

# 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  
Tuesday  
February 10, 1998

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

Prayer by Senator I. Joel Abromson of Cumberland County.

**SENATOR I. JOEL ABROMSON:** Thank you Mr. President. Good morning. The last time I was privileged to offer the opening prayer in this chamber was on May 9<sup>th</sup>, 1997. My prayer at that time was taken from the Reverend Peter Marshall, Chaplain of the United States Senate in the 1950's. He said at that time, "God, give us the vision to know where to stand and what to stand for. Because if we don't stand for something, we'll fall for anything." Later that day we were all privileged to witness the Senate President Pro Tem, the Honorable Susan W. Longley of Waldo, sign the amendment to the Human Rights Act, which banned discrimination based on sexual orientation. The Maine Senate had taken its stand. One week later the Chief Executive of Maine took his stand and signed L.D. 1116 into law.

Now join me as we offer our prayer to the One we, each in our own way and belief, consider to be the Supreme Being. We pray that today the people of Maine will go to the poles to vote what their conscience tells them to do is the right thing. We ask that You guide their hands and hearts as they too, avoid falling for anything while standing for something, individual dignity and human rights. We pray that when we wake up tomorrow morning, it will be in a state where all our citizens are treated equally. Amen.

Doctor of the Day, Erik Steele, D.O., Bangor.

Reading of the Journal of Monday, February 9, 1998.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator PINGREE of Knox, the following Senate Order:  
S.O. 26

**ORDERED,** that a message be sent to the House of Representatives proposing a Joint Convention of both Branches to be held in the Hall of the House at 9:30 in the morning for the purpose of extending an invitation to the Honorable Daniel E. Wathen, Chief Justice of the Maine Supreme Judicial Court, and members of the Judiciary to attend the Convention and deliver such communication as pleases him.

**READ and PASSED.**

The President appointed the Senator from Knox, Senator PINGREE to deliver the message to the House of Representatives. The Sergeant-at-Arms escorted the Senator to the House of Representatives.

Subsequently, the Senator from Knox, Senator PINGREE, reported that she had delivered the message with which she was charged.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Implement Recommendations of the Joint Standing Committee on Banking and Insurance Relating to the Review of the Bureau of Insurance, the Bureau of Banking and the Securities Division within the Department of Professional and Financial Regulation under the State Government Evaluation Act" H.P. 1564 L.D. 2197

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 Implement the Recommendations Relating to the Review of the Department of Professional and Financial Regulation's Office of the Commissioner, Office of Consumer Credit Regulation and Office of Licensing and Registration under the State Government Evaluation Act" H.P. 1565 L.D. 2198

Comes 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 Clarify the Responsibilities of Certain Divisions in the Department of Labor" H.P. 1567 L.D. 2201

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 Regarding Veterans' Benefits" H.P. 1569 L.D. 2202

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 Make Supplemental Allocations from the Highway Fund and Other Funds for the Fiscal Years Ending June 30, 1998 and June 30, 1999" (EMERGENCY)  
H.P. 1566 L.D. 2199

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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**Pursuant to Private and Special Law  
Task Force to Study Equal Economic Opportunity for all  
Regions of the State**

The **Task Force to Study Equal Economic Opportunity for all Regions of the State** pursuant to Private and Special Law 1997, chapter 51 asked leave to report that the accompanying Bill "An Act to Create the Maine Economic Opportunity Advisory Committee"  
H.P. 1571 L.D. 2203

Be **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** 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 **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218, in concurrence.

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**Joint Orders**

The following Joint Order: H.P. 1570

**ORDERED**, the Senate concurring, that the Joint Standing Committee on State and Local Government report out to the House such legislation as is necessary to revise the salaries of county officers and lay the county taxes for the calendar year 1998.

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

**READ** and **PASSED**, in concurrence.

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**Joint Resolution**

The following Joint Resolution: H.P. 1568

**JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF  
THE UNITED  
STATES TO REMOVE TOBACCO SUBSIDIES**

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 of the United States and the United States Congress, as follows:

WHEREAS, tobacco is addictive and detrimental to people's health; and

WHEREAS, people of all ages are affected by the use of tobacco; and

WHEREAS, the United States Secretary of Agriculture sets price supports for tobacco; authorizes loans to tobacco producers; provides noninsured crop disaster assistance; and, through the Commodity Credit Corporation, provides federal crop insurance for tobacco producers; and

WHEREAS, the State of Maine, the 49 other states and the Federal Government have spent billions of dollars collectively on health care costs related to tobacco; and

WHEREAS, farms with fertile soil grow over a ton of tobacco per acre; and

WHEREAS, 124,000 farms in the United States grow a total of 1.65 billion pounds of tobacco annually; and

WHEREAS, the \$358.5 billion settlement from tobacco companies to the states could be used by producers to grow food crops; and

WHEREAS, the tobacco quota rights program gives producers permission to grow tobacco at \$8 per pound and gives transition payments to producers who lease the quota rights; and

WHEREAS, the price paid to tobacco producers for tobacco will fall if the price support is eliminated; and

WHEREAS, federal price supports are critical and producers will not grow tobacco without this assistance; now, therefore, be it

**RESOLVED:** That We, your Memorialists, request the President of the United States and the United States Congress to remove the financial assistance necessary to grow the tobacco crop; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Honorable William J. Clinton, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives of the United States; the Speaker of the House or the equivalent officer in the 49 other states; the President of the Senate or the equivalent officer in the 49 other states; and each member of the Maine Congressional Delegation.

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

**READ** and **ADOPTED**, in concurrence.

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At this point, a message was received from the House of Representatives, borne by Representative KONTOS of Windham, informing the Senate that the House of Representatives concurred in the proposition for a Joint Convention, to be held in the Hall of the House, at 9:30 in the morning for the purpose of extending an invitation to the Honorable Daniel E. Wathen, Chief Justice of the Maine Supreme Judicial Court, and members of the Judiciary to attend the Convention and deliver such communication as pleases the Chief Justice.

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**COMMUNICATIONS**

The Following Communication: S.P. 820

**118<sup>TH</sup> MAINE LEGISLATURE**

February 9, 1998

Senator Susan Longley  
Representative Richard Thompson  
Chairpersons  
Joint Standing Committee on Judiciary  
118<sup>th</sup> Legislature  
Augusta, Maine 04333

Dear Senator Longley and Representative Thompson:

Please be advised that Governor Angus S. King, Jr. has nominated Brian E. Thibeau of Caribou for reappointment as a member of the Maine Human Rights Commission.

Pursuant to Title 5, MRSA subsection 4561, this nomination will require review by the Joint Standing Committee on Judiciary 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 **JUDICIARY**.

Sent down for concurrence.

The Following Communication: S.P. 821

**118<sup>TH</sup> MAINE LEGISLATURE**

February 9, 1998

Senator Sharon Treat  
Representative Steven Rowe  
Chairpersons  
Joint Standing Committee on Natural Resources  
118<sup>th</sup> Legislature  
Augusta, Maine 04333

Dear Senator Treat and Representative Rowe:

Please be advised that Governor Angus S. King, Jr. has nominated Andrew A. Cadot of Freeport for reappointment as a member of the Board of Environmental Protection.

Pursuant to Title 38, MRSA subsection 341-C, this nomination will require review by the Joint Standing Committee on Natural Resources 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 **NATURAL RESOURCES**.

Sent down for concurrence.

The Following Communication: S.C. 514

**MAINE STATE LEGISLATURE  
COMMISSION TO STUDY THE RESTRUCTURING OF THE  
STATE'S FISCAL POLICIES TO PROMOTE THE  
DEVELOPMENT OF HIGH-TECHNOLOGY  
INDUSTRY IN MAINE**

January 30, 1998

President Mark Lawrence  
Maine Senate  
State House Station 3  
Augusta, Maine 04333

Speaker Elizabeth H. Mitchell  
Maine House of Representatives  
State House Station 2  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Enclosed is the report of the Commission to Study the Restructuring of the State's Fiscal Policies to Promote the Development of High-technology Industry in Maine. The Commission concluded that the high-technology industry provides exciting challenges and opportunities for economic growth in the 21st Century. If Maine is to maintain and improve its ability to attract and retain high-technology industry it must make the commitment:

- To pursue a coordinated strategy for ensuring a technologically skilled workforce.
  - Achieve a telecommunications infrastructure that is conducive to high-technology growth
  - Maintain a government structure and policy that is responsive to the needs of high-technology businesses
- Our report makes the recommendations necessary to move forward that commitment.

We thank you and the other members of the Legislative Council, as well as Governor King, for this opportunity to have a role in shaping the policy of the State in this very important area. If we can be of further assistance, please do not hesitate to contact us.

Sincerely:

S/ Mark B. LeDuc  
Co-chair

S/Jeffrey Nathanson  
Co-chair

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

S/Daniel E. Wathen  
Chief Justice

The Following Communication: S.C. 515

**118TH MAINE LEGISLATURE**

February 2, 1998

Daniel E. Wathen, Chief Justice  
Kennebec County Court House  
65 Stone Street  
Augusta, Maine 04330

Dear Chief Justice Wathen:

We are pleased to invite you to address a Joint Session of the 118th Maine Legislature on Tuesday, February 10, 1998, at 9:30 a.m. concerning the State of the Judiciary and any other matter that you may care to bring to our attention.

We look forward to seeing you then.

Best wishes,

S/Mark W. Lawrence  
President of the Senate

S/Elizabeth H. Mitchell  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 516

**STATE OF MAINE  
SUPREME JUDICIAL COURT  
AUGUSTA, MAINE 04330**

February 6, 1998

Hon. Mark W. Lawrence  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Hon. Elizabeth H. Mitchell  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

I accept your invitation to address a Joint Session of the 118th Maine Legislature on Tuesday, February 10. I consider this occasion as one of the most important duties that I perform in the course of a given year. I appreciate the courtesy of the legislative branch of government in permitting me to address the cause of justice in Maine.

See you on Tuesday.

Sincerely yours,

**READ and ORDERED PLACED ON FILE.**

**SENATE PAPERS**

**Pursuant to Joint Order**

Senator BENNETT for the **Joint Select Committee on Research and Development**, pursuant to Joint Order S.P. 669, asked leave to report that the accompanying Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20 Million to Stimulate the Maine Economy through Research and Development" S.P. 819 L.D. 2205

Be **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed pursuant to Joint Rule 401.

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

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed pursuant to Joint Rule 401.

Sent down for concurrence.

**REPORTS OF COMMITTEES**

**House**

**Change of Committee**

From the Committee on **BANKING AND INSURANCE** on Bill "An Act to Establish a State Disaster Relief Trust Fund" H.P. 1097 L.D. 1540

Reported that the same be **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

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

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

**Ought to Pass**

From the Committee on **TRANSPORTATION** on Resolve, to Name the Newly Constructed Route 2 Palmyra Bridge in Memory of Trooper Thomas Merry (EMERGENCY) H.P. 1422 L.D. 1986

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-785)**.

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

**READ ONCE.**

House Amendment "A" (H-785) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

From the Committee on **TRANSPORTATION** on Resolve, to Name the East Outlet Bridge the Richard Francis Lavigne Bridge  
H.P. 1448 L.D. 2039

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.**

**SECOND READERS**

The Committee on **Bills in the Second Reading** reported the following:

**House as Amended**

Bill "An Act Regarding the Possession of Tobacco Products by a Juvenile"  
H.P. 1364 L.D. 1914  
(C "A" H-781)

Bill "An Act to Provide Representation for Chiropractors on the Board of the Maine Health Data Organization"  
H.P. 1407 L.D. 1971  
(C "A" H-780)

**READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

**Senate**

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

**READ A SECOND TIME** and **PASSED TO BE ENGROSSED.**

Sent down for concurrence.

**Senate as Amended**

Bill "An Act to Amend the Election Laws"  
S.P. 686 L.D. 1917  
(C "A" S-451)

**READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED.**

Sent down for concurrence.

**ENACTORS**

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

**Resolve Pursuant to Constitution  
Public Land**

Resolve, Authorizing the Transfer of Certain State Park Property  
H.P. 1389 L.D. 1942

This being a Resolve concerning State Park Lands, in accordance with the provisions of Section 23 of Article IX of the Constitution, 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 **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**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 (2/3/98) Assigned matter:

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

Tabled - February 3, 1998, by Senator **ABROMSON** of Cumberland.

**Pending - FURTHER CONSIDERATION**

(**RECALLED** from Legislative Files 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.**)

(In Senate, February 3, 1998, on motion by Senator **ABROMSON** of Cumberland, under suspension of the Rules, the Senate **RECONSIDERED** whereby it **ADHERED.**)

On motion by Senator **ABROMSON** of Cumberland, the Senate **RECEDED** from **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-274).**

On further motion by same Senator, the Senate **RECEDED** from **ADOPTION** of Committee Amendment "A" (S-274).

On further motion by same Senator, Committee Amendment "A" (S-274) **INDEFINITELY POSTPONED.**

On further motion by same Senator, Senate Amendment "A" (S-452) **READ.**

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

Senator **ABROMSON:** Thank you Mr. President. Senate Amendment "A" does two things. Number one, it changes the effective date of the legislation as it was originally effective January 1, 1998, and of course, that's passed. It moves it now to September 1, 1998. And it also exempts certain types of disease specific insurance from this bill as well as accident insurance. Thank you Mr. President.

On further motion by same Senator, Senate Amendment "A" (S-452) **ADOPTED.**

**PASSED TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE.**

Sent down for concurrence.

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Off Record Remarks

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Senator **CLEVELAND** of Androscoggin was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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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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At this point, the Senate retired to the Hall of the House of Representatives, where a Joint Convention was formed.

After Convention

In Senate Chamber

Senate called to order by the President.

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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:

#### REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator **MICHAUD** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on 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

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

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

Under suspension of the Rules, **READ TWICE AND PASSED TO BE ENGROSSED.**

Sent down for 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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On motion by Senator **MITCHELL** of Penobscot, **ADJOURNED** until Wednesday, February 11, 1998, at 9:00 in the morning.