

# 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  
Thursday  
March 12, 1998

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

Prayer by Reverend Robert Morris of the Hampden Congregational United Church of Christ.

**REVEREND ROBERT MORRIS:** Let us be together in prayer. Almighty Creator, we gather on this day to begin another legislative session, ever thankful of your guidance, ever mindful of your presence in our deliberations. On this day especially, we play tribute to James Rose Carter who, ever mindful of town, state, and national government, has led and continues to lead at 100 years of age, a life of exemplary citizenship. May his life serve as a cornerstone to all who know him and may the lives of others like him do likewise. May we in public life, who serve our fellow citizens, be ever grateful of those servants who have gone before us and the examples they continue to set. Guide us, O God, as we continue to work on behalf of the citizens of Maine, that our work here may set an example for not only Maine, but for the nation. Also, O God, let us be ever mindful that we do indeed live in a global economy and our actions here, no matter how seemingly insignificant, have far reaching effects. Guide us in our deliberations this day. And at the end of this day, return us safely to our loved ones. In the name of the Father, and the Son, and the Holy Spirit. Amen.

Reading of the Journal of Wednesday, March 11, 1998.

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 1638

**JOINT RESOLUTION MEMORIALIZING THE FEDERAL ENERGY REGULATORY COMMISSION TO USE EXISTING UTILITY RIGHTS-OF-WAY IN SITING A NATURAL GAS PIPELINE WHEN TECHNOLOGICALLY FEASIBLE**

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 Federal Energy Regulatory Commission as follows:

WHEREAS, the Federal Energy Regulatory Commission regulates the construction, sale and acquisition of natural gas pipeline facilities; and

WHEREAS, land throughout the State is currently being sought for rights-of-way for a natural gas pipeline; and

WHEREAS, consideration must always be given to the impact that right-of-way clearings may have on trees and other vegetation; and

WHEREAS, the exercise of eminent domain to acquire land for rights-of-way is often an arduous procedure and objectionable to a majority of citizens; now, therefore, be it

RESOLVED: That We, your Memorialists, recommend and urge the Federal Energy Regulatory Commission to continue its policy of using existing utility rights-of-way for siting natural gas utility routes whenever technologically feasible; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to James J. Hoecker, chair of the Federal Energy Regulatory Commission, and to each Member of the Maine Congressional Delegation.

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

**READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Harriman.

Senator **HARRIMAN:** Thank you Mr. President and ladies and gentlemen of the Senate. I propose an amendment with a filing number of S-506 to House Paper 1638 and move its adoption and wish to speak briefly to my motion.

**THE PRESIDENT:** The Senator from Cumberland, Senator Harriman, offers Senate Amendment "A" with a filing number of S-506 and moves its adoption.

On motion by Senator **HARRIMAN** of Cumberland, Senate Amendment "A" (S-506) **READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Harriman.

Senator **HARRIMAN:** Thank you Mr. President and ladies and gentlemen of the Senate. The amendment I proposed to the Joint Resolution simply sends a message from the Legislature to the Federal Energy Regulatory Commission. On the issue of natural gas pipelines that are likely to be constructed in the next year or two, that in their decision of where pipeline routes should go that, in addition to existing rights of way, we should also make sure that these pipelines are constructed in an environmentally sound way and that we also pay particular attention to safety. I would propose that those words be added to the resolution. Thank you Mr. President.

Senate Amendment "A" (S-506) **ADOPTED.**

At the request of Senator **GOLDTHWAIT** of Hancock a Division was had. 17 Senators having voted in the affirmative and 6 Senators having voted in the negative, **ADOPTED AS AMENDED** in **NON-CONCURRENCE**.

Sent down for concurrence.

Off Record Remarks

The Chair noted the absence of the Senator from Cumberland, Senator O'GARA, and further excused the same Senator from today's Roll Call votes.

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

From the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Promote Competitiveness Regarding the Sale of Recreational Vehicles by Allowing Better Discounts" H.P. 1370 L.D. 1920

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-853)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-853)**.

Report **READ**.

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

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From the Committee on **JUDICIARY** on Bill "An Act to Amend the Definition of Design Professional" H.P. 1480 L.D. 2079

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-855)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-855)**.

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

**READ ONCE**.

Committee Amendment "A" (H-855) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING**.

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From the Committee on **JUDICIARY** on Bill "An Act to Simplify Corporate Filings" H.P. 1498 L.D. 2097

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-854)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-854)**.

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

**READ ONCE**.

Committee Amendment "A" (H-854) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING**.

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From the Committee on **TAXATION** on Bill "An Act to Equalize and Clarify the Tax on Hard Cider" H.P. 1517 L.D. 2139

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-856)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-856)**.

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

**READ ONCE**.

Committee Amendment "A" (H-856) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING**.

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**Senate**

**Ought to Pass As Amended**

Senator **CASSIDY** for the Committee on **TRANSPORTATION** on Bill "An Act to Amend the Motor Vehicle Laws" S.P. 753 L.D. 2031

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-498)**.

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

**READ ONCE**.

Committee Amendment "A" (S-498) **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 As Amended**

Bill "An Act to Prohibit the Opening of Liquor Stores on the Maine Turnpike" (EMERGENCY) H.P. 1303 L.D. 1846 (C "A" H-830)

Bill "An Act to Enhance the Safety of Snowmobile Rental Operations"  
H.P. 1447 L.D. 2038  
(C "A" H-852)

Bill "An Act to Restore Funds Transferred from the Underground Oil Storage Replacement Fund"  
H.P. 1460 L.D. 2051  
(C "A" H-847)

Bill "An Act to Provide Funds for the Maine Apprenticeship Program"  
H.P. 1504 L.D. 2126  
(C "A" H-848)

Bill "An Act to Implement the Maine Arts Commission's Arts in Education Program"  
H.P. 1518 L.D. 2140  
(C "A" H-850)

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

**ORDERS OF THE DAY**

The following matter in the consideration of which the Senate was engaged at the time of Adjournment has preference in the Orders of the Day and continues with such preference until disposed of as provided by Senate Rule 516.

**Off Record Remarks**

The Chair laid before the Senate the following Tabled and Later (3/9/98) Assigned matter:

JOINT ORDER - Recognizing James Rose Carter of Hampden on the occasion of his 100<sup>th</sup> birthday.  
HLS 1190

Tabled - March 9, 1998, by Senator **BENNETT** of Oxford.

Pending - **PASSAGE**, in concurrence

(In House, March 6, 1998, **READ** and **PASSED**.)

(In Senate, March 9, 1998, **READ**.)

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Mitchell.

Senator **MITCHELL:** Thank you Mr. President. Good morning ladies and gentlemen of the Senate. I ask you to join me this morning in celebrating this great event, of this gentleman actually reaching his 100<sup>th</sup> birthday. I would like to start by saying, my work is my life. I cannot think of one without the other. The man who works and is never bored, is never old. A person is not old until regrets take the place of hopes and plans. Work and interest in the worthwhile things are the best remedy for aging. I began my comments with that because it best describes what this gentleman has attained. He, as you heard earlier, was born and brought up in Andover, Massachusetts, and moved to Hampden at the young age of 85. The Hampden

people were very pleased with his residency because he immediately became involved in the community. He worked with other people in the community in establishing the Hampden Historical Society and is currently the treasurer of that organization. He also has been involved in Kiwanis and is currently the treasurer. As you go to your Kiwanis meetings on Thursday evening, he greets you at the door and takes your money, when he's able to be there. He works with the Key Club and is very active and goes to the high school and meets with these young people and attends these meetings. He's quite a young gentlemen for his age. I had the privilege of being with the people in Hampden, on Sunday, and listened to their love and gratitude expressed to him in celebration before his birthday. Today, being the actual event, he was hoping to be here, but because he was shoveling snow and strained his back, he felt that the trip was going to be too long and would deter him from the celebration that they're planning tonight and this weekend with his family and with Kiwanis this evening. So, he was unable to join our great Pastor who did join us this morning from Hampden. I'm sure the Pastor, as well as myself, will take back what the recognition we have paid to his great achievements to him and to the other residents in Hampden. I would say to you, "I am a part of all that I have been, the Hawthorne shade, the robins wistful note. I have the bitter berries in my heart, the robins happy message in my throat. Just as a tree is part of all the sun that ever shown upon the smallest leaf, so is my heart, a living manuscript of all that I have known of joy or grief. I am the laughter of the workings, waking spring, the pulse-beat in a root below the ground, small hands of a vein against a wall a clump of tangled willows closely bound. I am a part of all the friends I've known, the love I've shared, their laughter and their tears. The seeking and the finding of a dream the braggarts boasting and windows fears. I am a part of all that I have been. The years have multiplied the bread and wine. The harvest waits beyond the rivers brim where all that I have lost is truly mine." Thank you very much for joining me in this celebration. And a special thank you to the Reverend Morris for coming here this morning so that we could make this all a very exciting day for a 100<sup>th</sup> birthday, James Rose Carter.

**PASSED.**

**Off Record Remarks**

The Chair laid before the Senate the following Tabled and Unassigned matter:

Bill "An Act to Allow Police to Take Intoxicated Persons into Custody"  
H.P. 562 L.D. 753

Tabled - March 2, 1998, by Senator **CAREY** of Kennebec.

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-798)**, in concurrence

(In House, February 23, 1998, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-798)**.)

(In Senate, March 2, 1998, on motion by Senator **CAREY** of Kennebec, **RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence. **RECONSIDERED ADOPTION OF COMMITTEE AMENDMENT "A" (H-798)**, in concurrence.)

On motion by Senator **MURRAY** of Penobscot, Senate Amendment "B" (S-503) to Committee Amendment "A" (H-798) **READ** and **ADOPTED**.

Committee Amendment "A" (H-798) as Amended by Senate Amendment "B" (S-503) thereto, **ADOPTED** in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-798) AS AMENDED BY SENATE AMENDMENT "B" (S-503)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

**COMMUNICATIONS**

The Following Communication: S.C. 610

**THE SENATE OF MAINE  
OFFICE OF THE PRESIDENT  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

March 10, 1998

Joy J. O'Brien  
Secretary of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under Joint Order, S.P. 831, I have appointed the following Senate members to serve on the Joint Select Committee on Research and Development:

Senator Mary R. Cathcart of Penobscot  
Senator Jill M. Goldthwait of Hancock  
Senator Bruce W. MacKinnon of York

If you have any questions about these appointments, please contact me.

Sincerely,

S/Mark W. Lawrence  
President of the Senate

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

The Following Communication: S.C. 611

**THE SENATE OF MAINE  
OFFICE OF THE PRESIDENT  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

March 10, 1998

Joy J. O'Brien  
Secretary of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under Joint Order, H.P. 1579, as amended by Senate Amendment "A" (S-466), I have appointed the following Senate members to serve on the Joint Select Committee on Substance Abuse:

Senator Beverly C. Daggett of Kennebec  
Senator William O'Gara of Cumberland  
Senator John W. Benoit of Franklin

If you have any questions about these appointments, please contact me.

Sincerely,

S/Mark W. Lawrence  
President of the Senate

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

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator **KILKELLY** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Provide for the Licensing of Farmstead Cheese" S.P. 802 L.D. 2172

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-500)**.

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

**READ ONCE**.

Committee Amendment "A" (S-500) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

Senator CAREY for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the Sanford Sewerage District" S.P. 709 L.D. 1957

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-499).**

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

**READ ONCE.**

Committee Amendment "A" (S-499) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

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Senator CAREY for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Extend the Electric Rate Stabilization Program" (EMERGENCY) S.P. 818 L.D. 2204

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-505).**

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

**READ ONCE.**

Committee Amendment "A" (S-505) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

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

**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Reorganize and Clarify the Laws Relating to the Establishment, Powers and Duties of the Bureau of Parks and Lands" S.P. 635 L.D. 1852

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-501).**

Signed:

Senators:

KILKELLY of Lincoln  
PARADIS of Aroostook

Representatives:

BUNKER of Kossuth Township  
SAMSON of Jay  
VOLENIK of Brooklin  
SHIAH of Bowdoinham  
GOOLEY of Farmington

JONES of Greenville  
MCKEE of Wayne  
CROSS of Dover Foxcroft  
DEXTER of Kingfield

Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-502).**

Signed:

Senator:

KIEFFER of Aroostook

Representative:

LANE of Enfield

Reports **READ**.

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

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**Divided Report**

Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Protect Customers of Consumer-owned Utilities" S.P. 740 L.D. 2018

Reported that the same **Ought to pass as Amended by Committee Amendment "A" (S-504).**

Signed:

Senators:

CAREY of Kennebec  
CLEVELAND of Androscoggin  
HARRIMAN of Cumberland

Representatives:

JONES of Bar Harbor  
USHER of Westbrook  
O'NEAL of Limestone  
COLWELL of Gardiner  
LAVERDIERE of Wilton  
TAYLOR of Cumberland  
JOY of Crystal  
BERRY of Belmont

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

Signed:

Representative:

VEDRAL of Buxton

Reports **READ**.

On motion by Senator **CAREY** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

**READ ONCE.**

Committee Amendment "A" (S-504) **READ** and **ADOPTED**.

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

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Off Record Remarks

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Senator **CAREY** of Kennebec 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 **MITCHELL** of Penobscot, **ADJOURNED** until Friday, March 13, 1998, at 9:00 in the morning, in memory of and lasting tribute to James Rose Carter of Hampden.