

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

Volume 2

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

In Senate Chamber
Thursday
January 15, 1998

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

Prayer by Dr. Art Gay of the First Baptist Church in Portland.

DR. ART GAY: Let us pray. Dear Father, We come to You with thanksgiving for Your kind providence that allows us to meet in this free land. Thank You for the beginning of another legislative year and all the remarkable opportunities it affords to honor You and Your concern for the people of the State of Maine. Father, please show Your love and compassion to the tens of thousands who were adversely affected by the devastating storms of last week. May the needy receive relief and kindness from all of us who can help. Lord, lead the Senate to act mercifully on behalf of all the citizens of our State.

On this anniversary of the birth of Martin Luther King, Jr., I praise You that You blessed our nation with his life and ministry. Thank You that he led us to repent of racism, both in individual behavior and institutional prejudice. Lord, there is still so much to do so that our nation will be truly reconciled under Your grace and mercy. Enable this Senate, as one person, to lead our State in reconciliation. May the "new Mainers" from over 45 language groups around the world be fully welcomed into the life of our larger community. May the "first Mainers," the American Indians, find wholehearted love, equity and justice in all our dealings with their remarkable community.

Dear Lord, please bless the Maine delegation to the Congress of the United States. May our Senators and Congressmen receive Your discernment and wisdom. Further, be with Secretary of Defense William Cohen as he is involved in so many difficult situations. Especially give him wisdom for the peacekeeping mission in Bosnia and the former Yugoslavia. Bless Senator George Mitchell as he works as a mediator for peace in Ireland, Bless his efforts and may reconciliation come as a result of his good offices.

Father, may Your blessing of discernment and wisdom rest upon Senate President, Mark Lawrence, and the entire Senate. Especially be with my Senator and new friend, Joel Abromson. May each member of this body avoid partisan and narrow interests, the attractiveness of a temporary advantage through a pragmatic decision. May each one make decisions that honor Your moral law as it has been reflected in our State's statutes.

Dear God, may Your blessing rest upon the United States of America and the sovereign State of Maine. In the Name of the Prince of Peace, Jesus Christ, I pray. Amen.

Doctor of the Day, Alice Chartrand, M.D., Rockland.

Reading of the Journal of Monday, January 12, 1998.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator PINGREE of Knox, the following Joint Order:
S.P. 764

ORDERED, the House concurring, that when the House and Senate Adjourn they do so until Tuesday, January 20, 1998, at 10:00 in the morning.

READ and PASSED.

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

SENATE PAPERS

Bill "An Act to Provide Access to Veterinary Education for Maine Students"
S.P. 739 L.D. 2017

Presented by Senator LONGLEY of Waldo.
Cosponsored by Representative CHICK of Lebanon and Senator: NUTTING of Androscoggin, Representatives: CARLETON, JR. of Wells, CROSS of Dover-Foxcroft, DUNLAP of Old Town, MACDOUGALL of North Berwick, PIEH of Bremen, PINKHAM of Lamoine, WHEELER of Bridgewater.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act to Honor Dairy Farmers' Right to Know"
S.P. 742 L.D. 2020

Presented by Senator LONGLEY of Waldo.
Cosponsored by Representative CHICK of Lebanon and Representatives: BELANGER of Wallagrass, CAMERON of Rumford, CLUKEY of Houlton, DUNLAP of Old Town, PERRY of Bangor, PIEH of Bremen, TRUE of Fryeburg, WHEELER of Bridgewater.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Resolve, to Establish Guidelines for the Ownership and Use of Certain Primates
S.P. 746 L.D. 2024

Presented by Senator BENNETT of Oxford.
Cosponsored by Representative WATERHOUSE of Bridgton.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent down for concurrence.

LEGISLATIVE RECORD - SENATE, JANUARY 15, 1998

Bill "An Act to Provide Funds for the Year 2000 Project"
(EMERGENCY) S.P. 734 L.D. 2012

Presented by Senator BUTLAND of Cumberland.
Cosponsored by Representative: MACDOUGALL of North
Berwick.
Approved for introduction by a majority of the Legislative
Council pursuant to Joint Rule 203.

Bill "An Act to Restore Services to Maine's Elderly"
S.P. 745 L.D. 2023

Presented by Senator PARADIS of Aroostook.
Cosponsored by Representative LEMAIRE of Lewiston and
Senator: MITCHELL of Penobscot, Representatives: FULLER
of Manchester, KANE of Saco, LOVETT of Scarborough,
MADORE of Augusta, SNOWE-MELLO of Poland.
Approved for introduction by a majority of the Legislative
Council pursuant to Joint Rule 205.

Bill "An Act to Foster Economic Development and Tourism in
Maine" S.P. 757 L.D. 2064

Presented by Senator DAGGETT of Kennebec.
Cosponsored by Representative COWGER of Hallowell and
Senators: MILLS of Somerset, LONGLEY of Waldo,
NUTTING of Androscoggin, Representatives: COLWELL of
Gardiner, HONEY of Boothbay, MADORE of Augusta,
MITCHELL of Vassalboro, O'BRIEN of Augusta.
Approved for introduction by a majority of the Legislative
Council pursuant to Joint Rule 203.

REFERRED to the Committee on **APPROPRIATIONS AND
FINANCIAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act to Correct Errors and Inconsistencies in Licensing
Requirements for Licensed Insurance Professionals and
Insurers" S.P. 756 L.D. 2034

Presented by Senator LAFOUNTAIN III of York.
Submitted by the Department of Professional and Financial
Regulation pursuant to Joint Rule 204.

Bill "An Act to Permit Off-label Use of Prescription Drugs for
Cancer, HIV or AIDS" S.P. 761 L.D. 2068

Presented by President LAWRENCE of York.
Cosponsored by Senators: ABROMSON of Cumberland,
LAFOUNTAIN III of York, LONGLEY of Waldo, RAND of
Cumberland, Representative: SAXL of Bangor.
Approved for introduction by a majority of the Legislative
Council pursuant to Joint Rule 203.

REFERRED to the Committee on **BANKING AND
INSURANCE** and ordered printed.

Sent down for concurrence.

Bill "An Act to Make Corrections to the Laws Governing the
Maine Bail Code" (EMERGENCY) S.P. 744 L.D. 2022

Presented by Senator MURRAY, JR. of Penobscot.
Cosponsored by Representative POVICH of Ellsworth.
Approved for introduction by a majority of the Legislative
Council pursuant to Joint Rule 203.

Bill "An Act to Ensure Collection of Essential Data by the
Department of Public Safety" S.P. 749 L.D. 2027

Presented by Senator MURRAY, JR. of Penobscot.
Cosponsored by Representative POVICH of Ellsworth and
Representatives: LINDAHL of Northport, MUSE of South
Portland, WHEELER of Bridgewater.
Submitted by the Department of Public Safety pursuant to
Joint Rule 204.

Bill "An Act to Promote the Receipt of Federal Funds and to
Clarify the Maine Juvenile Code" S.P. 752 L.D. 2030

Presented by Senator MURRAY, JR. of Penobscot.
Cosponsored by Representative JONES of Greenville and
Senator: MITCHELL of Penobscot, Representatives:
MCALEVEY of Waterboro, PEAVEY of Woolwich, WHEELER
of Bridgewater.
Submitted by the Department of Corrections pursuant to Joint
Rule 204.

Bill "An Act to Create the Sex Offender Registration and
Notification Act of 1998" S.P. 755 L.D. 2033

Presented by Senator MURRAY, JR. of Penobscot.
Cosponsored by Representative POVICH of Ellsworth and
Representatives: MUSE of South Portland, WHEELER of
Bridgewater.
Submitted by the Department of Public Safety pursuant to
Joint Rule 204.

REFERRED to the Committee on **CRIMINAL JUSTICE** and
ordered printed.

Sent down for concurrence.

Bill "An Act to Permit the Department of Mental Health,
Mental Retardation and Substance Abuse Services to Exercise
Emergency Receivership Authority for Protection of Individuals
Receiving Services" S.P. 754 L.D. 2032

Presented by Senator MITCHELL of Penobscot.
Cosponsored by Representative FISHER of Brewer and
Senator: PARADIS of Aroostook, Representatives:
BRAGDON of Bangor, BROOKS of Winterport, JOYNER of
Hollis, KANE of Saco, SNOWE-MELLO of Poland.
Submitted by the Department of Mental Health, Mental
Retardation and Substance Abuse Services pursuant to Joint
Rule 204.

REFERRED to the Committee on **HEALTH AND HUMAN
SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act to Prevent Employment Discrimination Due to Medical History" S.P. 760 L.D. 2067

Presented by President LAWRENCE of York.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

REFERRED to the Committee on **JUDICIARY** and ordered printed.

Sent down for concurrence.

Bill "An Act to Allow an Agency Liquor Store to Exchange Products with a State Liquor Store" S.P. 738 L.D. 2016

Presented by Senator BENNETT of Oxford.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act to Clarify the Authority of the Chief of the Bureau of Liquor Enforcement to Conduct Appeal Hearings" S.P. 750 L.D. 2028

Presented by Senator DAGGETT of Kennebec.
Cosponsored by Senators: CAREY of Kennebec, FERGUSON, JR. of Oxford.
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act to Correct Certain Inconsistencies in the Marine Resources Laws" S.P. 733 L.D. 2011

Presented by Senator GOLDTHWAIT of Hancock.
Cosponsored by Representative ETNIER of Harpswell.
Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

Bill "An Act Concerning Elver Fishing" S.P. 736 L.D. 2014

Presented by Senator GOLDTHWAIT of Hancock.
Cosponsored by Representative ETNIER of Harpswell and Representatives: GOODWIN of Pembroke, LAYTON of Cherryfield, PINKHAM of Lamoine.
Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

Bill "An Act Concerning Commercial Fishing in the Vicinity of Monhegan Island" (EMERGENCY) S.P. 743 L.D. 2021

Presented by Senator GOLDTHWAIT of Hancock.
Cosponsored by Representative HONEY of Boothbay and Senators: FERGUSON, JR. of Oxford, KILKELLY of Lincoln, MITCHELL of Penobscot, Representatives: BAKER of

Bangor, BIGL of Bucksport, LEMONT of Kittery, LINDAHL of Northport, WHEELER of Eliot.
Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

Bill "An Act Concerning Lobster Policy Management Council Referenda" S.P. 748 L.D. 2026

Presented by Senator GOLDTHWAIT of Hancock.
Cosponsored by Representative ETNIER of Harpswell.
Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

REFERRED to the Committee on **MARINE RESOURCES** and ordered printed.

Sent down for concurrence.

Bill "An Act to Clarify Mileage Reimbursement for Employees of Community Action Agencies" S.P. 730 L.D. 2008

Presented by Senator DAGGETT of Kennebec.
Cosponsored by Representative TESSIER of Fairfield.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act to Clarify the Law Requiring the Appointment of the Pineland Development Authority" S.P. 737 L.D. 2015

Presented by Senator BUTLAND of Cumberland.
Cosponsored by Representatives: BULL of Freeport, FOSTER of Gray, SNOWE-MELLO of Poland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent down for concurrence.

Bill "An Act to Prohibit the Taxing of Retirees' Pensions" S.P. 731 L.D. 2009

Presented by Senator HARRIMAN of Cumberland.
Cosponsored by Senator: KIEFFER of Aroostook, Representatives: DAVIDSON of Brunswick, JOY of Crystal, KASPRZAK of Newport, WATERHOUSE of Bridgton.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act Regarding the State Valuation of the Town of Orono" (EMERGENCY) S.P. 732 L.D. 2010

Presented by Senator CATHCART of Penobscot.
Cosponsored by Representative STEVENS of Orono and Representative: WINN of Glenburn.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act to Exempt the Lessee Who Purchases a Vehicle from Further Sales Tax on That Vehicle" S.P. 741 L.D. 2019

Presented by Senator ABROMSON of Cumberland.
Cosponsored by Representative THOMPSON of Naples and Senators: AMERO of Cumberland, GOLDTHWAIT of Hancock, President LAWRENCE of York, Representatives: DAVIDSON of Brunswick, ETNIER of Harpswell, TRUE of Fryeburg, VIGUE of Winslow, WINGLASS of Auburn.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act Relating to the State Valuation of the Town of Wiscasset" (EMERGENCY) S.P. 758 L.D. 2065

Presented by Senator KILKELLY of Lincoln.
Cosponsored by Representative: RINES, JR. of Wiscasset.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

REFERRED to the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

Bill "An Act to Broaden the Farm Stand Exemption" S.P. 735 L.D. 2013

Presented by Senator FERGUSON, JR. of Oxford.
Cosponsored by Senators: CAREY of Kennebec, CASSIDY of Washington, GOLDTHWAIT of Hancock, NUTTING of Androscoggin, Representatives: DEXTER of Kingfield, SPEAR of Nobleboro, TUTTLE, JR. of Sanford.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act to Amend the Motor Vehicle Laws" S.P. 753 L.D. 2031

Presented by Senator O'GARA of Cumberland.
Cosponsored by Representatives: CLUKEY of Houlton, JOYCE of Biddeford, WHEELER of Eliot.
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Resolve, Concerning Highway Construction in Aroostook County S.P. 759 L.D. 2066

Presented by Senator PARADIS of Aroostook.
Cosponsored by Representative DONNELLY of Presque Isle and Senators: KIEFFER of Aroostook, MICHAUD of Penobscot, Representatives: AHEARNE of Madawaska, BELANGER of Caribou, DESMOND of Mapleton, O'NEAL of Limestone, SIROIS of Caribou, WHEELER of Bridgewater.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

REFERRED to the Committee on **TRANSPORTATION** and ordered printed.

Sent down for concurrence.

Bill "An Act to Reduce Technical Violations of Maine's Laws Regarding the Protection of Underground Utilities" S.P. 747 L.D. 2025

Presented by Senator HARRIMAN of Cumberland.
Cosponsored by Representative JONES of Greenville and Senator: CLEVELAND of Androscoggin.
Submitted by the Department of Transportation pursuant to Joint Rule 204.

Committee on **TRANSPORTATION** suggested and ordered printed.

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

Senator **CAREY:** Thank you Mr. President, men and women of the Senate. This is the dig safe law and it truly deals with utilities.

Senator **CAREY** of Kennebec moved the Bill and Accompanying Papers be **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

On motion by Senator **PINGREE** of Knox, **TABLED** 1 Legislative Day, pending the motion by Senator **CAREY** of Kennebec to **REFER** the Bill and Accompanying Papers to the Committee on **UTILITIES AND ENERGY**.

Bill "An Act to Protect Customers of Consumer-owned Utilities" S.P. 740 L.D. 2018

Presented by Senator PINGREE of Knox.
Cosponsored by Representative MURPHY, JR. of Kennebec and Senators: CASSIDY of Washington, LAFOUNTAIN III of York, MICHAUD of Penobscot, PARADIS of Aroostook, Representatives: CLUKEY of Houlton, DRISCOLL of Calais, RICHARD of Madison, SIROIS of Caribou.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act to Amend the Charter of the Van Buren Light and Power District" S.P. 751 L.D. 2029

Presented by Senator PARADIS of Aroostook.
Cosponsored by Representative SIROIS of Caribou and Senator: CAREY of Kennebec, Representatives: AHEARNE of Madawaska, BELANGER of Wallagrass, CLUKEY of Houlton, DESMOND of Mapleton, O'NEAL of Limestone, SKOGLUND of St. George, WHEELER of Bridgewater.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

REFERRED to the Committee on **UTILITIES AND ENERGY** and ordered printed.

Sent down for concurrence.

ORDERS

Joint Order

On motion by Senator ABROMSON of Cumberland, the following Joint Order: S.P. 762

ORDERED, the House concurring, that Bill, "An Act to Provide Health Insurance Coverage for Prostate Cancer Screening," S.P. 320, L.D. 1060, and its accompanying papers be recalled from the legislative files to the Senate.

READ. Pursuant to Joint Rule 401 a Division was had. 18 Members of the Senate having voted in the affirmative, and no Senators having voted in the negative, and 18 being more than two-thirds of those present and voting, the Joint Order was **PASSED**.

Sent down for concurrence.

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

Senator **PINGREE:** Thank you Mr. President. Under unanimous consent, on behalf of Senator Kilkelly of Lincoln, I present a Joint Resolution and move that it be tabled 1 legislative day.

Joint Resolution

On motion by Senator KILKELLY of Lincoln (Cosponsored by Representative PIEH of Bremen) the following Joint Resolution: S.P. 763

JOINT RESOLUTION COMMEMORATING THE 150TH ANNIVERSARY OF THE INCORPORATION OF THE TOWN OF DAMARISCOTTA

WHEREAS, we recall from our earliest journals that Damariscotta is located in the territory deeded by the recorded land transaction from Native American Sachem Samoset to John Brown in 1625; and

WHEREAS, among the settlers to this picturesque Lincoln County town, which lies on the eastern side of the Damariscotta River, were carpenters, shipbuilders, farmers, brick builders and tanners looking for new locations for their enterprises; and

WHEREAS, Damariscotta, the name from the Abnaki tribe meaning "plenty of alewives," was once a vigorous shipbuilding community famous for its swift clippers; and

WHEREAS, Damariscotta, which is now the center of a large vacation region with many attractive shops, restaurants and inns, was incorporated as the 373rd Maine town on March 22, 1848; and

WHEREAS, now, on the eve of 150 years as a town, the proud citizens, descendants and friends of the Town of Damariscotta have joined to pay tribute, not only to a worthy and historic past, but to a bright and challenging future; now, therefore, be it

RESOLVED: That We, the Members of the Senate and the House of Representatives of this 118th Legislature of the State of Maine, now assembled in the Second Regular Session, pause in

our deliberations to salute the Town of Damariscotta on the occasion of this, its sesquicentennial year; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and municipal officers of this proud town in honor of the occasion.

READ.

On motion by Senator **PINGREE** of Knox, **TABLED 1** Legislative Day, pending motion by Senator **KILKELLY** of Lincoln to **ADOPT**.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, January 20, 1998, at 10:00 in the morning.