

# 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  
March 16, 1998

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

Prayer by Reverend Charles Preston of the Frankfort Congregational United Church of Christ.

**REVEREND CHARLES PRESTON:** Let us be in a spirit of prayer. All wise and beneficent Creator, we come before You this morning to ask Your unfailing guidance as judgments are made and matters of importance are considered. We look to You, the author of all knowledge and righteousness, as our yardstick by which all our thoughts and actions are measured. You have given us gifts and abilities, and with them the responsibility to not misuse them for our own selfish ends, but to use our abilities and gifts so all persons may benefit from your boundless storehouse of compassion. By Your Spirit, help us to recognize when we have gone our own way and not looked to You when decisions need to be made. And help us to be instruments of Your will, that Your glory may be seen in all our endeavors. Move us to be Your humble servants in service to others, and when we go astray, place us back on the right path, so we may serve You with integrity, remembering You have created us precious and beloved in Your sight. We are made in Your image, a moral image of justice and mercy, and what we do either enhances or tarnishes that image. So, let us totally follow Your will, that this image will always be seen in our thoughts and actions. Let us proclaim with the psalmist that God's "decrees are my delight, they are my counselors," and live out in our lives the tasks You have called us to do, leaning on Your steadfastness and wisdom all the days of our earthly lives. Amen.

Pledge of Allegiance led by Senator William B. O'Gara of Cumberland County.

Doctor of the Day, Dr. Walter Keller, D.O., Portland.

Reading of the Journal of Friday, March 13, 1998.

Off Record Remarks

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Bennett, who requests unanimous consent to address the Senate on the record. The Senator may proceed.

Senator **BENNETT:** Thank you Mr. President and fellow members of the Senate. I return, today to the State House, from a weekend in which the most common of events are miracles,

and miracles are common events. I am pleased to report to you that my wife, Karen, gave birth to our son, Nathaniel Farrington Bennett, this weekend at 5:12 a.m. on Saturday, March 14<sup>th</sup>, 1998, in Norway, Maine. Both he and his mother are doing very well, having returned home from the hospital just this morning. It was a tremendously sudden event. Only about three quarters of an hour elapsed between the time we left home and the time of birth. I'd be remiss if I did not mention the enormous gratitude I have for the physical presence of Stephens Memorial Hospital in Norway Village, as well as for the extraordinarily professional and compassionate service we received at this rural, small-town hospital. Karen and I also want to express our deep appreciation for the good friendship, care and concern exhibited over the past weeks by members of the Senate, the Senate staff, the other Body, and other denizens of this grand building. We are profoundly touched. Thank you.

Off Record Remarks

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

From the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Regarding Legislative Review of Chapter 501: Exemptions to Fire Bans and Permit Requirements for Outdoor Fireplaces and Grills, a Major Substantive Rule of the Department of Conservation (EMERGENCY)

H.P. 1609 L.D. 2236

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 **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Implement Recommendations of the Joint Standing Committee on Business and Economic Development Relating to the Review of the Maine Development Foundation under the State Government Evaluation Act"

H.P. 1603 L.D. 2229

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.**

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From the Committee on **TAXATION** on Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 1998-99" (EMERGENCY) H.P. 1584 L.D. 2215

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.**

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**Ought to Pass As Amended**

From the Committee on **BANKING AND INSURANCE** on Bill "An Act to Clarify the Laws Concerning Claims Settlement Practices" H.P. 1256 L.D. 1783

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-873).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-873).**

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

**READ ONCE.**

Committee Amendment "A" (H-873) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

From the Committee on **BANKING AND INSURANCE** on Bill "An Act to Implement Recommendations of the Joint Standing Committee on Banking and Insurance Relating to the Review of the Bureau of Insurance, the Bureau of Banking and the Securities Division within the Department of Professional and Financial Regulation under the State Government Evaluation Act" H.P. 1564 L.D. 2197

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-884).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-884) AS AMENDED BY HOUSE AMENDMENT "A" (H-894)** thereto.

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

**READ ONCE.**

Committee Amendment "A" (H-884) **READ.**

House Amendment "A" (H-894) to Committee Amendment "A" (H-884) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-884) as Amended by House Amendment "A" (H-894) thereto, **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING** in concurrence.

---

From the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Statutes Pertaining to Emergency Medical Services" H.P. 447 L.D. 597

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-879).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-879).**

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

**READ ONCE.**

Committee Amendment "A" (H-879) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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From the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Laws Concerning Access to Capital for Maine Businesses" H.P. 1489 L.D. 2088

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-880).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-880).**

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

**READ ONCE.**

Committee Amendment "A" (H-880) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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From the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Provide Support and Assistance to Persons with Eating Disorders H.P. 1411 L.D. 1975

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-878).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-878).**

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

**READ ONCE.**

Committee Amendment "A" (H-878) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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From the Committee on **LABOR** on Bill "An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 1999" (EMERGENCY) H.P. 1443 L.D. 2007

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-870).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-870).**

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

**READ ONCE.**

Committee Amendment "A" (H-870) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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From the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Remove the Debt Limit of the Limerick Water District" (EMERGENCY) H.P. 1546 L.D. 2175

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-872).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-872).**

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

**READ ONCE.**

Committee Amendment "A" (H-872) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

### Divided Report

Majority of the Committee on **LABOR** on Bill "An Act to Grant the Treasurer of State Full Voting Rights on the Board of Trustees of the Maine State Retirement System" H.P. 1359 L.D. 1910

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-868).**

Signed:

Senators:

TREAT of Kennebec  
MILLS of Somerset

Representatives:

HATCH of Skowhegan  
SAMSON of Jay  
BOLDUC of Auburn  
CLARK of Millinocket  
STANLEY of Medway

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

Signed:

Representatives:

RINES of Wiscasset  
PENDLETON of Scarborough  
JOYCE of Biddeford  
TREADWELL of Carmel  
LAYTON of Cherryfield

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-868).**

Reports **READ.**

Senator **CATHCART** of enobscot 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.

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### Divided Report

Majority of the Committee on **LABOR** on Bill "An Act to Establish a Migrant Worker Assistance Office in Central Maine" H.P. 1430 L.D. 1994

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-869).**

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  
PENDLETON of Scarborough

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

Signed:

Representatives:

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-869)**.

Reports **READ**.

On motion by Senator **CATHCART** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

**READ ONCE**.

Committee Amendment "A" (H-869) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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**Divided Report**

Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Require Minimum Qualifications for the Treasurer of State H.P. 145 L.D. 188

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

Signed:

Senators:

NUTTING of Androscoggin  
GOLDTHWAIT of Hancock  
LIBBY of York

Representatives:

AHEARNE of Madawaska

BAGLEY of Machias  
SANBORN of Alton  
GIERINGER of Portland  
BUMPS of China  
FISK of Falmouth  
KASPRZAK of Newport

Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-883)**.

Signed:

Representative:

GERRY of Auburn

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

Reports **READ**.

On motion by Senator **NUTTING** of Androscoggin, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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**Divided Report**

Six members of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Grant the Joint Standing Committee Having Jurisdiction over Criminal Matters the Authority to Review the Appointments of the Commissioner of Public Safety and the Chief of the State Police" H.P. 1526 L.D. 2148

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-882)**.

Signed:

Senators:

NUTTING of Androscoggin  
GOLDTHWAIT of Hancock

Representatives:

AHEARNE of Madawaska  
SANBORN of Alton  
BUMPS of China  
GERRY of Auburn

Three Members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass**.

Signed:

Representatives:

BAGLEY of Machias  
GIERINGER of Portland  
FISK of Falmouth

Three Members of the same Committee on the same subject reported in Report "C" that the same **Ought Not to Pass**.

Signed:

Senator:  
LIBBY of York

Representatives:  
DUTREMBLE of Biddeford  
KASPRZAK of Newport

Comes from the House with Report "B", **OUGHT TO PASS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Reports **READ**.

Senator **NUTTING** of Androscoggin moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-882)** in **NON-CONCURRENCE**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-882)** in **NON-CONCURRENCE**.

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**Divided Report**

Majority of the Committee on **TAXATION** on Resolve, to Implement the Interim Recommendations of the Task Force on State and Federal Tax Filing H.P. 1544 L.D. 2171

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-867)**.

Signed:

Senators:  
RUHLIN of Penobscot  
DAGGETT of Kennebec  
MILLS of Somerset

Representatives:  
TRIPP of Topsham  
GREEN of Monmouth  
ROWE of Portland  
GAGNON of Waterville  
SPEAR of Nobleboro  
LEMONT of Kittery  
CIANCHETTE of South Portland  
TUTTLE of Sanford  
MORGAN of South Portland

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

Signed:

Representative:  
BUCK of Yarmouth

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-867)**.

Reports **READ**.

On motion by Senator **RUHLIN** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

**READ ONCE**.

Committee Amendment "A" (H-867) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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**Divided Report**

Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 1999" H.P. 1522 L.D. 2144

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-871)**.

Signed:

Senators:  
O'GARA of Cumberland  
CASSIDY of Washington

Representatives:  
WINGLASS of Auburn  
FISHER of Brewer  
CLUKEY of Houlton  
CHARTRAND of Rockland  
LINDAHL of Northport  
DRISCOLL of Calais  
BOUFFARD of Lewiston  
SAVAGE of Union  
WHEELER of Eliot

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

Signed:

Representative:  
JOYCE of Biddeford

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-871)**.

Reports **READ**.

On motion by Senator O'GARA of Cumberland, the Majority **ought to pass as amended** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-871) **READ** and **ADOPTED**, in concurrence.

**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 Amend the Animal Welfare Laws"  
H.P. 1640 L.D. 2273

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

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**House As Amended**

Bill "An Act to Enact the Uniform Transfer on Death Security Registration Act"  
H.P. 965 L.D. 1328  
(C "A" H-860)

Bill "An Act to Unify the Court System" H.P. 992 L.D. 1372  
(C "A" H-861)

Bill "An Act to Provide for the Termination of Spousal Support upon the Death of the Payor"  
H.P. 1366 L.D. 1916  
(C "A" H-862)

Bill "An Act to Amend the Laws Governing Liability Associated with Juvenile Offenders Who Participate in Community Service Programs"  
H.P. 1424 L.D. 1988  
(C "A" H-863)

Bill "An Act to Ensure That Lump-sum Workers' Compensation Settlements Are Credited to Child Support Obligations" (EMERGENCY)  
H.P. 1467 L.D. 2058  
(C "A" H-864)

Bill "An Act to Clarify Certain Laws Pertaining to the Department of Environmental Protection, Bureau of Remediation and Waste Management"  
H.P. 1496 L.D. 2095  
(C "A" H-866)

Bill "An Act to Repeal the Sunsets on Certain Child Support Enforcement Remedies"  
H.P. 1510 L.D. 2132  
(C "A" H-865)

Resolve, to Provide Supplemental Funding for the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities (EMERGENCY)

H.P. 1534 L.D. 2161  
(H "A" H-881 to C "A" H-857)

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

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**Senate**

Bill "An Act Relating to the Qualifications of the Director of the Bureau of Human Resources" S.P. 787 L.D. 2114

Bill "An Act to Provide Funding for Law Enforcement and Emergency Medical Services Personnel" S.P. 860 L.D. 2276

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

Sent down for concurrence.

---

**Senate As Amended**

Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$79,500,000 to Match Available Federal Funds for Improvements to Municipal and State Roads, State and Local Bridges, Airports, State Ferry Vessels and Terminals and Rail and Marine Facilities"  
S.P. 611 L.D. 1812  
(C "A" S-510)

Bill "An Act to Reduce Technical Violations of Maine's Laws Regarding the Protection of Underground Utilities"  
S.P. 747 L.D. 2025  
(C "A" S-507)

**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 Measure**

An Act to Prohibit the Opening of Liquor Stores on the Maine Turnpike  
H.P. 1303 L.D. 1846

On motion by Senator **MICHAUD** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT.**



**Emergency Measure**

An Act to Reduce Groundwater Contamination from Leaking Oil Storage Tanks  
S.P. 778 L.D. 2105  
(C "A" S-488)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency Resolve**

Resolve, Regarding Legislative Review of Certification and Monitoring of Batterer Intervention Programs, a Major Substantive Rule of the Department of Corrections  
H.P. 1560 L.D. 2189

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Acts**

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  
(C "A" S-485)

An Act to Improve Management of Contracted Personnel Services Costs  
H.P. 1394 L.D. 1948  
(C "A" H-845)

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

An Act to Repeal Certain Archaic and Unenforced Laws  
H.P. 1468 L.D. 2059

An Act to Update the Guide Dog Access Law  
S.P. 775 L.D. 2102

An Act to Support the Long-term Care Steering Committee  
H.P. 1500 L.D. 2122  
(H "A" H-849 to C "A" H-837)

An Act to Implement the Recommendations of the Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses in Maine  
S.P. 811 L.D. 2190  
(C "A" S-489)

An Act to Repeal the Laws Governing the Jackman Water District and the Jackman Sewer District S.P. 824 L.D. 2214

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

An Act to Amend the Prevailing Wage Laws  
H.P. 1037 L.D. 1454  
(S "A" S-475 to C "B" H-804)

On motion by Senator **MICHAUD** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

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  
(C "A" S-486)

On motion by Senator **MICHAUD** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

An Act Relating to the Taxation of the Sale of Hay  
H.P. 1416 L.D. 1980  
(C "A" H-839)

On motion by Senator **MICHAUD** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

An Act to Appropriate Funds for Library Resource Sharing and for Acquisitions for the Maine State Library  
H.P. 1431 L.D. 1995  
(C "A" H-844)

On motion by Senator **MICHAUD** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

An Act to Promote Access to Public Higher Education  
H.P. 1453 L.D. 2044  
(C "A" H-842)

On motion by Senator **MICHAUD** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

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

On motion by Senator **MICHAUD** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

An Act to Continue Work-based Learning for Maine's Youth  
S.P. 774 L.D. 2101

On motion by Senator **MICHAUD** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

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

On motion by Senator **MICHAUD** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

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

On motion by Senator **MICHAUD** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

---

An Act to Provide Funds for Applied Research and Development Relevant to the Maine Economy  
S.P. 816 L.D. 2200

On motion by Senator **MICHAUD** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

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**Resolves**

Resolve, to Approve a Maine Technical College System Lease with the South Portland Housing Authority  
H.P. 1507 L.D. 2129  
(C "A" H-836)

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

---

Resolve, to Allow David Prentiss to Sue the State of Maine  
H.P. 1476 L.D. 2075  
(C "A" H-841; H "A" H-851)

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**.

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

**COMMUNICATIONS**

The Following Communication: S.C. 616

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON NATURAL RESOURCES**

March 13, 1998

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

Dear Mr. President and Madam Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Natural Resources from the review and evaluation of the Board of Environmental Protection under the State Government Evaluation Act. In its review, the committee found that it does not have sufficient information to evaluate the Board of Environmental Protection at this time. The committee therefore recommends that the Board submit a follow-up report to us next session that addresses and makes recommendations regarding issues outlined in the report.

Sincerely,

S/Sen. Sharon Anglin Treat  
Senate Chair

S/Rep. G. Steven Rowe  
House Chair

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

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The Following Communication:

S.C. 617

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON NATURAL RESOURCES**

March 13, 1998

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

Dear Mr. President and Madam Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Natural Resources from the review and evaluation of the Department of Environmental Protection under the State Government Evaluation Act. In its review, the committee found that the Department is operating within its statutory authority. However, the committee does make recommendations regarding four areas in need of further consideration that are outlined in the report.

Sincerely,

S/Sen. Sharon Anglin Treat  
Senate Chair

S/Rep. G. Steven Rowe  
House Chair

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

The Following Communication: S.C. 618

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

March 9, 1998

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

Dear Mr. President and Madam Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Baxter State Park Authority under the State Government Evaluation Act. In its review, the committee found that the Authority is operating within its statutory authority.

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.**

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator MILLS for the Committee on **TAXATION** on Bill "An Act to Encourage the Payment of Delinquent Taxes"  
S.P. 606 L.D. 1803

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-513).**

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

**READ ONCE.**

Committee Amendment "A" (S-513) **READ** and **ADOPTED.**

**TOMORROW ASSIGNED FOR SECOND READING.**

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

**REPORTS OF COMMITTEES**

**Divided Report**

Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$12,000,000 to Enable Maine Public Broadcasting to Implement the Federally Mandated Conversion to Digital Broadcasting"  
S.P. 780 L.D. 2107

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-517).**

Signed:

Senators:

MICHAUD of Penobscot  
CLEVELAND of Androscoggin

Representatives:

KERR of Old Orchard Beach  
LEMAIRE of Lewiston  
TOWNSEND of Portland  
BERRY of Livermore  
POULIN of Oakland  
STEVENS of Orono

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

Signed:

Senator:

BENNETT of Oxford

Representatives:

OTT of York  
MARVIN of Cape Elizabeth  
WINSOR of Norway  
KNEELAND of Easton

Reports **READ.**

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

**Divided Report**

Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act Concerning Firearm Purchase Background Checks"  
S.P. 562 L.D. 1719

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

Signed:

Senators:

MURRAY of Penobscot  
O'GARA of Cumberland  
MITCHELL of Penobscot

Representatives:

POVICH of Ellsworth  
O'BRIEN of Augusta  
PEAVEY of Woolwich  
MCALEVEY of Waterboro  
TOBIN of Dexter  
BUNKER of Kossuth Township  
FRECHETTE of Biddeford  
WHEELER of Bridgewater  
JONES of Greenville

Minority of the same Committee reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-516).**

Signed:

Representative:

MUSE of South Portland

Reports **READ.**

On motion by Senator **MURRAY** of Penobscot, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED.**

Sent down for concurrence.

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**Divided Report**

Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act to Clarify the Responsibilities of the Advisory Commission on Radioactive Waste during the Decommissioning of Maine Yankee" (EMERGENCY) S.P. 792 L.D. 2119

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-514).**

Signed:

Senators:

TREAT of Kennebec  
NUTTING of Androscoggin

Representatives:

ROWE of Portland  
SHIAH of Bowdoinham  
BULL of Freeport  
COWGER of Hallowell  
MCKEE of Wayne  
BRYANT of Dixfield  
MERES of Norridgewock

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

Signed:

Senator:

BUTLAND of Cumberland

Representatives:

DEXTER of Kingfield  
NICKERSON of Turner  
FOSTER of Gray

Reports **READ.**

Senator **TREAT** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-514)** Report.

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 BY COMMITTEE AMENDMENT "A" (S-514)** Report.

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**Divided Report**

Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Broaden the Farm Stand Exemption" S.P. 735 L.D. 2013

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-515).**

Signed:

Senators:

O'GARA of Cumberland  
CASSIDY of Washington

Representatives:

DRISCOLL of Calais  
WINGLASS of Auburn  
FISHER of Brewer  
JOYCE of Biddeford  
CLUKEY of Houlton  
LINDAHL of Northport  
BOUFFARD of Lewiston  
SAVAGE of Union  
WHEELER of Eliot

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

Signed:

Representative:

CHARTRAND of Rockland

Reports **READ.**

On motion by Senator **O'GARA** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED.**

**READ ONCE.**

Committee Amendment "A" (S-515) **READ** and **ADOPTED.**

**TOMORROW ASSIGNED FOR SECOND READING.**

**ORDERS OF THE DAY**

**Unfinished Business**

The following matters 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 (3/13/98) Assigned matter:

**HOUSE REPORTS** - from the Committee on **LABOR** on Bill "An Act to Modify the Retirement Laws for the 38<sup>th</sup> Training Troop of the Maine State Police" H.P. 1304 L.D. 1847

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-858) (10 members)

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-859) (2 members)

Tabled - March 13, 1998, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 12, 1998, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-858)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-858).**)

(In Senate, March 13, 1998, Reports **READ.**)

Senator **CATHCART** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-858)** Report, in concurrence.

The same Senator further moved to **TABLE** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-858)** Report, in concurrence.

Senate at Ease

Senate called to order by the President.

Senator **CATHCART** of Penobscot requested and received leave of the Senate to withdraw her motion to **TABLE** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-858)** Report, in concurrence.

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-858)** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-858) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

The Chair laid before the Senate the following Tabled and Later (3/13/98) Assigned matter:

**SENATE ORDER** - regarding establishing a Legislative Study Table. S.O. 29

Tabled - March 13, 1998, by Senator **PINGREE** of Knox.

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

(In Senate, March 13, 1998, **READ.**)

On motion by Senator **PINGREE** of Knox, the Senate Order **INDEFINITELY POSTPONED.**

Senator **PINGREE** of Knox 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

On motion by Senator **PINGREE** of Knox, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

**ORDERS OF THE DAY**

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

**HOUSE REPORTS** - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Grant the Joint Standing Committee Having Jurisdiction over Criminal Matters the Authority to Review the Appointments of the Commissioner of Public Safety and the Chief of the State Police"

H.P. 1526 L.D. 2148

Report "A" - Ought to Pass as Amended by Committee Amendment "A" (H-882) (6 members)

Report "B" - Ought to Pass (3 members)

Report "C" - Ought Not to Pass (3 members)

Tabled - March 16, 1998, by Senator **NUTTING** of Androscoggin.

Pending - motion by same Senator to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-882)** in **NON-CONCURRENCE**

(In House, March 13, 1998 with Report "B", **OUGHT TO PASS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, March 16, 1998, Reports **READ**.)

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

Senator **NUTTING:** Thank you Mr. President and men and women of the Senate. I'll try to be brief. This issue came before the State and Local Government Committee this year, ironically, right in the middle of both of these positions being reposted by the Governor. Report "A" calls for the Chief of State Police nomination to move from the State and Local Government Committee to the Criminal Justice Committee. The signers of Report "B" felt that both the Commissioner of Public Safety and the Chief of State Police should move over to the Criminal Justice Committee. Report "C" signers felt that neither should move. So, you've got a whole host of choices before you today.

The reason I signed on to Report "A" is that I felt, clearly, that the Chief of State Police nomination should move to the Criminal Justice Committee. If you look at the various L.D.'s coming out of the Commissioner of Public Safety Department, they're going to a whole host of a variety of Committees, from Transportation, Judiciary, Legal and Veterans Affairs, Criminal Justice and State and Local Government. That nomination deserves to be kept right where it is, in more of a broad-based Committee like State and Local Government. That's why I voted the way I did on Report "A", and I believe that's the motion before us now. Thank you.

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

Senator **MURRAY:** Thank you Mr. President and men and women of the Senate. I, too, will be brief. I would urge you to vote against the pending motion, Acceptance of Report "A", so that hopefully, this Body may have an opportunity to consider Report "B". The Department of Public Safety has a number of bureaus and divisions in it, like many of the departments that we have in the State Government. The predominant number of those bureaus have their budgets reviewed by, and also have their legislation considered by the Criminal Justice Committee. The history behind this bill, and actually the reason that the nomination is currently before the State and Local Government Committee is, as I expect, this Criminal Justice Committee that we now have is relatively new, in the scheme of things. It's only

four years old. And I suspect, at the time the Criminal Justice Committee was created, the law dealing with where the Commissioner of Public Safety ought to go simply was not amended at that time. Since that time, it has become clear, through practice as well as the explicit call of this Committee on Criminal Justice that much of the activity of that department does go before the Criminal Justice Committee. I have handed to you, for your review, a brief outline of the divisions and bureaus within Public Safety and an analyses of which committee has budgetary review over, at least, those general fund bureaus and divisions, as well as the legislative authority with regard to those same bureaus and divisions within Public Safety. What I think is clear from that, as well as what I've hopefully, discussed with you, is that most of what the individuals involved with those bureaus do, on a legislative basis, comes before this Criminal Justice Committee. Quite literally, dozens of times each session, there are bills from that department that we have to consider, whether they deal with the Criminal Justice Academy, where that building is to be located, or what the curriculum for that academy shall be, whether it deals with issues involving computerization or data collection, the State Bureau of Investigation. Tomorrow, we have a bill before our committee dealing with issues as to the structure and organization of the State Fire Marshal's Office, which are the result of a task force study and recommendations appearing before our committee this very week. For all of these reasons, I think it is clear and the issue of this department having functions that involve committees other than Criminal Justice, I acknowledge that that is, in fact, true. Primarily, those issues relate to either Transportation, as you'll see from the Highway Safety Division, that's part of the Public Safety Department that obviously comes under the purview of the Committee on Transportation. The Bureau of Liquor Enforcement, that particular bureau comes under the purview of the Committee of Legal and Veterans Affairs. Those are the two Committees, other than Criminal Justice, that deal primarily with issues involving this department. And to suggest that because there may be some other committees that have some review, we ought to give it to a committee that basically doesn't have any oversight, which is what State and Local Government is in the position of being. It doesn't seem to make the best sense. So for all of these reasons, I would hope you would join with me in voting against the pending motion so that we hopefully, would have the opportunity to consider Report "B". Thank you.

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

Senator **LIBBY:** Thank you Mr. President and women and men of the Senate. I rise today to also ask you to vote against the pending motion, Report "A". In order to go on and consider Report "C", the reason I do that is because, as you know and as you can see in front of you on page 9 of your calendar, the vote was split. It was really a three-way fracture in the committee, and it indicated to me, during the debate and the resulting vote, that we need to spend a little bit more time deciding exactly who should be responsible for each one of these appointments, the Chief of the Maine State Police and the Commissioner of Public Safety. As you can see from the handout that was given to you just recently, on the Department of Public Safety and a legislative committee jurisdiction, by the good Senator from Penobscot, Senator Murray. You can see that actually the committee with budget authority is spread among different jurisdictions. For

instance, Transportation, Legal and Veterans Affairs, Criminal Justice and State and Local Government.

I think you need to take a look at doing what is the most important thing and that is consideration of what is right. To me, we're not quite there yet. I don't see any emergency, here. In other words, we don't need to pass something right now. We just had an appointment that this Senate considered for a new Commissioner of Public Safety. That Commissioner, by the way, begins his job today and that is Commissioner Kelley. I think it should be pointed out that the State and Local Government Committee did an excellent job, I believe, in coming to a final conclusion on exactly who should be appointed to that post. If you remember, last summer, there was a nominee who's name was withdrawn. I know that all of us on the State and Local Government Committee were involved in that process. We were given the timely information to make some decisions on whether or not we would be able to support that nominee. I think the right thing happened in that we have now supported a nominee who has been confirmed and is now taking the job, as of today, a person who is going to do an outstanding job. We did the responsible thing as well. What we did was, we invited the Criminal Justice Committee to come down to the State and Local Government Committee for the hearing and take part in the hearing, and even ask questions during the hearing.

What I'm saying is that this is something we need a little bit more consideration. Probably we need to sort out some details. I'm not going to be upset if you vote for Report "A", or Report "B", but I think that no matter which way you vote, there's still going to be some confusion left over. That is why I voted Ought Not to Pass. I hope you'll consider Report "C". Thank you.

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

Senator **GOLDTHWAIT:** Thank you Mr. President and men and women of the Senate. The "A" group on this bill, which is certainly handout challenged, but nevertheless was armed with good information regarding the issue. Some information indicating that the actual range of committees, covered by issues under the Public Safety Commissioner, was broader than the handout before you indicates. In fact, the distribution was quite even among those committees, which is the main reason why the 18 favored sending the 1 nomination to Criminal Justice and keeping the other before us. As the Committee statistician, I would point out the obvious which is of all the variety of reports in front of you, only three members of the committee felt that both of these nominations should be moved. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator O'Gara.

Senator **O'GARA:** Thank you Mr. President and men and women of the Senate. Very briefly, I do hope that you have really taken a few minutes to look at the handout passed out to you by the Senator from Penobscot. As I said to some folks a little earlier, when I first came on to the Transportation Committee, the two jobs of Public Safety and the head of the state police were served, at that time, by one person. Subsequently, that of course has now been changed and they've been divided. So I never really had any occasion to think about the confirmation process. But, as we have come into this position now, where we have had a new head of the State Police and a new head of Public Safety, it never occurred to me until I read the announcement that they

were going to the Committee on State and Local Government. Obviously, the committee they belong to is the Committee on Criminal Justice. It could even be argued that in some cases, perhaps, Transportation is involved there because they do appear before the Committee on Transportation quite frequently. But I think, if you really stop and think about it, the fact that there was no Criminal Justice Committee in the past, and this used to be the way it was, and the fact that there is one now, and as you look at that sheet, you find out that in 5 out of the 8 budgetary; in the column where it says budgetary authority, where there is money involved in the general fund, the Criminal Justice Committee is involved in 5 out of those 8. On the final column, 6 out of 10 areas of the Criminal Justice Committee is involved. Even the people who were nominated for appointment to those positions fully expected that was the Committee they were going to go before, because that's the Committee that they will be appearing before on a regular basis, not State and Local Government. I urge you to support, and I might point out that it was the "B" Report, even though there are only 3 members on the "B" Report, that was adopted in the other Body. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Franklin, Senator Benoit.

Senator **BENOIT:** Thank you Mr. President and may it please the Senate. The good Senator from York, Senator Libby, said we've got a three-way fracture here to contend with. I would suggest we do not compound it. I've been looking at this handout that Senator Murray of Penobscot was good enough to give us. You know, the longer I look at it, the more of a headache I get. We've got budgets going in one direction and people who are responsible for the budgets going in another direction. There's no uniformity, whatsoever, here. What we ought to be doing is taking a look at what we've done, spreading out the appointment authority for these people. We've got it going in different directions and the budget's going in different directions. Unify these things and bring them together. In Judiciary, the Committee that I serve on, we have the hearing for appointment of judges and we also have the budget. It's uniform and I'm sure that most committees are like that, until you get to this. It seems to me that this handout, from Senator Murray of Penobscot, is a good exhibit of how we've fudged up the situation. I think, voting for this Report "A" is going to fudge it up even more, or I guess, even Report "B". I'd like to see us go on to Report "C", don't make any changes now and fudge it up more, but fix it. There's something broken here. When we find something broken, fix it. Don't fix something else. To me, we're going to compound the fracture. We've got a good fracture going here, let's not compound it. Thank you.

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

Senator **LIBBY:** Thank you Mr. President and men and women of the Senate. Just to follow up on the good Senator from Franklin's comments, just one example, quickly, I think it's important to point out. Emergency medical services, the jurisdiction over that part of Public Safety is a perfect example of one that just doesn't make much sense. Every time I've testified, on behalf of EMS services and I've done that on several occasions here in the Legislature, in my six years, I've always gone in front of Business and Economic Development. And yet, they're not the Committee with budget authority, it's Criminal

Justice. We have a real problem here. If I had to stand up and say, well, who should the state police go in front of, I'd have to say, Transportation's an important part of it. So, there's so many different, it's a hodgepodge, and really the jurisdictional process that we have now is fairly new, as you know, many of you who have been here for more than a term or two. It's fairly new. That's why, I think, we need to take our time and work out some of these problems. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President and ladies and gentlemen of the Senate. I agree wholeheartedly with the Senator from Franklin, Senator Benoit, that something's broken here and needs to be fixed. I've served on the Legal and Veterans Affairs Committee and the Criminal Justice Committee. When I served on the Legal and Veterans Affairs I was astonished to realize that we had part of the budget but we didn't have, actually, the State Police budget. And having had some law enforcement experience I was looking forward to looking at that budget quite closely. Then serving on Criminal Justice I still didn't get it, it went to Transportation. I understand why it's there, because DOT is paying a large share of the expenses for the State Police. But having served on both of those Committees, I also realized on Criminal Justice Committee they try to lean, to put, law enforcement people on that committee, and those are the people that surely know more about that budget and what's going on, and I think that's where the State Police budget should be. I feel that this particular bill that we're discussing here today, I like Report "A" better. It doesn't fix the whole problem but it, surely, is a start. If we could pass that today, I think next session, maybe we could get the whole budget where it ought to be. We'd have a better argument. We're pulling three different ways right now. Let's, at least, only pull two. Thank you very much.

The Chair ordered a Division. 5 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-882)** in **NON-CONCURRENCE, FAILED.**

Senator **MURRAY** of Penobscot moved the Senate **ACCEPT** Report "B", **OUGHT TO PASS**, in concurrence.

**THE PRESIDENT:** The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President. It's Monday morning and I'd like to clarify because I got a lot of looks and stares. I'm in favor of Report "B", not "A". I'll be voting for the present motion.

At the request of Senator **LIBBY** of York a Division was had. 19 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator **MURRAY** of Penobscot to **ACCEPT** Report "B", **OUGHT TO PASS**, in concurrence, **PREVAILED.**

**READ ONCE.**

**TOMORROW ASSIGNED FOR SECOND READING.**

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

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act to Grant the Treasurer of State Full Voting Rights on the Board of Trustees of the Maine State Retirement System"  
H.P. 1359 L.D. 1910

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-868)** (7 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - March 16, 1998, by Senator **CATHCART** of Penobscot.

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, March 13, 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-868).**)

(In Senate, March 16, 1998, Reports **READ.**)

On motion by Senator **CATHCART** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-868) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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On motion by Senator **PINGREE** of Knox, **ADJOURNED** until Monday, March 17, 1998, at 9:00 in the morning.