

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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 18, 1998

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

Prayer by Senator John W. Benoit of Franklin County.

**SENATOR JOHN W. BENOIT:** Thank you Mr. President. My homemade prayer will be greatly enhanced if we are in a prayerful sense. Lord, look on us each in different dress, but clothed all the same in a work suit of stress. Help us each day to tip Your love cup. Drink a full measure and lighten up. May we toil together with cooperative manners declining to wave any personal banners. When day is done and we're homeward bound, may we feel we've kept both feet on the ground. If a wall stands between us, it could be a window too. Lord, when we look into a mirror help us get a glimpse of You. Amen.

Reading of the Journal of Tuesday, February 17, 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. 27

**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 Terrence MacTaggart, Chancellor of the University of Maine System and the Honorable John Fitzsimmons, President of the Maine Technical College System to attend the Convention and deliver such communication as pleases them.

**READ and PASSED.**

The Chair 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 Authorize the Director of the Bureau of Parks and Lands to Grant a License for Groundwater Extraction at Range Ponds State Park" H.P. 1586 L.D. 2217

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

**REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

**Pursuant to Public Law**

**Task Force on Improving Access to Prescription Drugs for the Elderly**

The **Task Force on Improving Access to Prescription Drugs for the Elderly**, pursuant to Public Law 1997, chapter 560, Part E asked leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Task Force On Improving Access to Prescription Drugs for the Elderly" H.P. 1587 L.D. 2218

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**.

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

**Pursuant to Public Law**

**Commission to Study the Restructuring of the State's Fiscal Policies to Promote the Development of High-technology Industry in Maine**

The **Commission to Study the Restructuring of the State's Fiscal Policies to Promote the Development of High-technology Industry in Maine**, pursuant to Public Law 1997, chapter 557, Part C asked leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Commission to Study the Restructuring of the State's Fiscal Policies to Promote the Development of High-technology Industry in Maine" H.P. 1585 L.D. 2216

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

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

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

---

**Pursuant to Statute  
Department of Audit**

The **Department of Audit** pursuant to Maine Revised Statutes, Title 36, section 1604 asked leave to report that the accompanying Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 1998-99" (EMERGENCY) H.P. 1584 L.D. 2215

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

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

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

---

**Joint Order**

The following Joint Order: H.P. 1590

**ORDERED**, the Senate concurring, that the State Auditor is requested to review the Community Development Fund - Mental Health, the Community Development Fund - Mental Retardation, the Community Development Fund - Children, the Consent Decree Reinvestment Fund - Mental Health and the Consent Decree Reinvestment Fund - Mental Retardation within the Department of Mental Health, Mental Retardation and Substance Abuse Services. This review must be accomplished within 30 days of the passage of this order. The State Auditor shall report the findings to the Joint Standing Committee on Health and Human Services and notify the Legislature that the auditor has complied with this order. The State Auditor shall consult the Joint Standing Committee on Health and Human Services if the auditor requires further direction concerning the intent of this order.

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

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

---

**COMMUNICATIONS**

The Following Communication: S.C. 525

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

February 2, 1998

Terrence MacTaggart, Chancellor  
University of Maine System  
107 Maine Avenue  
Bangor, Maine 04401

Dear Chancellor MacTaggart:

We are pleased to invite you to address a Joint Session of the 118<sup>th</sup> Maine Legislature on Wednesday, February 18, 1998, at 9:30 a.m. concerning the State of the University and any other matters that you may care to bring to our attention.

On that day, following your address, John Fitzsimmons, President, Maine Technical College System will be addressing the Joint Session.

We look forward to seeing you then. Best wishes.

Sincerely,

S/ Hon. Mark W. Lawrence  
President of the Senate

S/Hon. Elizabeth H. Mitchell  
Speaker of the House

**READ** and **ORDERED PLACED ON FILE.**

---

The Following Communication: S.C. 526

**UNIVERSITY OF MAINE SYSTEM  
107 MAINE AVENUE  
BANGOR, MAINE 04401**

February 11, 1998

The Honorable Mark W. Lawrence  
President of the Senate  
The Honorable Elizabeth H. Mitchell  
Speaker of the House  
State of Maine  
118<sup>th</sup> Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

It is with particular pleasure that I accept your invitation to address a Joint Session of the 118<sup>th</sup> Maine Legislature on Wednesday, February 18, 1998, at 9:30 a.m.

I consider this a distinct privilege, and I look forward to reporting on the State of the University of Maine System.

Sincerely,

S/Terrence J. MacTaggart  
Chancellor

**READ** and **ORDERED PLACED ON FILE.**

---

The Following Communication: S.C. 527

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

February 2, 1998

John Fitzsimmons, President  
Maine Technical College System  
131 State House Station  
Augusta, Maine 04333

**MAINE STATE LEGISLATURE  
AUGUSTA MAINE 04333**

February 11, 1998

Dear President Fitzsimmons:

We are pleased to invite you to address a Joint Session of the 118<sup>th</sup> Maine Legislature on Wednesday, February 18, 1998, concerning the State of the Maine Technical College System and any other matters that you may care to bring to our attention.

On that day, beginning at 9:30 a.m., Chancellor Terrence MacTaggart will be addressing the Joint Session. Your address will immediately follow the Chancellor's.

We look forward to seeing you then. Best wishes.

Sincerely,

S/Hon. Mark W. Lawrence  
President of the Senate

S/Hon. Elizabeth H. Mitchell  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 528

**MAINE TECHNICAL COLLEGE SYSTEM  
OFFICE OF THE PRESIDENT  
323 STATE STREET  
AUGUSTA, MAINE 04330**

February 5, 1998

The Honorable Mark W. Lawrence  
President of the Senate  
118<sup>th</sup> Maine Legislature  
Augusta, Maine 04333-0003

The Honorable Elizabeth H. Mitchell  
Speaker of the House  
118<sup>th</sup> Maine Legislature  
Augusta, Maine 04333-0002

Dear President Lawrence and Speaker Mitchell:

Thank you for your letter inviting me to address a Joint Session of the 118<sup>th</sup> Maine Legislature regarding the State of the Maine Technical College System on February 18<sup>th</sup>. On behalf of the hundreds of employees and thousands of students throughout the MTCS, I am pleased to accept your invitation and am deeply appreciative of this opportunity.

Sincerely yours,

S/John Fitzsimmons  
President

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 531

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 of the Maine Legislature, S.P. 669, the Joint Select Committee on Research and Development is pleased to submit its final report including recommended legislation. Copies of the report have been transmitted to the Legislative Council, and have also been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Mary R. Cathcart,  
Co-Chair  
Joint Select Committee on  
Research and Development

S/Senator Richard A Bennett,  
Co-Chair  
Joint Select Committee on  
Research and Development

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

**ORDERS**

**Joint Order**

On motion by Senator MURRAY of Penobscot, the following Joint Order: S.P. 825

**ORDERED**, the House concurring, that the Joint Standing Committee on Criminal Justice report out a bill regarding the bail code to the Senate.

**READ and PASSED.**

Sent down for concurrence.

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 Terrence MacTaggart, Chancellor of the University of Maine System and the Honorable John Fitzsimmons, President of the Maine Technical College System to attend the Convention and deliver such communication as pleases them.

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

From the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Restore the Requirement That Certain Expenditures of the Waldoboro Utility District Be Approved by District Vote" (EMERGENCY) H.P. 1382 L.D. 1937

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.**

---

**Ought to Pass As Amended**

From the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the Bingham Water District" H.P. 1426 L.D. 1990

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-791)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-791)**.

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

**READ ONCE**,

Committee Amendment "A" (H-791) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

**Senate**

**Ought to Pass As Amended**

Senator KILKELLY for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Provide Access to Veterinary Education for Maine Students" S.P. 739 L.D. 2017

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-456)**.

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

**READ ONCE**.

Committee Amendment "A" (S-456) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

**ENACTORS**

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

**Emergency**

An Act to Provide Additional Time for the Public Utilities Commission to Adopt Certain Rules S.P. 691 L.D. 1926

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.

---

**Emergency Resolve**

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

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 **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

An Act Clarifying the Public Service Corporation Exception S.P. 681 L.D. 1906 (C "A" S-450)

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

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)

An Act to Correct Certain Inconsistencies in the Marine Resources Laws S.P. 733 L.D. 2011

**PASSED TO BE ENACTED** and having been signed by the President were presented by the Secretary to the Governor for his approval.

---

**Resolve**

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

**FINALLY PASSED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

---

Senate at Ease

Senate called to order by the President.

---

Off Record Remarks

---

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

HOUSE REPORT - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Open a Discount State Liquor Store in Calais"  
H.P. 277 L.D. 341

Report - **Refer to the Committee on Legal and Veterans Affairs**

Tabled - February 2, 1998, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF THE REPORT** in **NON-CONCURRENCE**

(In House, January 28, 1998, the **BILL SUBSTITUTED FOR THE REPORT** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "D" (H-778) AND "E" (H-779).**)

(In Senate, February 2, 1998, Report **READ.**)

Report **ACCEPTED** in **NON-CONCURRENCE.**

**REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in **NON-CONCURRENCE.**

Sent down for concurrence.

---

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

After Convention

In Senate Chamber

Senate called to order by the President.

---

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

---

Off Record Remarks

---

On motion by Senator **PINGREE** of Knox, **ADJOURNED** until Thursday, February 19, 1998, at 3:00 in the afternoon.