

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

Volume 1

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

In Senate Chamber
Wednesday
April 9, 1997

Senate Called to Order by the President Pro Tem Robert E. Murray, Jr. of Penobscot.

Prayer by Reverend Gordon DeHaas of the West Paris and North Paris Baptist Churches in Paris.

REVEREND GORDON DEHAAS: Our Father, we start by thanking You for this day and what a wonderful day it is. We thank You for many things, O God. We thank You for our country and our state and we thank You, O Lord, that You are taking care of us. This morning, as we're here, we would ask first then that You would be with the Senate and, our Father, help them that they might make wise decisions that would be pleasing to You. Help them, our Father, that they might be concerned of the needs of all the people, not just in their district but within the state as a whole. Help them to be helpful, O God, because we know there are many people in this state, and in many places, that need help in this world today. Help them to be impartial, our Father, and then, O God, give them the strength that they need to meet all the problems that will come forward. This we do ask in Thy name, O Lord. Amen.

Doctor of the Day, Steven I. Weisberger, D.O., Jonesport.

Reading of the Journal of Tuesday, April 8, 1997.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-28)** (11 members)

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

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

In House, March 25, 1997, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

In Senate, April 7, 1997, **INSISTED**.

Comes from the House, that Body having **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

On motion by Senator **DAGGETT** of Kennebec, the Senate **INSISTED** and **JOINED IN A COMMITTEE OF CONFERENCE**.

House Papers

Bill "An Act Regarding Hospital Charges for Physicians Not Participating in Health Maintenance Organizations" H.P. 1237 L.D. 1754

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

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

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

Bill "An Act to Preserve the Solvency of the Unemployment Compensation Fund" H.P. 1236 L.D. 1753

Resolve, to Study the Efficiency of the State's Work Force Development Programs (Emergency) H.P. 1238 L.D. 1755

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

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

Bill "An Act Regarding the Economic Security and Safety of Harness Horsepersons" H.P. 1239 L.D. 1756

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

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

Bill "An Act to Amend the Laws Governing the Shrimp Harvesting Season" H.P. 1235 L.D. 1752

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

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

Joint Resolution

The following Joint Resolution: H.P. 1240

**JOINT RESOLUTION MEMORIALIZING THE CONGRESS
OF THE UNITED STATES TO REQUEST THAT THE
BALANCED BUDGET AMENDMENT TO THE CONSTITUTION
OF THE UNITED STATES BE SUBMITTED
TO THE STATES FOR RATIFICATION**

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 Congress of the United States, as follows:

WHEREAS, the annual federal budget has not been balanced since 1969 and the federal public debt is now more than \$5 trillion or approximately \$20,000 for every man, woman and child in America; and

WHEREAS, continued deficit spending demonstrates an unwillingness or inability of both the federal executive and legislative branches to spend no more than available revenues; and

WHEREAS, fiscal irresponsibility at the federal level is lowering our standard of living, destroying jobs and endangering economic opportunity now and for succeeding generations; and

WHEREAS, the Federal Government's unlimited ability to borrow raises questions about fundamental principles and responsibilities of government, with potentially profound consequences for the nation and its people, making it an appropriate subject for limitation by the Constitution of the United States; and

WHEREAS, the Constitution of the United States vests the ultimate responsibility to approve or disapprove constitutional amendments with the people, as represented by their elected state legislatures, and opposition by a small minority repeatedly has thwarted the will of the people that a balanced budget amendment to the Constitution of the United States should be submitted to the states for ratification; now, therefore, be it

RESOLVED: That We, your Memorialists, urge the Congress of the United States to pass expeditiously and propose to the legislatures of the several states for ratification an amendment to the Constitution of the United States requiring, in the absence of a national emergency, that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, the Speaker of the House of Representatives of the United States, each member of the Maine Congressional Delegation, the United States Secretary of

State and the presiding officers of each house of the legislatures of each of the other states in the United States.

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

Which was **READ**.

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

COMMUNICATIONS

The Following Communication: S.P. 591

118TH MAINE LEGISLATURE

April 8, 1997

Senator Peggy Pendleton
Representative Shirley Richard
Chairpersons
Joint Standing Committee on Education and Cultural Affairs
118th Legislature
Augusta, Maine 04333

Dear Senator Pendleton and Representative Richard:

Please be advised that Governor Angus S. King, Jr. has nominated Judith W. Andrucki and David B. Hawkes for appointment as members of the University of Maine Board of Trustees.

Pursuant to P & SL 1967, Chapter 229, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence
President of the Senate

S/Elizabeth H. Mitchell
Speaker of the House

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

Sent down for concurrence.

The Following Communication: S.C. 160

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

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 Agriculture, Conservation and Forestry has had under consideration the nomination of Jo D. Saffair of Pownal, for reappointment to the Board of Pesticides Control.

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 Kilkelly of Lincoln, Paradis of Aroostook
Representatives	6 Bunker of Kossuth Township, Shiah of Bowdoinham, Volenik of Brooklin, Baker of Dixfield, Cross of Dover-Foxcroft, Gooley of Farmington
NAYS:	0
ABSENT:	5 Sen. Kieffer of Aroostook, Rep. Samson of Jay, Rep. McKee of Wayne, Rep. Dexter of Kingfield, Rep. Lane of Enfield

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 Jo D. Saffair of Pownal, for reappointment to the Board of Pesticides Control be confirmed.

Signed,

S/Marge L. Kilkelly
Senate Chair

S/George H. Bunker, Jr.
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 **AGRICULTURE, CONSERVATION AND FORESTRY** 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, CLEVELAND, DAGGETT, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, JENKINS, KIEFFER, KILKELLY,

LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, NUTTING, O'GARA, PARADIS, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT PRO TEM - ROBERT E. MURRAY, JR.

ABSENT: Senators: LAWRENCE, PENDLETON

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 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 **Jo D. Saffair**, for reappointment to the Board of Pesticides Control was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication: S.C. 161

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

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 Agriculture, Conservation and Forestry has had under consideration the nomination of Alan J. Lewis of Machias, for reappointment to the Board of Pesticides Control.

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 Kilkelly of Lincoln, Paradis of Aroostook
Representatives	8 Bunker of Kossuth Township, Samson of Jay, Shiah of Bowdoinham, Volenik of Brooklin, Baker of Dixfield, Cross of Dover-Foxcroft, Dexter of Kingfield, Gooley of Farmington
NAYS:	0
ABSENT:	3 Sen. Kieffer of Aroostook, Rep. McKee of Wayne, Rep. Lane of Enfield

Ten 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 Alan J. Lewis of Machias, for reappointment to the Board of Pesticides Control be confirmed.

Signed,

S/Marge L. Kilkelly
Senate Chair

S/George H. Bunker, Jr.
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 **AGRICULTURE, CONSERVATION AND FORESTRY** 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, CLEVELAND, DAGGETT, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, JENKINS, KIEFFER, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, NUTTING, O'GARA, PARADIS, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT PRO TEM - ROBERT E. MURRAY JR.

ABSENT: Senators: PENDLETON, LAWRENCE

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 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 **Alan J. Lewis**, for reappointment to the Board of Pesticides Control was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

SENATE PAPERS

Bill "An Act to Create the Maine Governmental Facilities Authority" S.P. 589 L.D. 1759

Presented by Senator NUTTING of Androscoggin (GOVERNOR'S BILL)

Cosponsored by Representative AHEARNE of Madawaska and Senators: BENNETT of Oxford, CLEVELAND of Androscoggin, LIBBY of York, Representatives: BUMPS of China, MARVIN of Cape Elizabeth, TUTTLE, JR. of Sanford, WINSOR of Norway

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

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

Bill "An Act to Authorize Transfer of Property Taxes to the Passamaquoddy Tribe" S.P. 588 L.D. 1758

Presented by Senator RUHLIN of Penobscot (GOVERNOR'S BILL)
Cosponsored by Representative CIANCHETTE of South Portland and Representatives: GAGNON of Waterville, SPEAR of Nobleboro

Bill "An Act to Adopt the Multistate Tax Compact" S.P. 590 L.D. 1760

Presented by Senator RUHLIN of Penobscot
Cosponsored by Representative SPEAR of Nobleboro and Representatives: GAGNON of Waterville, MORGAN of South Portland
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

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

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act to Abolish the Judicial Council" H.P. 924 L.D. 1267

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 **JUDICIARY** on Bill "An Act to Authorize Clerks to Sign Notices of Certain Court Actions"
H.P. 1055 L.D. 1487

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 Regarding Sales Tax Trade-in Credits and Farm Machinery"
H.P. 903 L.D. 1246

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**.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Restore State Funding for Mediation Services Provided by the Maine Labor Relations Board"
H.P. 294 L.D. 358

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-150)**.

Signed:

Senators:

CATHCART of Penobscot
TREAT of Kennebec

Representatives:

HATCH of Skowhegan
SAMSON of Jay
BOLDUC of Auburn
CLARK of Millinocket
RINES, JR. of Wiscasset
STANLEY of Medway

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

Signed:

Senator:
MILLS of Somerset

Representatives:

JOY of Crystal
JOYCE of Biddeford
PENDLETON, JR. of Scarborough
TREADWELL of Carmel

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-150)**.

Which Reports were **READ**.

Senator **CATHCART** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-150)** Report, in concurrence.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **CATHCART** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-150)** Report, in concurrence.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Limit Corporate Contributions and to Establish Voluntary Spending Limits for Citizen-Initiated Ballot Campaigns"
H.P. 475 L.D. 646

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

Signed:

Senators:

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

Representatives:

FISHER of Brewer
CHIZMAR of Lisbon
TESSIER of Fairfield
TRUE of Fryeburg
BIGL of Bucksport
GAGNE of Buckfield
BELANGER of Wallagrass
LABRECQUE of Gorham

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-153)**.

Signed:

Representatives:
GAMACHE of Lewiston
TUTTLE, JR. of Sanford

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

Which Reports were **READ**.

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

Senate
Ought to Pass

Senator **RUHLIN** for the Committee on **TAXATION** on Bill "An
Act Relating to Municipal Excise Tax Reimbursement"
(Emergency) S.P. 418 L.D. 1339

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

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

The Bill **READ ONCE**.

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

SECOND READERS

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

House

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

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

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

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

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

House As Amended

Bill "An Act Amending the Maine Consumer Credit Code"
H.P. 519 L.D. 710
(C "A" H-147)

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
(C "A" H-148)

Bill "An Act to Enhance the State's Moose Hunt"
H.P. 774 L.D. 1051
(C "A" H-151)

Bill "An Act to Fund the Collective Bargaining Agreement for
the Law Enforcement Services Bargaining Unit" (Emergency)
H.P. 1092 L.D. 1535
(C "A" H-152)

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

Bill "An Act to Increase the Certification Fee Cap for the
Board of Geologists and Soil Scientists" H.P. 363 L.D. 508
(C "A" H-130)

Which was **READ A SECOND TIME**.

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: CATHCART, CLEVELAND,
DAGGETT, GOLDTHWAIT, JENKINS,
KILKELLY, LAFOUNTAIN, LONGLEY,
MICHAUD, NUTTING, O'GARA, PARADIS,
PENDLETON, PINGREE, RAND, RUHLIN,
TREAT, THE PRESIDENT PRO TEM - ROBERT
E. MURRAY, JR.

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

ABSENT: Senator: LAWRENCE

18 Senators having voted in the affirmative and 16 Senators
having voted in the negative, with 1 Senator being absent, the Bill
was **PASSED TO BE ENGROSSED, AS AMENDED BY**
COMMITTEE AMENDMENT "A" (H-130), in concurrence.

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
(C "A" H-144)

Which was **READ A SECOND TIME**.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED, AS AMENDED**, in concurrence.

Senate

Bill "An Act to Amend the Maine Children's Trust Incorporated" S.P. 366 L.D. 1225

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

Sent down for concurrence.

Senate As Amended

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 (C "A" S-92)

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

Sent down for concurrence.

ENACTORS

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

An Act to Transfer the Authority for Fixed Assets Inventory H.P. 96 L.D. 120 (C "A" H-128)

An Act to Extend Access to Chiropractic Care under Health Maintenance Organization Managed Care Plans H.P. 179 L.D. 234 (C "A" H-23)

An Act to Amend the Date for Recognizing Marginal Discharges of Mortgages H.P. 328 L.D. 450

An Act to Amend the Dental Licensure Laws to Authorize Special Permits for Instruction in Dentistry and to Identify and Rehabilitate Impaired Dentists H.P. 616 L.D. 841 (C "A" H-127)

An Act to Clarify the Public Safety Laws Concerning Visual Smoke Detectors S.P. 266 L.D. 874 (C "A" S-72)

An Act to Amend the Maine Administrative Procedure Act to Clarify the Definition of a Proposed Rule and the State Agencies' Ability to Solicit Input into the Rule Development Process H.P. 871 L.D. 1188

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

Emergency

An Act to Exempt Certain Loaned Federal Vehicles from Certificates of Title H.P. 85 L.D. 110 (C "A" H-126)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 21 (21.03), Amendments to License Agent Reporting Requirements, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife H.P. 829 L.D. 1134

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

HELD BILL

On motion by Senator **CATHCART** of Penobscot, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**, on the following:

Bill "An Act to Allow Persons 15 Years of Age or Older to Work at Games of Skill" H.P. 648 L.D. 901

(In House, April 7, 1997, Bill and Accompanying Papers **RECOMMENDED** to the Committee on **LABOR**.)

(In Senate, April 8, 1997, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.)

On further motion by same Senator, the Bill and Accompanying Papers **RECOMMENDED** to the Committee on **LABOR**, in concurrence.

Off Record Remarks

Senate at Ease

Senate called to order by the President Pro Tem.

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

Off Record Remarks

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

Off Record Remarks

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

Senator **HARRIMAN:** Thank you Mr. President. Mr. President and ladies and gentlemen of the Senate. Yesterday I had the opportunity to attend two public hearings that were held in the Augusta Civic Center, both dealing with very difficult, contentious, emotional issues and I'd like to take this opportunity to extend my compliments to the Senate Chair of Judiciary, Senator Longley from Waldo and the Senator from Kennebec, Senator Treat of the Natural Resources Committee. Both hearings were held with professionalism and mutual respect and dignity and, I thought, reflected well on the institution of the legislature and I wanted to extend my personal congratulations to them for a job well done. Thank you Mr. President.

On motion by Senator **MICHAUD** of Penobscot, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President Pro Tem.

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

ORDERS OF THE DAY

Unfinished Business

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

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

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Include Slide-In Truck Campers in Property That May Be Included in the Trade-in Allowance Credit"

H.P. 62 L.D. 87

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-68)** (2 members)

Tabled - April 1, 1997, by Senator **RUHLIN** of Penobscot.

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

(In House, March 31, 1997, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-68).**)

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

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

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: CAREY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MILLS, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT PRO TEM - ROBERT E. MURRAY, JR.

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

ABSENT: Senator: LAWRENCE

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **RUHLIN** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

Off Record Remarks

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

SENATE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Limit the Type of Hunting Equipment Used by Hunters Who Have Already Tagged a Deer" S.P. 230 L.D. 799

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-64)** (1 member)

Tabled - April 1, 1997, by Senator **PINGREE** of Knox.

Pending - motion by Senator **KILKELLY** of Lincoln to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report (Roll Call Requested)

(In Senate, March 24, 1997, Reports **READ**.)

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

Senator **KILKELLY:** Thank you Mr. President, men and women of the Senate. Just briefly, this was a 12-1 report from the Committee on Inland Fisheries and Wildlife and as I pointed out in the previous debate, the issue here is enforcement. The ability to enforce this particular provision would be very difficult and would potentially require checking pockets to see what kind of shells folks were carrying and that sort of thing. And we just really felt that it was unnecessary at this time. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President, ladies and gentlemen of the Senate. There are some deficiencies with this bill that I have located since we last met. One of them is, this bill should require November only, that's when the problem is. We don't need to have it in October. We don't need it in muzzle loading season in December. The second deficiency is the ammunition part of the bill, where it says you're only allowed to possess the bird shot with a shot gun. I agree. I think that probably enforcement of that would be quite difficult. I think we should eliminate the shells and just say shot guns only, then it would make no difference whether someone had buckshot or slugs or whatever. The third deficiency on this bill is that it's statewide. The problem isn't, historically, completely statewide. It's in the organized townships. It's close to the villages in the State of Maine so I think that this bill should read, unorganized exception. If you hunt in an unorganized town, this law would not apply. The fourth and final deficiency of this bill is, now the law is going to be changed allowing a second deer. The September season for archery says, if you kill one in September, you can kill another deer by any means that are legal through October, November or in the two weeks of December. An exception needs to be made in this bill. I'm going to urge you to vote against the majority report, so that this bill can be fixed and I am prepared to fix this bill. Thank you very much.

On motion by Senator **KILKELLY** of Lincoln, 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: BENNETT, CAREY, CATHCART, DAGGETT, GOLDTHWAIT, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT PRO TEM - ROBERT E. MURRAY, JR.

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

ABSENT: Senator: LAWRENCE

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **KILKELLY** of Lincoln to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

Off Record Remarks

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 Bill "An Act Concerning the Fees Charged by the Secretary of State for Copies" H.P. 410 L.D. 555

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-138)** (11 members)

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

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

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-138)**.)

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

On motion by Senator **NUTTING** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-138)** Report **ACCEPTED**, in concurrence.

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

Senator **NUTTING:** Thank you Mr. President, men and women of the Senate. I'll be brief because I know the dinnertime hour is near. I'm going to move that we accept the majority Ought to Pass committee report, an 11-2 report. This is a bill brought forth before the State and Local Government Committee. It seems that many, many state departments in the past few years have been forced to lower their copier fees charged to the public. There were some businesses in Maine that, for instance, print and publish copies of all the state rules for all over New England and their cost for getting those rules copied by Maine were much, much higher than any other New England state. And so, what the committee did in the amended version is say that the copying fee is going to be lowered to twenty cents per page from what they're charging now which is \$1 per page. The businesses wanted something done on the whole area of copying discs also, and the Secretary of State's Office said that they would be looking into that, so that was amended out of the majority report, but we felt it was time for the Secretary of State's Office to charge twenty cents per copy, not \$1. Thank you.

The Bill **READ ONCE**.

Committee Amendment "A" (H-138) **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 (4/8/97) Assigned matter:

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

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

Minority - **Ought to Pass** (6 members)

Tabled - April 8, 1997, by Senator **AMERO** of Cumberland.

Pending - motion by Senator **CAREY** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, April 8, 1997, Reports **READ**.)

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

Senator **DAGGETT:** Thank you Mr. President. I hope that you will support the Ought Not to Pass report. I think that many of us have seen a variety of bills that come in to handle a variety of issues and the problem with this bill is that it simply doesn't

address all of the problems surrounding gifts to legislators and reporting requirements. The Committee on Legal and Veterans Affairs has further legislation and we hope to clarify this. There's certain areas of the statute that disallows legislators from receiving any gifts and then this section of the statute suggests that when lobbyists report gifts of a certain amount, they need to notify the legislature, so it puts the statutes in conflict. The committee does help to clarify that with legislation that's in front of us and so I hope that you will vote to accept the Ought Not to Pass Report. Thank you.

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

Senator **BUTLAND:** Thank you Mr. President, ladies and gentlemen of the Senate. I had requested of the committee, back several months ago when they first dealt with the bill, first in public hearing and then in work session, that if they did have additional bills that they would please hold this so that it could be considered. I would appreciate it and would think it would be a prudent thing to do. The problem is, in the law today, there is one section of the state statute that says that, "No legislature will take any gift of \$25 or more of value." And then there is another portion of the statute that says, "If you do however, and it's over \$300, it has to be reported." And we report that on the income statement that we submit every February 15th, I believe. I guess if I knew that my concerns were going to be addressed or could be reassured that they were going to be addressed in one of these other pieces of legislation, I would probably sit down and let this die but I'm not assured of that. This is a bill that simply benefits the people in this Body and the people in the other Body, Maine legislators.

There's a story behind every piece of legislation that comes before us and I'd like to take a moment to tell you my story. In September of 1995 I was invited to a tax seminar by National Trade Group. It was in Boston. They paid for one meal, for the program and a nights stay in Boston. I left the state house at 4:00 one afternoon to attend it and I was back at the state house the next morning at 8:00. The initial list of invitees included four representatives from each of the New England states. There were supposed to be 24 people there. Unfortunately, only 12 of them showed up. I was representing the State of Maine along with former Representative Susan Dore and her husband. I mention that because it plays into the mix here. And being a simple farm boy from the town of Cumberland I could have never imagined that a meal, a program and one nights stay in the city of Boston would cost in excess of \$300. And unfortunately, by being naive I was sadly mistaken and six months later it was the subject of a newspaper column, where I hadn't reported this. The Trade Association had reported to the Ethics Commission, as they are supposed to. The value of it was \$427. The value of Representative Dore and her husband being there was well in excess of \$500 but because it was a husband and wife, they split it and the value for her was \$270 something, it didn't raise the threshold, or reach the threshold, and did not have to be reported by her. If everybody who had been invited to this had come, my portion probably would have been below \$300 but it was prorated on the fact that there were going to be 24 participants and we picked up the difference. What this bill simply says is, "If an organization presents a scholarship or an honorarium to a member of the legislature, that when they report it to the Ethics Commission, they have to send a copy to the legislator, so that

the legislator knows." I realize that I'm probably the only naive person in here to not think that it would cost that much but I can fully see where it might apply to other folks in this Body and the other Body. And that is simply all this bill does. It benefits us. I would pose a question through the chair, if I might, Mr. President?

THE PRESIDENT PRO TEM: The Senator may pose his question.

Senator **BUTLAND:** To anyone in this Body who might know, either on the State and Local Government Committee or the Legal and Veterans Affairs Committee, just exactly what the game plan is and what we can be looking at for future legislation that will deal with the area of gifts and honorariums? Thank you.

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

Senator **DAGGETT:** Thank you Mr. President. I would try to answer it. I perhaps, have not made myself clear. There is other legislation in front of the Legal and Veterans Affairs Committee. In fact, there are several pieces of legislation. One of them was originally referred to the State and Local Government Committee that deals with gifts to legislators from lobbyists. We have several bills coming in front of us that we have not heard yet that deal with contributions or gifts to legislators during the session and there's another one that, I'm sorry, I'm forgetting the title. But, they are more comprehensive pieces and it's certainly my feeling that trying to address inconsistencies in a variety of laws is better addressed in a comprehensive piece that will address as many issues as we can, as opposed to sending out individual pieces of legislation that do not give a full picture of the kind of situation that we're trying to address. And while I do not want to predict the future, it is certainly an intent of mine, as the chair of the committee, and I think I share this with other members, that we certainly want to take care of the inconsistencies as they come in front of us. Thank you.

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

Senator **BUTLAND:** Thank you Mr. President and I would thank the good Senator from Kennebec, Senator Daggett for addressing my question. And I certainly would not be opposed to a tabling motion that would keep this bill before us until we see just exactly what the committee does do.

On motion by Senator **RAND** 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.

Pursuant to Senate Rule 201.1, the President Pro Tem appointed the Senator from Cumberland, Senator **HARRIMAN** to serve as President Pro Tem for the session on Thursday, April 10, 1997.

The Chair laid before the Senate the following Tabled and Later (4/8/97) 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 8, 1997, by Senator **RAND** of Cumberland.

Pending - motion by Senator **PARADIS** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report (Roll Call Ordered)

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

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

Senator **MITCHELL:** Thank you Mr. President and my fellow colleague members of the Senate. I will not be redundant with my information that I would impart with you this morning. However, I would like to share with you. I represent and on behalf of the hospitals of Maine, whom have all been contacted regarding this piece of legislation, the response we received was unanimous that they could not believe that this was being brought to us as a piece of legislation. They felt that this was a further mandate that they did not need to have implemented. They felt that this piece of legislation did not deal with a problem that needed to be corrected through a law. This represents a level of legislative micro-management into the private sector of incredible proportions. It's hard to believe that legislating name tags in health care facilities rises to the level of a state law. The committee heard that there was a hospital or two that was preventing nurses from having their licensure status on their name tags. This was researched and one hospital was found to have done that, as they were in transition to a new approach for providing patient care. When that hospital discovered from their nursing staff that this a problem, it was corrected immediately. This is, yet again, an example of the private sector solving their own problems. Instead of encouraging that kind of problem solving, the proponents of this bill are going to place a mandate on hospitals as well as psychiatric hospitals, nursing facilities, kidney disease treatment centers, rehabilitation facilities and ambulatory surgical facilities even when the problem identified has been solved. Hospital employees are already required to wear name tags by the Joint Commission on Accreditation of Health Care Organizations. So, the bill would have no practical effect other than to expand the mandate to health care facilities where there's been no evidence of a problem. The bill is prescriptive and intrusive at the comments that were given to us by the hospitals in Maine. I urge you to listen to the plea of the businesses and let's not get into mandates and micro-managing. Let's support our businesses with an Ought Not to Pass on this particular bill. And I thank you for your help.

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

Senator **KIEFFER:** Thank you Mr. President, ladies and gentlemen of the Senate. In reading this bill, I find no distinction between privately owned, or hospitals, or publicly owned facilities of any kind. Carey Medical Center, in my district, is a municipally owned hospital. They have affiliated organizations, Pine Health Services and others that certainly are municipally owned and therefore, this is a municipal mandate and I see no fiscal note on it. And, Mr. President, I would ask that this be tabled for one legislative day until a proper fiscal note can be added.

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** Report. (Roll Call Ordered)

Off Record Remarks

Senator **DAGGETT** of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **RUHLIN** of Penobscot was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator **JENKINS** of Androscoggin, **ADJOURNED**, until Wednesday, April 10, 1997, at 10:00 in the morning.