

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

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May 20, 1997 to June 20, 1997

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STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Thursday
March 5, 1998

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

Prayer by Senator Judy Ayotte Paradis of Aroostook County.

SENATOR JUDY AYOTTE PARADIS: Cher collègues. Dear colleagues, prier, let us pray. Dear God, we implore You to guide us in our discernment process as we seek to do what is fair, what is honest, what is true, what is right, what is needed, what is responsible, what is acquitable, and what is appropriate for every citizen of the state of Maine. Nous prier, we pray. Amen.

Doctor of the Day, Stephen Frost, M.D., Waterville.

Reading of the Journal of Wednesday, March 4, 1998.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Implement the Recommendations of the Governor's Commission on School Facilities"
H.P. 1622 L.D. 2252

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.

Bill "An Act to Permit Direct Contracting with State Governmental Entities for the Provision of Services to Eligible Participants in Government Health Programs" (EMERGENCY)
H.P. 1621 L.D. 2251

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.

COMMUNICATIONS

The Following Proclamation: S.C. 584

STATE OF MAINE
DEPARTMENT OF STATE

I, the Secretary of State of Maine, certify that according to the provisions of the Constitution and Laws of the State of Maine, the Department of the Secretary of State is the legal custodian of the Great Seal of the State of Maine which is hereunto affixed and that the paper to which this is attached is a true copy from the records of this Department.

STATE OF MAINE
PROCLAMATION

An Act to Prevent Discrimination

WHEREAS, the One Hundred and Eighteenth Legislature of the State of Maine, in the First Special Session, by an act entitled, "An Act to Prevent Discrimination," passed by a concurrent vote of both branches and approved May 16, 1997, which said act is known and identified as Chapter 205 of the Public Laws of 1997, enacted said measure; and

WHEREAS, the electors of this State filed with the Secretary of State written petitions addressed to the Governor of the State of Maine, as required by Article IV, Part Third, Section 17, of the Maine Constitution of Maine, requesting that the act entitled "An Act to Prevent Discrimination" be referred to the electors of this State; and

WHEREAS, by proclamation of the Governor, upon receipt of notice from the Secretary of State declaring the validity of the petitions, declared said act be referred to the electors for approval at an election held on February 10, 1998; and

WHEREAS, it appears by the return of votes cast by the electors of the various cities, towns and plantations voting upon said act on February 10, 1998, and reviewed by the Governor on February 25, 1998, that a majority of said votes were in opposition of this act becoming law; namely,

145,452 for, and
138,153 opposed;

NOW, THEREFORE, I, ANGUS S. KING, JR., Governor of the State of Maine, in pursuance of the provisions of the Constitution of Maine in such case provided, declare said measure is not adopted.

IN TESTIMONY WHEREOF, I have caused the Great Seal of the State to be hereunto affixed given under my hand at Augusta this twenty-fifth day of February in the year One Thousand Nine Hundred and Ninety-Eight.

S/ANGUS S. KING, Jr.
Governor

S/Dan A. Gwadosky
Secretary of State

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 581

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

March 4, 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 Judiciary has had under consideration the nomination of Honorable Thomas E. Delahanty II of Lewiston, for reappointment as a Superior Court Justice.

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: 3 Longley of Waldo, LaFountain of York, Benoit of Franklin

Representatives: 10 Thompson of Naples, Watson of Farmingdale, Etnier of Harpswell, Jabar of Waterville, Mailhot of Lewiston, Powers of Rockport, Plowman of Hampden, Madore of Augusta, Nass of Acton, Waterhouse of Bridgton

NAYS: 0

ABSENT: 0

Thirteen 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 Honorable Thomas E. Delahanty II of Lewiston, for reappointment as a Superior Court Justice be confirmed.

Signed,

S/Susan W. Longley
Senate Chair

S/Richard H. Thompson
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** 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 Chair noted the absence of the Senator from York, Senator **LAWRENCE**, and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, DAGGETT, FERGUSON, GOLDTHWAIT, HALL, KIEFFER, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, RAND, SMALL, TREAT, THE PRESIDENT PRO TEM - CHELLIE PINGREE

ABSENT: Senators: BUTLAND, CLEVELAND, HARRIMAN, JENKINS, KILKELLY, RUHLIN

EXCUSED: Senator: LAWRENCE

No Senators having voted in the affirmative and 28 Senators having voted in the negative, with 6 Senators being absent, and 1 Senator being excused, 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 **Honorable Thomas E. Delahanty II** for reappointment as a Superior Court Justice was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication: S.C. 582

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

March 4, 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 Judiciary has had under consideration the nomination of Brian E. Thibeau of Caribou, for reappointment to the Maine Human Rights 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: 3 Longley of Waldo, LaFountain of York, Benoit of Franklin
 Representatives: 10 Thompson of Naples, Watson of Farmingdale, Etnier of Harpswell, Jabar of Waterville, Mailhot of Lewiston, Powers of Rockport, Plowman of Hampden, Madore of Augusta, Nass of Acton, Waterhouse of Bridgton

NAYS: 0
 ABSENT: 0

Thirteen 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 Brian E. Thibeau of Caribou, for reappointment to the Maine Human Rights Commission be confirmed.

Signed,

S/Susan W. Longley
 Senate Chair

S/Richard H. Thompson
 House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** 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 opened the vote.

ROLL CALL

YEAS: Senators: None
 NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, DAGGETT, FERGUSON, GOLDTHWAIT, HALL, KIEFFER, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, RAND, SMALL, TREAT, THE PRESIDENT PRO TEM - CHELLIE PINGREE
 ABSENT: Senators: BUTLAND, CLEVELAND, HARRIMAN, JENKINS, RUHLIN

EXCUSED: Senator: LAWRENCE

No Senators having voted in the affirmative and 29 Senators having voted in the negative, with 5 Senators being absent, and 1 Senator being excused, 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 **Brian E. Thibeau** for reappointment to the Maine Human Rights Commission was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication: S.C. 585

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

March 4, 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 Education and Cultural Affairs has had under consideration the nomination of Steven Janik of Castine, for appointment as the Student Member of the Maine Maritime Academy, Board of Trustees.

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: 3 Pendleton of Cumberland, Cathcart of Penobscot, Small of Sagadahoc

Representatives: 9 Richard of Madison, Brennan of Portland, Desmond of Mapleton, Skoglund of St. George, Watson of Farmingdale, Baker of Bangor, Barth of Bethel, Stedman of Hartland, Belanger of Caribou

NAYS: 0

ABSENT: 1 Rep. McElroy of Unity

Twelve 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 Steven Janik of Castine, for appointment as the Student Member of the Maine Maritime Academy, Board of Trustees be confirmed.

Signed,

S/Peggy A. Pendleton
Senate Chair

S/Shirley K. Richard
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tem laid before the Senate the following:
"Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** 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 opened the vote.

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, RAND, SMALL, TREAT, THE PRESIDENT PRO TEM - CHELLIE PINGREE

ABSENT: Senators: CLEVELAND, JENKINS, RUHLIN

EXCUSED: Senator: LAWRENCE

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 3 Senators being absent, and 1 Senator being excused, 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 **Steven Janik** for appointment as the Student Member of the Maine Maritime Academy, Board of Trustees was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication: S.C. 579

**TASK FORCE TO REVIEW THE APPLIED TECHNOLOGY CENTERS AND APPLIED TECHNOLOGY REGIONS
23 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

March 2, 1998

Members of the 118th Legislature
Members of the Joint Standing Committee on Education and Cultural Affairs
State House
Augusta, Maine 04333

Dear Members,

On behalf of the members of the Task Force to Review the Applied Technology Centers and Applied Technology Regions, it is my pleasure to forward the final report of this task force to you. The report is organized into "Proceedings," "Findings," and "Recommendations." The "Recommendations" section of the report is organized according to the issue areas as they appear in the Chapter 74 Resolves.

In view of the short time frame for this report, the task force members did not feel that there was adequate time to review some of the areas in as much detail as necessary. Therefore, some of the recommendations call for more in-depth study.

The Chair and members of the committee are prepared to make a formal presentation of the report to you at your convenience. They are also willing to discuss the report in detail and to answer any questions you have regarding the report, the task force deliberations, or the process utilized. You may also contact either Lloyd Keast or me at the Maine Department of Education and we would be happy to respond to your questions or to discuss the report with you.

Sincerely,

S/Yvonne V. Damborg
Staff

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 583

**MAINE STATE LEGISLATURE
COMMISSION TO DESIGNATE OUTSTANDING MAINE
CITIZENS WHOSE PORTRAITS ARE TO BE
DISPLAYED IN THE STATE HOUSE
AUGUSTA, MAINE 04333**

February 27, 1998

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

Dear President Lawrence:

Pursuant to Resolves of 1997, Chapter 64, the Commission to Designate Outstanding Maine Citizens Whose Portraits are to be Displayed in the State House is pleased to submit its final report, including recommended legislation. On behalf of all the members of the Commission, we would like to express our appreciation for having the opportunity to participate in the study and development of recommendations relating to future portraits of historic significance for the Maine State House.

Sincerely,

S/Representative William Lemke
Chair

S/Earle G. Shettleworth, Jr.
Vice-Chair

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

ORDERS

Joint Order

On motion by Senator **DAGGETT** of Kennebec, the following
Joint Order: S.P. 848

ORDERED, the House concurring, that Bill, "An Act to Improve the State's Democracy by Increasing Access to the Ballot and Other Election Processes," S.P. 428, L.D. 1376, and all its accompanying papers, be recalled from the legislative files to the Senate.

READ.

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

REPORTS OF COMMITTEES

House

Change of Committee

From the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Rules Governing the Implementation of Hypodermic Apparatus Exchange Programs, a Major Substantive Rule of the Department of Human Services (EMERGENCY) H.P. 1607 L.D. 2234

Reported that the same be **Referred to the Committee on Judiciary.**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY.**

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

REFERRED to the Committee on **JUDICIARY**, in concurrence.

Ought to Pass

From the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Change the Name of the Knox Agricultural Society" (EMERGENCY) H.P. 1563 L.D. 2194

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 **JUDICIARY** on Bill "An Act to Amend the Act to Implement the Maine Indian Claims Settlement" H.P. 1445 L.D. 2036

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 **MARINE RESOURCES** on Resolve, Regarding Legislative Review of Chapter 2.10: Aquaculture Lease Regulations, Lease Categories and Environmental Baseline, a Major Substantive Rule of the Department of Marine Resources (EMERGENCY) H.P. 1608 L.D. 2235

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

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

From the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Repeal Certain Archaic and Unenforced Laws" H.P. 1468 L.D. 2059

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-832).**

Report **READ.**

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

Divided Report

Majority of the Committee on **LABOR** on Bill "An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Raising the Minimum Wage" H.P. 418 L.D. 568

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-829).**

Signed:

Senators:

CATHCART of Penobscot
TREAT of Kennebec
MILLS of Somerset

Representatives:

HATCH of Skowhegan
SAMSON of Jay
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
TREADWELL of Carmel

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" (H-829).**

Reports **READ.**

Senator **CATHCART** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Senate

Ought to Pass

Senator **CAREY** for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Repeal the Laws Governing the Jackman Water District and the Jackman Sewer District" S.P. 824 L.D. 2214

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator **PARADIS** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Require the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to Report the Facts of an Unnatural Death of a Patient under the Care of the Department to the Legislature" S.P. 335 L.D. 1113

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-485).**

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

READ ONCE.

Committee Amendment "A" (S-485) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

Senator **RUHLIN** for the Committee on **TAXATION** on Bill "An Act to Require the Bureau of Revenue Services to Report on the Incidence of Tax Burdens to Business Sectors of the State's Economy and to Income Classes of Citizens" S.P. 720 L.D. 1963

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-486).**

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

READ ONCE.

Committee Amendment "A" (S-486) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Protect and Maintain Opportunities for Students by Funding Jobs for Maine Graduates" H.P. 1406 L.D. 1970

Bill "An Act to Continue the Membership of the Maine Legislature in the Council of State Governments" H.P. 1487 L.D. 2086

Bill "An Act to Appropriate Funds to the Battleship USS Maine Centennial Committee to Restore and Maintain the Monument to the USS Maine in Davenport Park (EMERGENCY)
H.P. 1555 L.D. 2184

Resolve, Regarding Legislative Review of Chapter 890: Consumer Complaint Ratios, a Major Substantive Rule of the Department of Professional and Financial Regulation (EMERGENCY)
H.P. 1577 L.D. 2210

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

House As Amended

Bill "An Act to Create the Managed Care Ombudsman Program" (EMERGENCY)
H.P. 1305 L.D. 1848
(C "A" H-820)

Bill "An Act Regarding the Energy Testing Laboratory of Maine"
H.P. 1409 L.D. 1973
(C "A" H-824)

Bill "An Act to Amend the Charter of the Houlton Water Company"
H.P. 1425 L.D. 1989
(C "A" H-826)

Bill "An Act to Amend the Law Relating to Special Education Out-of-district Placements"
H.P. 1449 L.D. 2040
(C "A" H-823)

Bill "An Act to Amend the Laws Concerning Life and Health Insurance"
H.P. 1459 L.D. 2050
(C "A" H-819)

Bill "An Act to Establish Reasonable Fees for Reports and Other Items From the Office of Chief Medical Examiner"
H.P. 1490 L.D. 2089
(C "A" H-825)

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

Senate As Amended

Bill "An Act to Exempt Nonprofit Ambulance and Fire Emergency Services from the State's Sales Tax" (EMERGENCY)
S.P. 189 L.D. 607
(C "B" S-476)

Bill "An Act to Ensure Fair Claims Settlement Practices"
S.P. 281 L.D. 889
(C "A" S-482)

Bill "An Act Regarding Appointment to the Maine Public Broadcasting Board of Trustees"
S.P. 564 L.D. 1721
(C "A" S-481)

Bill "An Act to Restore Services to Maine's Elderly"
S.P. 745 L.D. 2023
(C "A" S-479)

Bill "An Act to Ensure Collection of Essential Data by the Department of Public Safety"
S.P. 749 L.D. 2027
(C "A" S-478)

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:

Emergency Resolve

Resolve, to Ensure that Services for the Deaf and Hard of Hearing Are Provided in an Efficient, Accessible and Cost-effective Manner
S.P. 721 L.D. 1964
(C "A" S-460)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with no Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Resolve, Authorizing Certain Land Transactions by the Bureau of Parks and Lands
H.P. 1626 L.D. 2254

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.

Bill "An Act to Make Public the Records of the Department of Corrections Relating to Inmate Furloughs and Requests under the Uniform Act for Out-of-State Parolee Supervision"
H.P. 1629 L.D. 2257

Comes from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE** and ordered printed, in concurrence.

Bill "An Act to Allow a Public Utility Emergency Service Vehicle to Use a Siren and Red Light When Responding to an Emergency" H.P. 1627 L.D. 2255

Comes from the House, REFERRED to the Committee on TRANSPORTATION and ordered printed.

REFERRED to the Committee on TRANSPORTATION and ordered printed, in concurrence.

**Pursuant to Resolve
Task Force to Study Strategies to Support Parents as
Children's First Teachers**

The Task Force to Study Strategies to Support Parents as Children's First Teachers, pursuant to Resolve 1997, chapter 68, asked leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Task Force to Study Strategies to Support Parents as Children's First Teachers" H.P. 1628 L.D. 2256

Be REFERRED to the Committee on EDUCATION AND CULTURAL AFFAIRS and ordered printed pursuant to Joint Rule 218.

Comes from the House, Report READ and ACCEPTED and the Bill REFERRED to the Committee on EDUCATION AND CULTURAL AFFAIRS and ordered printed pursuant to Joint Rule 218.

Report READ and ACCEPTED, in concurrence.

REFERRED to the Committee on EDUCATION AND CULTURAL AFFAIRS and ordered printed pursuant to Joint Rule 218, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMUNICATIONS

The Following Communication: H.C. 410

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA, MAINE 04333**

March 4, 1998

Honorable Joy J. O'Brien
Secretary of the Senate
118th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The Speaker of the House today appointed the following members to serve on the Joint Select Committee on Substance Abuse pursuant to Joint Order House Paper 1579 as amended by Senate Amendment "A" (S-466):

Representative Michael F. Brennan of Portland
Representative Paul Chartrand of Rockland
Representative Thomas M. Davidson of Brunswick
Representative Joseph E. Brooks of Winterport
Representative Wendy Pieh of Bremen
Representative Judith A. Powers of Rockport
Representative Thomas W. Murphy, Jr., of Kennebunk
Representative Harry G. True of Fryeburg
Representative Peter E. Cianchette of South Portland
Representative Julie Ann O'Brien of Augusta

Sincerely,

S/ Joseph W. Mayo
Clerk of the House

READ and ORDERED PLACED ON FILE.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1625

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Human Services report out legislation affecting children's mental health services to the House.

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

READ and PASSED, in concurrence.

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

Off Record Remarks

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

Off Record Remarks

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Paradis.

Senator **PARADIS:** Thank you Madam President. This is in reference to Communication 2-6 from the Commission To Designate Outstanding Maine Citizens who's portraits are to be displayed in the State House. The Communication is from Vice-Chair Earle Shettleworth. I had a conversation with him this morning. I was very disappointed because I guess my expectations were that we were going to start at ground zero and

build up. Instead it was possibly adding a few people. As you know, we've been very concerned that the portraits in this whole Capitol do not resemble what the state of Maine really looks like. I was very pleased to hear from him that it's an open process. For example, we have the first woman elected to the House of Representatives in 1923, who was Dora Pinkham, a Republican woman from Fort Kent. We've been finding out what caused her to run for office. Her mission was, children were being used as beasts of burdens from the time they were old enough to walk out in the fields. She wanted to do something about that. She has a wonderful story. We are communicating with the family and we will pursue this one. The first woman elected to the Maine Senate was, in 1927, Republican Katherine Allen from Hamden. I'm sure the Hamden connection will pursue that also. I was happy to hear that it is going to go forward because what the decisions were is still totally inappropriate. It's sending the wrong message to the women of the state, who are 51% of the population, that they were not equal partners in building this state.

Also, one of the issues was, we don't have the money for portraits. Some of these people, like Dora Pinkham, I'm sure the family will be more than happy to provide us the wherewithal to get her portrait up. Thank you Madam President.

On motion by Senator **RAND** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President Pro Tem.

Off Record Remarks

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

JOINT ORDER - Recalling, Bill, "An Act to Improve the State's Democracy by Increasing Access to the Ballot and Other Election Processes," S.P. 428, L.D. 1376, and all its accompanying papers from the legislative files to the Senate.

S.P. 848

Tabled - March 5, 1998, by Senator **DAGGETT** of Kennebec.

Pending - motion by same Senator to **PASS**

(In Senate, March 5, 1998, **READ.**)

Senator **AMERO** of Cumberland requested a Division.

On motion by Senator **DAGGETT** of Kennebec, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Daggett.

Senator **DAGGETT:** Thank you Madam President and members of the Senate. I would respectfully ask your indulgence in allowing this bill to be recalled from the legislative files. There was a lot of work done on this bill. It was a study group that looked at a variety of issues. I know there are about 12 to 14 different election issues contained in this. The bill passed quite overwhelmingly last year and went down to the Appropriations table. It had a fiscal note of future costs which put it on the table, and then ended up dying because of that fiscal note, which was not a real number. Unfortunately, because there was not a real cost attached to it, I somewhat lost track of it. There were a couple of pieces in this that were somewhat controversial. One of them had to do with a forming of third parties and the percentage of vote that was required. I have asked for an amendment which I haven't seen yet. My intention is to eliminate that piece. That was the piece that had the fiscal note attached to it. Most of the other pieces were relatively uncontroversial and did some clarification, extended some time-lines so that there would be an opportunity for the local level to approve petitions and those kinds of things. There was also what some of us felt was a pretty important provision that protected the word independent. Currently in Maine, if you are an Independent you are not enrolled in a political party. There have been some efforts to create a third party that is called the Independent Party. A number of us felt that would be extremely confusing to Maine voters today, if we had an Independent Party created when today, if you are an Independent you are unenrolled. Our intention is to return this bill to the Committee to amend out a couple of the pieces that were particularly controversial so that the other pieces can go forward. The reason it is back in this way is because we do feel it's an election year and it's important to clarify some of these provisions. So I would ask for your support in recalling this bill from the files. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** Thank you very much Madam President and ladies and gentlemen of the Senate. This is an item that I didn't really know how I was going to come down on, but I think, after weighing the evidence, that we should probably leave it precisely where it is for the remainder of this session. There are some issues on there that the good Senator from Kennebec mentioned that probably are important. One of them is to allow unenrolled voters to act as election clerks. This is important in some of our small communities where they have difficulty either getting Republicans or Democrats to serve as election clerks. There's also a provision in here that allows the minor parties to maintain their status over a four year period rather than a two year period, as they currently have to. They have to obtain 5% of vote in order to maintain that status. This is something that I would like to retain, is the 5%, and I've been assured by the Chair lady that we will knock that provision out of the bill. Weighing the good versus the bad in the bill, I think it would be advantageous for us to leave it right where it is. I would urge everyone to vote against the Joint Order. Thank you very much.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT**: Thank you Madam President and ladies and gentlemen of the Senate. Just briefly, there is probably an apparent interest, on my part, in this bill specifically regarding the section that would permit unenrolled voters to work at the pole. I was kind of amused by an article I saw in the paper a few weeks ago where somebody had done a very elaborate working out of who might or might not win a certain election. They had it all done by County and who might get in the race and who wouldn't get in the race. And what would happen if this, and what would happen if that. At the end of it they said, this is all, if you don't count the unenrolled voters. Given that there are more of us in the state of Maine than there are in either of the, so called, major political parties, I would say, "Don't count us at your peril." I would very much like the opportunity to have this bill in front of us so we could, once again, consider the possibility that that very large group of voters is currently unable to work at the poles, and would like to perform that civic duty. This would be a vehicle for us to debate whether or not that ought to be happening. So I'd appreciate your support for the motion. Thank you.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: **ABROMSON, CAREY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, RAND, RUHLIN, TREAT, THE PRESIDENT PRO TEM - CHELLIE PINGREE**

NAYS: Senators: **AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, FERGUSON, HALL, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL**

ABSENT: Senators: **HARRIMAN, JENKINS**

EXCUSED: Senator: **LAWRENCE**

Pursuant to Joint Rule 404, 19 Members of the Senate having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, and 19 being less than two-thirds of those present and voting, the Joint Order **FAILED PASSAGE**.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

From the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Repeal Certain Archaic and Unenforced Laws" H.P. 1468 L.D. 2059

Report - Ought to Pass

Tabled - March 5, 1998, by Senator **RAND** of Cumberland.

Pending - **ACCEPTANCE OF THE REPORT**

(In House, March 4, 1998, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-832).**)

(In Senate, March 5, 1998, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

House Amendment "A" (H-832) **READ**.

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

Senator **NUTTING**: Thank you Madam President. I'd like to pose a parliamentary inquiry.

THE PRESIDENT PRO TEM: The Senator may pose his parliamentary inquiry.

Senator **NUTTING**: Thank you Madam President. I wanted to know, is House Amendment "A" germane to L.D. 2059?

THE PRESIDENT PRO TEM: The Senator from Androscoggin, Senator Nutting, has posed a question on the germaneness of House Amendment "A".

THE PRESIDENT PRO TEM RULED House Amendment "A" (H-832) **NOT GERMANE**, the Amendment relating to a matter that was neither archaic nor unenforceable.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Oxford, Senator Bennett.

Senator **BENNETT**: Thank you Madam President. I challenge the ruling of the Chair and ask for a roll call.

Senator **BENNETT** of Oxford **APPEALED** the **RULING OF THE CHAIR**.

On further motion by same Senator, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY**: Thank you Madam President. May I pose a question through the Chair?

THE PRESIDENT PRO TEM: The Senator may pose her question.

Senator **LONGLEY**: Thank you Madam President. I'm wondering about the amendment. Can you explain about the amendment?

THE PRESIDENT PRO TEM: The Chair would answer that the amendment is not properly attached to this bill because it is neither archaic nor unenforceable. It is House Amendment "A" (H-832). The Chair recognizes the Senator from Oxford, Senator Bennett.

Senator **BENNETT:** Thank you Madam President. May I pose a question to the Chair?

THE PRESIDENT PRO TEM: The Senator may pose his question, but this is not debatable.

Senator **BENNETT:** My question is for further elucidation on the ruling of the Chair.

THE PRESIDENT PRO TEM: The Chair would answer that this is not debatable.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator **SMALL:** Thank you Madam President. You quoted, "An Act to Repeal Certain Archaic and Unenforceable Laws," and I read unenforced laws. Which is the actual bill title? Is it unenforced or unenforceable?

THE PRESIDENT PRO TEM: The Senator from Sagadahoc, Senator Small, is correct. It is "An Act to Repeal Certain Archaic and Unenforced Laws." The Chair recognizes the Senator from York, Senator Libby.

Senator **LIBBY:** Thank you Madam President. May I request that House Amendment "A" be read?

THE PRESIDENT PRO TEM: This ruling is not debatable. The Chair recognizes the Senator from Aroostook, Senator Kieffer.

Senator **KIEFFER:** Thank you Madam President. May I inquire as to who has determined that this present law is currently unenforced?

THE PRESIDENT PRO TEM: This ruling is not debatable. Is the Senate ready for the question?

Senator **BENNETT** of Oxford moved to **TABLE 1** Legislative Day, pending the **APPEAL** of the **RULING OF THE CHAIR**.

THE CHAIR RULED the Tabling motion out of order.

Senate at Ease

Senate called to order by the President Pro Tem.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Oxford, Senator Bennett.

Senator **BENNETT:** Thank you Madam President. I withdraw my request for a roll call.

THE PRESIDENT PRO TEM: The Senator from Oxford, Senator Bennett, has withdrawn his request for a roll call. The Chair does not feel she was in error but on further reconsideration has decided, in the interest of moving the process along, to reconsider her ruling to allow the motion to table.

Subsequently, **RECONSIDERED** by the Chair and the Tabling motion **RULED** in order.

On motion by Senator **RAND** of Cumberland, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, DAGGETT, FERGUSON, GOLDTHWAIT, HALL, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL

NAYS: Senators: CAREY, CATHCART, CLEVELAND, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, RAND, RUHLIN, TREAT, THE PRESIDENT PRO TEM - CHELLIE PINGREE

ABSENT: Senators: HARRIMAN, JENKINS

EXCUSED: Senator: LAWRENCE

16 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator **BENNETT** of Oxford to **TABLE 1** Legislative Day, pending the **APPEAL** of the **RULING OF THE CHAIR**, **FAILED**.

On motion by Senator **BENNETT** of Oxford, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: CAREY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, RAND, RUHLIN, TREAT, THE PRESIDENT PRO TEM - CHELLIE PINGREE

LEGISLATIVE RECORD - SENATE, MARCH 5, 1998

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, FERGUSON, HALL, KIEFFER, MACKINNON, MILLS, MITCHELL, SMALL

ABSENT: Senators: HARRIMAN, JENKINS

EXCUSED: Senator: LAWRENCE

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the **RULING OF THE CHAIR** was **SUSTAINED**.

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

Senator **LIBBY**: Thank you Madam President. Having voted on the prevailing side, I move to reconsider my vote and I further move to table this matter 1 Legislative Day.

Senator **LIBBY** of York moved the Senate **RECONSIDER** whereby the **RULING OF THE CHAIR** was **SUSTAINED**.

Senate at Ease

Senate called to order by the President Pro Tem.

On motion by Senator **LIBBY** of York, **TABLED** 1 Legislative Day, pending motion by same Senator to **RECONSIDER** whereby the **RULING OF THE CHAIR** was **SUSTAINED**.

On motion by Senator **AMERO** of Cumberland, **ADJOURNED** until Friday, March 6, 1998, at 9:00 in the morning.