

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

Volume 2

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May 20, 1997 to June 20, 1997

First Confirmation Session
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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
Tuesday
February 3, 1998

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

Prayer by Chaplain Scott Dow of Augusta Mental Health Institute in Augusta.

CHAPLAIN SCOTT DOW: Holy and loving God, You have called us to be a holy and loving people. We bow before you in response to that call. We pray for the will to be holy and loving persons. We pray for the wisdom to be holy and loving citizens. We pray for the courage to be holy and loving legislators. Thank You for our calling, and thank You for the grace to answer it faithfully. Amen.

Doctor of the Day, Spence Bisbing, D.O., Cumberland Foreside.

Reading of the Journal of Monday, February 2, 1998.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matters

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

In House, January 26, 1998, Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

In Senate, January 28, 1998, Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed pursuant to Joint Rule 218 in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

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

House Papers

Bill "An Act to Increase the Number of Probation Officers and Corrections Support Staff" H.P. 1551 L.D. 2180

Bill "An Act to Appropriate Funds to the Battleship USS Maine Centennial Committee to Restore and Maintain the Monument to the USS Maine in Davenport Park" (EMERGENCY)
H.P. 1555 L.D. 2184

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.

Resolve, to Provide Accountability in the Probation System
H.P. 1556 L.D. 2185

Resolve, Regarding Legislative Review of Certification and Monitoring of Batterer Intervention Programs, a Major Substantive Rule of the Department of Corrections (EMERGENCY)
H.P. 1560 L.D. 2189

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 Laws Regarding Intellectual Property Rights" H.P. 1554 L.D. 2183

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 Create the Maine Temporary Disability Benefits Law" H.P. 1557 L.D. 2186

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

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

Bill "An Act Concerning Reporting Deadlines of Studies Authorized by Law" (EMERGENCY) H.P. 1552 L.D. 2181

Comes 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 Name the Bridge on Route 236 the Jeffrey Curley Bridge
H.P. 1559 L.D. 2188

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

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

**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 Create the Crime of Insurance Fraud and Require Reporting of Convictions to Licensing Authorities"
H.P. 1553 L.D. 2182

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 **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **PINGREE** of Knox, **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218, in concurrence.

Joint Resolution

The following Joint Resolution: H.P. 1558

JOINT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO RELEASE LIHEAP FUNDS TO ASSIST MAINE CITIZENS

WE, your Memorialists, the Members of the One Hundred and Eighteenth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President and the Congress of the United States, as follows:

WHEREAS, the State of Maine has suffered one of the worst natural disasters in its history; and

WHEREAS, 800,000 people have been without power for a week or more; and

WHEREAS, the need for emergency assistance is growing; and

WHEREAS, the State of Maine is seeking every avenue of assistance possible; and

WHEREAS, the State of Maine is still responding to the emergency and is preparing to start the recovery process; and

WHEREAS, the United States Government has a \$300,000,000 Low-Income Home Energy Assistance Program (LIHEAP) emergency fund set aside to ensure that unique

demands for assistance be addressed in situations such as the one being experienced in the State of Maine; and

WHEREAS, the United States Government through its LIHEAP emergency fund assisted other states that have experienced similar disasters; and

WHEREAS, the State of Maine's situation is equally compelling, due to the widespread loss of electricity and severe weather; and

WHEREAS, the State of Maine is requesting assistance from the United States Government for its low-income households through the LIHEAP emergency fund; and

WHEREAS, the State of Maine requests that the United States Government act quickly so that it may make the most efficient use of the funds and can assist families that have been affected by this disaster; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge the President of the United States to release from the Low-Income Home Energy Assistance Program emergency funds to assist the citizens of Maine during their current crisis; and, be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States and the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 498

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

January 30, 1998

The Honorable Mark W. Lawrence, President
Maine State Senate
The Honorable Elizabeth H. Mitchell, Speaker
Maine House of Representatives
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Order, H.P. 1345, the Joint Select Committee to Oversee Maine Yankee Atomic Power Company is pleased to submit its final report. Copies of the report have been transmitted to the Legislative Council in accordance with the order. Copies of the report have also been provided to the Joint Standing Committee on Utilities and Energy and the Law and Legislative Reference Library.

Sincerely,

S/Senator Richard J. Carey, Chair
Joint Select Committee to Oversee Maine
Yankee Atomic Power Company

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

The Following Communication: S.C. 499

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

February 2, 1998

The Honorable Mark W. Lawrence, President
Maine State Senate
The Honorable Elizabeth H. Mitchell, Speaker
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Public Law 1997, chapter 560, Part B, the Maine Commission on Children's Health Care is pleased to submit its final report including recommended legislation. Copies of the report have been transmitted to the Governor, the Legislative Council and the Joint Standing Committee on Health and Human Services in accordance with the law. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Rep. Randall L. Berry, Chair
Maine Commission on Children's Health Care

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

SENATE PAPERS

Bill "An Act to Provide State Matching Funds for Federal Disaster Assistance Relating to the January Ice Storms" (EMERGENCY) S.P. 812 L.D. 2191

Presented by President LAWRENCE of York. (GOVERNOR'S BILL)

Cosponsored by Speaker MITCHELL of Vassalboro and Senators AMERO of Cumberland, BENNETT of Oxford, MICHAUD of Penobscot, Representatives DONNELLY of Presque Isle, KERR of Old Orchard Beach.

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

Sent down for concurrence.

Bill "An Act Concerning Enforcement of Parking Spaces for Persons with Physical Disabilities" S.P. 813 L.D. 2195

Presented by Senator MURRAY of Penobscot.

Cosponsored by Representatives CAMPBELL of Holden, JONES of Greenville.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **LABOR** on Bill "An Act to Permit a Suit Against an Employer Who Knowingly Places a Worker at Risk of Serious Bodily Injury or Death" H.P. 876 L.D. 1193

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

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

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

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

Ought to Pass

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Authorizing the Transfer of Certain State Park Property H.P. 1389 L.D. 1942

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED.**

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

RECALLED FROM LEGISLATIVE FILES

Bill "An Act to Provide Health Insurance Coverage for Prostate Cancer Screening" S.P. 320 L.D. 1060 (C "A" S-274)

(**RECALLED** pursuant to Joint Order (S.P. 762), in concurrence.)

(In Senate, May 22, 1997, **ADHERED to PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-274).**)

(In House, May 23, 1997, that Body **INSISTED to ACCEPTANCE** of the Majority **OUGHT NOT TO PASS** Report and **ASKED FOR A COMMITTEE OF CONFERENCE.**)

On motion by Senator **ABROMSON** of Cumberland, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADHERED to PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-274).**

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION.**

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 (1/8/98) Assigned matter:

Bill "An Act to Amend and Clarify Laws Concerning Nuclear Safety" S.P. 714 L.D. 1960

Tabled - January 7, 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 **UTILITIES AND ENERGY.**

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator **GOLDTHWAIT** for the Committee on **MARINE RESOURCES** on Bill "An Act to Correct Certain Inconsistencies in the Marine Resources Laws" S.P. 733 L.D. 2011

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Senator **CLEVELAND** for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Provide Additional Time for the Public Utilities Commission to Adopt Certain Rules" (EMERGENCY) S.P. 691 L.D. 1926

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator **HARRIMAN** for the Committee on **UTILITIES AND ENERGY** on Bill "An Act Clarifying the Public Service Corporation Exception" S.P. 681 L.D. 1906

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-450).**

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

READ ONCE.

Committee Amendment "A" (S-450) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

The President appointed the Senator from Cumberland, Senator **RAND**, to serve as President Pro Tem for the session on Wednesday, February 4, 1998.

Off Record Remarks

Senator **PARADIS** of Aroostook 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

Senator **GOLDTHWAIT** of Hancock was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

On motion by Senator **PINGREE** of Knox, **ADJOURNED** until Wednesday, February 4, 1998, at 3:00 in the afternoon.