

# 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  
Tuesday  
February 24, 1998

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

Prayer by Reverend Dana Reed of the Wilson Center at the University of Maine in Orono.

**REVEREND DANA REED:** Please join me in the spirit of prayer. Almighty and everlasting God, who has safely brought us to the beginning of this session. We are thankful for the traveling mercies we have received on our way. Come and be with us and in us and beside us and over us. May Your special blessing be upon these women and men. They serve well and labor long on our behalf. May Your peace reign supreme within our hearts and minds, in this chamber. Gift us with a deeper wisdom that goes beyond the immediate needs of the day. Help us to envision a society where compassion and mercy become the bywords of our decisions. We so desperately seek to do what is right in Your eyes. For it has truly been Your love for us that compels us to acts of kindness and compassion for all citizens. Savior God, be with our families this day. Grant that our children, whether here in our state, or scattered throughout Your world, may know a productive and healthy day. As Your love touches them, may they know, in ways great and small, our love for them. Continue to strengthen our families as we turn to You, the great source of all our lives. Now prepare our hearts and minds for a new thing. May our hearts race a little quicker, in eager anticipation of the marvelous things You have in store for us today. Give us a creative and engaged mind to imagine great things coming from this day, and the will to make them happen. Amen.

Reading of the Journal of Monday, February 23, 1998.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**House Papers**

Resolve, Regarding Legislative Review of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a Major Substantive Rule of the Department of Education (EMERGENCY) H.P. 1601 L.D. 2227

Comes from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

**REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

**Pursuant to Public Law  
Maine Commission on Children's Health Care**

The **Maine Commission on Children's Health Care**, pursuant to Public Law 1997, chapter 560, Part B, asked leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Maine Commission on Children's Health Care" (EMERGENCY) H.P. 1595 L.D. 2225

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** and **ACCEPTED**, in concurrence.

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

**Pursuant to Public Law  
Joint Standing Committee on Marine Resources**

The Joint Standing Committee on **MARINE RESOURCES**, pursuant to Public Law 1997, chapter 250, section 9, asked leave to report that the accompanying Bill "An Act to Limit New Lobster and Crab Fishing Licenses" H.P. 1597 L.D. 2226

Be **REFERRED** to the Committee on **MARINE RESOURCES** 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 **MARINE RESOURCES** and ordered printed pursuant to Joint Rule 218.

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

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

**Joint Resolutions**

The following Joint Resolution: H.P. 1596

**JOINT RESOLUTION RECOGNIZING KEVIN M. MADIGAN**

WHEREAS, during his 16 years in the Office of Fiscal and Program Review as a Legislative Analyst, the last 10 years staffing the Joint Standing Committee on Taxation, Kevin M. Madigan has given of himself with dedication and selflessness; and

WHEREAS, his commitment to serving the public good has earned him the respect of the Legislators, colleagues and others who have had the pleasure of working with him throughout his years of public service; and

WHEREAS, Kevin will be most fondly remembered by his colleagues for his ready wit and infectious laughter, regardless of the lateness of the hour; and

WHEREAS, his expertise in both state and federal tax law and policies and his dedication and good humor have made him an invaluable asset to the Legislature and a valued and vital member of the nonpartisan staff; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature, now assembled in the Second Regular Session, do pause in our deliberations to express our appreciation to Kevin M. Madigan and to recognize his years of dedicated service to the Legislature and the State; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Kevin M. Madigan.

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

**READ and ADOPTED**, in concurrence.

\_\_\_\_\_  
Off Record Remarks  
\_\_\_\_\_

The following Joint Resolution: H.P. 1598

**JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO RESOLVE TRADE BARRIERS BETWEEN MAINE AND THE PROVINCE OF NEW BRUNSWICK**

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 Congress of the United States as follows:

WHEREAS, the Government of the United States of America, the Government of Canada and the Government of Mexico resolved in 1993 to implement the provisions of the North American Free Trade Agreement, commonly referred to as NAFTA; and

WHEREAS, an objective of the North American Free Trade Agreement is to eliminate barriers to trade in, and facilitate the cross-border movement of, goods and services between the territories of the parties and to promote conditions of fair competition in the free trade area; and

WHEREAS, despite the free trade agreement and the worldwide tendency toward more open borders, there remains a barrier gravely affecting trade along the Maine-New Brunswick border; and

WHEREAS, the barrier concerns the disparity created by the tax-free personal allowance exemptions of the United States and Canada. Currently, Canadians are permitted to bring \$50 in American purchases back to Canada in any 24-hour period. The United States, however, allows a \$200 exemption for Canadian purchases; and

WHEREAS, steps need to be taken to achieve parity between Maine and the Province of New Brunswick to ensure that Maine businesses are able to compete in Canada; now, therefore, be it

RESOLVED: That We, your Memorialists, recommend and urge the Congress of the United States to act upon the current barrier affecting trade along the Maine-New Brunswick border; and be it further

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

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

**READ and ADOPTED**, in concurrence.

\_\_\_\_\_  
Off Record Remarks  
\_\_\_\_\_

The following Joint Resolution: H.P. 1599

**JOINT RESOLUTION RECOGNIZING THE 200th ANNIVERSARY OF THE TOWN OF HOLLIS**

WHEREAS, the good citizens of the Town of Hollis are celebrating their town's bicentennial anniversary this year; and

WHEREAS, the town, originally incorporated as Phillipsburg, became the 117th town in Maine on February 27, 1798. The name was changed to Hollis in 1812 because Phillipsburg, named in honor of Major William Phillips, was "too long to write and too hard for the younger ones to pronounce"; and

WHEREAS, this lovely old New England town lies within the Saco River community with excellent fishing and boating opportunities; and

WHEREAS, the principal settlements of the town include Hollis, Hollis Center, West Hollis and Bar Mills. The Village of Bar Mills, which spans the Saco River, is part of both the Town of Hollis and the Town of Buxton; and

WHEREAS, a well-known attraction to this area is "Quillcote," the summer residence of Kate Douglas Wiggin (1859-1923). Mrs. Wiggin wrote stories popular with girls early in this century, including "Rebecca of Sunnybrook Farm." "The Old Peabody Pew" is a Wiggin play performed annually at the Tory Hill Meeting House in nearby Buxton; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature, now assembled in the Second Regular Session, take this occasion to recognize the 200th Anniversary of the Town of Hollis and to extend our best wishes on this observance; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Town of Hollis on behalf of the people of the State of Maine.

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

**READ and ADOPTED**, in concurrence.

The following Joint Resolution: H.P. 1600

**JOINT RESOLUTION RECOGNIZING 1998 AS THE INTERNATIONAL YEAR OF THE OCEAN**

WHEREAS, the United Nations General Assembly has proclaimed 1998 the International Year of the Ocean and noted that the oceans and seas are important to the world for economic, recreational and life-support reasons; and

WHEREAS, the ocean and all marine resources have been a traditional part of the State of Maine's culture and heritage for countless generations; and

WHEREAS, nearly 60% of the people of Maine inhabit the 144 coastal communities bordering the Gulf of Maine; and

WHEREAS, with over 3,500 miles of coastline and almost 2,800 square miles of state waters, the fishing, boating and tourism industries are a significant part of Maine's economy, bringing millions of dollars to Maine's citizens; and

WHEREAS, nearly 22,000 jobs are directly and indirectly related to the marine environment in Maine and our rich seafaring and nautical heritage forever links our State with the oceans and seas; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature, now assembled in the Second Regular Session, take this occasion to recognize our important relationship to the marine environment and to encourage Maine's citizens to reflect on the importance of the ocean and its resources to us and to the nation in this, the International Year of the Ocean; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Marine Resources, the Honorable Angus S. King, Jr., Governor of Maine, and to each member of the Maine Congressional Delegation.

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

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

**COMMUNICATIONS**

The Following Communication: S.C. 553

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

February 19, 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 Agriculture, Conservation and Forestry has had under consideration the nomination of Fred W. Hardy of New Sharon, for reappointment as a Member of the Northeast Interstate Dairy Compact.

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: 2 Kilkelly of Wiscasset, Kieffer of Aroostook
- Representatives: 6 Bunker of Kossuth Township, Samson of Jay, Jones of Greenville, Cross of Dover-Foxcroft, Dexter of Kingfield, Gooley of Farmington
- NAYS: 0
- ABSENT: 5 Sen. Paradis of Aroostook, Rep. Shiah of Bowdoinham, Rep. Volenik of Brooklin, Rep. McKee of Wayne, Rep. Lane of Enfield

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 Fred W. Hardy of New Sharon, for reappointment as a Member of the Northeast Interstate Dairy Compact be confirmed.

Signed,

S/Marge L. Kilkelly  
Senate Chair

S/George H. Bunker Jr.  
House Chair

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

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** 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, BUTLAND, CAREY, CASSIDY, CATHCART, DAGGETT, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, KIEFFER, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, SMALL, TREAT, THE PRESIDENT PRO TEM - CHELLIE PINGREE

ABSENT: Senators: CLEVELAND, JENKINS,  
LAWRENCE, RUHLIN

House

**Ought to Pass As Amended**

From the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Allow Police to Take Intoxicated Persons into Custody"  
H.P. 562 L.D. 753

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-798)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-798)**.

Report **READ**.

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

From the Committee on **TRANSPORTATION** on Bill "An Act to Appropriate Funds to Build a Memorial and to Name a Highway in Burnham in Honor of Medal of Honor Recipient Corporal Clair Goodblood"  
H.P. 1418 L.D. 1982

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-799)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-799)**.

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

**READ ONCE**.

Committee Amendment "A" (H-799) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING**.

**Divided Report**

Majority of the Committee on **TRANSPORTATION** on Resolve, Requiring the State to Reimburse Towns for the Construction of Salt and Sand Storage Facilities  
H.P. 1415 L.D. 1979

Reported that the same **Ought Not to Pass**.

Signed:

Senators:  
O'GARA of Cumberland  
CASSIDY of Washington

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 **Fred W. Hardy** for reappointment as a Member of the Northeast Interstate Dairy Compact was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

**ORDERS**

**Joint Order**

On motion by Senator **CAREY** of Kennebec the following Joint Order: S.P. 833

**ORDERED**, the House concurring, that the Joint Standing Committee on Utilities and Energy, referred to in this order as the "committee," is directed to oversee Maine Yankee Atomic Power Company, referred to in this order as "Maine Yankee," as follows.

1. Duties. The committee shall review all legislation introduced in the Second Regular Session of the 118th Legislature related to Maine Yankee. The committee shall also monitor developments at Maine Yankee and report its findings to the Legislature.

2. Meetings. In conducting its duties, the committee may meet as often as necessary with any individuals, departments, organizations or institutions it considers appropriate.

3. Staff assistance. To support its work after the adjournment of the Second Regular Session of the 118th Legislature, the committee shall request staffing and clerical assistance from the Legislative Council, which must be provided from within available resources.

4. Compensation. Members of the committee are entitled to receive legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the committee occurring after the adjournment of the Second Regular Session of the 118th Legislature.

5. Legislation. The committee may report out legislation related to Maine Yankee to the Second Regular Session of the 118th Legislature.

6. Report. The committee shall submit a final report of its findings, along with any necessary implementing legislation, to the First Regular Session of the 119th Legislature. If the committee requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

**READ**.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending motion by Senator **CAREY** of Kennebec to **PASS**.

**REPORTS OF COMMITTEES**

Representatives:  
WINGLASS of Auburn  
FISHER of Brewer  
JOYCE of Biddeford  
CLUKEY of Houlton  
CHARTRAND of Rockland  
LINDAHL of Northport  
DRISCOLL of Calais  
BOUFFARD of Lewiston

Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-796)**.

Signed:

Representatives:  
SAVAGE of Union  
WHEELER of Eliot

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

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

---

**Senate**

**Ought to Pass As Amended**

Senator LAFOUNTAIN for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Correct Errors and Inconsistencies in Licensing Requirements for Licensed Insurance Professionals and Insurers" S.P. 756 L.D. 2034

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-462)**.

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

**READ ONCE**.

Committee Amendment "A" (S-462) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

---

**Divided Report**

Majority of the Committee on **LABOR** on Bill "An Act to Extend the Prevailing Wage Laws to the Maine Turnpike Authority" S.P. 708 L.D. 1956

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-463)**.

Signed:

Senators:  
CATHCART of Penobscot  
TREAT of Kennebec  
MILLS of Somerset

Representatives:  
HATCH of Skowhegan  
BOLDUC of Auburn  
CLARK of Millinocket  
RINES of Wiscasset  
STANLEY of Medway

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

Signed:

Representatives:  
PENDLETON of Scarborough  
JOYCE of Biddeford  
TREADWILL of Carmel  
LAYTON of Cherryfield

Reports **READ**.

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

---

**Divided Report**

Majority of the Committee on **MARINE RESOURCES** on Bill "An Act Concerning Commercial Fishing in the Vicinity of Monhegan Island" (EMERGENCY) S.P. 743 L.D. 2021

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-464)**.

Signed:

Senators:  
GOLDTHWAIT of Hancock  
MACKINNON of York

Representatives:  
ETNIER of Harpswell  
VOLNIK of Brooklin  
PIEH of Bremen  
BAGLEY of Machias  
PERKINS of Penobscot  
PINKHAM of Brunswick  
HONEY of Boothbay

Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-465)**.

Signed:

Senator:  
PENDLETON of Cumberland

Representatives:

PINKHAM of Lamoine  
GOODWIN of Pembroke  
LAYTON of Cherryfield

Reports **READ**.

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

**SECOND READERS**

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

**House**

Bill "An Act Regarding the Role of the State Planning Office and the Land and Water Resources Council"

H.P. 1427 L.D. 1991

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

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

**House As Amended**

Bill "An Act to Expand the Uses of the Economic Opportunity Fund" (EMERGENCY)

H.P. 1373 L.D. 1922  
(C "A" H-795)

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

Bill "An Act to Establish the Maine Disaster Relief Laws"

H.P. 887 L.D. 1204  
(S "A" S-461 to C "A" H-783)

**READ A SECOND TIME**.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

**Senate As Amended**

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  
(C "A" S-460)

**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:

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

An Act Relating to Captive Insurance Companies

S.P. 693 L.D. 1928  
(C "A" S-453)

**PASSED TO BE ENACTED** and having been signed by the President Pro Tem were 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 (2/12/98) Assigned matter:

JOINT ORDER - relative to establishing the Joint Select Committee on Substance Abuse pursuant to Joint Rule 351.  
H.P. 1579

Tabled - February 12, 1998, by Senator **PINGREE** of Knox.

Pending - **PASSAGE**

(In House, February 11, 1998, **READ** and **PASSED**.)

(In Senate, February 12, 1998, **READ**.)

On motion by Senator **RAND** of Cumberland, under unanimous consent on behalf of Senator **PINGREE** of Knox, Senate Amendment "A" (S-466) **READ** and **ADOPTED**.

**PASSED AS AMENDED** in **NON-CONCURRENCE**.

Sent down for concurrence.

Senator **RAND** of Cumberland was granted unanimous consent to address the Senate off the Record.

Off Record Remarks



LEGISLATIVE RECORD - SENATE, FEBRUARY 24, 1998

Senator **AMERO** of Cumberland was granted unanimous consent to address the Senate off the Record.

---

Off Record Remarks

---

On motion by Senator **RAND** of Cumberland, **ADJOURNED** until Wednesday, February 25, 1998, at 9:00 in the morning.