

# 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 28, 1998

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

Prayer by Father Frank Murray of St. Mary's Catholic Church in Bangor.

**FATHER FRANK MURRAY:** Let us pray. God of heaven and earth, we give You praise this day. You have given us so much and You love us so tenderly that our fundamental stance before You is that of praise. Together we now ask You to help us give You fitting praise. May we act responsibly in protecting the gifts that You have given us. May we be good stewards as we work to find ways to properly share Your gifts with our brothers and sisters. And may we continue to find better ways to act more justly toward one another. Gracious God, help make this session of the legislature today, and this Senate, fitting instruments that help accomplish Your will. May our cooperation in Your creative powers truly give You fitting praise. Be with us now and always. And we make this prayer in Your name. Amen.

Doctor of the Day, Craig Curtis, M.D., Holden.

Reading of the Journal of Monday, January 26, 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. 804

**ORDERED**, the House concurring, that when the House and Senate Adjourn they do so until Monday, February 2, 1998, at 10:00 in the morning.

**READ and PASSED.**

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

**PAPERS FROM THE HOUSE**

**House Papers**

Resolve, to Encourage High-performance Work Organizations and Quality Jobs in Rural Maine  
H.P. 1540 L.D. 2167

Comes 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 to Require Health Insurance Coverage for In Vitro Fertilization Procedures"  
H.P. 1539 L.D. 2166

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.

Bill "An Act to Require the State to Be Responsible for the Costs of School Employee Record Checks and Fingerprinting"  
H.P. 1536 L.D. 2163

Comes 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 Encourage Adoptions and Reduce the Number of Children in Foster Care in the State" (EMERGENCY)  
H.P. 1541 L.D. 2168

Comes 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 Establish an Advisory Commission on Women Veterans"  
H.P. 1532 L.D. 2159

Bill "An Act to Reduce Costs and Increase Efficiency of the Regulation and Promotion of Harness Racing"  
H.P. 1542 L.D. 2169

Comes 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 Promote the Expansion of Pari-mutuel Simulcast Wagering"  
H.P. 1538 L.D. 2165

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

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

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Bill "An Act to Create a Maritime Empowerment Zone"  
H.P. 1531 L.D. 2158

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

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

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Resolve, to Enhance the Economy and Tourism Industry in Hancock County and Western Washington County by Requiring the Implementation of the Biennial Transportation Improvement Program Regarding Shared Use of the Calais Branch Rail Line  
H.P. 1537 L.D. 2164

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

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

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Bill "An Act to Encourage Customer Choice and Competitive Rates for Natural Gas"  
H.P. 1533 L.D. 2160

Comes 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.

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**Pursuant to Resolve**  
**Commission to Examine Rate Setting and the Financing of**  
**Maine's Long-term Care Facilities**

The **Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities**, pursuant to Resolve 1997, chapter 81, section 7 asked leave to report that the accompanying Resolve, to Provide Supplemental Funding for the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities (EMERGENCY)  
H.P. 1534 L.D. 2161

Be referred to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **PINGREE** of Knox, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

Sent down for concurrence.

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**Pursuant to Resolve**  
**Commission to Determine the Adequacy of Services to**  
**Persons with Mental Retardation**

The **Commission to Determine the Adequacy of Services to Persons with Mental Retardation**, pursuant to Resolve 1997, chapter 79 asked leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Commission to Determine the Adequacy of Services to Persons with Mental Retardation"  
H.P. 1543 L.D. 2170

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** 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 **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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**Pursuant to Resolve**  
**Task Force on State and Federal Tax Filing**

The **Task Force on State and Federal Tax Filing**, pursuant to Resolve 1997, chapter 66 asked leave to report that the accompanying Resolve, to Implement the Interim Recommendations of the Task Force on State and Federal Tax Filing  
H.P. 1544 L.D. 2171

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

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

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

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

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Off Record Remarks

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**REPORTS OF COMMITTEES**

**House**

**Change of Committee**

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Increase Health Insurance Benefits for Retired Educators" H.P. 132 L.D. 174

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR**.

Report **READ**.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT**.

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The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Amend the Prevailing Wage Laws" H.P. 1037 L.D. 1454

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR**.

Report **READ**.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT**.

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

#### REPORTS OF COMMITTEES

##### House

##### Pursuant to Joint Order

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Meet Maine National Guard Payrolls Related to the Ice Storms of 1998" (EMERGENCY) H.P. 1549 L.D. 2178

Reported that the same **OUGHT TO PASS**, pursuant to Joint Order (H.P. 148).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**, pursuant to Joint Order (H.P. 148).

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, pursuant to Joint Order (H.P. 148), in concurrence.

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The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Concerning Disaster Assistance in 1998" (EMERGENCY) H.P. 1550 L.D. 2179

Reported that the same **OUGHT TO PASS**, pursuant to Joint Order (H.P. 148).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**, pursuant to Joint Order (H.P. 148).

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, pursuant to Joint Order (H.P. 148), in concurrence.

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

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#### ORDERS OF THE DAY

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

HOUSE REPORT - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Increase Health Insurance Benefits for Retired Educators" H.P. 132 L.D. 174

Report - **Refer to the Committee on Labor**

Tabled - January 28, 1998, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF THE REPORT**

(In House, January 26, 1998, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR**.)

(In Senate, January 28, 1998, Report **READ**.)

Report **ACCEPTED**, in concurrence.

**REFERRED** to the Committee on **LABOR**, in concurrence.

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

HOUSE REPORT - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Amend the Prevailing Wage Laws" H.P. 1037 L.D. 1454

Report - **Refer to the Committee on Labor**

Tabled - January 28, 1998, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF THE REPORT**

(In House, January 26, 1998, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR**.)

(In Senate, January 28, 1998, Report **READ**.)

Report **ACCEPTED**, in concurrence.

**REFERRED** to the Committee on **LABOR**, in concurrence.

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Off Record Remarks

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Require Alternate Sources of Power for Elderly Housing" H.P. 1548 L.D. 2177

Comes 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.

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Bill "An Act Concerning Sea Urchin Management" H.P. 1547 L.D. 2176

Comes 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.

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Bill "An Act to Remove the Debt Limit of the Limerick Water District" (EMERGENCY) H.P. 1546 L.D. 2175

Comes 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.

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**Pursuant to Resolve  
Commission to Study Insurance Fraud**

The **Commission to Study Insurance Fraud**, pursuant to Resolve 1997, chapter 77 asked leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Commission to Study Insurance Fraud" H.P. 1545 L.D. 2174

Be **REFERRED** to the Committee on **BANKING AND INSURANCE** 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 **BANKING AND INSURANCE** and ordered printed pursuant to Joint Rule 218.

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

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

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**ORDERS OF THE DAY**

**Unfinished Business**

The following matter 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 (1/21/98) Assigned matter:

JOINT ORDER - relative to Recalling from the Legislative Files to the House Bill "An Act to Change the Weekly Employee Pay Requirement in State Law" (S.P. 140) (L.D. 419) H.P. 1405

Tabled - January 21, 1998, by Senator **PINGREE** of Knox.

Pending - **PASSAGE**

(In House, January 20, 1998, **READ** and **PASSED**.)

(In Senate, January 21, 1998, **READ**.)

Pursuant to Joint Rule 404, a Division was had. 6 Members having voted in the affirmative and 16 Members having voted in the negative, and 6 being less than two-thirds of the members present and voting the Joint Order **FAILED PASSAGE** in **NON-CONCURRENCE**.

Sent down for concurrence.

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Off Record Remarks

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Senate at Ease

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Senate called to order by the President.

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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:

**Emergency**

An Act to Meet Maine National Guard Payrolls Related to the Ice Storms of 1998  
H.P. 1549 L.D. 2178

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with no Senators having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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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:

**Emergency**

An Act Concerning Disaster Assistance in 1998  
H.P. 1550 L.D. 2179

**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 almost hesitate to stand up. I hate to upset what looks like a good thing going here. But I'd like to make a couple of comments if I may.

**THE PRESIDENT:** The Senator has the floor.

Senator **CLEVELAND:** Thank you Mr. President. I think I would be remiss if I didn't comment briefly on this bill. I think it's important as well to begin by thanking some folks. It was the Finance Authority of Maine who, acting on their own initiative with support of their board, came forward at a time of need to present this opportunity to help Maine's small businesses. I think this is the kind of leadership and activity that we want to encourage, and I want to thank them for taking the initiative to do that. I also want to thank all the members of the Appropriations Committee including members from the other body, in coming to a unanimous vote on this. And in particular I'd like to thank my colleague in the Senate, Senator Bennett, for helping to initiate the concept in the way of finding common ground here. I think it exemplifies what we can do when we wish to work together as well. And of course, the Chair, Senator Michaud, for helping us in leading us to the unanimous vote.

What this bill does, very briefly, is provide emergency loans up to \$10,000 for small businesses that have been affected by the ice storms this year. We will do so in a very rapid way, in many cases they will process the application and issue a loan in the same day. It will allow small businesses that need to replace their inventory or meet a payroll the cash to do so, so that 200 or 300 businesses in Maine can stay in business. I think it's very symbolic of the spirit that we saw in Maine during this whole episode where neighbors and friends and people opened their homes, gave of themselves and helped one another. This bill, I think, also shows that the State Legislature can act in the same

way, can understand the needs of small businesses, can react quickly and can open up our home and help our citizens and our neighbors and our small businesses. And I think this is extremely consistent with that spirit of Maine and I want to thank all of you for your support on doing that.

Finally, I'd like to note that the Appropriations Committee unanimously voted to exempt this bill from the Appropriations table, as well as the previous bill you just acted on, so it won't be required to go back to the table.

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

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Off Record Remarks

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Senator **FERGUSON** of Oxford was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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On motion by Senator **FERGUSON** of Oxford, **ADJOURNED**, pursuant to the Joint Order, until Monday, February 2, 1998, at 10:00 in the morning.