

# 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  
February 11, 1998

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

Prayer by Reverend Bruce Felt of the Augusta Baptist Church.

**REVEREND BRUCE FELT:** Let us pray. Our Father in heaven, You told us that the God who made the world and everything in it is the Lord of heaven and earth. He is not far from each one of us, for in Him we live and move and have our being. May we be mindful of this today. And may the men and women of this Senate, in conducting today's business, do so with quiet confidence and wisdom provided by You. Thank You for Your presence and strength. Through Jesus Christ our Lord. Amen.

Doctor of the Day, Harry Grimmnitz, M.D., Readfield.

Reading of the Journal of Tuesday, February 10, 1998.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Assist Municipalities with Ice Storm-related Cleanup and Reduce Unemployment" (EMERGENCY)  
H.P. 1572 L.D. 2206

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 Establish the Office of Mental Health and Human Services Ombudsman"  
H.P. 1573 L.D. 2207

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.

Bill "An Act to Encourage the Development of Small Distributed Generation Technologies That Reduce Pollution"  
H.P. 1574 L.D. 2208

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.

**COMMUNICATIONS**

The Following Communication: S.C. 517

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON BUSINESS AND ECONOMIC  
DEVELOPMENT**

February 9, 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 Business and Economic Development has had under consideration the nomination of Willard E. Riley of Bangor, for appointment as a Member of the Real Estate Commission.

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	MacKinnon of York
	Representatives:	9	Vigue of Winslow, Sirois of Caribou, Farnsworth of Portland, Shannon of Lewiston, Wright of Berwick, Cameron of Rumford, Murphy of Kennebunk, Bodwell of Brunswick, MacDougall of North Berwick
NAYS:		0	
ABSENT:		3	Sen. Jenkins of Androscoggin, Sen. Rand of Cumberland, Rep. Mack of Standish

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 Willard E. Riley of Bangor, for appointment as a Member of the Real Estate Commission be confirmed.

Signed,

S/John T. Jenkins  
Senate Chair

S/Marc J. Vigue  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** 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 called the Roll with the following result:

**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, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: BUTLAND, MILLS, NUTTING, 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 **Willard E. Riley** for appointment as a Member of the Real Estate Commission was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication: S.C. 518

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON BUSINESS AND ECONOMIC  
DEVELOPMENT**

February 9, 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 Business and Economic Development has had under consideration the nomination of Jeffrey H. Kaelin of Winterport, for reappointment as a Member of the Finance Authority of Maine.

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 MacKinnon of York

Representatives: 7 Vigue of Winslow, Sirois of Caribou, Farnsworth of Portland, Shannon of Lewiston, Wright of Berwick, Murphy of Kennebunk, MacDougall of North Berwick

NAYS: 0

ABSENT: 5 Sen. Jenkins of Androscoggin, Sen. Rand of Cumberland, Rep. Cameron of Rumford, Rep. Bodwell of Brunswick, Rep. Mack of Standish

Eight 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 Jeffrey H. Kaelin of Winterport, for reappointment as a Member of the Finance Authority of Maine be confirmed.

Sincerely,

S/John T. Jenkins  
Senate Chair

S/Marc J. Vigue  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** 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 called the Roll with the following result:

**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, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: BUTLAND, MILLS, NUTTING, 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 **Jeffrey H. Kaelin** for reappointment as a Member of the Finance Authority of Maine was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

From the Committee on **BANKING AND INSURANCE** on Bill "An Act to Restore the Managing General Agents Act" (EMERGENCY) H.P. 1458 L.D. 2049

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

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

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

**READ ONCE**.

**TOMORROW ASSIGNED FOR SECOND READING**.

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Change the Budgeting Process for York County" H.P. 52 L.D. 77

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-784)**.

Signed:

Senators:

NUTTING of Androscoggin  
GOLDTHWAIT of Hancock  
LIBBY of York

Representatives:

AHEARNE of Madawaska  
FISK of Falmouth  
BAGLEY of Machias  
BUMPS of China  
GIERINGER of Portland  
KASPRZAK of Newport

Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Representatives:

LEMKE of Westbrook  
GERRY of Auburn  
SANBORN of Alton

Comes from the House, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

Reports **READ**.

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

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Establish the Maine Disaster Relief Laws" H.P. 887 L.D. 1204

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-783)**.

Signed:

Senators:

NUTTING of Androscoggin  
LIBBY of York

Representatives:

AHEARNE of Madawaska  
GERRY of Auburn  
LEMKE of Westbrook  
BUMPS of China  
GIERINGER of Portland

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Senator:

GOLDTHWAIT of Hancock

Representatives:

FIK of Falmouth  
KASPRZAK of Newport  
SANBORN of Alton

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-783)**.

Reports **READ**.

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

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**Senate**

**Ought to Pass As Amended**

Senator **LAFOUNTAIN** for the Committee on **BANKING AND INSURANCE** on Bill "An Act Relating to Reciprocal Insurers and Captive Insurance Companies" S.P. 693 L.D. 1928

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-453)**.

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

**READ ONCE**.

Committee Amendment "A" (S-453) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Permit the Consideration of Any Location in the State for the Location of the New Criminal Justice Academy" S.P. 688 L.D. 1924

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

Signed:

Senators:

**MURRAY** of Penobscot  
**O'GARA** of Cumberland  
**MITCHELL** of Penobscot

Representatives:

**POVICH** of Ellsworth  
**TOBIN** of Dexter  
**BUNKER** of Kossuth Township  
**FRECHETTE** of Biddeford  
**WHEELER** of Bridgewater  
**PEAVEY** of Woolwich  
**O'BRIEN** of Augusta

**JONES** of Greenville  
**MUSE** of South Portland

Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Representatives:

**MCALEVEY** of Waterboro

Reports **READ**.

On motion by Senator **MURRAY** of Penobscot, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

**READ ONCE**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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**SECOND READERS**

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

**House**

Resolve, to Name the East Outlet Bridge the Richard Francis Lavigne Bridge H.P. 1448 L.D. 2039

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

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**House As Amended**

Resolve, to Name the Newly Constructed Route 2 Palmyra Bridge in Memory of Trooper Thomas Merry (EMERGENCY) H.P. 1422 L.D. 1986 (H "A" H-785)

**READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, 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 (2/4/98) Assigned matter:

**SENATE REPORT** - from the Joint Select Committee on Research and Development, pursuant to Joint Order S.P. 669, on Bill "An Act to Expand the Maine Seed Capital Tax Credit Program" S.P. 814 L.D. 2196

Report - **Refer to the Committee on Business and Economic Development.**

Tabled - February 4, 1998, by Senator **MURRAY** of Penobscot.

Pending - **ACCEPTANCE OF THE REPORT**

(In Senate, February 4, 1998, Report **READ.**)

Report **ACCEPTED.**

On motion by Senator **PINGREE** of Knox, **REFERRED** to the Committee on **TAXATION.**

Sent down for concurrence.

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Senator **MACKINNON** of York was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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Senator **AMERO** of Cumberland 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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On motion by Senator **PINGREE** of Knox, **ADJOURNED** until Thursday, February 12, 1998, at 3:00 in the afternoon.