE of Buckfield
LABRECQUE of Gorham
BIGL of Bucksport
BELANGER of Wallagrass

Which Reports were **READ**.

Senator **CAREY** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On motion by Senator **AMERO** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **CAREY** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

SECOND READERS

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

House As Amended

Bill "An Act Concerning Regulatory Authority to Protect Certain Marine Organisms" (Emergency) H.P. 573 L.D. 764 (C "A" H-136)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Clarify Voting Rights H.P. 639 L.D. 864 (C "A" H-129)

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

ENACTORS

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

An Act to Clarify That a Town's Mooring Ordinance May Grandfather Existing Commercial or Noncommercial Moorings H.P. 63 L.D. 88 (C "A" H-119)

An Act Concerning Compensation under the Natural Resources Protection Laws H.P. 205 L.D. 258 (C "A" H-111)

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
(C "A" H-103)

An Act to Improve Management in the Elver Fishery
H.P. 289 L.D. 353
(C "A" H-114)

An Act to Include Domestic Water Fowl in the Animal Trespass Statutes
H.P. 339 L.D. 461
(C "A" H-113)

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

An Act to Provide Limited Voting Authority for Associate Supervisors of Maine's Soil and Water Conservation Districts
H.P. 369 L.D. 514
(C "A" H-112)

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

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)

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

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 Protect Deer
H.P. 99 L.D. 123
(C "A" H-97)

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

An Act Regarding Potato Bin Pilers and Refund of Sales Tax
H.P. 342 L.D. 464
(C "A" H-116)

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 840: Private Purchasing Alliances, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance
H.P. 873 L.D. 1190
(C "A" H-121)

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 **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (4/3/97) Assigned matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Require Certain Employees of Health Care Facilities to Wear Identification Badges"
S.P. 288 L.D. 939

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-89) (7 members)

Minority - Ought Not to Pass (6 members)

Tabled - April 3, 1997, by Senator **PARADIS** of Aroostook.

Pending - motion by same Senator to **ACCEPT** the **MAJORITY OUGHT TO PASS AS AMENDED** Report

(In Senate, April 3, 1997, Reports **READ**.)

Senator **AMERO** of Cumberland requested a Division.

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

Senator **MITCHELL:** Thank you Madam President, members of the Senate. As a member of the committee that voted on this, I would like to speak to you this morning in response to voting on Ought Not to Pass on this measure, and the reason for that, I would like to bring to your attention is, that during committee I had an opportunity to listen to all the testimony at the hearing that was brought up and that also, through the work session, it was very strongly represented that we are asking all of the members of our medical facilities to mandate the wearing of identification badges. Now, I am fully in support of the concerns of our good Senator from Hancock in that there is a problem between the management and nonmanagement of a medical facility and we'd

certainly work with her to resolve that problem without making it into law. But, I would ask all of you, as Senators representing the medical facilities that would be affected by this mandate, that as they have voted and supported you to be here, do we want to micro-manage this industry? Do we want to bring on to this group of people, who'll give service to our patients and constituents, a mandate demanding that their employees wear identification badges? We feel very strongly that as a public service, medical facilities are there in a competitive manner, as any business, to provide a service to our constituents that are patients, and if there is a need for identification badges to be worn, I'm sure they will take this under consideration when brought to their attention, and resolve the issue and adhere to the recommendation of their patients on wearing identification badges with the appropriate titles. However, as Senators, and our responsibility here, do we want to issue a mandate which is micro-managing the medical profession and demanding that they require badges for all of their employees? I don't think that's really what our intention is, to be here to support these medical facilities and I would ask you to support me in an Ought Not to Pass, as this was a seven to six committee vote. It is very evident that we do not need this type of micro-managing. We need to allow our medical facilities the ability to make that decision within their own enterprises and to take the suggestions of their patients and interpret them and put them into their practices without government making it a mandate. So, I would therefore ask you to support me in Ought Not to Pass and support also, the medical facilities, which are one of the largest employers in this state and we do not want to micro-manage their business for them. So, I would ask you to support them and myself in an Ought Not to Pass of this measure. Thank you very much.

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. This is an important issue, in my mind, for patient safety. It is a patient's right, and the right of the family of that patient, to know who is caring for them at the bedside. The good Senator from Penobscot, Senator Mitchell has suggested that there would be voluntary compliance if this were simply brought before the hospitals. Unfortunately, I don't believe that to be true and the reason that I don't think that's true is that this is not simply a matter of hospitals not understanding the importance of this. There are hospitals in this country, and there have been hospitals in this state who have deliberately attempted to restrict identification by credential of their patient care giving staff because they are choosing to hire unlicensed people to work in the health care setting at a lower cost to themselves and would prefer that their patients don't know whether the person caring for them is an RN, an LPN, a CNA, or an unlicensed person. Right now in the State of Maine, as far as I know, every facility does require identification badges so that this bill will be no additional cost to a health care facility. It is what is on that badge which is essential. A badge that says the name and a title, such as health care partner. Health associate certainly does not identify to the patient who is giving that care. Some people have said, "Why not just ask the person?" If you're not feeling well with the volume of caregivers that might enter your room during the day in a hospital, I don't think you want to ask twenty times over, "Who are you? Where did you go to

school? What are your credentials?" The issue for me, as I said, is clearly one of patient safety. It is the right of the patient to know who's caring for them. It's the right of the family to know who's caring for them. It is not an additional cost burden. It is simply a means of identifying to the patient and family who that caregiver at their bedside is. An example I used in my testimony at the hearing was that, often patients have questions that are on their mind and that they have a hard time asking. Many times they don't ask their doctor. The doctor comes in, has a visit with them, leaves the room. The patient thinks about it for awhile and then feels that they're ready to ask the question that's on their mind and it would be unfortunate if they addressed that question to a housekeeper because they were not able to determine that that person was not part of the professional health care staff. I would urge you to support the pending motion in favor of this bill. Thank you.

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

Senator **PENDLETON:** Thank you Madam President. I would just like to say, as an RN myself and having worked very, very hard for those credentials, that I think the issue is not so much the name pin but what is on the name pin, the title. I know that when I was in nursing school, the first year I earned a stripe, the second year I earned two stripes and when I graduated I earned a large black stripe. And after several years of nursing practice I was told, "Well, we're not wearing caps anymore. Don't wear your cap." So, the name pin was really important to me because the name pin said Peggy Pendleton RN and that's different from a CNA and an LPN. I think that the issue is very important, as a nurse, that we be allowed to wear our title on our name pin, just as we wear our title on our name pins being members of this Body. So, I do hope that you will support us and vote for the Ought To Pass Report. Thank you.

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

Senator **CASSIDY:** Thank you Madam President, men and women of the Senate. I just can't believe, sometimes, how far we try to manage all sorts of businesses in this state. I've been reading through this bill and heard the discussion last week during our caucus. If you look at this particular legislation that's before us today, there's simply zero enforcement for this bill. If we pass this bill and a person did or did not wear a badge that did have their name or didn't have their name, or their letters, CNA, or any LPN, or whatever the title may be, there's simply no way to enforce this. I mean, are we going to hit them in the head with a wet newspaper? What are we going to do, stick them with their badge? I just don't know how we'd ever enforce this law. I think it's ridiculous to think that our health care facilities in this state, and we have a lot of them, I have a lot in my own district, that they would have maintenance people in there giving IV's or this sort of thing. I mean, every professional occupation that we have in health care is licensed and are limited on those licenses as to what they can do in that profession. I do agree. I've been in hospitals to visit friends and relatives and today you see people wearing blue, green, purple, you know, you don't know who's going in there but I do know that the nurses, that the doctors, that whoever the person is to come to aid that patient has a certain function to do. Any family member or any patient

can ask for an LPN or for the RN or the doctor, ask questions. I feel confident that we have excellent health care in this state. I think this is just one of those kinds of bills that would be uncontrollable. I think that it's not going to change the health care in this state one bit and I think, all too often, we're up here making laws that just don't seem to make a whole lot of sense. We have 2,300 bills, again, here this year and probably 2,000 of them could have gone in the circular file the first week. Obviously, we have to go through the process and it's good that we do because we do, sometimes, hit on some creative things that will help the citizens of this state. But, I'll be voting against this, obviously, and I hope that you just use a little common sense here this morning and defeat this bill. Thank you.

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

Senator **MITCHELL:** Thank you Madam President. I would again reiterate the fact that, yes, we do have the ability to encourage team work, people working together between the nonmanagement and the management people within the medical facilities and that option is there. And these people do provide customer service, quality service and it would be very well received for patients to bring forth their requests for ID's to be inclusive of the title of the person serving them. I do not feel it should be here. Who is going to monitor? Who is going to enforce this? And what is the penalty going to be if you do not wear your badge on a particular day? I don't have mine on today. Am I going to be told to go home, I can't sit here? I don't think that this is what we need to do, micro-manage. I would certainly work with the forces to try to encourage team work between the management, nonmanagement or any medical facility in trying to incorporate within their body putting the titles with the name plates but let's not make it a law. And could I have a roll call, please?

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

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

Senator **NUTTING:** Thank you Madam President, men and women of the Senate. I also had this same L.D., or L.R. I should say, filed this session. In going door to door during my campaign, several people told me they were tired of going to the hospital and having somebody give them care and everybody was labeled as health care providers. They wanted to know if they were an RN or an LPN. To me, if there's ever been a consumer right to know issue, this is it, and I'm going to be voting for the motion Ought to Pass. Thank you.

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

Senator **PENDLETON:** Thank you Madam President, men and women of the Senate. The issue of wearing a name badge is one thing, but the other thing is to bar a person from putting on, or disallow a person from putting on a label of what their license represents. In other words, if I've been wearing a name band, I want to be able to say RN. What's happening now in the

hospitals is disallowing that. I cannot put RN. I can wear a name band but I have to put on it that I'm a health care provider in some facilities and that's wrong. I think that if there's a problem between management in the facility that's one thing but I don't think facilities should be able to bar a person from putting on what their title is on their name badge. No matter whether you wear it or not, the point is that some nurses are being disallowed to put their title on their name badge. Thank you.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **PARADIS** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-89)** Report. (Roll Call Ordered)

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

The Chair laid before the Senate the following Tabled and Later (4/7/97) Assigned matter:

Bill "An Act to Review Registration of Certified Nursing Assistants" H.P. 1206 L.D. 1706

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

Pending - **FURTHER CONSIDERATION**

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

(In House, April 1, 1997, referred to the Committee on **HEALTH AND HUMAN SERVICES**.)

(In Senate, April 2, 1997, referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, in **NON-CONCURRENCE**.)

(In House, April 3, 1997, that Body **ADHERED**.)

On motion by Senator **RAND** of Cumberland, the Senate **INSISTED**.

The Chair laid before the Senate the following Tabled and Later (4/7/97) Assigned matter:

HOUSE REPORTS - from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Increase the Certification Fee Cap for the Board of Geologists and Soil Scientists" H.P. 363 L.D. 508

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-130)** (7 members)

Minority - **Ought Not to Pass** (6 members)

Tabled - April 7, 1997, by Senator **JENKINS** of Androscoggin.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 3, 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-130).**)

(In Senate, April 7, 1997, Reports **READ**.)

Senator **JENKINS** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-130)** Report, in concurrence.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Androscoggin, Senator Jenkins.

Senator **JENKINS:** Thank you Madam President, men and women of the Senate. Having heard testimony from the Chief Geologist in the state, they've concurred as well, and I guess, the attempt to have the fees paid for, or licensing that occurs in the geology area and then moving to a national standardized license testing, if you will, versus just a local Maine based test. So, that's part of the reason why the concern is there and I think it's over the fees. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator MacKinnon.

Senator **MACKINNON:** Thank you Madam President, women and men of the Senate. I rise too today to speak against this Ought to Pass and ask you to take the minority report of Ought Not to Pass. This bill is another simple bill that looks on the face value of a small business bill raising the cost of \$65 up to a potential \$80, but what is not there is the hidden cost of the two new parts of the budget itself. Rules and regulations have a very significant impact on this bill. As the good Senator Jenkins from Androscoggin said that the new national test will be coming in at this time. Well, this is like the mirror part of the test itself. When you look at it at face value, if I'm on my diet and I look straight into the mirror in the morning, I look great. The trouble is when I turn sideways there happens to be a problem with my diet, it's not working. As we look straight at this bill, the \$15, it looks wonderful. Then we look at the rules and regulations which say there are two parts to this test. Currently we are paying \$20 for the test. We have two parts of the test coming up after this which will be \$175 each for now a total of \$350. While it may not be significant to a geologist who is maybe out making tons of money, somebody entering the profession, paying their school off, to get registered, to me, taking that cost of \$20 up to \$350 is atrocious. The second part of this that I did not notice in our legislation was that if we're going to have this tremendous increase, I did not notice the budget going down in that reverse amount of money. Therefore, next year when we pass the budget there will be a hidden cost increase in that budget that's not there. So, I ask you, please vote against this. Thank you.

The Chair ordered a Division.

On motion by Senator **RAND** 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: CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, RAND, TREAT, THE PRESIDENT PRO TEM - CHELLIE PINGREE

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

ABSENT: Senators: LAWRENCE, RUHLIN

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

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **JENKINS** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-130)** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-130) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later (4/7/97) Assigned matter:

Bill "An Act to Require Confidentiality of Law Enforcement Officers Involved in Motor Vehicle Accidents"

H.P. 21 L.D. 46
(C "A" H-125)

Tabled - April 7, 1997, by Senator **CAREY** of Kennebec.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In House, April 2, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-125).**)

(In Senate, April 7, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-125)**, in concurrence. Subsequently, on motion by Senator **CAREY** of Kennebec, **RECONSIDERED**.)

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

Senator **CAREY**: Thank you Madam President. The questions that I have been asking have been answered. We have already voted to reconsider, is that correct Madam President?

THE PRESIDENT PRO TEM: The Chair would answer in the affirmative.

Senator **CAREY**: Then I would hope that you vote to pass this bill.

Which was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-125)**, in concurrence.

The Chair laid before the Senate the following Tabled and Later (4/1/97) Assigned matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Change the Selection Process and Qualifications for State Auditor"

S.P. 35 L.D. 33

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-75)** (4 members)

Tabled - April 1, 1997, by Senator **NUTTING** of Androscoggin.

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, April 1, 1997, Reports **READ**.)

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

Senator **NUTTING**: Thank you Madam President, men and women of the Senate. I hope that this Body will go ahead and accept the majority Ought Not to Pass Report. Earlier in this session the State and Local Government Committee voted unanimously for a bill, brought before us by Senator Libby, to study the qualifications of all of our constitutional officers. That was a bipartisan unanimous committee report. We felt it's something that needs to be looked at and address the qualifications for all the constitutional officers that way. This bill, we felt, was just about a year premature. Even the signers of the majority Ought to Pass Report could not agree whether or not the State Auditor should be one particular type of CPA or another. This is something, one of the many things, that a study would look at in the next year and report back to us next session. Thank you.

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

Senator **AMERO**: Thank you Madam President, ladies and gentlemen of the Senate. This particular bill would not only set the qualifications for the auditor but it would also change the process by which the State Auditor would be selected. The

recommendation that came from the Special Commission on Restructuring State Government in 1991, which you will remember was a bipartisan commission, recommended that the State Auditor be appointed by the Governor. This bill accepts that recommendation and has the State Auditor appointed by the Governor and confirmed by two-thirds of the legislature. In addition it requires that the State Auditor be either a certified public accountant or a CIA. Those are the two basic qualifications. One of them would have to be met in order to be eligible to serve as State Auditor. Any study committee could, if it so found, increase those standards and go beyond either a CPA or a CIA and that would be fine. But, I hope that you will agree that our State Auditor should, at least, minimally reach one of those two standards of being able to be certified as a CPA or a CIA. Maine is the only state in the Union which selects its auditor by the legislature and I think if this was such a great approach, there probably would be other states who would be selecting their State Auditor in the same manner. Because this is a highly technical position with a great deal of fiscal responsibility and oversight, I believe, as an administrative position, it should be a person appointed by the Governor, serving at the wish of the legislature and by having two-thirds of the legislative members have to support the nomination of a person for State Auditor, I think would make it certain that the Governor would have to recommend a person who would be very highly qualified, accepted by both parties and well respected by two-thirds of the members of the legislature. So with that, I hope that you will vote against the pending motion so that we can consider changing the selection process for the auditor, to make that process one more like what happens in other states in this country. Thank you.

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

Senator **RAND**: Thank you Madam President. May I pose a question through the Chair?

THE PRESIDENT PRO TEM: The Senator from Cumberland, Senator Rand, poses a question through the Chair to anyone who may wish to answer.

Senator **RAND**: To the good Senator from Cumberland, Senator Amero. Does this bill still retain the seven year term and the one term limit?

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

Senator **AMERO**: Thank you Madam President, ladies and gentlemen of the Senate. In answer to the good Senator from Cumberland's question, the minority report does not include a one, seven year appointment. It includes two, four year appointments to keep in line with the citizens initiative which required our constitutional officers and the auditor to be term limited at eight years. So, that adjustment was made in the committee through the minority report.

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

Senator **CAREY**: Thank you Madam President. In the amendment, I noticed that the confirmation would have to be by a

two-thirds majority and I think that may be the very only one then, that would need a two-thirds majority to be confirmed, where with the others, all we do is just have a normal one. And I'm interested in knowing why, all of a sudden, we have to have two-thirds for the auditor?

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

Senator **AMERO:** Thank you Madam President, ladies and gentlemen of the Senate. It was felt that this position should be not a partisan position, that it is a financial position. It is an administrative position and it should require more than just a mere majority for confirmation. The hope is that a two-thirds vote would require the Governor to appoint an outstanding person with great qualifications and a great deal of respect from the Legislature as a whole. So, that's the reason for that change.

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

Senator **CAREY:** Thank you Madam President. I thank Senator Amero from Cumberland for answering the question. However, the reason is not really as good a reason as I would hope that might have happened because the bill very specifically says that the State Auditor must be a certified public accountant or a certified internal auditor so, it cannot simply be just a political appointment of anybody.

The Chair ordered a Division. 19 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/1/97) Assigned matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Change the Process for the Selection of the State Treasurer. S.P. 36 L.D. 34

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-81)** (6 members)

Tabled - April 1, 1997, by Senator **NUTTING** of Androscoggin.

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, April 1, 1997, Reports **READ**.)

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

Senator **NUTTING:** Thank you Madam President, men and women of the Senate. This bill calls for the Governor to appoint the Treasurer of the State of Maine. I feel that the way things are now in Maine, we have a proper balance between the legislative and the judicial and the executive branches of government. You'll see other bills calling for the Governor to appoint all the constitutional officers. I feel that throws the balance too far towards the executive branch and so, for those reasons, I urge you to support the majority Ought Not to Pass Report. Thank you.

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

Senator **AMERO:** Thank you Madam President, ladies and gentlemen of the Senate. This bill, like the prior one which we just debated, also does have the Governor make the appointment of the State Treasurer to be confirmed, again by two-thirds of the legislature. There are no guidelines or specific requirements for the position of Treasurer in this particular bill, other than the person be able to be confirmed by two-thirds of the legislature. To look at what some other states are doing as to how they select their Treasurer, 37 states allow for the direct popular election for the Treasurer, 8 appoint their Treasurer through the Governor and the legislative process. There are only four states, Maine, Maryland, New Hampshire and Tennessee which have the State Legislature choose their Treasurer. The role and duty of the State Treasurer is intrinsically linked to the functions of the executive branch and the work done in the Department of Administrative and Financial Services. I think it makes sense that the Treasurer of any large organization should be in the department under the CEO of that organization and that's why I'm proposing that the State Treasurer be appointed by the Governor and confirmed by two-thirds of the legislature and urge your vote against the pending motion. Thank you.

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

Senator **NUTTING:** Thank you Madam President. I'll be brief. I just want to remind this Body that the State and Local Government Committee has already voted out L.D. 219 as sponsored by the good Senator of York, Senator Libby, to look at the qualifications of the State Auditor, the State Treasurer, the Secretary of State and the Attorney General and I'm sure that's the proper way to do that. They will be reporting back to us next year. Thank you.

The Chair ordered a Division. 17 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/1/97) Assigned matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require the Election of the Secretary of State in Statewide Elections.

S.P. 122 L.D. 401

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-73)** (11 members)

Minority - **Ought Not to Pass** (1 member)

Tabled - April 1, 1997, by Senator **NUTTING** of Androscoggin.

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report

(In Senate, April 1, 1997, Reports **READ**.)

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

Senator **NUTTING:** Thank you Madam President, men and women of the Senate. This particular bill calls for the Secretary of State to be elected via statewide popular election. I voted against this. I'm asking this Body to go along with my motion of Ought Not to Pass. I feel the Secretary of State is the person who's in charge of all the elections in Maine. I don't feel as though it's healthy or proper for that person, him or herself, to be running for office and soliciting campaign contributions. The committee was given copies of campaign fund raising letters written by other Secretary of State's running for offices in other states. I felt that was totally inappropriate and so, for that reason I voted against this particular L.D., L.D. 401 and voted Ought Not to Pass. Thank you.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

The Chair laid before the Senate the following Tabled and Later (4/7/97) Assigned matter:

Bill "An Act to Include Nontraditional Medical Alternatives under Health Maintenance Organization and Medicaid Coverage and to Allow the Patient to Choose the Method of Treatment"
H.P. 1226 L.D. 1738

Tabled - April 7, 1997, by Senator **LAFOUNTAIN** of York.

Pending - **REFERENCE**

(In House, April 3, 1997, referred to the Committee on **HEALTH AND HUMAN SERVICES** and **ORDERED PRINTED**.)

On motion by Senator **LAFOUNTAIN** of York, referred to the Committee on **BANKING AND INSURANCE** in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/7/97) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of Constitutional Officers. H.P. 290 L.D. 354

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-137)** (10 members)

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

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

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**

(In House, April 3, 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-137)**.)

(In Senate, April 7, 1997, Reports **READ**.)

Senator **BENNETT** of Oxford requested a Division.

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

Senator **NUTTING:** Thank you Madam President, men and women of the Senate. This particular bill, and I hope you can keep track, some of these bills I couldn't help but get the feeling that the bills were submitted and you, maybe, could lump them all together under the heading of "Anything, But What We Do Now". Some of the bills call for the Governor to appoint the Treasurer. The same people would sponsor a bill for the direct popular election of the Treasurer or in this case, the Attorney General. I'm not sure if there was a priority of the sponsors to have these constitutional officers appointed or elected by statewide popular election but both points were argued in the affirmative, almost at the same time, before the committee. Once again, I'll be brief. I think the Attorney General selection process is working. I've been very proud of the Attorney Generals we've had over the last ten years that I've been involved as an elected official. I think it keeps the balance between the executive and the legislative and the judicial system in proper balance. And for those reasons I feel as though, to quote my grandfather, "If it isn't broke, don't fix it." Thank you.

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

Senator **LIBBY:** Thank you Madam President, men and women of the Senate. We have obviously heard a lot of bills in State and Local Government Committee regarding local qualifications of these positions and the way they're chosen. And this particular bill, I think it's important to discuss here in the Senate, the way that these constitutional officers are chosen. It seems to me that each of the constitutional officers really should be directly accountable to the people of Maine and currently they

are not. Currently the constitutional officers, and I realize that there's an election that's held in the House of Representatives regarding these constitutional officers but I think we have a problem here. We're talking about constitutional officers who are accountable only to one political party and there is something inherently wrong with that. As I said in a caucus earlier this week, I will continue to vote out bills that change the process, any process, that allows for that level of partisanship to enter the debate on who should be our constitutional officers in the State of Maine. And I hope that you'll think seriously about this problem because it is one of the great problems that we have. This is not a case where, "If it isn't broke, don't fix it." This is a case where, if you're in one party it isn't broke but if you're in the other party it's very broken. So, I think that's very unfortunate. I think we need to rise above the partisanship in this hall. I've seen an awful lot of partisan votes since I've become a Senator and I'm extremely disappointed with that. This is a case where, along with some of the other bills, you may not agree that this particular position should be chosen by statewide popular election. You may not agree. But it is not a partisan issue and I would say this to you. If you make it a partisan issue, I would challenge that. I would say that you ought to come up with a well-reasoned, philosophically backed position on how these positions should be elected. To just say that these should be controlled by one party or another is inherently wrong. I thank you for your time.

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

Senator **BENNETT:** Thank you Madam President, fellow members of the Senate. I rise to respond to a comment by the Senator from Androscoggin, Senator Nutting, who I think frankly, is probably treading on the edges of our rules in the Senate by talking about other legislation than this and I would like to just point out that this Senator, at least, is just considering the single item that we have before us right now, which is the issue of L.D. 354. The State and Local Government Committee very well may have considered these bills together. They may have looked at them perhaps appropriately, together but as we're debating this issue, right here in this chamber, we have one issue before us, not a dozen. In so saying that, in the context of my response, I'd like to say that I did sponsor one bill that pertained to another constitutional office that the committee felt was apparently redundant to some other considerations they had but I think was different in several regards and I think that we have to take these issues up one at a time. Right now we're dealing with one issue, L.D. 354 and the choice that we have is whether or not we think this issue and the changes that it specifies are worthy enough to pass the two-thirds vote here and send to the voters for their ultimate confirmation of the process. I would prefer to see several options presented to the voters because I do think that the way that the Attorney General, Secretary of State and the State Treasurer are chosen is flawed. I do think that it is a problem that needs fixing. Prior to my being a Senator, prior to my being in this legislature at all, I traveled to Augusta one day to testify on this very bill before a previous legislature. I've heard from constituents on the issue of the Attorney General's election. There's a lot of sensitive issues that the Attorney General has to deal with that pertain to members of the legislature or candidates for the legislature. I think that in the spirit of putting accountability where it should lay, directly with the people, not with legislators in another branch of government, we ought to reject the Ought Not to Pass Report and go along with the majority committee recommendation which is Ought to Pass as amended. Thank you.

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

Senator **NUTTING:** Thank you Madam President, men and women of the Senate. I just have to get up briefly a second time and respond to something the good Senator from York, Senator Libby said about our recent election of our Attorney General, that it was a one party controlled election. I was in the House of Representatives. I remember full well that there were nominating speeches given for our current Attorney General by elected members of both parties and that our current Attorney General was elected by a wide margin and had to have gotten many, many votes from both political parties, not just one. Thank you.

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

Senator **CLEVELAND:** Thank you Madam President, men and women of the Senate. I wanted to rise to speak to the issue because I think there are a couple of points that are important to be made and I think it's also important that we look at this issue, not as a partisan issue, not as an issue of who perhaps may control majority votes but really what our responsibilities are as public policy makers to get the best people in this particular office. Really, that's our objective. We need the best Attorney General with the best experience, fair, objective with integrity beyond question. That's the kind of individual who you want to be the chief law enforcement officer of this state and that's what you're looking to appoint. Is this current system we have perfect? No, it isn't. But, the replacement that we're being asked to vote for now suggests that we ought to have a statewide election for that individual. What might be the consequences of a statewide election? First of all it would require an individual to raise substantial sums of money to run a statewide election. Hundreds of thousands of dollars would not be out of line for that kind of position. It would favor those kinds of individuals who are well financed, well connected or could raise large sums of money. It also would tend to favor those individuals who come from large populated areas of this state. It would act to narrow the pool, rather than looking at the qualifications of an individual who may come from a more rural area of this state, perhaps an area where they're not as well known statewide. It would really skew that. But more importantly, it would require that that individual, most likely, raise substantial sums of money. Go to major business interests, go to major interest groups and ask for their contribution to fund that individual's campaign. Having done that, to what degree do we put that individual in the position where as a chief law enforcement officer they may have to enforce environmental laws that may be detrimental to that corporation, or may have to enforce a law that has to do with monopoly interests and controlled market prices, or control some other major interest within this state and go and look at their contribution list and see who's giving them the money? Is that individual going to be as independent, as fair and as objective, recognizing that they're going to have to go back out to those same sources and ask for that money to run for the next election? I think we see too often that individuals who are involved in law enforcement and the judicial system ought to be fair, ought to be objective and often times have to make decisions that are unpopular. I don't think it's in our best interest to put in place a system that may compromise that individual's

integrity or character, or raise it to question simply because they're required to raise money from so many interest groups to get re-elected. Is there a better way? I think there is. I think that what we ought to do is put in place a system that we have to have the appointment of other major, judicial or department heads where we have individuals who are nominated and those individuals go to the committee of jurisdiction where their qualifications, background and experience can be examined in detail to see whether there are the qualifications, experience or any defects in that individual's past that can be fully examined in public view, fully exposed and then that individual could be voted on by the legislature as a recommendation from the Committee of Jurisdiction. That would allow a public review. It would allow a variety of candidates backgrounds to be examined and allow a vote to be taken by the legislature on whom the individual from that committee is. That's not what's before us but I say that because we were challenged to say, "Is there a better way?" I think that there is. I don't think this is it and I hope that you don't vote for this alternative.

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

Senator **CAREY:** Thank you Madam President. Madam President and members of the Senate. I have a problem with the independence, true independence, that an Attorney General would have. During the last session I, on two occasions, had to write to the Attorney General to get an opinion on something that was a very pressing matter at the time of each one of these two letters and I asked if I could get a reasonably fast opinion. The first opinion that I got came five weeks after I sent the letter and the second one came six weeks after I sent my second letter. So, I quit sending letters because by trying to get to seven, eight, nine and ten weeks, we would have been adjourned by the time I got an answer. I prefer to have a non-independent Attorney General who is responsible to all of government, not just himself. Thank you.

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

Senator **LIBBY:** Thank you Madam President, women and men of the Senate. I'd like to speak briefly in response to some of the discussion that I heard earlier. First of all I would like to remind some of the members of this Body that I remember, in the past, as a member of the other Body, elections for these positions, constitutional officers, where the potential appointee only gave their speech to one of the parties and not the other. Think about that for a minute. I think that's wrong and that is wrong. It begs a change. It begs a change. Secondly, I think we need to talk a little bit about who might be best to decide who the Attorney General ought to be and I would never want to insinuate that the people of Maine can't decide this issue. I know that the people of Maine can decide this issue. First of all, they can decide whether or not they want to elect an Attorney General and second of all, if they decide that they want to elect an Attorney General via referendum, if they decide that, then they can decide, I think and very well, who that Attorney General might be. I think we need to think about how some of these other members of the law enforcement community and other similar positions are chosen. Sheriffs, in my county anyway and I'm sure in yours, are chosen via election. The District Attorney is chosen through

election. Judge of Probate, chosen through election. So, you can't really tell me, at least in the governance of my county, that these people can't be chosen through election and that they can't do a good job. They do a good job. I think we need to start thinking about how these people are chosen? What's the best way? Is there a perfect way of doing it? Well of course, the answer is no, but if there's the next best thing, it would be to let the voters of Maine decide who their Attorney General ought to be. Thank you very much.

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

Senator **BUTLAND:** Thank you Madam President, ladies and gentlemen of the Senate. I just wanted to take a moment to respond to some of the comments of the good Senator from Androscoggin, Senator Cleveland. He has concerns about having a general election impose certain restrictions upon the pool of people, men and women who would be eligible to run for Attorney General being constricted, either by geography or by wealth. I might remind the good Senator from Androscoggin, Senator Cleveland that we already have a tremendous restriction upon the pool. It is my recollection that there's somewhere between 3,000 and 3,500 lawyers here in the State of Maine and of that pool, all probably qualified, to some degree, to be the Attorney General. Of that pool, maybe 100 of them have served in the legislature which seems to be the most important qualification for someone to be Attorney General. If you have 100 out of a pool of 3,000 to 3,500, it's hard for me to believe that you are going to get the best person to be the Attorney General. I certainly don't have any particular complaints with those folks that I've served with whether it be Jim Tierney, Michael Carpenter or Drew Ketterer, but I think if we opened it up to every attorney in the State of Maine who might have the ability and the willingness, we would find that there are some tremendous men and women of talent out there who would do a great job. I just find it hard to believe that all of the best lawyers are going to decide that at some point in their career that it's advantageous for them to run for the State Legislature. Thank you.

On motion by Senator **RAND** 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, CAREY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, HARRIMAN, JENKINS, KILKELLY, LAFOUNTAIN, LAWRENCE, LONGLEY, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, RAND, TREAT, THE PRESIDENT PRO TEM - CHELLIE PINGREE

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

ABSENT: Senator: RUHLIN

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator PINGREE of Knox to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

The President Pro Tem requested that the Sergeant-at-Arms escort the Senator from York, Senator **LAWRENCE** to the Rostrum where he resumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Knox, Senator **PINGREE** to her seat on the floor.

Senate called to order by the President

The Chair laid before the Senate the following Tabled and Later (4/1/97) Assigned matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Require That Constitutional Officers Be Appointed by the Governor.

S.P. 121 L.D. 400

Majority - Ought Not to Pass (10 members)

Minority - Ought to Pass as Amended by Committee Amendment "A" (S-76) (2 members)

Tabled - April 1, 1997, by Senator **NUTTING** of Androscoggin.

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, April 1, 1997, Reports **READ**.)

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

Senator **NUTTING:** Thank you Mr. President, men and women of the Senate. We just finished debating a report that called for the popular election of the Attorney General. This bill, the ought to pass as amended version, calls for the Governor to appoint the Attorney General. I'm not going to go forth with the same arguments I've already stated twice today. I feel the executive branch of government has enough power and does not need to be given more. Thank you.

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

Senator **HARRIMAN:** Thank you Mr. President, good morning ladies and gentlemen of the Senate. I hope you'll join me this morning in voting against the pending motion. I ask for your support for a couple of reasons. First, as we've already heard debated this morning on a number of items that came before us, clearly there is, I'll use the word, discomfort on how we choose our constitutional officers. On the one hand we hold these positions and indeed, in my view, the people who occupy these places in very high regard. They have positions of honor and of great responsibility. Yet we seem to, from time to time, want to pause and ask ourselves, "Are we putting people in these positions in a manner in which the public can look to these people as though they've been awarded these positions based on their expertise?" Yet we all, from time to time, recognize that while they may deserve that reputation having great expertise, in the end is to come political position. So, my view, and I hope it is yours, is that we would bestow upon the Governor the responsibility of selecting the very best people, regardless of party affiliation, with the best of credentials and experience in these very high offices and then, once he or she has made the selection, that they would come before us, that they would come before the legislature, the entire legislature, House and Senate, for confirmation. Then, I believe, at the end of the day when these high officers are sworn in, they will have earned the support of the House, the Senate, the majority party, the minority party, the independent party and most importantly, the Maine people. I would ask you to pause for just a moment before we vote and ask yourself this question. If you ran a nonprofit organization or a small family health business here in the State of Maine, would you want your customers to tell you who your accountant, who your lawyer, who the person who is going to handle your very important documents are going to be? Yet, that's how we run state government. We tell the Chief Executive Officer of the State of Maine that he or she has the responsibility for all these areas in the executive branch, yet, we tell him or her who's going to be their attorney, who's going to be their Treasurer, who's going to be their Secretary of State. I think, going forward, it would serve this institution, the executive branch of government and certainly the people of the State of Maine, to know that we are putting the very best people in these very high offices of public trust in a manner in which we can all, at the end of the day, tell the people of Maine that they're being well served. Thank you Mr. President.

The Chair ordered a Division. 19 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/3/97) Assigned matter:

HOUSE REPORT - from the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Change the Manner in Which the Legislature Calls Itself into Special Session.

H.P. 336 L.D. 458

Report - Ought to Pass as Amended by Committee Amendment "A" (H-144)

Tabled - April 3, 1997, by Senator **RAND** of Cumberland.

Pending - motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-144)** Report in **NON-CONCURRENCE**

(In House, April 2, 1997, Bill and Accompanying Papers **INDEFINITELY POSTPONED.**)

(In Senate, April 3, 1997, Reports **READ.**)

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

Senator **NUTTING:** Thank you Mr. President, men and women of the Senate. This L.D. proposed to change the way the Maine Legislature called itself into Special Session. We are the only state in the United States that requires the consent of the majority of each political party. In most of the other states, two-thirds of the members of each body must vote to call themselves into Special Session. This was a unanimous committee report from the State and Local Government Committee. We've discussed it in work session. We felt that there really was no good reason for Maine to be the only state in the nation conducting it's business this way. Thank you.

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 Senator **NUTTING** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-144)** Report in **NON-CONCURRENCE, PREVAILED.**

The Bill **READ ONCE.**

Committee Amendment "A" (H-144) **READ** and **ADOPTED.**

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

Senator **TREAT** of Kennebec 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

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, **ADJOURNED**, until Wednesday, April 9, 1997, at 10:00 o'clock in the morning.