

MAINE STATE LEGISLATURE

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One Hundred and Eighteenth Legislature
State of Maine

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

In Senate Chamber
Monday
January 26, 1998

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

Prayer by Reverend Jack Fles of the Christ Episcopal Church in Gardiner.

REVEREND JACK FLES: I'd like to offer two callings today. One for our President and those who live and work in Washington, and one for this gathered body.

Let us pray. Oh Lord, our Governor, who's glory is in all the world, we commend this nation to Your merciful care, that being guided by Your providence we may dwell secure in Your peace. Grant to the President of the United States and to all in authority, wisdom and strength to know and to do Your will. Fill them with the love of truth and righteousness and make them ever mindful of their calling to serve this people in fear of You and in respect for one another.

For this gathered body. Oh God, the fountain of wisdom, who's will is good and gracious and who's law is truth, we beseech You to guide and bless our Senators, here gathered, that they may enact such laws as shall please Thee, to the glory of Your name and the welfare of our people. Amen.

Pledge of Allegiance by Senator Vinton E. Cassidy of Washington County.

Doctor of the Day, A. Jan Berlin, M.D., South Freeport.

Reading of the Journal of Wednesday, January 21, 1998.

Off Record Remarks

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Restore Advocacy for Handicapped Students"
H.P. 1521 L.D. 2143

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

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

COMMUNICATIONS

The Following Communication: S.P. 801
118TH MAINE LEGISLATURE

January 21, 1998

Senator Mary Cathcart
Representative Pamela Hatch
Chairpersons
Joint Standing Committee on Labor
118th Legislature
Augusta, Maine 04333

Dear Senator Cathcart and Representative Hatch:

Please be advised that Governor Angus S. King, Jr. has nominated Peter M. Leslie of Cape Elizabeth for reappointment as a member of the Maine State Retirement System Board of Trustees.

Pursuant to Title 5, M.R.S.A. §17102, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence
President of the Senate

S/Elizabeth H. Mitchell
Speaker of the House

READ and REFERRED to the Committee on **LABOR**.

Sent down for concurrence.

The Following Communication: S.C. 482

**STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0023**

TO: Joy O'Brien, Secretary of the Senate

FROM: J. Duke Albanese, Commissioner

DATE: January 9, 1998

RE: Report of Habitual Truants - 1996-97 School Year

In accordance with 20-A, M.R.S.A., Section 5051, I hereby submit the annual report of habitual truants identified by school superintendents during the 1996-97 school year. A summary of habitual truants for previous years is included with the report for your information. The Commissioner's Advisory Committee on Truancy, Dropout & Alternative Education has reviewed this information and may be submitting recommendations for addressing the need to revise Maine statutes regarding truancy enforcement at the local level of government.

Additional information regarding this report can be obtained by contacting Frank Antonucci, consultant for Truancy, Dropout & Alternative Education at 287-5111.

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 483

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

January 23, 1998

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 Inland Fisheries and Wildlife has had under consideration the nomination of Millard A. Wardwell of Penobscot, for reappointment to the Inland Fisheries and Wildlife Advisory Council.

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	1 Kilkelly of Lincoln
Representatives	9 Paul of Sanford, Usher of Westbrook, Clark of Millinocket, Dunlap of Old Town, Goodwin of Pembroke, Perkins of Penobscot, Chick of Lebanon, Cross of Dover-Foxcroft, True of Fryeburg
NAYS:	0
ABSENT:	3 Sen. Ruhlin of Penobscot, Sen. Hall of Piscataquis, Rep. Underwood of Mechanic Falls

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 Millard A. Wardwell of Penobscot, for reappointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed,

S/Marge L. Kilkelly
Senate Chair

S/Norman R. Paul
House Chair

READ and **ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INLAND FISHERIES AND WILDLIFE** 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 opened the vote.

ROLL CALL

YEAS:	Senators: None
NAYS:	Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, CLEVELAND, DAGGETT, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, JENKINS, KIEFFER, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: BUTLAND, MILLS, RUHLIN, SMALL

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 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 **Millard A. Wardwell** for reappointment to the Inland Fisheries and Wildlife Advisory Council was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication: S.C. 484

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

January 23, 1998

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 Inland Fisheries and Wildlife has had under consideration the nomination of F. Dale Speed of Princeton, for reappointment to the Inland Fisheries and Wildlife Advisory Council.

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, Hall of
Piscataquis

Representatives 9 Paul of Sanford, Usher of
Westbrook, Clark of Millinocket,
Dunlap of Old Town, Goodwin of
Pembroke, Perkins of Penobscot,
Chick of Lebanon, Cross of
Dover-Foxcroft, True of Fryeburg

NAYS 0

ABSENT: 2 Sen. Ruhlin of Penobscot,
Rep. Underwood of Mechanic
Falls

Eleven 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 F. Dale Speed of Princeton, for reappointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed,

S/Marge L. Kilkelly
Senate Chair

S/Norman R. Paul
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INLAND FISHERIES AND WILDLIFE** 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 opened the vote.

ROLL CALL

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT,
BENOIT, CAREY, CASSIDY, CATHCART,
CLEVELAND, DAGGETT, FERGUSON,
GOLDTHWAIT, HALL, HARRIMAN, JENKINS,
KIEFFER, KILKELLY, LAFOUNTAIN, LIBBY,
LONGLEY, MACKINNON, MICHAUD,
MITCHELL, MURRAY, NUTTING, O'GARA,
PARADIS, PENDLETON, PINGREE, RAND,
TREAT, THE PRESIDENT - MARK W.
LAWRENCE

ABSENT: Senators: BUTLAND, MILLS, RUHLIN, SMALL

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 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 **F. Dale Speed** for reappointment to the Inland Fisheries and Wildlife Advisory Council was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

SENATE PAPERS

Bill "An Act to Provide for the Licensing of Farmstead Cheese" S.P. 802 L.D. 2172

Presented by Senator GOLDTHWAIT of Hancock.
Cosponsored by Representative PIEH of Bremen, Senator NUTTING of Androscoggin, Representative VOLENIK of Brooklin.
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.

Resolve, to Ensure the Safety of Maine Children with Mental Health Problems S.P. 799 L.D. 2156

Presented by Senator HARRIMAN of Cumberland.
Cosponsored by Representative KANE of Saco.
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.

Resolve, Compensating the Estate of Barbara Maxfield for Claims against the State S.P. 800 L.D. 2157

Presented by Senator SMALL of Sagadahoc.
Cosponsored by Representative SHIAH of Bowdoinham.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

Sent down for concurrence.

**Pursuant to Statutes
Judiciary**

Senator LONGLEY for the Joint Standing Committee on **JUDICIARY**, pursuant to the Maine Revised Statutes, Title 1, section 94, asked leave to report that the accompanying Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) S.P. 803 L.D. 2173

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

Report **READ** and **ACCEPTED**.

REFERRED to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

Off Record Remarks

REPORTS OF COMMITTEES

Senate

Change of Committee

Senator MICHAUD for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Exempt Nonprofit Ambulance and Fire Emergency Services from the State's Sales Tax" (EMERGENCY) S.P. 189 L.D. 607

Reported that the same be **REFERRED** to the Committee on **TAXATION**.

Report **READ** and **ACCEPTED**.

REFERRED to the Committee on **TAXATION**.

Sent down for concurrence.

Senator MICHAUD for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Implement the Recommendations of the Judicial Compensation Commission" S.P. 322 L.D. 1062

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**.

Report **READ** and **ACCEPTED**.

REFERRED to the Committee on **JUDICIARY**.

Sent down for concurrence.

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

Off Record Remarks

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

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Unassigned matter:

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

Tabled - January 21, 1998, by Senator **MICHAUD** of Penobscot.

Pending - **REFERENCE** in **NON-CONCURRENCE**

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

(In House, January 21, 1998, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.)

Under suspension of the Rules, **READ TWICE** without reference to a Committee, in concurrence.

On motion Senator **BENNETT** of Oxford, Senate Amendment "B" (S-448) **READ**.

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

Senator **BENNETT:** Thank you Mr. President and fellow Senators. There's been quite a bit of discussion about this bill although not formerly in the chamber here. This bill, although it was read without reference to a Committee, was discussed and talked about before the Appropriations Committee, where it would have been sent if the timing of this issue permitted it. And it became clear to me during those discussions in that deliberation that indeed there may be a need for some funding here, to take advantage of a unique opportunity which presents itself to the state. But some of us, and I speak for myself, here strongly feel that approving the sum of \$162,000 in new spending at this time, while we're just beginning to look at the urgent priorities of state government, is probably not the best use of state money. And if it is perhaps a pressing need, and I think that there is a pressing need here, that it probably would be better to look in existing resources, monies which have already been appropriated for the purpose.

The rush here is that there is an auction occurring on Wednesday, I believe, where several items of interest to the State Museum are going to be auctioned off. One item in particular is of great interest to the museum and I think it should be of interest to those of us who have been elected to serve in the legislature. And that is a painting, to the knowledge of the experts, the only painting known to exist, that's in color, that depicts the first State House in this state, which was in Portland, the first State Capitol. The State Museum, I think it's fair to say, like many agencies in state government, has really been pressured in recent years and hasn't had the kind of money that they would like, or that any of us would like, to have for acquisition of artifacts of this nature. Because of the economic duress that they've been under, it's fair to say that they have responded appropriately by creating a Friends of the State Museum organization. They have been setting up an endowment so that they can buy artifacts and preserve them using funds other than that which comes from the taxpayer. I think that's appropriate as well. And they're having their usual startup in growing pains with getting that effort under way. I think there's a lot going on at the State Museum which we can all be proud of. And that's why I think when the distinguished leaders of that institution come to the legislature and make a request such as the one that was before us, one that remains before us, which is the first request of its nature in 25 years. I think those of us who care about the history of this state and telling the story of this state are inclined to listen very carefully, and give them the benefit of the doubt. I have no doubt that these artifacts are worthy and that it would be appropriate to have them in the state collection.

My only concern about the appropriation is to have the very first act of this legislature come in and spend surplus money on a one-time appropriation when we have so many needs out there. At the end of this session, \$162,000, which doesn't sound like a lot right now, people will be fighting. Blood will be spilled metaphorically for \$162,000 appropriation. I can see it now evolving, because the needs out there are greater than even the surplus revenues of approximately \$30 million that we have. So with a view toward looking at those priorities, I think it's much more appropriate to do what my amendment accomplishes, which is to take money out of existing resources, if the managers of those funds decide that they think this is worthwhile, and use it for this purpose. This amendment, as you can read, allows the funds to be taken out of two sources. Because again, it's up to the management of those funds to determine whether or not they want to spend the money for this purpose. One fund is the Governor's Contingency Account. And I don't know if it's really necessary because of the broad language of the Contingency Account, whether it's necessary to put this in this amendment or not. But I figure it's better to be safe than sorry, and why don't we just state that it is authorized. The Governor has committed, already, to give some of the funds that exist in the account, and right now it's \$130 some odd thousand, to these purposes. But I also think because of the nature of the proposed acquisition that it would be appropriate for some money to come from the legislature, and there are ample resources available. The fund which this amendment chooses to allow some money to be taken from, if the Legislative Council desires it, is the State House Preservation and Maintenance Reserve Fund. This fund has unspent and unencumbered, from the first two quarters of this fiscal year. In other words the six months that ended December 31st has something in the neighborhood of \$288,000 in it unspent and unencumbered from those quarters. I think that if the

Legislative Council deems this request or part of this request worthy, I think it is appropriate that some money be taken out of those existing resources to pay for it.

I don't want to belabor the issue any more. I've said my piece. But the bottom line is I urge your support for this amendment. Because if you agree with me that there is a need here, let's take money out of existing resources rather than appropriate new money for the purpose. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President and men and women of the Senate. I'd like to remind the Senate that the bill in issue before us today is really a simple and straightforward one. On Wednesday of this week there is going to be a public auction of a private collection of some very unique, precious Maine artifacts. Many of which, really for the benefit of the citizens of this state, ought to be in a public collection under the control of the Maine State Museum so that all of the people of Maine can benefit from them, and not squirreled away in a private collection. That is the simple issue that we're dealing with today. There are those who think that we ought to receive the money from other areas. But really that begs a different question. Is it really appropriate for the legislature to dictate how, what is called a Governor's Contingency Fund be spent? Historically that fund has been made available to the Governor to be used for unforeseen and important activities that promote and benefit the State of Maine. We need no legislation for the Governor to make any decision on how to expend those funds. The Governor could do that today, notwithstanding this legislation. But the Governor's made it clear, his staff has made it clear, that they're prepared to make a very generous contribution, \$20,000. But they think it would be imprudent to do much more than that because with six months left in this fiscal year it is unclear that they may well need the balance of those funds. And there isn't enough in there to take the full amount anyway.

Secondarily, you're asked to decide whether or not the money that's currently set aside and desperately needed for State House preservation and maintenance, an issue which my constituents have said over and over to me, "If you have an opportunity, spend more on that State Capitol building. It's a state treasure. It's in deplorable condition." That raises the policy issue of whether or not we should deplete that fund at a time when we ought to be spending more not less. So this question is really, do we wish to take advantage of an opportunity to acquire some very rare and unique items that ought to be available to the people of Maine, and do so with funds that are available? And at some later time, if this legislature feels they ought to go back into the Legislative Account, they want to take some action on what's called a Governor's Contingency Fund, and use those funds or part of those funds in some way, the legislature's free to act. We never lose that authority. And we can transfer those funds at any time, if it is, the majority will vote for the authorities. Those issues should be decided in those policy arenas, under those discussions when we're looking for resources to pay for the needs of this state. They ought not to be included in this bill, which has a very clear and very important purpose and funds are readily available to do that.

So for those reasons I would recommend that you'd not support the amendment that is being presented to you. Thank you.

The Chair ordered a Division.

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

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

THE PRESIDENT: The Senator may pose his question.

Senator **BENOIT:** Thank you. For anyone who may be able to be helpful in this situation, who is it that has determined the fact that the painting is an authentic depiction of what it portrays?

THE PRESIDENT: The Senator from Franklin, Senator Benoit poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President. In response to the question that was posed, the information that was provide to us by the, I think the title is the Curator or Director of the museum has presented that this is a unique painting that represents that scene that was described.

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: ABROMSON, AMERO, BENNETT, BUTLAND, HALL, HARRIMAN, KIEFFER, MACKINNON, MITCHELL

NAYS: Senators: BENOIT, CAREY, CASSIDY, CATHCART, CLEVELAND, DAGGETT, FERGUSON, GOLDTHWAIT, JENKINS, LAFOUNTAIN, LIBBY, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: KILKELLY, MILLS, RUHLIN, SMALL

9 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator **BENNETT** of Oxford to **ADOPT** Senate Amendment "B" (S-448), **FAILED**.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** Thank you Mr. President. This is an inquiry. From the angle that I sit here, I can't see the screen. So, could we have permission to get up and leave our seats to view the board until the curtain is pulled back, so we could see how

the members that have the A's and the B's and the C's and so forth, so we can determine how those folks are voting?

THE PRESIDENT: The Chair would answer that we are in the process of getting the person to come back up and cut back the drapes so you can see. But if you're interested in how you're voting, it lights up on your light on your machine so it can record that.

Senator **FERGUSON:** I'm aware of that Mr. President, but I'd like to know how some of the other members are voting. When we had a roll call vote verbally, then we knew how the other members voted. We can't see the screen at this angle.

THE PRESIDENT: The Chair would answer that if the member can't see the screen then he should request a verbal vote.

Senator **FERGUSON:** Thank you very much Mr. President.

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

THE PRESIDENT: The Chair would inquire if the Senator from Oxford, Senator Bennett, wanted a verbal vote? The Chair recognizes the Senator from York, Senator Libby.

Senator **LIBBY:** Thank you Mr. President. I request a verbal vote.

THE PRESIDENT: The Senator from York, Senator Libby, requests the yeas and nays.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: CAREY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, JENKINS, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, TREAT, THE PRESIDENT - MARK W. LAWRENCE

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

ABSENT: Senators: KILKELLY, MILLS, RUHLIN, SMALL

18 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 4 Senators being absent, the Resolve was **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

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

Senator **PINGREE**: Thank you Mr. President. Having voted on the prevailing side I move we reconsider our actions whereby this Resolve was passed to be engrossed.

On motion by Senator **PINGREE** of Knox, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-447) **READ**.

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

Senator **PINGREE**: Thank you Mr. President. This amendment removes the emergency provision from the bill.

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

Senator **BENNETT**: Thank you Mr. President and fellow members of the Senate. It seems a little odd to be removing an emergency preamble on the bill, which will require the expenditure, at least the commitment of state funds two days from now, when those funds, if we remove the emergency preamble, will not be available to be spent until 90 days from when the Governor signs this piece of legislation. I would submit that this is an extraordinarily dangerous precedent to be setting for the way of approving appropriations bills in a piece-meal fashion. And I would say once again that two months from now, a full month before this spending under this amendment could be undertaken, we in the Appropriations Committee and all of us, as members of the Senate and the other body, are going to be struggling to find every dollar to fund on education, on services for people with mental illness and the mentally retarded, and a whole host of other very important issues. And I would say that this is a tremendously bad way to proceed and I hope you vote against this amendment. I ask for the yeas and nays.

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

Senate at Ease

Senate called to order by the President.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: CAREY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, JENKINS, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, TREAT, THE PRESIDENT - MARK W. LAWRENCE

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

ABSENT: Senators: KILKELLY, MILLS, RUHLIN, SMALL

18 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator **PINGREE** of Knox to **ADOPT** Senate Amendment "A" (S-447), **PREVAILED**.

PASSED TO BE ENGROSSED AS AMENDED, without reference to a Committee in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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

Tabled - January 21, 1998, by Senator **LONGLEY** of Waldo.

Pending - **REFERENCE**

(In House, January 20, 1998, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.)

On motion by Senator **PINGREE** of Knox, **REFERRED** to the Committee on **JUDICIARY** and ordered printed in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **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:

ENACTORS

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

On motion by Senator **PINGREE** of Knox, **ADJOURNED** until Wednesday, January 28, 1998, at 3:00 in the afternoon.

Resolve

Resolve, to Authorize the Maine State Museum to Purchase
Historic Maine Artifacts H.P. 1535 L.D. 2162
(S "A" S-447)

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Michaud.

Senator **MICHAUD:** Thank you Mr. President and men and women of the Senate. Normally this is a bill, where it does have a fiscal note, that would go on the Appropriations Committee. Last week when the Appropriations Committee met, we voted unanimously to exempt the bill from the table. So that's the reason why I'm not moving it to go on the table.

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

On motion by Senator **HARRIMAN** 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:

Senator **MURRAY** of Penobscot who would have voted YEA requested, pursuant to Senate Rule 401.6, leave of the Senate to pair his vote with Senator **MITCHELL** of Penobscot who would have voted NAY.

ROLL CALL

YEAS: Senators: CAREY, CATHCART, CLEVELAND,
DAGGETT, GOLDTHWAIT, JENKINS,
LAFOUNTAIN, LONGLEY, MICHAUD,
NUTTING, O'GARA, PENDLETON, PINGREE,
RAND, RUHLIN, TREAT, THE PRESIDENT -
MARK W. LAWRENCE

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

ABSENT: Senators: KILKELLY, MILLS, PARADIS

PAIRED: Senators: MITCHELL, MURRAY

17 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators having paired their votes and 3 Senators being absent, the Resolve was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks
