

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

Volume 2

First Special Session (Continued)
May 20, 1997 to June 20, 1997

First Confirmation Session
October 6, 1997

Second Regular Session
January 7, 1998 to March 24, 1998

Pages 981 - 1977

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

In Senate Chamber
Tuesday
March 17, 1998

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

Prayer by Rabbi Ruth Smith of the Beth Israel Congregation in Bath.

RABBI RUTH SMITH: Happy Saint Patrick's Day. One quick fact; Haim Herzog, the first President of Israel, was from Dublin. In opening the Senate this morning, I would like to read the prayer that is read in synagogues across the country on Saturday mornings. It is a prayer asking God to be with you as you deliberate on affairs of importance to our state.

Our God, and God of our ancestors, we ask Your blessings for our country, for it's government, for it's leaders and advisors, and for all who exercise just and rightful authority. Teach them insights of Your torah, that they may administer all affairs of State fairly, that peace and security, happiness and prosperity, justice and freedom, may be forever in our midst. Creator of all flesh, bless all the inhabitants of our country with Your Spirit. May citizens of all races and creeds forge a common bond, in true harmony, to banish all hatred and bigotry and to safeguard the ideals and free institutions, which are the pride and glory of our country. May this land, under Your providence, be an influence for good throughout the world, uniting all people in peace and freedom and helping them to fulfill the vision of Your Profit. Nation shall not lift up sword against nation, and neither shall they experience war anymore. Amen.

Doctor of the Day, Russell Radcliffe, M.D., Auburn.

Reading of the Journal of Monday, March 16, 1998.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator PINGREE of Knox, the following Senate Order:
S.O. 30

ORDERED, that a message be sent to the House of Representatives proposing a Joint Convention of both Branches to be held in the Hall of the House at 11:00 in the morning for the purpose of extending an invitation to the Honorable Lucien Bouchard, Premiere of Quebec, to attend the Convention and make such communication as pleases him.

READ and PASSED.

The Chair appointed the Senator from Knox, Senator PINGREE to deliver the message to the House of

Representatives. The Sergeant-at-Arms escorted the Senator to the House of Representatives.

Subsequently, the Senator from Knox, Senator PINGREE reported that she had delivered the message with which she was charged.

COMMUNICATIONS

The Following Communication: S.C. 619

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON MARINE 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
State House
Augusta, ME 04333-0003

Dear Mr. President and Madam Speaker:

The Joint Standing Committee on Marine Resources is pleased to submit its findings from the review of the Department of Marine Resources under the State Government Evaluation Act pursuant to Title 3 Maine Revised Statutes, chapter 35. The committee found that the department is operating within its statutory authority.

Sincerely,

S/Senator Jill M. Goldthwait

S/Representative David Etnier

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

The Following Communication: S.C. 620

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON MARINE 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
State House
Augusta, ME 04333-0003

Dear Mr. President and Madam Speaker:

The Joint Standing Committee on Marine Resources is pleased to submit its findings from the review of the Atlantic States Marine Fisheries Commission under the State Government Evaluation Act pursuant to Title 3 Maine Revised Statutes, chapter 35. The committee found that the commission is operating within its statutory authority.

Sincerely,

S/Senator Jill M. Goldthwait

S/Representative David Etnier

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

The Following Communication: S.C. 623

THE COMMISSION TO STUDY THE DEVELOPMENT OF MAINE'S FRANCO-AMERICAN RESOURCES

March 13, 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 83, the Commission to Study the Development of Maine's Franco-American Resources is pleased to submit its final report, including recommendations. On behalf of all the members of the Commission, I would like to express our appreciation for having the opportunity to participate in the study and development of recommendations relating to the development of Maine's Franco-American Resources.

Sincerely,

S/Connie LaPoint Brennan
Chair

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

The Following Communication: S.C. 622

118TH MAINE LEGISLATURE

February 23, 1998

Hon. Lucien Bouchard
Premier of Quebec
885 Grande Alle
EST 3rd Floor
QUEBEC, CANADA G1A1A2

Dear Premier Bouchard:

It is our distinct honor and pleasure to invite you to address a joint session of the 118th Maine Legislature on Tuesday, March 17, 1998 at 11:00 a.m. The Senate and House will convene in a joint session in the House Chambers for your address.

The relationship that Maine and Quebec share is a unique and an important one in many different ways. We look forward to hearing your ideas on how we can continue to develop this alliance.

Sincerely,

S/Mark W. Lawrence
President of the Senate

S/Elizabeth H. Mitchell
Speaker of the House

READ and **ORDERED PLACED ON FILE.**

At this point, a message was received from the House of Representatives, borne by Representative KONTOS of Windham, informing the Senate that the House of Representatives concurred in the proposition for a Joint Convention, to be held in the Hall of the House, at 11:00 in the morning for the purpose of extending an invitation to the Honorable Lucien Bouchard, Premiere of Quebec, to attend the Convention and make such communication as pleases him.

Off Record Remarks

The President requested the Sergeant-at-Arms escort the Senator from Knox, Senator **PINGREE** to the rostrum where she assumed the duties as President Pro Tem.

The President retired from the Chamber.

The Senate called to order by the President Pro Tem.

ORDERS

Joint Resolution

On motion by Senator O'GARA of Cumberland (Cosponsored by Representative BRENNAN of Portland, President LAWRENCE of York, Senators CASSIDY of Washington, AMERO of Cumberland, PINGREE of Knox, RAND of Cumberland, RUHLIN of Penobscot, MICHAUD of Penobscot, TREAT of Kennebec, CATHCART of Penobscot, CAREY of Kennebec, KILKELLY of Lincoln, DAGGETT of Kennebec, PENDLETON of Cumberland, Speaker MITCHELL of Vassalboro, Representatives DUNLAP of Old Town, O'NEIL of Saco, LORING of the Penobscot Nation, FARNSWORTH of Portland, KANE of Saco, DRISCOLL of Calais, MCALEVEY of Waterboro, AHEARNE of Madawaska, CLARK of Millinocket, O'NEAL of Limestone, JONES of Bar Harbor, RICHARD of Madison, DESMOND of Mapleton, WATSON of Farmingdale, SAMSON of Jay, QUINT of Portland, WRIGHT of Berwick), the following Joint Resolution: S.P. 861

JOINT RESOLUTION URGING PEACE IN IRELAND

WHEREAS, Ireland has been torn by violence for at least the past 2 1/2 decades; and

WHEREAS, the United States presidential envoy, George Mitchell, currently chairs talks aimed at resolving the Anglo-Irish conflict; and

WHEREAS, United States support for peace in Ireland is demonstrated with the words and deeds of no less than 7 recent Presidents, Members of Congress, state legislators and local officials across the nation; and

WHEREAS, this concern for peace in Ireland is supported by American taxpayer investment in the International Fund for Ireland; and

WHEREAS, mutual respect for human and civil rights and a fundamental change in governmental institutions and practices are key to peace in Ireland; now, therefore, be it

RESOLVED: That We, the members of the 118th Legislature now assembled in the Second Regular Session, endorse the interest and involvement of the United States in the Irish peace process and the pursuit of a new democracy in Ireland through peace, justice and reconciliation; and be it further

RESOLVED: That the President of the United States, the Prime Minister of Great Britain and the Taoiseach of Ireland encourage the coming together of the people of Ireland to promote the end of partition, emergency legislation, religious discrimination and the corruption of law that sustains it; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States, the Prime Minister of Great Britain and the Taoiseach of Ireland.

READ.

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

Senator O'GARA: Thank you Madam President. On this beautiful Saint Patrick's Day, and being that my wife is touring the land of my ancestors as I speak to you right this moment, I urge you to support the Resolution before you, to hope as I hope that our native son, George Mitchell, will be able to bring that beautiful but troubled country back together again and an end to the often violent and bloody strife that has beleaguered it for so long. To each of you I send this brief but sincere Irish blessing, "May the blessings of this day, and each day, be the blessings you need the most." Happy Saint Patrick's Day.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator RUHLIN: Thank you Madam President. I would like to also make some brief comments concerning this Resolution. Honorable Senators of the state of Maine, I'd point out to you that today is Saint Patrick's Day and a beautiful morning it is. I'd also like to remind you that until 70 years ago, Saint Patrick's Day was primarily an American holiday, because the oppressor would not allow it to be celebrated in its native land. After over 800 years of oppression, it reminds one of someone sleeping beside the elephant. The elephant rolled over and squashed its neighbor. It's time for the elephant to go home. Seventy years ago, peace

came to southern Ireland because the oppressor did go home. I assure you, peace will come to northern Ireland when the oppressor goes home. I think that is sufficient. I think we all understand the problem. There is no need to go and belabor the point. It's a tragic situation. It has gone on for over 800 years. A land of music where they've hung harp players in the past. This is the type of oppression they've had. If they, but, go home and be good neighbors, there will be peace in northern Ireland, probably not until then. Thank you.

ADOPTED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator CATHCART for the Committee on **LABOR** on Bill "An Act to Reinstate Limited Rehabilitation Benefits under the Maine Workers' Compensation Act of 1992 for Those with Long-term Disabilities" S.P. 505 L.D. 1567

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-519).**

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

READ ONCE.

Committee Amendment "A" (S-519) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

Senator RUHLIN for the Committee on **TAXATION** on Bill "An Act to Create Incentives for Employers to Contribute toward the Costs of Comprehensive Health Insurance for Families" S.P. 696 L.D. 1931

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-521).**

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

READ ONCE.

Committee Amendment "A" (S-521) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Amend the Laws Relating to Development and Centralized Listing of Municipal Ordinances That Apply to Forest Practices"
S.P. 583 L.D. 1746

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-527).**

Signed:

Senators:

KILKELLY of Lincoln
KIEFFER of Aroostook

Representatives:

BUNKER of Kossuth Township
LANE of Enfield
GOOLEY of Farmington
JONES of Greenville
DEXTER of Kingfield

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

Signed:

Senator:

PARADIS of Aroostook

Representatives:

SAMSON of Jay
VOLENIK of Brooklin
SHIAH of Bowdoinham
MCKEE of Wayne
CROSS of Dover Foxcroft

Reports **READ.**

Senator **KILKELLY** of Lincoln moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** 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** Report.

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 \$20 Million to Stimulate the Maine Economy through Research and Development"
S.P. 819 L.D. 2205

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-523).**

Signed:

Senators:

MICHAUD of Penobscot

CLEVELAND of Androscoggin
BENNETT of Oxford

Representatives:

KERR of Old Orchard Beach
KNEELAND of Easton
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 to Pass as Amended by Committee Amendment "B" (S-524).**

Signed:

Representatives:

OTT of York
MARVIN of Cape Elizabeth
WINSOR of Norway

Reports **READ.**

On motion by Senator **MICHAUD** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-523)** Report **ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-523) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

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 \$16,000,000 to Construct Water Pollution Control Facilities; to Close and Clean Up Municipal Solid Waste Landfills; to Clean Up Tire Stockpiles; to Investigate, Abate, Clean Up and Mitigate Hazardous Substance Discharges; to Mitigate Storm Water Pollution through a Comprehensive Watershed Protection Program; and to Make Drinking Water System Improvements" S.P. 826 L.D. 2224

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-522).**

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 **LABOR** on Bill "An Act to Limit Mandatory Overtime" S.P. 789 L.D. 2116

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-518)**.

Signed:

Senators:

CATHCART of Penobscot
TREAT of Kennebec

Representatives:

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

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

Signed:

Senator:

MILLS of Somerset

Representatives:

PENDLETON of Scarborough
JOYCE of Biddeford

LAYTON of Cherryfield
TREADWELL of Carmel

Reports **READ**.

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

Off Record Remarks

SECOND READERS

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

House

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

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

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

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

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

House As Amended

Bill "An Act to Amend the Statutes Pertaining to Emergency Medical Services" H.P. 447 L.D. 597 (C "A" H-879)

Bill "An Act to Clarify the Laws Concerning Claims Settlement Practices" H.P. 1256 L.D. 1783 (C "A" H-873)

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 (C "A" H-868)

LEGISLATIVE RECORD - SENATE, MARCH 17, 1998

Resolve, to Provide Support and Assistance to Persons with Eating Disorders H.P. 1411 L.D. 1975
(C "A" H-878)

Bill "An Act to Establish a Migrant Worker Assistance Office in Central Maine" H.P. 1430 L.D. 1994
(C "A" H-869)

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
(C "A" H-870)

Bill "An Act to Amend the Laws Concerning Access to Capital for Maine Businesses" H.P. 1489 L.D. 2088
(C "A" H-880)

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
(C "A" H-871)

Resolve, to Implement the Interim Recommendations of the Task Force on State and Federal Tax Filing H.P. 1544 L.D. 2171
(C "A" H-867)

Bill "An Act to Remove the Debt Limit of the Limerick Water District" (EMERGENCY) H.P. 1546 L.D. 2175
(C "A" H-872)

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
(H "A" H-894 to C "A" H-884)

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

Bill "An Act to Modify the Retirement Laws for the 38th Training Troop of the Maine State Police" H.P. 1304 L.D. 1847
(C "A" H-858)

READ A SECOND TIME

On motion by Senator **RAND** of Cumberland, under unanimous consent, on behalf of Senator **PARADIS** of Aroostook, Senate Amendment "A" (S-512) **READ and ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Encourage the Payment of Delinquent Taxes" S.P. 606 L.D. 1803
(C "A" S-513)

Bill "An Act to Broaden the Farm Stand Exemption" S.P. 735 L.D. 2013
(C "A" S-515)

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:

Mandate

An Act to Inform Crime Victims about the Disposition of Charges H.P. 1369 L.D. 1919
(C "A" H-840)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, 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 **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Senate at Ease

Senate called to order by the President Pro Tem.

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 (3/9/98) Assigned matter:

HOUSE REPORT - from the Committee on **NATURAL RESOURCES** on Bill "An Act to Clarify the Definition of Functionally Water-dependent Use as it pertains to the Shoreland Zone" H.P. 1368 L.D. 1918

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-838)**.

Tabled - March 9, 1998, by Senator **RAND** of Cumberland.

Pending - **ACCEPTANCE OF THE REPORT**

(In House, March 6, 1998, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-838).**)

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

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

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

Senator **TREAT:** Thank you Madam President and men and women of the Senate. I know there have been some questions about this bill, so I wanted to clarify what it is and what it is not. This is a unanimous report out of the Natural Resources Committee, a Committee that has a diversity of interests, geographical representation, and of course, parties. This particular version of this bill is also supported by the Maine Municipal Association. What it does is simply to clarify the law that has been in effect for over 20 years, under the Shoreland Zoning Law, which concerns whether or not you can put boathouses immediately on the shoreline in a Shoreland Zone, a resource protection zone. It only applies to residential boathouses. Again, it's a clarification of law that has been in effect for many, many years. The problem has been that the law has been amended in different parts of the bill and basically created a confusion in terms of how it was to be interpreted. There have been a couple of planning boards around the state that have misapplied the law and allowed boathouses where they were not supposed to be, under the law. This basically clarifies this law to make it in conformity with the rest of DEP regulations concerning wetlands. It makes sure that the Shoreland Zoning Law is applied appropriately and consistently from one end of the state to the other. And I ask that you support this bill.

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

Senator **HALL:** Thank you Madam President and ladies and gentlemen. I have in my hand, here, testimony by the Maine Municipal Association saying that they definitely oppose this. They claim that they've had enough intrusion upon their rights and don't wish to have anymore. This is definitely a ban on boathouses in the state of Maine. I would think that you'd want to give this some serious thought with all the problems that we've had with the Department of DEP. This is a DEP sponsored piece of legislation. I think that you'll find that it may have far-reaching consequences for your constituents around the state. It's not as harmless as it looks. I urge you to take a second and read just what it's all about. Because I can pretty well assure you that you're going to hear a lot more about it later on when you get home. I definitely urge you to oppose the pending motion.

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

Senator **KIEFFER:** Thank you Madam President and ladies and gentlemen of the Senate. I, as well, was surprised when I saw the content of this bill and the way that it did come out of the Committee. I'm concerned about our area. Certainly, we don't

have sandy beaches in northern Maine around our many, many lakes. They're all rocky areas. We have some pretty substantial storms. And certainly, a safer way and a cleaner way to store boats that do contain gasoline is in a boathouse, is in a sort of a sling-type boathouse to get them up, out of the weather and off of the rocks. If you want to pollute our lakes more, I would suggest that you support this bill because it will certainly do that. It will also cause an untold amount of damage to boats that must then just be pulled up on the rocks instead of being properly cared for in a closed boathouse. I certainly would ask you to not support this motion and to kill this bill. Thank you.

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

Senator **NUTTING:** Thank you Madam President and men and women of the Senate. I just wanted to elaborate on a couple of points that were made earlier. This is a unanimous Committee report from the very diverse, healthy Natural Resources Committee. The Maine Municipal Association did not support the original draft of the bill. They do support the amendment that is before us today. This bill had three different work sessions in the Committee. It has been state law for 20 years, that the purely residential, purely recreational boathouse has never been legal. We saw some pictures before the Committee of boathouses on our coast and on some inland lakes and it was very, very obvious that these houses that started out as boathouses ended up housing a lot more than boats. They were very, very fancy. I couldn't believe it. I think we derive a large percentage of our income in this state from tourism. And I think people come to Maine to look at our beautiful coast, especially. To have one or two communities on our coast interpret the law incorrectly because it was unclear, and allow the proliferation of boathouses up and down our ocean, to me, I find that very distasteful to look at. Any commercial use of a boathouse, if you're renting boats, or if you're a commercial fisherman, that is not applied to this. This is clarifying existing state law for 20 years, that the recreational, residential boathouse has to be set back away from the edge of the ocean so you don't disturb the edge of the ocean. People are still allowed to build a dock to hitch their boat to. If there is a hurricane coming or something, they can put their boat in a marina or they can have the boat hauled up into the boathouse that's set back away from the ocean. That's the way the law was always supposed to have been interpreted, but it was so unclear. This is why this bill was brought before us. I urge you to support this unanimous Committee report. Thank you.

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

Senator **CAREY:** Thank you Madam President. If the good Senator from Androscoggin wants a boathouse used solely to house a boat, then maybe that's what they ought to be putting in the law.

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: CATHCART, DAGGETT, JENKINS, LAFOUNTAIN, LAWRENCE, LONGLEY, MURRAY, NUTTING, O'GARA, PARADIS, RAND, RUHLIN, TREAT, THE PRESIDENT PRO TEM - CHELLIE PINGREE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CAREY, CASSIDY, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, KIEFFER, KILKELLY, LIBBY, MACKINNON, MICHAUD, MILLS, MITCHELL, SMALL

ABSENT: Senators: CLEVELAND, PENDLETON

14 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 2 Senators being absent, **ACCEPTANCE** of the **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

Senator **AMERO** of Cumberland moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers in **NON-CONCURRENCE**.

On motion by Senator **TREAT** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **AMERO** of Cumberland to **INDEFINITELY POSTPONE** the Bill and accompanying papers in **NON-CONCURRENCE**.

Senate at Ease

Senate called to order by the President Pro Tem.

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

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act Regarding the Taxation of Goods Purchased in Connection with the Operation of a High-stakes Beano or High-stakes Bingo Game H.P. 1307 L.D. 1855

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-810)** (5 members)

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

Pending - **FURTHER CONSIDERATION**

(In House, February 26, 1998, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-810)**.)

(In Senate, March 11, 1998, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.)

(In House, March 12, 1998, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.)

Senator **RUHLIN** of Penobscot moved the Senate **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**.

Senator **BENNETT** of Oxford requested a Division.

On motion by Senator **RUHLIN** of Penobscot, 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, CASSIDY, CATHCART, DAGGETT, FERGUSON, GOLDTHWAIT, HARRIMAN, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT PRO TEM - CHELLIE PINGREE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, HALL, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL

ABSENT: Senators: CLEVELAND, LAWRENCE, PENDLETON

21 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **RUHLIN** of Penobscot to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**, **PREVAILED**.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (3/16/97) Assigned matter:

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)

Tabled - March 16, 1998, by Senator **PINGREE** of Knox.

Pending - **FINAL PASSAGE**

(In Senate, March 11, 1998, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-841) AND HOUSE AMENDMENT "A" (H-851)**, in concurrence.

LEGISLATIVE RECORD - SENATE, MARCH 17, 1998

(In House, March 13, 1998, **FINALLY PASSED.**)

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

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

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

After Recess

Senate called to order by the President.

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

After Convention

In Senate Chamber

Senate called to order by the President.

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **ADJOURNED** until Wednesday, March 18, 1998, at 9:00 in the morning.