

# 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  
Monday  
February 23, 1998

Senate called to order by President Pro Tem Chellie Pingree of Knox County.

Prayer by Pastor Rick Mowery of the Bethel Alliance Church.

**PASTOR RICK MOWERY:** I'd like to thank Senator Ferguson for the invitation to come and share in this way. I consider it a privilege and an honor. Let's look to the Lord in prayer, shall we? Our Father in heaven, we pause to thank you for this new day that You have given to us. Thank you for the very breath of life itself. Thank you Lord, for the privilege of serving You, Lord, our friends, our families of this great state of Maine. We thank you Father for our leaders and for those who You have told us to pray for. Lord, they have a responsible position. We're living in times that are complicated. Many very diverse issues are before us. And so, Lord, we need wisdom. This morning I would pray for this Senate that, Lord, You would give unusual wisdom to each one who is here today. You've told us, Lord, in the book of Proverbs that the fear of the Lord is the beginning of wisdom. We look to You today for that wisdom. You said in James that we should ask of You and You would give it unto us with undividedness. And so, Lord, we would ask that You might give wisdom and a sense of direction and guidance this day for this Senate. We thank you Lord, that You are that source of guidance. And the sense of Your presence here today, Lord, we need that. Lord, we would just ask that You may make yourself evident in the decisions that are made and the conversations that are had. We would commit these leaders to You. As we pray for them, as they conduct this business, we also remember, Lord, their families and their own personal lives, Lord. We realize that they are more than just Senators. They have personal lives as well. We ask Lord, that they may sense Your blessing and Your help in each one their lives. Lord, as we pray for the Senate today, we pray also for our Governor. We pray Lord for the House of Representatives. Oh Lord, for the office workers and all those who are in leadership over us today. We would pray that even at this time that they may sense the divine hand of God in leading them, guiding them and allowing Your presence to be known with them. Again Father, we thank you for this great country that we live in, this wonderful state of Maine, and Lord, for the privilege of prayer and the privilege of starting this day in prayer coming to You. We thank you again for each one who is here today and we ask for Your blessing upon their work. And we thank You for it in Jesus name. Amen.

Pledge of Allegiance led by Senator Jill M. Goldthwait of Hancock County.

Doctor of the Day, Richard Stephenson, M.D., Auburn.

Reading of the Journal of Thursday, February 19, 1998.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent 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 Joint Standing Committee on Legal and Veterans Affairs.

In House January 28, 1998, **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 18, 1998, Report **READ and ACCEPTED** in **NON-CONCURRENCE** and the Bill **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in **NON-CONCURRENCE**.

Comes from the House, that Body **RECEDED** and the Bill and Accompanying Papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

**COMMUNICATIONS**

The Following Communication: S.P. 832

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

February 19, 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 George A. Smith of Mount Vernon for reappointment as a member of the Maine Outdoor Heritage Fund Board.

Pursuant to Title 12, M.R.S.A., subsection 7788, 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. 538

**MAINE STATE LEGISLATURE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0013**

February 19, 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 Public Law 1997, chapter 534, section 20, the Task Force to Study the Cost-effectiveness of the Child Development Services System is pleased to submit its final report. 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 Peggy Pendleton, Chair

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

The Following Communication: S.C. 539

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON AGRICULTURE CONSERVATION AND FORESTRY**

February 17, 1998

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

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 968 An Act to Require Recommended Silvicultural Stocking Standards on Land Ownerships Enrolled under the Tree Growth Tax Laws
- L.D. 1232 An Act to Provide Relief from Barking Dogs
- L.D. 1907 An Act Regarding Short-rotation Tree Fiber Farming and Genetically Engineered Trees
- L.D. 2020 An Act to Honor Dairy Farmers' Right to Know

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Marge L. Kilkelly  
Senate Chair

S/Rep. George H. Bunker, Jr.  
House Chair

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

The Following Communication: S.C. 540

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS**

February 17, 1998

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

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 85 An Act to Authorize a General Fund Bond Issue in the Amount of \$8,000,000 for Reconstruction, Renovations and Safety Improvements at the Governor Baxter School for the Deaf
- L.D. 537 An Act to Authorize a General Fund Bond Issue in the Amount of \$25,000,000 to Build 3 Regional Psychiatric Facilities
- L.D. 1811 An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 for Construction of the Maine Criminal Justice Academy

L.D. 1911 An Act to Fund Internet Access for Visually and Physically Impaired Persons

L.D. 2138 Resolve, Directing the Director of the Bureau of Veterans' Services to Study Ways to Improve the Maine Veterans' Memorial Cemetery

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Michael H. Michaud  
Senate Chair

S/Rep. George J. Kerr  
House Chair

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

The Following Communication: S.C. 541

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON BANKING AND INSURANCE**

February 17, 1998

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

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Banking and Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 307 An Act to Allow Self-referral for Obstetrical Care in Managed Care Plans

L.D. 1857 An Act to Protect Patients of Managed Care Plans

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Lloyd P. LaFountain III  
Senate Chair

S/Rep. Jane W. Saxl  
House Chair

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

The Following Communication: S.C. 542

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE**

February 17, 1998

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

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 515 An Act to Set a Fixed Rate for Housing of State Prisoners

L.D. 1992 An Act Relating to Forfeited Firearms

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Robert E. Murray, Jr.  
Senate Chair

S/Rep. Edward J. Povich  
House Chair

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

The Following Communication: S.C. 543

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

February 17, 1998

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

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1045 Resolve, to Create the Task Force on Research and Development Investment

L.D. 1168 Resolve, to Reorganize the University of Maine System

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- L.D. 1340 An Act to Establish a Public Education Assessment Advisory Commission
- L.D. 1416 An Act Concerning Eligibility for Service on a School Board
- L.D. 1622 An Act to Require That a Course in Multicultural Education Be Included in All Teacher Preparation Programs in the State
- L.D. 1652 An Act to Establish the Dirigo Higher Education Bond Program to Provide Financial Aid to Maine Students
- L.D. 1718 An Act to Create a Prepaid Tuition Plan
- L.D. 1861 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Equal Educational Funding

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Peggy A. Pendleton  
Senate Chair

S/Rep. Shirley K. Richard  
House Chair

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

The Following Communication: S.C. 544

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON HEALTH AND HUMAN SERVICES**

February 17, 1998

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

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1585 An Act to Provide Additional Adoption Assistance to State Employees
- L.D. 1677 An Act to Improve Children's Health
- L.D. 1966 An Act Regarding the Spousal Allowance for Divorced Spouses of Nursing Home Care Recipients Receiving Medicaid

- L.D. 2078 An Act to Allow Recognition of Private Schools with Outstanding Residential Counseling Programs

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Judy Paradis  
Senate Chair

S/Rep. J. Elizabeth Mitchell  
House Chair

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

The Following Communication: S.C. 545

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

February 17, 1998

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

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 152 An Act to Create a 3-Person Regional Fisheries and Wildlife Advisory Council within Each Resource Management Administrative Region
- L.D. 751 An Act to Outlaw the Use of Eel Pots in Inland Waters
- L.D. 1159 An Act to Open Trapping Season on Saturday
- L.D. 1921 An Act to Reduce the Cost of Archery Hunting Licenses for the Special Archery Season on Deer
- L.D. 2024 Resolve, to Establish Guidelines for the Ownership and Use of Certain Primates
- L.D. 2073 An Act to Promote Economic Development by Creating a Zone on the Northern Maine Border in which Snowmobiles Registered in New Brunswick or Quebec May Operate

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Marge L. Kilkelly  
Senate Chair

S/Rep. Norman R. Paul  
House Chair

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

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

The Following Communication: S.C. 546

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON JUDICIARY**

February 17, 1998

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

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 964 An Act to Transfer Certain Tribal Holdings into a Trust
- L.D. 1181 An Act to Change the Comparative Negligence Laws
- L.D. 1636 An Act to Make Mediation Mandatory in Medical Malpractice Proceedings
- L.D. 1786 An Act to Adopt the Uniform Child Custody Jurisdiction and Enforcement Act
- L.D. 1930 An Act to Protect the Privacy of Alternative Dispute Resolution Participants

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Susan W. Longley  
Senate Chair

S/Rep. Richard H. Thompson  
House Chair

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

The Following Communication: S.C. 547

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON LABOR**

February 17, 1998

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1708 Resolve, Establishing the Commission to Study the Issue of Discrimination against Veterans in Workers' Compensation Cases

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Mary R. Cathcart  
Senate Chair

S/Rep. Pamela H. Hatch  
House Chair

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

The Following Communication: S.C. 548

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

February 17, 1998

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

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 708 An Act to Protect Small, Independent Businesses Not Meeting Minimum Lottery Sales Requirements
- L.D. 2016 An Act to Allow an Agency Liquor Store to Exchange Products with a State Liquor Store

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Beverly C. Daggett  
Senate Chair

S/Rep. John L. Tuttle, Jr.  
House Chair

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

The Following Communication: S.C. 549

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

February 17, 1998

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

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1358 An Act to Amend the Procedures for Finalizing the Kennebec County Budget
- L.D. 1359 An Act to Amend the Androscoggin County Budget Process
- L.D. 1934 Resolve, to Transfer Spectacle Pond from the State of Maine to the Town of Vassalboro
- L.D. 1951 An Act to Require Audits of Municipal Tax Assessment and Collection
- L.D. 2085 An Act to Provide for the Continuation of Town Government Despite a Failed Budget Referendum

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John M. Nutting Senate Chair S/Rep. Douglas J. Ahearn House Chair

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

The Following Communication: S.C. 550

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON TAXATION**

February 17, 1998

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

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1945 An Act to Minimize State Revenue Loss Due to Ineffective Health Coverage
- L.D. 1959 An Act to Expand Eligibility for the Elderly Low Cost Drug Program

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Richard P. Ruhlin Senate Chair S/Rep. Verdi L. Tripp House Chair

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

The Following Communication: S.C. 551

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON TRANSPORTATION**

February 17, 1998

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

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1981 An Act to Amend Road Signs along I-95 and the Maine Turnpike to Indicate the Location of Full-service Gas Stations by Using the Handicap Access Symbol
- L.D. 2037 Resolve, Requiring the Department of Transportation to Construct a Full-service Rest Area on Interstate 95 30 Miles North of the Medway Rest Area
- L.D. 2055 An Act Regarding the Delayed Reregistration of Certain Trucks



L.D. 2066 Resolve, Concerning Highway Construction in Aroostook County

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. William B. O'Gara  
Senate Chair

S/Rep. Joseph D. Driscoll  
House Chair

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

The Following Communication: S.C. 552

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON UTILITIES AND ENERGY**

February 17, 1998

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

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 224 An Act Regarding Charges Assessed against Owners of Sprinkler Systems
- L.D. 1732 An Act to Provide Choice to Maine's Electricity Customers
- L.D. 1788 An Act to Require Notice to Telephone Subscribers of the Sale or Transfer of an Interexchange Carrier or a Change in Rates
- L.D. 2043 An Act to Preserve Certain Electric Utility Billing Arrangements until Competition is Implemented

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Richard J. Carey  
Senate Chair

S/Rep. Kyle W. Jones  
House Chair

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

From the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Provide for the 1998 and 1999 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) H.P. 1471 L.D. 2062

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.**

From the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding the Role of the State Planning Office and the Land and Water Resources Council" H.P. 1427 L.D. 1991

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 **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Expand the Uses of the Economic Opportunity Fund" (EMERGENCY) H.P. 1373 L.D. 1922

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-795).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-795).**

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

**READ ONCE.**

Committee Amendment "A" (H-795) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

**Senate**

**Ought to Pass As Amended**

Senator CATHCART for the Committee on **LABOR** on Resolve, to Ensure that Services for the Deaf and Hard of Hearing Are Provided in an Efficient, Accessible and Cost-effective Manner (EMERGENCY) S.P. 721 L.D. 1964

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-460)**.

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

**READ ONCE**.

Committee Amendment "A" (S-460) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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**SECOND READERS**

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

**House**

Bill "An Act to Require the Development of a Plan for the Recovery, Identification and Disposition of Human Remains in a Disaster" H.P. 1429 L.D. 1993

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

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

---

**House As Amended**

Bill "An Act to Amend the Charter of the Guilford-Sangerville Water District to Increase the Bond Authorization" (EMERGENCY) H.P. 1361 L.D. 1912 (C "A" H-793)

Bill "An Act to Amend the Charter of the Bath Water District" (EMERGENCY) H.P. 1421 L.D. 1985 (C "A" H-794)

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

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**Senate As Amended**

Bill "An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1998" (EMERGENCY) S.P. 690 L.D. 1925 (C "A" S-457)

Bill "An Act to Make Corrections to the Laws Governing the Maine Bail Code" (EMERGENCY) S.P. 744 L.D. 2022 (C "A" S-459)

Bill "An Act to Promote the Receipt of Federal Funds and to Clarify the Maine Juvenile Code" S.P. 752 L.D. 2030 (C "A" S-458)

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

Sent down for concurrence.

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**ENACTORS**

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

**Emergency**

An Act Relating to the Maine School Administrative District 49 Arts and Technology Center H.P. 1451 L.D. 2042

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 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 Pro Tem, was presented by the Secretary to the Governor for his approval.

---

An Act Concerning Notices Given in Connection with Mortgage Foreclosures H.P. 1376 L.D. 1929 (C "A" H-787)

An Act to Encourage the Use of Environmental Fines for Environmental Benefits H.P. 1391 L.D. 1944 (C "A" H-786)

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

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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 (2/11/98) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Establish the Maine Disaster Relief Laws" H.P. 887 L.D. 1204

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-783)** (7 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - February 11, 1998, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, February 10, 1998, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-783).**)

(In Senate, February 11, 1998, Reports **READ.**)

On motion by Senator **NUTTING** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-783)** Report **ACCEPTED**, in concurrence.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you Madam President and men and women of the Senate. This divided report out of the State and Local Government Committee, in regards to L.D. 1204, a bill that was held over from last session, is a Majority report. I will be offering a clarification amendment later on, S-461, I believe. This bill was brought to the Committee by the Maine Red Cross. Looking back on it, my grandfather always used to say, "Hindsight was 20/20." But, I personally wish we hadn't held this bill over. This past January, at a time when Mainers really needed each other the most, Maine's Red Cross volunteers sacrificed more than most of us did. Maine, you see, does not have a disaster leave law as many states do. What does the Majority report do? Why is it here? The Majority report maintains local control while allowing certified Red Cross disaster workers to receive compensation while volunteering at a declared disaster. Remember, they have to leave their jobs to do this. The Majority report allows Red Cross certified state and municipal employees, and listen closely, once they first got permission from their supervisors or municipal officials, to receive compensation while working at a declared disaster. One of the problems many certified Maine Red Cross volunteers face is they can't afford to take leave to work at a certified disaster and receive no compensation from their regular job at the same time. They receive no salary from the Red Cross. They have mortgages, child care, etc. like most of us do. Local control is maintained because they, first, must get the permission of those they work for. And that's why Maine Municipal Association does not oppose this report. The Majority report copies language from 16 other states to clarify that these Red Cross certified volunteers cannot file a workers compensation claim with their employers while volunteering at a disaster site. As I mentioned earlier, I will be offering Senate Amendment "A" (S-461) just to clarify, as far as the municipal side of it, that municipal officers or selectpersons can authorize disaster relief leave.

In closing, think for a minute what this state has just been through and the hundreds of Red Cross workers who came to Maine from other states to help us. Many of those Red Cross workers that came here from other states received compensation from their state or municipal employers when they were here

working alongside many Maine Red Cross workers who didn't receive any compensation.

Please support this Majority report to help certified Red Cross workers in Maine afford to do what they're trained to do. Thank you.

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Senate at Ease

Senate called to order by the President.

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Senator **GOLDTHWAIT** of Hancock moved the Senate **RECONSIDER** whereby it **ACCEPTED** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-783)** Report, in concurrence.

The same Senator requested a Division.

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Off Record Remarks

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Madam President. I thank the good Senator Goldthwait for allowing this opportunity for me to speak. I wanted to rise and speak for a few minutes on this bill. It's certainly one of those bills where we all want to do what we think is the right thing to do. And certainly, all of those who give so generously of their time to others in a time of emergency certainly ought to be supported and I support them as well. I have a concern though that even with all of the good intentions implied by this bill, it may actually have the opposite effect and that concerns me a great deal. The bill requires and mandates that state and local government must pay the salary of any certified disaster relief person if they request it and the state or local entity grants the leave. I think that the complicating fact of that is that a local municipality, or perhaps even a state agency, might be willing to allow that individual to leave and use accumulated vacation time, personal days, accumulated sick time and other compensated time, which many public employees have. And many public employees have not only many days, but I am aware of cases, often many weeks of accumulated time that could be taken compensated to allow them to assist others. My concern is that mandating that they be given additional compensated time may well discourage those entities from allowing that person to leave. Because not only must they pay that salary once again, and still continue to accumulate vacation and sick and other compensated time, but they may also have to pay an additional compensation for any temporary help or overtime to replace that persons time, which I think may well be, for fiscally prudent local and state officials, a disincentive to try to accommodate that wish. It is one thing to say, we will try to make accommodations to replace your much needed service. And we'll pull in other individuals and we'll pay some others overtime to perform your central services, than to say, not only are we going to do that but we're mandated, required by state law, to compensate you if we agree to this arrangement. I think that there is nothing in the state law, nothing, that prevents any state agency or any local municipality to making those arrangements right now. They can do that. It just simply needs to be an

arrangement that is made. So my concern is, in the support of this bill, even though I wish to support the outcomes, I believe that the outcomes will be actually contradictory to what we want to see happen. And for those reasons I can't support this bill.

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Off Record Remarks

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**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you Madam President. I'm really pleased that the Senator from Androscoggin poses this question because I posed this very same question to Mrs. Pamela Daigle, the head of the Maine Red Cross. Would this Majority report, in effect, have the opposite effect and keep more people from being able to volunteer at declared disaster sites? She assured me that they came to the Maine Legislature with this request because in all 16 of the other states that have passed very, very similar laws, what they've seen after they've enacted them is an increase in the amount of time that people have been allowed to volunteer. Because, yes, there's no mandate in this. I don't care for that word being used because if a municipality or a state government is strapped and they cannot spare somebody than that person will not be granted leave. The employer is in charge. But the "gentle effect," to quote her, was that passing legislation like this in other states has had the effect of increasing the amount of time and the number of Red Cross certified volunteers that had been able to volunteer at declared disaster sites. And they really feel the same will happen here in Maine. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from York, Senator Libby.

Senator **LIBBY:** Thank you Madam President and women and men of the Senate. I rise today to support my good Chairman from Androscoggin, Senator Nutting. In discussing this bill in Committee, I think it's very important to note that we were talking about, first of all, a bill that came to us last year and then came back to us this year, right after a disaster that truly tested the will and the resolve of the people of Maine. I know in my own town, in making sure that there was a disaster relief center and that there were members of the Red Cross available, I learned an awful lot firsthand about the necessity for Red Cross personnel to be at the sites running the show. I think the question that was raised by the good Senator from Androscoggin, Senator Cleveland, is an excellent question. It was one that we discussed and debated in Committee. There are, by the way, approximately 130 or so, that has not been mentioned this morning, members of the Red Cross. We came to the conclusion that these people are going to leave whether you tell them they can or not, because they've got a higher duty here. They're certified members of the Red Cross. They've got to run the shelter. So the question that you need to decide today is, should they be treated equally and given a short, paid leave of absence or would it be better to leave this as it is? A legitimate question with a legitimate argument on both sides. I, for one, have fallen on the side of allowing these workers to be paid during their leave. And I encourage you to vote yes on the pending motion. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Madam President. I appreciate the good Senator from Cumberland rising and clarifying the debate at the Committee level, which I hadn't had the opportunity to be totally privy to. It seems to me even clearer now that if the testimony was that they were going to leave whether or not the bill passes or not, seems to substantiate my concern of the necessity of the bill in the first place. If they were going to be able to leave and they're going to do that anyhow and they're going to make the arrangements whatever the arrangements are, than it seems to me that the bill is unnecessary.

At the request of Senator **GOLDTHWAIT** of Hancock a Division was had. 18 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-783)** Report, in concurrence, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (H-783) **READ.**

On motion by Senator **NUTTING** of Androscoggin, Senate Amendment "A" (S-461) to Committee Amendment "A" (H-783) **READ** and **ADOPTED**.

Committee Amendment "A" (H-783) as Amended by Senate Amendment "A" (S-461) thereto, **ADOPTED** in **NON-CONCURRENCE**.

**TOMORROW ASSIGNED FOR SECOND READING.**

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

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Off Record Remarks

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Senator **KILKELLY** of Lincoln was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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Senator **NUTTING** 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 **CATHCART** of Penobscot was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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Senator **BENOIT** of Franklin was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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Senator **PARADIS** of Aroostook 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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Senator **CASSIDY** of Washington 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 **AMERO** of Cumberland, **ADJOURNED** until Tuesday, February 24, 1998, at 9:00 in the morning.