

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

Volume 2

First Special Session (Continued)
May 20, 1997 to June 20, 1997

First Confirmation Session
October 6, 1997

Second Regular Session
January 7, 1998 to March 24, 1998

Pages 981 - 1977

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

In Senate Chamber
Wednesday
January 21, 1998

Senate called to order by President Mark W. Lawrence of York County.

Prayer by Reverend Victor Stanley of the Gardiner Baptist Church in Gardiner.

REVEREND VICTOR STANLEY: Let us pray. Gracious God, may it never be said that Maine was without power. We may have been without electricity, but we were never without power. Our power is Your presence within the women, men, girls and boys who call Maine home. This is evidenced whenever life is put to the test and families prove their strengths, friends prove their love and neighbors prove their resourcefulness. We pray together today to seek Your continued presence with us. May Your blessing be upon the men and women of this Senate, their guests and all the people of the good State of Maine. Amen.

Doctor of the Day, Peter C. Goth, M.D., Bremen.

Reading of the Journal of Tuesday, January 20, 1998.

Out of order and under suspension of the Rules, on motion by Senator PINGREE of Knox, the following Joint Order:
S.P. 795

ORDERED, the House concurring, that when the House and Senate Adjourn they do so until Monday, January 26, 1998, at 10:00 in the morning.

READ and PASSED.

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

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matters

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

In Senate, January 15, 1998, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Comes from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** in **NON-CONCURRENCE**.

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

JOINT ORDER - relative to recalling Bill "An Act to Provide Health Insurance Coverage for Prostate Cancer Screening" (S.P. 320) (L.D. 1060) from the Legislative Files to the Senate.
S.P. 762

In Senate, January 15, 1998, **READ** and **PASSED**.

Comes from the House, **READ** and **FAILED PASSAGE** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

House Papers

Bill "An Act to Continue the Membership of the Maine Legislature in the Council of State Governments"
H.P. 1487 L.D. 2086

Bill "An Act to Support the Long-term Care Steering Committee"
H.P. 1500 L.D. 2122

Bill "An Act to Provide Funds for the Maine Apprenticeship Program"
H.P. 1504 L.D. 2126

Bill "An Act to Restore the State House"
H.P. 1509 L.D. 2131

Resolve, Directing the Director of the Bureau of Veterans' Services to Study Ways to Improve the Maine Veterans' Memorial Cemetery
H.P. 1516 L.D. 2138

Come from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

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

Bill "An Act Relating to Unfair Practices in the Provision of Goods and Services Paid for by Insurance Claims"
H.P. 1508 L.D. 2130

Comes from the House, **REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed.

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

LEGISLATIVE RECORD - SENATE, JANUARY 21, 1998

Bill "An Act to Amend the Laws Concerning Access to Capital for Maine Businesses" H.P. 1489 L.D. 2088

Bill "An Act Regulating the Practices of Feature Motion Picture Exhibitors and Distributors or Licensors and Providing Remedies for Violations" H.P. 1506 L.D. 2128

Come from the House, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

Bill "An Act to Amend the Laws Regarding Sex Offenders" H.P. 1473 L.D. 2072

Bill "An Act to Enhance the Bail Requirements for Persons Charged with Murder" H.P. 1481 L.D. 2080

Bill "An Act to Protect Children from Sex Offenders" H.P. 1485 L.D. 2084

Bill "An Act to Establish Reasonable Fees for Reports and Other Items From the Office of Chief Medical Examiner" H.P. 1490 L.D. 2089

Come from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed.

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

Bill "An Act to Amend the Maine Indian Claims Settlement Act Regarding Education Funding" H.P. 1437 L.D. 2001

Resolve, to Approve a Maine Technical College System Lease with the South Portland Housing Authority H.P. 1507 L.D. 2129

Bill "An Act to Implement the Maine Arts Commission's Arts in Education Program" H.P. 1518 L.D. 2140

Bill "An Act to Provide Educators More Authority to Remove Violent Students from Educational Settings" H.P. 1520 L.D. 2142

Come from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act to Allow Recognition of Private Schools with Outstanding Residential Counseling Programs" H.P. 1479 L.D. 2078

Bill "An Act to Establish and Maintain an Immunization Information System" H.P. 1511 L.D. 2133

Bill "An Act to Address the Crisis in Access to Dental Care for Low-income Children" (EMERGENCY) H.P. 1515 L.D. 2137

Bill "An Act to Enhance the Membership of the Maine HIV Advisory Committee" H.P. 1519 L.D. 2141

Come from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

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

Bill "An Act to Promote Economic Development by Creating a Zone on the Northern Maine Border in which Snowmobiles Registered in New Brunswick or Quebec May Operate" H.P. 1474 L.D. 2073

Comes from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

Bill "An Act to Amend the Definition of Design Professional" H.P. 1480 L.D. 2079

Bill "An Act to Amend the Charter of the State Young Men's Christian Association of Maine" H.P. 1482 L.D. 2081

Bill "An Act to Simplify Corporate Filings" H.P. 1498 L.D. 2097

Bill "An Act to Repeal the Sunsets on Certain Child Support Enforcement Remedies" H.P. 1510 L.D. 2132

Come from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

REFERRED to the Committee on **JUDICIARY** and ordered printed, in concurrence.

Bill "An Act to Give Collective Bargaining Rights to Legislative Employees" H.P. 1497 L.D. 2096

Bill "An Act to Repeal Certain Changes Made to State Employee and Teacher Retirement Benefits" H.P. 1499 L.D. 2121

Bill "An Act to Improve Public Sector Labor Relations" H.P. 1503 L.D. 2125

Bill "An Act to Restore Retirement Benefits for Law Enforcement and Correctional Personnel" H.P. 1513 L.D. 2135

LEGISLATIVE RECORD - SENATE, JANUARY 21, 1998

Bill "An Act to Amend the Laws Concerning Participating Local Districts in the Maine State Retirement System"
H.P. 1524 L.D. 2146

Come from the House, **REFERRED** to the Committee on **LABOR** and ordered printed.

REFERRED to the Committee on **LABOR** and ordered printed, in concurrence.

Resolve, to Allow David Prentiss to Sue the State of Maine (EMERGENCY)
H.P. 1476 L.D. 2075

Bill "An Act to Improve the Integrity of the Citizen Initiative Process"
H.P. 1483 L.D. 2082

Bill "An Act Providing for Additional Elections for Ties for School Board Membership"
H.P. 1492 L.D. 2091

Bill "An Act to Allow Liquor Licenses for Commercial Vessels" (EMERGENCY)
H.P. 1502 L.D. 2124

Come from the House, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

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

Bill "An Act to Protect Victims of Domestic Abuse from Eviction"
H.P. 1491 L.D. 2090

Comes from the House, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

On motion by Senator **LONGLEY** of Waldo, **TABLED** 1 Legislative Day, pending **REFERENCE**.

Bill "An Act to Make a Nonresident Municipal Shellfish License Fee No More than 1 1/2 Times the Resident Fee"
H.P. 1505 L.D. 2127

Bill "An Act Concerning the Taking of Marine Resources by Members of the Passamaquoddy Tribe" (EMERGENCY)
H.P. 1523 L.D. 2145

Come from the House, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

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

Bill "An Act to Clarify Certain Laws Pertaining to the Department of Environmental Protection, Bureau of Land and Water Quality"
H.P. 1493 L.D. 2092

Bill "An Act to Clarify Certain Laws Pertaining to the Department of Environmental Protection, Bureau of Remediation and Waste Management"
H.P. 1496 L.D. 2095

Come from the House, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **NATURAL RESOURCES** and ordered printed, in concurrence.

Bill "An Act to Provide for the Continuation of Town Government Despite a Failed Budget Referendum" (EMERGENCY)
H.P. 1486 L.D. 2085

Bill "An Act to Ensure Access to Confidential Records"
H.P. 1514 L.D. 2136

Bill "An Act to Amend the Laws Relating to Archives and the Retention and Admissibility of Electronic Records"
H.P. 1525 L.D. 2147

Bill "An Act to Grant the Joint Standing Committee Having Jurisdiction over Criminal Matters the Authority to Review the Appointments of the Commissioner of Public Safety and the Chief of the State Police"
H.P. 1526 L.D. 2148

Come from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

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

Resolve, to Reimburse Cable Companies for Expenditures Made while Participating in the Business Equipment Tax Reimbursement Tax Program
H.P. 1475 L.D. 2074

Bill "An Act to Clarify the Tax-exempt Status of the Maine School of Science and Mathematics" (EMERGENCY)
H.P. 1488 L.D. 2087

Come from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** and ordered printed, in concurrence.

Bill "An Act to Provide Property Tax Relief and to Ensure Equitable School Funding"
H.P. 1457 L.D. 2048

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

Comes from the House, **REFERRED** to the Committees on **TAXATION** and **EDUCATION AND CULTURAL AFFAIRS**.

On motion by Senator **RUHLIN** of Penobscot, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed in **NON-CONCURRENCE**.

Sent down for concurrence.

Resolve, Relating to Commercial Vehicle Fee Reciprocity with
New Brunswick H.P. 1501 L.D. 2123

Comes from the House, **REFERRED** to the Committee on
TRANSPORTATION and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** and
ordered printed, in concurrence.

Bill "An Act to Require All Regulated Public Utilities to Report
to the Public Utilities Commission the Sale, Lease or Other
Transfer of Assets Paid for by Ratepayers"
H.P. 1477 L.D. 2076

Bill "An Act Relative to the Jurisdiction of the Public Utilities
Commission over Nonutility Attachments to a Public Utility Plant"
H.P. 1484 L.D. 2083

Bill "An Act Relating to the Protection of Maine Consumers in
the Telecommunications Market" (EMERGENCY)
H.P. 1494 L.D. 2093

Bill "An Act to Facilitate Local Distribution of Natural Gas"
H.P. 1495 L.D. 2094

Bill "An Act to Amend the Charter of the Kennebunk Light and
Power District"
H.P. 1512 L.D. 2134

Come from the House, **REFERRED** to the Committee on
UTILITIES AND ENERGY and ordered printed.

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

**Pursuant to Statute
Maine Turnpike Authority**

The **Maine Turnpike Authority**, pursuant to the Maine
Revised Statutes, Title 23, section 1961, subsection 6 asked
leave to report that the accompanying Bill "An Act to Make
Allocations from Maine Turnpike Authority Funds for the Maine
Turnpike Authority for the Calendar Year Ending December 31,
1999"
H.P. 1522 L.D. 2144

Be **REFERRED** to the to the Joint Standing Committee on
TRANSPORTATION and ordered printed pursuant to Joint Rule
218.

Comes from the House with the Report **READ** and
ACCEPTED and the Bill **REFERRED** to the Committee on
TRANSPORTATION and ordered printed pursuant to Joint Rule
218.

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

REFERRED to the Committee on **TRANSPORTATION** and
ordered printed pursuant to Joint Rule 218, in concurrence.

Joint Order

The following Joint Order: H.P. 1405

ORDERED, the Senate concurring, that Bill, "An Act to
Change the Weekly Employee Pay Requirement in State Law,"
S.P. 140, L.D. 419, and all its accompanying papers, be recalled
from the legislative files to the House.

Comes from the House, **READ** and **PASSED**.

READ.

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

COMMUNICATIONS

The Following Communication: S.C. 481

118TH MAINE LEGISLATURE

January 21, 1998

Hon. Joy J. O'Brien
Secretary of the Senate
Room 327 State House
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to our authority, we have made the following
appointments to study commissions and tasks forces:

Maine Commission on Children's Health Care, Chapter 560,
P.L. 1997, Part B

Senator Michael H. Michaud of Penobscot
Senator Susan W. Longley of Waldo
Senator S. Peter Mills of Somerset
Representative J. Elizabeth Mitchell of Portland
Representative Randall L. Berry of Livermore
Representative Joseph Bruno of Raymond
Representative Glenys P. Lovett of Scarborough

Study Group to Assess the Needs of the Office of the State
Fire Marshal, Chapter 10, Resolves of 1997

Representative Roger D. Frechette of Biddeford
representing Maine State Legislature

Task Force to Study the Feasibility of Creating a Maine
Mobility Fund, Chapter 73, Resolves of 1997

Stephen Farnham of Presque Isle representing Area
Agencies of Aging
John Welch of Gray representing the Bicycle Coalition of
Maine
James Friedlander of Freeport representing Train Riders
Northeast
Barbara Donovan of Milbridge representing Maine Transit
Association

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Mark Adams of Auburn representing Maine Municipal Association

Commission to Examine Rate Setting and the Financing of Long-Term Care Facilities, Chapter 81, Resolves of 1997

Sally Wagley of Augusta representing Long-term Care Ombudsman Program
Judy McGuire of Damariscotta representing Providers of Long-term Care Services
Carolyn Kasabian of Lewiston representing Maine Hospital Association
Besty Sweet of Hallowell representing Consumers of Long-term Care Services
Wayde Rankin of Lewiston representing Maine Health Care Association
Hilton Powers of Brunswick representing American Association of Retired Persons

Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities, Chapter 72, Resolves of 1997

Representative Joseph B. Taylor of Cumberland, House Member
Tobacco Prevention and Control Advisory Council, Chapter 560, P.L. 1997
Mark Persky of Portland, Public Member
Robert McAfee of Portland, Public Member

Task Force on Registration of In-Home Personal Care and Support Workers, Chapter 29, Resolves of 1997

Senator Betty Lou Mitchell of Penobscot representing Health and Human Services Committee
Representative Christopher T. Muse of South Portland representing Criminal Justice Committee
Kim Wallace of South Portland representing Service Providers
Lisa Harvey-McPherson of Augusta representing Facilities
Darlene Moor-McBean of Farmington representing Consumers
Brenda Gallant of Augusta representing Ombudsman Program
Leo Delicata of Portland representing Legal Services for Elderly

Task Force to Review the Applied Technology Centers and Applied Technology Regions, Chapter 74, Resolves of 1997

Senator Mary Small of Sagadahoc representing Education and Cultural Affairs Committee
Representative John L. Tuttle, Jr. of Sanford representing Legal and Veterans Affairs Committee

Task Force to Study the Cost-Effectiveness of the Child Development Service System, Chapter 534, P.L. 1997

Senator Peggy A. Pendleton, Chair, of Cumberland, Senate Member
Senator James D. Libby of York, Senate Member
Representative Rodney W. McElroy of Unity, House Member

Representative Elizabeth Watson of Farmingdale, House Member
Barbara Brown of Vassalboro representing Service Providers/Clinical Professional
Karen Doughty of Scarborough representing Parents Receiving Services
Leslie Steltzer of Hampden representing Parents Receiving Services
Mary Anne Miosan of New Gloucester representing Service Providers/Development Therapist
Ellen Courtney of Rockport representing Child Development Services System Site Directors
Angela Faherty of Portland representing Child Development Services Board Members
Joan Nason of Freeport representing Maine Association of Directors of Services for Children with Exceptionalities
Luanne Crinion of Lewiston representing Maine State Nurses Association

Commission to Study the Certificate of Need Laws, Chapter 82, Resolves of 1997

Daniel Fishbein, M.D. of Portland representing Health Insurers
Eleanor Duffy of Westbrook representing Maine Osteopathic Association
Senator Betty Lou Mitchell of Penobscot representing Minority Party
Representative Michael W. Quint, Chair, of Portland representing Majority Party
Lisa Harvey-McPherson of Augusta representing Home Health Care of Maine
Jud Knox of York representing Maine Hospital Association
David Finlay, Ph. D., of Manchester, Public Member

Task Force to Study Strategies to Support Parents as Children's First Teachers, Chapter 68, Resolves of 1997

Representative Christina L. Baker, Chair, of Bangor, House Member
Senator Mary R. Cathcart of Penobscot, Senate Member

Commission to Designate Outstanding Maine Citizens Whose Portraits are to be Displayed in the State House, Chapter 64, Resolves of 1997

Representative William Lemke of Westbrook, House Member
Dr. H. Draper Hunt of South Portland, Public Member
Donald Cyr of Madawaska, Public Member
Anthony J. Douin of Augusta, Public Member

Task Force to Study Equal Economic Opportunity For All Regions of the State, Chapter 51, P.S. 1997

Senator John T. Jenkins of Androscoggin
Senator R. Leo Kieffer of Aroostook
Representative Marc J. Vigue, Chair, of Winslow
Representative Henry L. Joy of Crystal
Representative Martha A. Bagley of Machias

Commission to Study the Development of Maine's Franco-American Resources, Chapter 83, Resolves of 1997

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Senator Judy Paradis of Aroostook, Senate Member
Senator Richard A. Bennett of Oxford, Senate Member
Representative David R. Madore of Augusta, House Member
Representative Patricia Lemaire of Lewiston, House Member
Senator John T. Jenkins of Androscoggin representing Forum Fancophones des Affairs
Hon. John L. Martin of Eagle Lake representing Aroostook County
Andre J. Lacasse of Augusta representing Kennebec County
Peter Daigle of Waterville representing Penobscot County
Dr. Sue Huseman of Bangor representing University of Maine System
Joyce Hedlund of Bangor representing Maine Technical Colleges
Adrian Brochu of Stratton representing Forest Products
Hon. Severin Beliveau, Esq. of Augusta representing Maine Chamber & Business Alliance
Connie LaPointe Brennan of Portland representing Business & Civic Leaders
Dean Busque of Millinocket representing Business & Industry/Agriculture
Michael P. Cantara, Esq. of Alfred representing Business & Civic Leaders/York County
Edmond Guay of Auburn representing Business & Industry/High-Tech
Raymond Giroux of Bangor representing Academic/Private K-12
Edward Youngblood of Bangor representing Business & Industry/Financial Services

Commission to Determine the Adequacy of Services to Persons With Mental Retardation, Chapter 79, Resolves of 1997

Senator Michael H. Michaud of Penobscot, Senate Member
Representative Randall L. Berry of Livermore, House Member
Representative Jeffery G. Joyner of Hollis representing Health & Human Services Committee
Julie McKown of Lisbon Falls
Rebecca Smith of Gardiner
Jean Manning of Augusta
Robert Lawler of Cumberland
Joe Curl of Union representing Service Providers
Charlene Kinnely of Litchfield representing Service Providers
Darlene MacKinnon of Bath representing Service Providers

Commission to Study the Use of Pharmaceuticals in Long-Term Care Settings, Chapter 71, Resolves of 1997

Michael J. Fiori, Ph.D., M.B.A. of Readfield representing Long-term Care Pharmacy Providers
John H. Grotton of Scarborough representing Retail Pharmacy
Robert E. Carroll, Jr., of Fairfield representing the Department of Human Services

Senator Peggy A. Pendleton of Cumberland, Senate Member
Representative Thomas J. Kane of Saco, House Member
Representative Wendy Pieh of Bremen, House Member
Kathryn Pears of Kennebunkport representing Recipients of Long-term Care
Dr. Laura Coleman of Manchester representing Physicians with experience in Long-term Care
Scott A. Richards of Fort Kent representing Long-term Care Pharmacists
Ed Latham, R.N. of Portland representing Registered Nurses with Staff Experience in Long-term Care

Joint Select Committee on Research and Development, Pursuant to Joint Order, S.P.669, as amended

Senator Richard A. Bennett of Oxford
Senator Vinton E. Cassidy of Washington
Senator Mary R. Cathcart of Penobscot
Senator Beverly C. Daggett of Kennebec
Senator Jill M. Goldthwait of Hancock
Senator Mark W. Lawrence, of York
Senator Peggy A. Pendleton of Cumberland
Representative Irvin G. Belanger of Caribou
Representative James O. Donnelly of Presque Isle
Representative Kenneth A. Honey of Boothbay
Representative Linda Rogers McKee of Wayne
Representative Kathleen A. Stevens of Orono
Representative Paul L. Tessier of Fairfield
Representative Thomas J. Wright of Berwick

Joint Select Committee to Oversee Maine Yankee Atomic Power Company, Pursuant to Joint Order, H.P. 1345, as amended by Committee Conference "A" (H-757)

Senator Richard J. Carey of Kennebec
Senator Marjorie L. Kilkelly of Lincoln
Senator John J. Cleveland of Androscoggin
Senator Philip E. Harriman of Cumberland
Representative Kyle W. Jones of Bar Harbor
Representative Carol A. Kontos of Windham
Representative Benjamin L. Rines, Jr., of Wiscasset
Representative Wendy Pieh of Bremen
Representative Robert W. Spear of Nobleboro
Representative Charles C. LaVerdiere of Wilton
Representative Judith B. Peavey of Woolwich
Representative Kenneth A. Honey of Boothbay
Representative Joseph B. Taylor of Cumberland

Task Force on Production and Issuance of Registration Plates, Chapter 311, PL 1997

Representative Christine R. Savage of Union
Representative David A. Lindahl of Northport

Should you have any questions regarding these appointments, please contact us.

Sincerely,

S/Mark W. Lawrence
President of the Senate

S/Elizabeth H. Mitchell
Speaker of the House

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act Concerning Rural Hospital Care"
S.P. 794 L.D. 2153

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

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

Sent down for concurrence.

Bill "An Act to Encourage Hospitality Industry Development in
the State" S.P. 797 L.D. 2155

Presented by Senator DAGGETT of Kennebec.
Cosponsored by Senators MITCHELL of Penobscot,
O'GARA of Cumberland, Representative POVICH of
Ellsworth.
Approved for introduction by a majority of the Legislative
Council pursuant to Joint Rule 203.

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

Sent down for concurrence.

Bill "An Act to Improve State House Utilization"
S.P. 796 L.D. 2154

Presented by Senator RAND of Cumberland.
Cosponsored by Senator PINGREE of Knox, Representatives
COLWELL of Gardiner, LEMAIRE of Lewiston.
Approved for introduction by a majority of the Legislative
Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

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

ORDERS

Joint Resolution

On motion by Senator PINGREE of Knox, under unanimous consent on behalf of President LAWRENCE of York (Cosponsored by: Speaker MITCHELL of Vassalboro, Senator AMERO of Cumberland, Senator KIEFFER of Aroostook, Senator PINGREE of Knox, Senator RAND of Cumberland, Representative CAMPBELL of Holden, Representative DONNELLY of Presque Isle, Representative KONTOS of Windham, Representative SAXL of Portland) the following Joint Resolution: S.P. 798

JOINT RESOLUTION RECOGNIZING THE EXTRAORDINARY EFFORTS TO ALLEVIATE DAMAGE AND SUFFERING CAUSED BY THE SEVERE ICE STORM OF JANUARY 1998 AND THE EXEMPLARY CONDUCT OF THE PEOPLE OF THE STATE OF MAINE

WHEREAS, from Monday, January 5, 1998 through Saturday, January 10, 1998 the State of Maine endured an ice storm, the length and severity of which is unprecedented in living memory. The ice storm produced downed trees, tree limbs and power lines throughout the State; and

WHEREAS, on January 8, 1998 the Honorable Angus S. King, Jr., Governor of the State of Maine, declared that a State of Emergency existed throughout the State due to the severe conditions and the associated loss of electrical power to many citizens; and

WHEREAS, the storm crippled the State's electric utility infrastructure, leaving almost half of its residents without power at the peak of the storm, thousands of whom remain without power; and

WHEREAS, the storm severely impacted road conditions, making many routes dangerous or impassable, requiring response from local, county and state road crews, the state and county emergency management agencies and the Maine Army National Guard, among others. Many secondary roads remain impassable due to downed trees and power lines; and

WHEREAS, state government offices were closed on January 8 and 9, 1998, innumerable businesses were closed during at least part of the storm and many remain closed, and emergency shelters have been established throughout the State; and

WHEREAS, many employees of local and county government, including their public works, police and fire departments, the State of Maine Emergency Management Agency, the Maine Army National Guard, the State of Maine Department of Transportation, the Finance Authority of Maine, Department of Labor, Department of Human Services, Department of Professional and Financial Regulation, Department of Public Safety, Maine State Police, the Honorable Angus S. King, Jr., Governor of the State of Maine, United States Senator Olympia J. Snowe, United States Senator Susan M. Collins, United States Representative John E. Baldacci, United States Representative Thomas H. Allen, Central Maine Power Company, Bangor Hydro-Electric Company, Bell Atlantic and other public and private entities have worked and are continuing to work extraordinarily long hours to clear roads and wires of ice and debris, replace downed telephone poles, repair downed electric and telephone lines and provide emergency services; and

WHEREAS, thousands of individuals from other states have responded with assistance, including the American Red Cross, the Salvation Army, Department of Defense and hundreds of utility repair crews from Baltimore Gas and Electric, Bell Atlantic, Boston Edison Company, Delmarva Power and Light Company,

EUA Service Corporation, GPU Energy, Kennebec Light and Power, Madison Electric Works, Nantahala Power and Light, New England Electric System, Nova Scotia Power, Inc., Carolina Power and Light and Duke Power, and have provided disaster relief to thousands of Maine citizens; and

WHEREAS, the Honorable William J. Clinton, President of the United States, has declared the counties of Androscoggin, Cumberland, Franklin, Hancock, Kennebec, Knox, Lincoln, Penobscot, Piscataquis, Oxford, Sagadahoc, Somerset, Waldo, Washington and York and a portion of Aroostook in the State of Maine to be major disaster areas and the Federal Emergency Management Agency is providing emergency assistance; and

WHEREAS, the people of the State are to be commended for responding to these events with resolve, determination, ingenuity, compassion and generosity, for always finding the time and resources to assist their friends and neighbors in need and for demonstrating the strong sense of community that makes Maine a special place; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature, now assembled in the Second Regular Session, take this opportunity to recognize the extraordinary efforts of local municipalities, including public works, police and fire departments, the Maine Emergency Management Agency, the Maine Army National Guard, the State of Maine Department of Transportation, the Finance Authority of Maine, Department of Labor, Department of Human Services, Department of Professional and Financial Regulation, Department of Public Safety, Maine State Police, the Honorable Angus S. King, Jr., Governor of the State of Maine, United States Senator Olympia J. Snowe, United States Senator Susan M. Collins, United States Representative John E. Baldacci, United States Representative Thomas H. Allen, Central Maine Power Company, Bangor Hydro-Electric Company, Bell Atlantic, the Honorable William J. Clinton, President of the United States, the Federal Emergency Management Agency, the American Red Cross, the Salvation Army, the Department of Defense, and hundreds of utility repair crews from Baltimore Gas and Electric, Bell Atlantic, Boston Edison Company, Delmarva Power and Light Company, EUA Service Corporation, GPU Energy, Kennebec Light and Power, Madison Electric Works, Nantahala Power and Light, New England Electric System, Nova Scotia Power, Inc., Carolina Power and Light and Duke Power to alleviate damage and suffering caused by the severe ice storm of January 1998 and to recognize the exemplary conduct of the people of the State of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to representatives of the Maine Emergency Management Agency, the Maine Army National Guard, the State of Maine Department of Transportation, the Finance Authority of Maine, Department of Labor, Department of Human Services, Department of Professional and Financial Regulation, Department of Public Safety, Maine State Police, the Honorable Angus S. King, Jr., Governor of the State of Maine, United States Senator Olympia J. Snowe, United States Senator Susan M. Collins, United States Representative John E. Baldacci, United States Representative Thomas H. Allen, Central Maine Power Company, Bangor Hydro-Electric Company, Bell Atlantic, the Honorable William J. Clinton, President of the United States, the Federal Emergency Management Agency, the American Red Cross, the Salvation Army, the Department of Defense, Baltimore Gas and Electric, Boston Edison Company, Delmarva Power and Light Company, EUA Service Corporation, GPU Energy, Kennebec Light and

Power, Madison Electric Works, Nantahala Power and Light, New England Electric System, Nova Scotia Power, Inc., Carolina Power and Light and Duke Power as tangible tokens of our appreciation.

READ.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending motion by President **LAWRENCE** of York to **ADOPT**.

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 (1/12/98) Assigned matter:

Bill "An Act to Provide Representation for Chiropractors on the Board of the Maine Health Data Organization"
H.P. 1407 L.D. 1971

Tabled - January 12, 1998, by Senator **RAND** of Cumberland.
Pending - **REFERENCE**

(In House, January 8, 1998, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.)

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

The Chair laid before the Senate the following Tabled and Later (1/20/98) Assigned matter:

Bill "An Act Relating to the Qualifications of the Director of the Bureau of Human Resources"
S.P. 787 L.D. 2114

Tabled - January 20, 1998, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

(Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.)

On motion by Senator **PINGREE** of Knox, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent down for concurrence.

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

Bill "An Act Concerning the Maine State Housing Authority's Share of the Transfer Tax"
H.P. 1465 L.D. 2056

Tabled - January 20, 1998, by Senator **RUHLIN** of Penobscot.

Pending - **REFERENCE**

(In House, January 15, 1998, **REFERRED** to the Committee on **TAXATION** and ordered printed.)

On motion by Senator **RUHLIN** of Penobscot, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed in **NON-CONCURRENCE**.

Sent down for concurrence.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

THE PRESIDENT: We are very happy today that we have the people at the Maine Children's Alliance here to come to the Legislature to report on behalf of Maine's children. This is the fourth year in which they are coming to the Maine Senate to report on the State of Maine's children and to remind us that kids count. They are, in many ways, the voice of many kids who count on them to speak to their needs and their priorities.

As Legislators, it's our responsibility to provide and protect for the needs of the people we represent. There is no greater constituency that we have and none more in need of our leadership and council than Maine's children. Kids count on us to make them our number one priority. They are the most valuable and, at that same time, the most important constituents to us. Kids count on us to provide them with the basic needs and values that will enable them to become the leaders of tomorrow.

Last year, for example, this Legislature fought to get healthcare coverage for 36,000 uninsured children of Maine. As a result of your work, a bipartisan Healthcare Commission has developed a plan that will enable the state to provide insurance for more than 20,000 of those children.

This year we face the daunting task of making the restoration of support of public education our number one priority for the State of Maine.

Kids count on us to look after their needs and to provide for their future. Kids count on us to provide the tools and the necessities they need today. This Legislature's commitment to education and to healthcare is a commitment to those needs. Kids count on us to prepare today for a better tomorrow. We can honor that obligation by paying our bills and maintaining a responsible budget that will not become a burden to future generations. I know that I speak on behalf of every Legislator here, in this room, when I say that kids and children are what government is all about and I am convinced that they can count on us here in the Maine Senate.

The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you very much Mr. President. I just wanted to make a few remarks about this book, which I think

we'll all be receiving soon, but I had the pleasure to look it over the last couple of days. I know I've been very pleased to have this available to me as a resource in the last few years. And once again, I think that they've done a great job putting this book together. It has some wonderful photographs of children, some drawings including one of a North Haven dingy, which made me especially proud. And, of course, a lot of important facts, and I just wanted to pull out a few that I found especially meaningful. Some of them I thought were very good although there are many problems that were addressed in this book. One of the numbers that I thought was good was that we have 89% of our children in the State of Maine who have been immunized. One of the highest rates throughout the whole country. Our high school dropout rate is the second lowest in the nation, which I think should make us very proud. We have the lowest rate of teenage pregnancy. And we have a very low percentage of low birth weight babies, and our infant mortality rate continues to remain very good. I thought all of those were good signs and something that we can be proud of for the work that we've done to help that happen, and just to be proud of a state that values all of those factors.

I did find some things that were troubling and I wanted to just list a few of those. It continues to be that too many Maine children in youth lack health insurance, as the Senate President has alluded to. There are also victims of child abuse and neglect and over a third of the children in the State of Maine smoke cigarettes. An average of 11.7% of Maine children lack any form of health insurance and they have from 1992 through 1996. That results in some things that cost us money and I think aren't the best way for health treatment. Over 36,000 visits were made by children to local hospital emergency rooms in 1994 for the treatment of illnesses that may have been more appropriately and effectively treated in a physicians office. But often, without health insurance, that's not where people go. Thirty-eight percent of high school males and 41% of females reported smoking cigarettes in a given month in 1996. And we all know the long term costs of youth smoking and what that costs all of us in this state. There were 4,656 child abuse and neglect victims substantiated by the state in 1996. The number of referrals to the state for child abuse and neglect services, not a sign due to the lack of resources, continued to increase to 2,823. I found that one of the most troubling statistics, something that we've heard about in the past. The fact is we're getting calls about this very troubling issue and often not able to handle them. I think we all must say to ourselves, we don't have a surplus until a need like that is taken care of. A couple of other areas that I found interesting, in the area of poverty, as Maine's economy improves too many children, almost one in five, continue to live in poverty or in families with incomes barely above the poverty level. Over 40% of children in Maine under the age of five receive supplementary food assistance, the program called WIC. It's wonderful that that program is available to them, but I think those numbers continue to be too high. Thirty-one percent of all school children in Maine receive subsidized lunches. Again, it's wonderful to know that assistance is available but it says something troubling about our economy. And the fact is the percentage of Maine jobs that pay livable wage decreased from 81% in 1993, down to 71.9% in 1994. Again, I think that's a trend, the growing gap between the rich and the poor. Even as our economy improves it's something we have to be thinking about how we're going to handle in the future.

The last thing I just wanted to mention was in the area of education, which is certainly a priority for all of us, I think, in the

State of Maine. While the percent of Maine high school graduates who indicated they planned to attend post secondary school, increased to 62.5% during the 1995 school year, the number is going up, there are many who don't have the resources to pay to continue their education. The average student graduates from the University of Maine right now \$11,000 in debt. A figure we have to continue to work on and make sure that higher education in all forms are accessible and available to young people as they continue going on with their education.

So, I just want to thank everyone who worked very hard on this book, and let them know how much I appreciate this as a resource and how important this work is for us to do in this session. Thank you very much.

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

Senator **AMERO:** Thank you Mr. President and ladies and women of the Senate. I also want to commend the Maine Children's Alliance for the production of this book, which is just full of great data that is helpful to each of us as we go back into our districts. Because it not only gives you statistics about what is happening to Maine children across the state, but it breaks it down by county. And I think that, in particular, is of great help to us as we look at the policies that we are asked to establish and how they effect the constituents that we represent as well as all of the children of the state. I also wanted to take a couple of minutes to recognize the people who are responsible for funding this project and they include the Annie E. Casey Foundation, the Bingham Program, the Jessie B. Cox Charitable Trust, the Maine Community Foundation, Blue Cross Blue Shield of Maine, Fleet Bank and WCSH, Channel 6. Many thanks for their investment in our children and their investment in helping us to be better policy makers by having data which will make our job much easier. I agree with the good Senator from Knox, Senator Pingree, that there's a lot to cheer about in this book. And I think often we look for problems, and certainly we do have problems. But we have lots of good news that we need to celebrate here. Particularly the immunization rate, tops in the whole country. That's a really important and impressive figure. Our teen deaths have decreased including particularly violent deaths and suicides. I think the main area that we have to cheer about, at least from the data in this book, is the education achievement. And that speaks very well for the fact that this state is making education it's top priority and has been for several years now. And that's beginning to be shown in results. I was very pleased to go to a conference a few months ago of legislative leaders. The topic was education. The Kids Count book was released at that time. Legislative leaders from all over the country were so envious of our results, the fact that our kids are doing so well in math, reading and science. And a fact that I am so proud of, is that we lead the nation in the percent of our dollar that goes directly into the classroom. Number one, in the percent of the money we spend on education that goes directly into the classroom. So if anybody in your district is telling you that we're spending too much money on administration, etc., we're spending less than anybody else in the country, at least in the percentage of our total dollars. And I think that's fantastic. I was also really thrilled to see in this report that the number of high school graduates who want to go on to higher education is increasing by over 5%, and that is something we've got to really concentrate on. They now are aspiring to going on to college, and we've got to help find a way to make sure that that happens.

I also agree with Senator Pingree from Knox that there are concerns and she very well described many of them. One of those that I would like to add to that list is that we have almost a 10% increase in the number of arrests of 10 to 17 year-olds in our state, and I think that's a shocking figure. A 10% increase in juveniles being arrested in this state. I was surprised to see that the figures in this book showed that not only do we have 36,000 children without health insurance, but we may have up to 30,000 children who are presently eligible for Medicaid who are not being identified. So I think it's really important to look at our Out Reach Programs. It looks like that might be the biggest part of our problem of uninsured children, if up to 30,000 of the 36,000 are presently eligible and are not receiving Medicaid insurance. That figure may be inflated, but it's still startling even if it's only a portion of that.

I think we all want to do what's best to make sure that our children, in this state, are as healthy as they can be and successful as they can be. And I think it's so important for us to adopt statewide policies which identify needs and support the programs that will work to make sure that our children have the best start and will have a very successful future. And once again, thanks to all of the people who worked on this book. We'll be using this throughout the session and later, I'm sure.

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

Senator **LONGLEY:** Thank you Mr. President. I'd like to join the chorus and say thank you for this information. And I'd also like to just share my excitement because I'm learning a lot about my county. Basically our AFDC numbers are going down. We still have a problem with unmarried teenagers, so that's an issue that I would hope that when issues related come to me and all of us in our capacity here, I can keep a closer eye on that issue. We have one pediatrician in Waldo County that speaks to our healthcare access problem and it's why we're 40% below the average for access to a pediatrician. Child suicide was the most awful piece that I learned, the last two years was that we were high. I'm happy to announce, now I realize that we've had a dramatic change in that. And I'm happy to say that, in addition, there's far fewer arrests in Waldo County. We're going down there. I contribute that to the fact that there's been wonderful community action on that part. Parents, teachers and retired folks getting together, trying to figure out how we can build a recreation center for our kids. Our high school dropout rate is going down. So this is really wonderful information in an era where a lot of our constituents are hungry for good news. Here is great data in many respects that can, those of us who really want to improve our community, keep us going. We need good news, many of us, to stay functioning.

And a last note, I would just say that maybe down the road, in a week or two as we get more and more caught up, we can get the Maine Children's Alliance to come back, and someone from the Muskie Institute to walk us through these figures, which are a little bit difficult to read at first. But it's gems of information. I would hope that in the next few weeks one of us can stand at announcement time and say that at lunch the next day there'll be a time to go through and really, all of us, study what's going on with the kids in our districts. We all represent about 10,000 kids. So, thank you, Maine Children's Alliance and thank you, everybody who's taking the time to read this important data and putting it into our policies and watching for better data in all the years to come. Thank you.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber from the Maine Children's Alliance staff, Ellie Goldberg. Would she please rise and receive the greetings of the Senate.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Regulate the Functioning of End-stage Renal Disease Facilities" H.P. 1529 L.D. 2151

Bill "An Act to Strengthen the Collection of Medicaid Liens" H.P. 1530 L.D. 2152

Come from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

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

Bill "An Act to Implement the Recommendations of the Working Group on Motor Vehicle Fines, Enforcement and Reimbursement" H.P. 1527 L.D. 2149

Bill "An Act to Create a Maine Children's Trust Fund Registration Plate" H.P. 1528 L.D. 2150

Come from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Create an Economic Development and Expansion Zone in Aroostook County" H.P. 1478 L.D. 2077

Bill "An Act to Equalize and Clarify the Tax on Hard Cider" H.P. 1517 L.D. 2139

Come from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** and ordered printed, in concurrence.

Off Record Remarks

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

Off Record Remarks

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

Off Record Remarks

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

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Paper

Resolve, to Authorize the Maine State Museum to Purchase Historic Maine Artifacts (EMERGENCY) H.P. 1535 L.D. 2162

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

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

On motion by Senator **MICHAUD** of Penobscot, **TABLED** Unassigned, pending **REFERENCE**, in concurrence.

Off Record Remarks

On motion by Senator **RAND** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, until Monday, January 26, 1998, at 10:00 in the morning.