

# 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 19, 1998

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

Prayer by Jon Dillinger, Minister for the Church of Christ in Kittery.

**JON DILLINGER:** Mr. President, men and women of the Senate, I bring you greetings from Kittery. I have had the privilege of opening each sermon with a very brief prayer from children. I think you might find this humorous, yet serious. This will not be the main prayer. This is just a brief prayer but it says, Dear God, thank you for the potatoes and the weenies and stuff. I can't thank you for the broccoli because You know I don't like it.

Would you pray with me please. Our Father, who art in heaven, Hallowed be Thy name. We are so grateful for all the prayers You have answered and for all the blessings that You have given to each of us. We are awed by Your omniscience and Your omnipotence, humbled by Your mercy, and are grateful for Your grace. We are thankful to You for this wonderful country in which we live. We are forever indebted to those who gave their lives for the freedoms we experience. Father, may we not abuse our freedoms out of a sense of selfishness. May we not misuse our freedoms to the extent that we disgrace You. We are grateful for the many talents You have given to each of us, and for Your guiding hand in each of our lives. We are grateful for living in this beautiful state, Maine.

Please, Father, may You be with these elected Senators and grant unto them wisdom to make decisions that are just and right in Your sight. Father, may You make easy the passage of bills, petitions, amendments and laws that align with Your perfect will, and may You defeat each and every effort of this body that is in opposition to Your perfect will. Father, may the decisions that are made here today bring Glory to You, and may the decisions made here today be just for the citizens of Maine.

Father, be with the President that he may lead this body in a way that will bring glory to You. Be with the Republican Party Leader and the Democratic Party Leader as they continue to set the direction in which their different parties are to move. Now Father, as these Senators conduct the business of this day, hold them each in the very hollow of Your hands. Please be with the Senators who have special needs and may Your providence be that these needs are met. Be with their families as they too make sacrifices to be without their loved ones in their homes while they work to make the state of Maine a better place to live. May these Your Senators put bills, petitions, and amendments in place so that the needs of the people of this great state are met. May the decisions made here today make Maine truly a better place to live and a state that is in Your view a righteous state. Now Father, I come to You in the name of Your Son asking that You bless this body of Senators and be with each of them and their families this day. In Jesus' name I pray. Amen.

Doctor of the Day, John James, M.D., Auburn.

Reading of the Journal of Wednesday, March 18, 1998.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act to Clarify the Tax-exempt Status of the Maine School of Science and Mathematics" (EMERGENCY)  
H.P. 1488 L.D. 2087  
(C "A" H-843)

In Senate, March 11, 1998, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-843)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-843) AND HOUSE AMENDMENT "A" (H-928) in NON-CONCURRENCE.**

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

**COMMUNICATIONS**

The Following Communication: S.C. 634

**COMMISSION TO STUDY THE FUNDING AND DISTRIBUTION OF TELETYPEWRITERS AND OTHER TELECOMMUNICATIONS EQUIPMENT FOR PEOPLE WITH DISABILITIES**

January 3, 2002

The Honorable Mark W. Lawrence, President  
Maine State Senate  
The Honorable Elizabeth H. Mitchell, Speaker  
Maine House of Representatives  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Resolve 1997, chapter 72, the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People With Disabilities is pleased to submit its final report including recommended legislation. Copies of the report have been transmitted to the Legislative Council and the Joint Standing Committees on Judiciary and Labor. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Sharon Treat, Chair  
Commission to Study the Funding  
and Distribution of Teletypewriters  
and Other Telecommunications  
Equipment for People With Disabilities

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

The Following Communication: S.C. 637

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

March 17, 1998

The Honorable Mark W. Lawrence  
President of the Senate of Maine  
118th Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 118th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Ronald A. Daigle of Fort Kent, for reappointment as a Maine District Court Judge.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

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

Representatives: 8 Thompson of Naples, Watson of Farmingdale, Jabar of Waterville, Mailhot of Lewiston, Powers of Rockport, Madore of Augusta, Nass of Acton, Waterhouse of Bridgton

NAYS: 0

ABSENT: 2 Rep. Etnier of Harpswell, Rep. Plowman of Hampden

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Ronald A. Daigle of Fort Kent, for reappointment as a Maine District Court Judge be confirmed.

Signed,

S/Susan W. Longley  
Senate Chair

S/Richard H. Thompson  
House Chair

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

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 506 of the 118th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, KIEFFER, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: BUTLAND, CLEVELAND, DAGGETT, JENKINS, MILLS, RUHLIN, SMALL

No Senators having voted in the affirmative and 28 Senators having voted in the negative, with 7 Senators being absent, and none being less than two-thirds of the Membership present it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Honorable Ronald A. Daigle** for reappointment as a Maine District Court Judge was **CONFIRMED.**

The Secretary has so informed the Speaker of the House.

The Following Communication: S.C. 638

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

March 17, 1998

The Honorable Mark W. Lawrence  
President of the Senate of Maine  
118th Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 118th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Michael N. Westcott of Damariscotta, for reappointment as a Maine District Court Judge.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators: 3 Longley of Waldo, LaFountain of York, Benoit of Franklin  
Representatives: 8 Thompson of Naples, Watson of Farmingdale, Jabar of Waterville, Mailhot of Lewiston, Powers of Rockport, Madore of Augusta, Nass of Acton, Waterhouse of Bridgton  
NAYS: 0  
ABSENT: 2 Rep. Etnier of Harpswell, Rep. Plowman of Hampden

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Michael N. Westcott of Damariscotta, for reappointment as a Maine District Court Judge be confirmed.

Signed,

S/Susan W. Longley  
Senate Chair

S/Richard H. Thompson  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 506 of the 118th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

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

No Senators having voted in the affirmative and 28 Senators having voted in the negative, with 7 Senators being absent, and none being less than two-thirds of the Membership present it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Honorable Michael N. Westcott** for reappointment as a Maine District Court Judge was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

**SENATE PAPERS**

Bill "An Act Authorizing Certain Debt of Hancock County for Construction of a New Jail and Courthouse Renovations and Ratifying Certain Action Taken by Hancock County in Connection with the Authorization of this Debt" (EMERGENCY)  
S.P. 867 L.D. 2280

Presented by Senator GOLDTHWAIT of Hancock.  
Cosponsored by Representative POVICH of Ellsworth and Senator RUHLIN of Penobscot, Representatives BIGL of Bucksport, BUNKER of Kossuth Township, JONES of Bar Harbor, LAYTON of Cherryfield, PERKINS of Penobscot, PINKHAM of Lamoine, VOLENIK of Brooklin.

**REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

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

**ORDERS**

**Joint Resolutions**

On motion by Senator ABROMSON of Cumberland (Cosponsored by Representative GIERINGER of Portland, Representative LOVETT of Scarborough, MURPHY of Kennebunk, Representative BRUNO of Raymond, Representative FISHER of Brewer, Representative DUTREMBLE of Biddeford, Representative FRECHETTE of Biddeford, Representative WINGLASS of Auburn), the following Joint Resolution: S.P. 868

**JOINT RESOLUTION RECOGNIZING PARKINSON'S DISEASE AWARENESS MONTH**

WHEREAS, Parkinson's disease is a brain disorder that usually affects adults over 40, although it can appear in younger persons; and

WHEREAS, Parkinson's disease, or Paralysis Agitans, is a devastating, painful and incurable brain disorder of unknown origin that disrupts and can end the lives of those who suffer from it as well as overwhelming the lives of their families and friends; and

WHEREAS, more individuals suffer from Parkinson's disease than multiple sclerosis, muscular dystrophy and Lou Gehrig's disease combined; and

WHEREAS, Parkinson's disease often takes an enormous emotional, psychological and physical toll on the families surrounding their suffering loved ones; and

WHEREAS, Parkinson's disease appears eventually in approximately one of 4 persons older than 80 years of age and in one of 10 persons older than 60 years of age, thereby directly touching the lives of at least one of 10 families in the State; and

WHEREAS, according to the American Parkinson Disease Association there are approximately 1.5 million people in the United States diagnosed with Parkinson's disease, of which 7,000 or more are in the State of Maine; and

WHEREAS, the symptoms of Parkinson's disease - stillness, tremors, slowness, poor movement and difficulty with balance and speaking are often mistaken as a normal part of the aging process; and

WHEREAS, the cause of the disease is unknown, and drugs can only control some of the symptoms of Parkinson's disease for a short period of time; and

WHEREAS, the historic and crucial Morris K. Udall Parkinson's Disease Research Act of 1997, which would provide up to \$100,000,000 of funding specifically for Parkinson's disease, has recently been passed by the Congress after a courageous 4-year struggle by Parkinson's sufferers usually too sick to go to Washington; and

WHEREAS, the entire congressional delegation from Maine was the first delegation from any state to join in cosponsoring the Udall Parkinson's legislation; and

WHEREAS, April 11th has been proclaimed to be World Parkinson's Day, a day for all to recognize the need for more research and help in dealing with the devastating effects of Parkinson's disease; and

WHEREAS, increased education and research are needed to help find more effective treatments and ultimately a cure for Parkinson's disease and to provide more effective support programs and services to Parkinson's disease patients and their caregivers and families; and

WHEREAS, the leading public officials of the State and leading officials in the State's medical community are now called upon to aid in reversing the invisibility and voicelessness of its citizens suffering from Parkinson's disease; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature, now assembled in the Second Regular Session, recognize the month of April as Parkinson's Disease Awareness Month throughout the State of Maine; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the American Parkinson Disease Association, Maine State Chapter.

**READ and ADOPTED.**

Sent down for concurrence.

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On motion by Senator KILKELLY of Lincoln (Cosponsored by Representative BUNKER of Kossuth Township, Senator PARADIS of Aroostook, Senator KIEFFER of Aroostook, Representative SAMSON of Jay, Representative SHIAH of Bowdoinham, Representative VOLENIK of Brooklin, Representative MCKEE of Wayne, Representative CROSS of Dover Foxcroft, Representative DEXTER of Kingfield, Representative GOOLEY of Farmington, Representative LANE of

Enfield, Representative JONES of Greenville), the following Joint Resolution: S.P. 869

**JOINT RESOLUTION IN HONOR OF THE MAINE FARMER AND MAINE AGRICULTURE**

WHEREAS, farmers and others employed in associated industries make up 10% of the Maine work force, with about 7,400 farms operating on 600,000 acres of cropland; and

WHEREAS, Maine farmers provide \$500,000,000 in total farm income and are credited with a contribution of \$1,300,000,000 to Maine's economy; and

WHEREAS, Maine is first in the world in the production of wild blueberries, first in the world in the production of brown eggs, home of the world's largest bioagricultural firm, first in New England in the production of food, 3rd in the country in the production of maple syrup and 8th in the country in potato production; and

WHEREAS, Maine farms provide not only food for families but scenic views, open spaces, employment opportunities and a tangible link to our culture and heritage; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature of the State of Maine, now assembled in the Second Regular Session, pause in our deliberations to honor Maine farmers and innovators who have contributed so much to the betterment of our State and to pledge our support and encouragement, and urge the youth of Maine to pursue the growing opportunities for careers in today's technologically advanced agricultural industry; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Agriculture, Food and Rural Resources in token of the esteem in which those in this vital field are held.

**READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Lincoln, Senator Kilkelly.

Senator **KILKELLY:** Thank you Mr. President and men and women of the Senate. Today is Agriculture Day, for those of you who haven't been on the second floor. There are some wonderful displays down there from blueberries, to venison, to milk and potatoes, specialty foods and numerous other products. It is important that we do take time to stop and think about the fact that our food is an important part of everything we do. And the more food that we can grow in this state that can be used by people within the state, certainly the better off we're going to be in terms of our economy. We hear a lot about urban sprawl and one of my contentions about agriculture is that urban sprawl is not going to be a problem as long as people can earn a living from their farmland, or from their forested land. That's really where we need to be going, to provide people with those opportunities. So this is a chance for us to really stop and take a look at agriculture as the important part of our economy that it is, to meet the people who are involved on a daily basis with agriculture, to enjoy the wonderful gifts that we've received today, the Johnny Jump-ups on our desks and the chocolate and potatoes, and T-shirts, and have lunch at the Grange. So it's a great day to celebrate agriculture and there are a number of folks here who will be happy to tell you more about what's going on. Thank you.

**ADOPTED.**

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

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Off Record Remarks

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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 Create the Maine Economic Opportunity Advisory Committee" H.P. 1571 L.D. 2203

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-924).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-924).**

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

**READ ONCE.**

Committee Amendment "A" (H-924) **READ** and **ADOPTED**, in concurrence.

**LATER TODAY ASSIGNED FOR SECOND READING.**

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From the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Amend the Laws Regarding Reimbursement to the Counties for Community Corrections" H.P. 40 L.D. 65

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-919).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-919).**

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

**READ ONCE.**

Committee Amendment "A" (H-919) **READ** and **ADOPTED**, in concurrence.

**LATER TODAY ASSIGNED FOR SECOND READING.**

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From the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Amend the Maine Indian Claims Settlement Act Regarding Education Funding" H.P. 1437 L.D. 2001

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-918).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-918).**

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

**READ ONCE.**

Committee Amendment "A" (H-918) **READ** and **ADOPTED**, in concurrence.

**LATER TODAY ASSIGNED FOR SECOND READING.**

---

From the Committee on **TAXATION** on Bill "An Act to Create an Economic Development and Expansion Zone in Aroostook County" H.P. 1478 L.D. 2077

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-917).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-917).**

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

**READ ONCE.**

Committee Amendment "A" (H-917) **READ** and **ADOPTED**, in concurrence.

**LATER TODAY ASSIGNED FOR SECOND READING.**

---

From the Committee on **TRANSPORTATION** on Bill "An Act to Implement the Recommendations of the Working Group on Motor Vehicle Fines, Enforcement and Reimbursement" H.P. 1527 L.D. 2149

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-926).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-926).**

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

**READ ONCE.**

Committee Amendment "A" (H-926) **READ** and **ADOPTED**, in concurrence.

**LATER TODAY ASSIGNED FOR SECOND READING.**

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From the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the Kennebunk Light and Power District"  
H.P. 1512 L.D. 2134

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-921)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-921)**.

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

**READ ONCE.**

Committee Amendment "A" (H-921) **READ** and **ADOPTED**, in concurrence.

**LATER TODAY ASSIGNED FOR SECOND READING.**

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**Divided Report**

Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Revise and Update the Charter of the Maine Employers' Mutual Insurance Company in Furtherance of its Mission"  
H.P. 1593 L.D. 2222

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-905)**.

Signed:

Senators:

LAFOUNTAIN of York  
MURRAY of Penobscot  
ABROMSON of Cumberland

Representatives:

MAYO of Bath  
PERRY of Bangor  
DAVIDSON of Brunswick  
CARLETON of Wells  
SAXL of Bangor  
WINN of Glenburn  
O'NEIL of Saco  
BRUNO of Raymond  
STANLEY of Medway

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

Signed:

Representative:

JONES of Pittsfield

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-905)**.

Reports **READ**.

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

**READ ONCE.**

Committee Amendment "A" (H-905) **READ** and **ADOPTED**, in concurrence.

**LATER TODAY ASSIGNED FOR SECOND READING.**

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**Divided Report**

Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Create the Crime of Insurance Fraud and Require Reporting of Convictions to Licensing Authorities"  
H.P. 1553 L.D. 2182

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-923)**.

Signed:

Senator:

O'GARA of Cumberland

Representatives:

MUSE of South Portland  
O'BRIEN of Augusta  
PEAVEY of Woolwich  
MCALEVEY of Waterboro  
TOBIN of Dexter  
BUNKER of Kossuth Township  
FRECHETTE of Biddeford  
WHEELER of Bridgewater

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

Signed:

Senators:

MURRAY of Penobscot  
MITCHELL of Penobscot

Representatives:

POVICH of Ellsworth  
JONES of Greenville

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-923)**.

Reports **READ**.

Senator **MURRAY** of Penobscot moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.



On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

---

**Senate**

**Ought to Pass As Amended**

Senator LONGLEY for the Committee on **JUDICIARY** on Bill "An Act to Expand the Duties of the Violations Bureau and Enhance the Enforcement of Civil Violations"

S.P. 480 L.D. 1482

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-549)**.

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

**READ ONCE**.

Committee Amendment "A" (S-549) **READ** and **ADOPTED**.

**LATER TODAY ASSIGNED FOR SECOND READING**.

---

Senator TREAT for the Committee on **LABOR** on Bill "An Act to Restore Certain Provisions Related to Earnable Compensation for State Employee and Teacher Members of the Maine State Retirement System"

S.P. 706 L.D. 1954

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-550)**.

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

**READ ONCE**.

Committee Amendment "A" (S-550) **READ** and **ADOPTED**.

**LATER TODAY ASSIGNED FOR SECOND READING**.

---

**Divided Report**

Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Ensure Indoor Environmental Quality Assessment Assistance for Public Schools"

S.P. 777 L.D. 2104

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

Signed:

Senator:

MICHAUD of Penobscot

Representatives:

KERR of Old Orchard Beach

POULIN of Oakland

BERRY of Livermore  
STEVENS of Orono  
TOWNSEND of Portland  
LEMAIRE of Lewiston  
KNEELAND of Easton  
WINSOR of Norway  
MARVIN of Cape Elizabeth  
OTT of York

Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-539)**.

Signed:

Senator:

BENNETT of Oxford

Reports **READ**.

Senator MICHAUD of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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**Divided Report**

Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act Authorizing the State to Appeal Decisions Granting Preconviction Bail"

S.P. 844 L.D. 2248

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-544)**.

Signed:

Senators:

MURRAY of Penobscot  
O'GARA of Cumberland

Representatives:

MUSE of South Portland  
PEAVEY of Woolwich  
POVICH of Ellsworth  
JONES of Greenville  
FRECHETTE of Biddeford

Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-545)**.

Signed:

Senator:

MITCHELL of Penobscot

Representatives:

O'BRIEN of Augusta  
MCALEVEY of Waterboro  
TOBIN of Dexter  
BUNKER of Kossuth Township  
WHEELER of Bridgewater

Reports **READ**.

Senator **MURRAY** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-544)** 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-544)** Report.

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**Divided Report**

Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Improve the Efficiency of the Maine Public Drinking Water Control Program" (EMERGENCY)  
S.P. 776 L.D. 2103

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-547)**.

Signed:

Senators:

PARADIS of Aroostook  
LONGLEY of Waldo  
MITCHELL of Penobscot

Representatives:

KANE of Saco  
PIEH of Bremen  
QUINT of Portland  
LOVETT of Scarborough  
JOYNER of Hollis  
BRAGDON of Bangor  
SNOWE-MELLO of Poland

Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-548)**.

Signed:

Representatives:

MITCHELL of Portland  
BROOKS of Winterport  
FULLER of Manchester

Reports **READ**.

On motion by Senator **PINGREE** of Knox, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-547)** Report **ACCEPTED**.

**READ ONCE.**

Committee Amendment "A" (S-547) **READ** and **ADOPTED**.

**LATER TODAY ASSIGNED FOR SECOND READING.**

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**Divided Report**

Majority of the Committee on **JUDICIARY** on Bill "An Act to Amend the Statute of Limitations for Health Care Providers and Health Care Practitioners to Include a Discovery Rule"  
S.P. 261 L.D. 869

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

Signed:

Senators:

LONGLEY of Waldo  
LAFOUNTAIN of York  
BENOIT of Franklin

Representatives:

ETNIER of Harpswell  
MAILHOT of Lewiston  
POWERS of Rockport  
PLOWMAN of Hampden  
MADORE of Augusta  
NASS of Acton  
WATERHOUSE of Bridgton

Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-541)**.

Signed:

Representatives:

THOMPSON of Naples  
WATSON of Farmingdale  
JABAR of Waterville

Reports **READ**.

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

Sent down for concurrence.

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**Divided Report**

Majority of the Committee on **JUDICIARY** on Bill "An Act to Implement the Recommendations of the Judicial Compensation Commission"  
S.P. 322 L.D. 1062

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-542)**.

Signed:

Senators:

LONGLEY of Waldo  
LAFOUNTAIN of York  
BENOIT of Franklin

Representatives:

THOMPSON of Naples  
WATSON of Farmingdale  
ETNIER of Harpswell  
MAILHOT of Lewiston  
JABAR of Waterville  
POWERS of Rockport  
NASS of Acton  
PLOWMAN of Hampden  
MADORE of Augusta

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

Signed:

Representative:  
WATERHOUSE of Bridgton

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "B" (S-542) **READ** and **ADOPTED**.

**LATER TODAY ASSIGNED FOR SECOND READING**.

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**Divided Report**

Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act to Allow the Department of Environmental Protection to Process an Application by the Ivan Davis Family for a Hydropower Project at an Existing Dam on the St. George River" S.P. 849 L.D. 2262

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

Signed:

Senators:  
TREAT of Kennebec  
BUTLAND of Cumberland

Representatives:

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

Minority of the same Committee on the same subject reported that the same **Ought to Pass**.

Signed:

Senator:  
NUTTING of Androscoggin

Representatives:

MCKEE of Wayne  
DEXTER of Kingfield  
NICKERSON of Turner  
FOSTER of Gray

Reports **READ**.

Senator **TREAT** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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Off Record Remarks

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**SECOND READERS**

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

**House As Amended**

Bill "An Act to Clarify the Doctrine of Res Judicata in Workers' Compensation Cases" H.P. 955 L.D. 1318 (C "A" H-907)

Bill "An Act to Facilitate Delegation of the Federal Waste Discharge Permitting Program" H.P. 1291 L.D. 1836 (C "A" H-910)

(See action later today.)

Bill "An Act to Conform Maine's Safe Drinking Water Laws with the 1996 Amendments of the Federal Safe Drinking Water Act" H.P. 1441 L.D. 2005 (C "A" H-904)

(See action later today.)

Bill "An Act to Facilitate Local Distribution of Natural Gas" H.P. 1495 L.D. 2094 (C "A" H-908)

Bill "An Act to Restore Advocacy for Handicapped Students" H.P. 1521 L.D. 2143 (C "A" H-898)

Bill "An Act to Regulate the Functioning of End-stage Renal Disease Facilities" H.P. 1529 L.D. 2151 (C "A" H-912)

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Bill "An Act to Implement the Recommendations of the Commission to Study Insurance Fraud" H.P. 1545 L.D. 2174 (C "A" H-914)

Resolve, to Repeal a Prior Resolve Authorizing the Exchange of a Parcel of Land Owned by the State with One Owned by Luke Bolduc H.P. 1581 L.D. 2211 (C "A" H-909)

Bill "An Act to Implement the Recommendations of the Commission to Study the Restructuring of the State's Fiscal Policies to Promote the Development of High-technology Industry in Maine" H.P. 1585 L.D. 2216 (C "A" H-911)

Bill "An Act to Authorize the Director of the Bureau of Parks and Lands to Grant a License for Groundwater Extraction at Range Ponds State Park" H.P. 1586 L.D. 2217 (C "A" H-903)

Resolve, Regarding Legislative Review of Chapter 301: Rules for Standard Offer Service, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY) H.P. 1591 L.D. 2220 (C "A" H-913)

Bill "An Act to Amend the Law Concerning Tax Base Sharing" H.P. 1613 L.D. 2239 (C "A" H-902)

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

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**Senate As Amended**

Bill "An Act to Promote Professional Competence and Improve Patient Care" S.P. 571 L.D. 1728 (C "A" S-543)

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 (C "A" S-527)

Bill "An Act to Modernize Maine's Fuel Tax Laws" S.P. 585 L.D. 1748 (C "A" S-537)

Bill "An Act Concerning Enforcement of Parking Spaces for Persons with Physical Disabilities" S.P. 813 L.D. 2195 (C "A" S-538)

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

Sent down for concurrence.

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Resolve, Compensating the Estate of Barbara Maxfield for Claims against the State S.P. 800 L.D. 2157 (S "A" S-529 to C "A" S-494)

**READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE.**

Sent down for concurrence.

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**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you Mr. President. Is the Senate still in possession of L.D. 1836?

**THE PRESIDENT:** The Chair would answer in the affirmative.

Senator **PINGREE:** Having voted on the prevailing side, I move that we Reconsider our action whereby this Bill was Passed to be Engrossed as amended, in concurrence.

On motion by Senator **PINGREE** of Knox, the Senate **RECONSIDERED** whereby it **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence:

Bill "An Act to Facilitate Delegation of the Federal Waste Discharge Permitting Program" H.P. 1291 L.D. 1836 (C "A" H-910)

(In House March 18, 1998, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910).**)

(In Senate, March 19, 1998, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910)**, in concurrence.)

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

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**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:

**JOINT RESOLUTION - Memorializing the Citizens' Stamp Advisory Committee and the Postmaster General to Issue a Stamp Commemorating the 200<sup>th</sup> Anniversary of the Naval Shipyards** H.P. 1641

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

Pending - **ADOPTION**, in concurrence

(In House, March 12, 1998, **READ and ADOPTED.**)

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

On motion by Senator **PINGREE** of Knox, under unanimous consent, on behalf of President **LAWRENCE** of York, Senate Amendment "A" (S-552) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (2/25/98) Assigned matter:

**HOUSE REPORTS** - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Encourage Regionalization of Municipal Services" H.P. 297 L.D. 361

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-782)** (8 members)

Minority - **Ought Not to Pass** (1 member)

Tabled - February 25, 1998, by Senator **PINGREE** of Knox.

Pending - motion by same Senator to **RECONSIDER** whereby **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED** (Roll Call Ordered)

(In House, February 18, 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-782)**.)

(In Senate, February 25, 1998, motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.)

**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 be brief this morning. We've debated this bill before. It calls for a \$100,000 grant program to be administered by the State Planning Office to try to stimulate communities to step outside the box, so to speak, and do things together in order to save money, that they haven't been doing already. There was another bill that had a similar goal and that was County Reorganization, which had a \$500,000 fiscal note on it to stimulate counties and municipalities to work together. We've left this here to see how the funding was going to work out on that bill. The \$500,000 that was on the County Reorganization bill is no longer there. If we're going to do anything this year to try to stimulate municipalities not to be so independent and to step outside the box, and to work together from Animal Control Officers, to Police Departments, etc., etc., in order to save property taxes, this is the only chance we'd have. We would have a small competitive grant program where communities could apply and compete against each other, to try to work together in ways they haven't already. I'd urge you to support the motion to Reconsider. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Knox, Senator Pingree, to Reconsider whereby Acceptance of the Majority Ought to Pass as amended Report, in concurrence, Failed. A Roll Call has been Ordered.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

**YEAS:** Senators: CATHCART, GOLDTHWAIT, KILKELLY, LAFOUNTAIN, LONGLEY, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, TREAT, THE PRESIDENT - MARK W. LAWRENCE

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

**ABSENT:** Senators: CLEVELAND, DAGGETT, JENKINS, RUHLIN

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator **PINGREE** of Knox to **RECONSIDER** whereby the Senate **FAILED** to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report, **ACCEPTED** in **NON-CONCURRENCE**.

Sent down for concurrence.

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**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you Mr. President. Is the Senate still in possession of L.D. 2005?

**THE PRESIDENT:** The Chair would answer in the affirmative.

Senator **PINGREE:** Having voted on the prevailing side, I now move that we Reconsider our actions whereby this bill was Passed to be Engrossed as amended, in concurrence.

On motion by Senator **PINGREE** of Knox, the Senate **RECONSIDERED** whereby it **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence:

Bill "An Act to Conform Maine's Safe Drinking Water Laws with the 1996 Amendments of the Federal Safe Drinking Water Act" H.P. 1441 L.D. 2005 (C "A" H-904)

(In House March 18, 1998, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-904).**)

(In Senate, March 19, 1998, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-904),** in concurrence.)

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

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

Senator **PINGREE** of Knox was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **KIEFFER** of Aroostook was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **LIBBY** of York 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.

Off Record Remarks

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

**PAPERS FROM THE HOUSE**

**House Papers  
Pursuant to Statute  
Department of Human Services**

The **Department of Human Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072, asked leave to report that the accompanying Resolve, Regarding Legislative Review of Section 71.05: Application Process; Certificate of Need for Nursing Facility Level of Care (Policy Manual), a Major Substantive Rule of the Department of Human Services, Bureau of Elder and Adult Services (EMERGENCY)

H.P. 1649 L.D. 2279

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

Comes from the House, Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

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

**Pursuant to Statute  
Department of Human Services**

The **Department of Human Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072, asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 32: Rules for the Licensing of Children's Day Care Facilities and Chapter 33: Rules for Home Day Care Providers, Major Substantive Rules of the Department of Human Services, Auditing, Contracting and Licensing Service Center (EMERGENCY)

H.P. 1650 L.D. 2281

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

Comes from the House, Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

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

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

**SECOND READERS**

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

**House As Amended**

LEGISLATIVE RECORD - SENATE, MARCH 19, 1998

Bill "An Act to Amend the Laws Regarding Reimbursement to the Counties for Community Corrections" H.P. 40 L.D. 65  
(C "A" H-919)

Bill "An Act to Amend the Maine Indian Claims Settlement Act Regarding Education Funding" H.P. 1437 L.D. 2001  
(C "A" H-918)

Bill "An Act to Create an Economic Development and Expansion Zone in Aroostook County" H.P. 1478 L.D. 2077  
(C "A" H-917)

Bill "An Act to Amend the Charter of the Kennebec Light and Power District" H.P. 1512 L.D. 2134  
(C "A" H-921)

Bill "An Act to Implement the Recommendations of the Working Group on Motor Vehicle Fines, Enforcement and Reimbursement" H.P. 1527 L.D. 2149  
(C "A" H-926)

Bill "An Act to Create the Maine Economic Opportunity Advisory Committee" H.P. 1571 L.D. 2203  
(C "A" H-924)

Bill "An Act to Revise and Update the Charter of the Maine Employers' Mutual Insurance Company in Furtherance of its Mission" H.P. 1593 L.D. 2222  
(C "A" H-905)

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

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**Senate As Amended**

Bill "An Act to Implement the Recommendations of the Judicial Compensation Commission" S.P. 322 L.D. 1062  
(C "B" S-542)

Bill "An Act to Expand the Duties of the Violations Bureau and Enhance the Enforcement of Civil Violations" S.P. 480 L.D. 1482  
(C "A" S-549)

Bill "An Act to Restore Certain Provisions Related to Earnable Compensation for State Employee and Teacher Members of the Maine State Retirement System" S.P. 706 L.D. 1954  
(C "A" S-550)

Bill "An Act to Improve the Efficiency of the Maine Public Drinking Water Control Program" (EMERGENCY) S.P. 776 L.D. 2103  
(C "A" S-547)

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

Sent down for concurrence.

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**ORDERS OF THE DAY**

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

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Create the Crime of Insurance Fraud and Require Reporting of Convictions to Licensing Authorities" H.P. 1553 L.D. 2182

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-923)** (9 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - March 19, 1998, by Senator **MURRAY** of Penobscot.

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**

(In House, March 18, 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-923).**)

(In Senate, March 19, 1998, Reports **READ.**)

**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 would first urge you to support the pending motion and Accept the Minority Ought Not to Pass report on this bill. This bill does, as the title suggests, create a new crime based on insurance deception or insurance fraud. Let me begin by saying to do that, to create a new crime, to put a new crime in the Criminal Code, in general, I think we need to be cautious whenever we're presented with that type of proposal or that opportunity. Because the code is a finely crafted code and one that's been in existence and has tested the time for 20 or more years now. Whenever we are called upon to create a new crime, that's something that we ought not do lightly. What's unusual with regard to this particular proposed crime, beyond that general, philosophical caution that I think is appropriate to exercise, is that the conduct that this bill would make criminal is already criminal under our current code. Anything that is being proposed to be a crime, under this insurance fraud or insurance deception bill, is already a crime. The conduct would already be a crime under Maine's current Insurance by Theft statute, or Theft by Deception statute. The other unusual aspect that strikes me with regard to this particular proposal is that the parties that would be most responsible for enforcing this new crime, namely the District Attorneys around this state, all oppose this bill. Their Association and the individual prosecutors, District Attorneys that we heard from, opposed the creation of this new crime that they would be called upon to enforce. Those two things strike me as, aside from the general caution, issues and reasons why we ought to reject this proposal to create a new crime. In addition to those issues we have in place something called the Criminal Law Advisory Commission. That Commission is made up of District Attorneys, some judges, some defense lawyers and representatives from the Attorney General's Department. We asked that organization to review and, at times, make recommendations to us with regard to criminal statutes and

criminal bills that are presented to us. That entity as well opposed the creation of this new crime and deemed it unnecessary, given the nature of our existing Criminal Code. All those things added together, I believe, point strongly to having us leave the code as it is to cover the conduct that this bill purports to make criminal as well.

We are asked today, in this bill, to make a separate law of Theft of Insurance. The analogy we would move forward with, if we accept this proposal and the reasoning behind it, is to create a separate statute in Criminal Law dealing with theft of bank accounts, theft of mutual funds, theft of stocks, theft of furniture, theft of whatever you can think of as the particular property that ought to have a separate crime. We don't need that. We should not encourage it because what we have in place in the Criminal Code is a broad statute that covers all of the conduct that's purported to be added by this particular bill. There's no need for the change suggested. There is a potential harm, I would argue, if this particular niche law, if you will, were allowed to be used perhaps unscrupulously in a way that would intimidate or threaten insurance consumers in the state. I don't want to see that happen. I'm not suggesting that would necessarily happen on a broad basis. But when you're weighing why we would need this, as well as the potential harm that it could create, I think the balance tips in favor of leaving the code as it is to cover the conduct that all of us find reprehensible. We don't need the bill to enforce it. The argument that was presented to us is, the District Attorneys aren't enforcing the current law. That's not the message we were receiving from the District Attorneys when we specifically asked them to address that issue. They, in fact for the most part, acknowledged that the cases that were being brought were being considered by District Attorneys. There may be some variance across the state but this is not an issue that needs a solution as being proposed. I would urge you to support the Minority Ought Not to Pass report. Leave the code as it is in place so that it can address the conduct that's already criminal. Thank You.

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Off Record Remarks

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**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Mills.

**Senator MILLS:** Thank you Mr. President and men and women of the Senate. Just briefly, to echo some of the sentiments expressed by the previous speaker on this issue. At some point in history it wasn't common to write down anything about the Criminal Law and we were prosecuting people in the 16<sup>th</sup>, 17<sup>th</sup>, and 18<sup>th</sup> century by what was, I guess, known as the Common Law of crimes. People sort of knew instinctively that murder and pillage and larceny were wrong, and there was quite a development on a case by case basis of what the Criminal Law would constitute. Then, at some point in the 19<sup>th</sup> century, it was deemed appropriate to try to write all these things down so that people would have the benefit of advanced notice, or someplace to turn where you could find, in a Law book, what it is that society sanctions or disapproves of. This developed into sort of a patchwork of miscellaneous provisions that were passed in large measure in an effort to codify the Common Law, but quite often a particular interest group, or industry, or segment of society would come down to the Legislature and get passed a little provision of Criminal Code to suit the particular purposes of a given industry.

Then, at some point during the 1960's and 1970's, some very smart people across the nation decided to sit down and write up what was called a modeled Penal Code, for those of you with a salacious imagination. It created a complete composite code of criminally sanctionable conduct expressed in condensed language, in highly refined and very carefully thought-out words and phrases making use, certainly, of the Common Law but, more appropriately, condensing things into a statutory form that everybody thought would be appropriate. Then this was considered by this Legislature at some point during the 1970's. It was studied thoroughly and finally passed. So the Criminal Code that we have, the reason that it occupies a volume that is called 17A is because, at that point, we repealed our old patchwork quilt of old Criminal statutes, which was largely contained in Title 17 and we started out fresh with Title 17A. It was a major revolution in the practice of Criminal Law and, as a matter of some concern to many of us, because we weren't sure how broad or how all-encompassing it might be. In any case, it did away with the necessity for having little, peculiar crimes spring up and be defined in special ways. This bill that's before you is really a throwback to how we used to pass criminal statutes 30, and 40, and 50 years ago. All of the conduct that is included in this bill is already included in our comprehensive Criminal Code. If we begin once again to start passing peculiar, little criminal statutes that apply to one industry and start doing it for one and then doing it for another, we will be eroding the very fine work that was accomplished in the mid-1970's. For that reason I will be joining the Senator from Bangor in supporting the motion Ought Not to Pass. Thank you.

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

**Senator O'GARA:** Thank you Mr. President and ladies and gentlemen of the Senate. I think it's important to stress right from the start that I admit that this Insurance Fraud is listed among a list of Theft by Deception items. But I think that the point that we're trying to make here is that this emphasizes and makes clear that the crime of Insurance Fraud is just that, a crime. The fact of the matter is that Insurance Fraud is second only to Income Tax Evasion in this country as a white collar crime. It is also unfortunate, but true, to the average consumer nobody really loses in an Insurance Fraud crime except the insurance companies. And after all, they have plenty of money so who really cares. But you know, those of you who are about to make a decision on this legislation, you know as I know that, in fact, ultimately the consumer, that we talk quite frequently about in this chamber, will pay the cost of that Insurance Fraud.

As to the argument that we might be eventually creating a new law, yet next month or next year, or two years from now, on specific items, I have never believed not in my local government experience and certainly not here, that one reason that is acceptable to vote against something is because of what might happen down the road. It may very well be that Legislators that follow us may give, someday, some serious thought to, in fact, creating a separate, a new law, a more specific reference to one of those that has been mentioned by one of the previous speakers. I believe that this makes it clear that the State means business in handling this very serious crime, which is rampant, which no one in this chamber can deny. I was not present, I must admit openly, at all of the meetings where this was discussed in the Criminal Justice Committee, but the Commission, as I understand it, was made up of people who



have a good amount of knowledge and experience with this particular issue. The Attorney General's office had a representative present at all times. I believe it is an effective tool. I believe it adds to the ability of insurance companies to bring this issue to light and to reclaim moneys that are being lost at this point in time. I would urge you to defeat the motion on the floor. Thank you.

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

Senator **LAFOUNTAIN:** Thank you Mr. President and men and women of the Senate. I also rise to encourage you to defeat the present motion so that we can go on and support the Majority report. As the good Senator from Cumberland, Senator O'gara, indicated, this bill came to you as a result of a Commission that was established last session pursuant to a resolve. That Commission, the Commission to Study Insurance Fraud consisted of 12 members who represented the insurance industry, health care providers, hospitals, the private bar, the State Fire Marshall's office, the Department of Human Services, and a member from both the House and from the Senate. In addition the Commission meetings were also attended by various members of the public and from State agencies including a member from the Attorney General's Office, who had ample opportunity to address the Commission. The purpose of the Commission was to study the laws related to Insurance Fraud, to determine the extent of the problem in Maine and to develop recommendations. As a result of the Commission, there were two bills that were generated. One bill went before the Committee on Banking and Insurance, which came out a unanimous report, which dealt with the regulatory side. The other bill went to the Criminal Justice Committee, which is the bill before you today.

What this bill does is create new language and then a new crime of Insurance Deception, which would be focusing on the consumers who commit Insurance Fraud. It also creates Deceptive Insurance Practices, which would focus on the insurance industry, which may be perpetrating fraud. There's a reason for that. As we learned throughout the course of this fall and early winter, fraud, specifically Insurance Fraud is a real problem in Maine. And what we brought before the Criminal Justice Committee was not a novel idea. In fact, what you are seeing is what 42 other states in this country have seen and have adopted into law. As a result of those 42 other states adopting this, many of these states over the course of three years have seen a marked increase in the number of prosecutions and convictions in the area of Insurance Fraud. As many of you know, and specifically members of Committees like Labor, or Banking and Insurance, or Judiciary, it's very rare when you see bills before you that actually may have an effect on stabilizing insurance premiums or actually lowering them. It was the feeling of the Commission that brought forth this bill that this bill could serve to do that, and that is lower insurance premiums which would effect us all.

The public hearing was actually quite interesting. We had heard through the grapevine that we would have opposition from the Attorney General's office and from the Criminal Law Advisory Commission. But I was quite surprised at the public hearing after I spoke presenting the bill, and probably seven or eight members from the industry and public, and the Maine Bar Association, testified in support of the bill. No one testified in opposition. In fact, the opposition didn't surface until the work session. And

again, for those members who serve on the Committees that I just mentioned, it's very rare when you see something like the Maine Bar Association and the insurance industry all together supporting an issue.

I specifically don't see how this bill will hinder prosecution. I see this as a tool to prosecution. If prosecutors don't want to use it and want to go with the current Theft statute, they are free to do so. No one says they need to go with what we are trying to create here. But as I told you earlier, many of the states that have adopted this have seen a marked increase in prosecution as a result of drafting language and incorporating language into statute similar to what we're doing here.

My final thought, in my two sessions here in the Legislature I often heard prosecutors, the Attorney General's office or our local District Attorney's office, talking about how we need tools to combat crime. I think this is one of those tools. Sadly I'm learning, I think what they mean by tools now is dollars, and not bills to help them further prosecuting issues such as Insurance Fraud.

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

Senator **MURRAY:** Thank you Mr. President and men and women of the Senate. Very briefly, I'd like to just respond to a couple of things that have been raised. With regard to the 42 other states that were mentioned, I can't testify as to what their Criminal Codes say or don't say, and whether or not conduct that their Insurance Fraud statutes, in those states, whether that covers conduct what's not already covered by their other codes. What I do know is, in Maine, we have the law in our Criminal Code that makes this activity illegal already and that is, in fact, being prosecuted by District Attorneys in this state. With regard to the tools, all I can suggest to you is the District Attorneys, which are the people that would be using these tools, are the same ones that are coming to us saying, I don't need this. We can do it with the current code. In fact, one former District Attorney that appeared before the Committee suggested that there were parts of the proposed bill that make it more difficult to prosecute, under that language.

My final point, there was a reference to, well maybe others will come in the future with regard to making a special niche crime law for them. I would suggest to you, people have already come before us in this Legislature, to the Criminal Justice Committee. Last year we had some individual store owners that wanted to highlight the difficulty they were having with regard to the return of video rentals. These are small stores that had problems with people returning videos. They wanted to have a crime that addressed that problem and that was a very serious problem for them. They were losing a lot of money with regard to that. Obviously they weren't as organized and focused and didn't have a Commission behind them that had focused on that law, but the issue is the same. That was a particular industry, if you will, that thought that they were being penalized because of a failure of customers to return the video rentals. They wanted a separate crime to make that illegal. What we told that group was, it is, in fact, illegal under the current Criminal Code. And in fact, can be enforced under the current Criminal Code and that we're not going to be in the position of creating a separate law to deal with crimes involving video rentals. The reason I bring that up is to suggest to you two things. The same analysis applies here with the same kind of reasoning. And secondly, we've already had individuals who have come before us who wanted to

do the very same thing. I can assure you that if we start going down this road, we'll see more coming back in the future. I urge you to support the pending motion.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Penobscot, Senator Murray, to Accept the Minority Ought Not to Pass Report in Non-Concurrence.

The Chair ordered a Division.

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

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: AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, CATHCART, FERGUSON, GOLDTHWAIT, HALL, KIEFFER, LIBBY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, PARADIS, PINGREE, RAND, RUHLIN, SMALL

**NAYS:** Senators: ABROMSON, CAREY, HARRIMAN, KILKELLY, LAFOUNTAIN, LONGLEY, NUTTING, O'GARA, PENDLETON, TREAT, THE PRESIDENT - MARK W. LAWRENCE

**ABSENT:** Senators: CLEVELAND, DAGGETT, JENKINS

21 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **MURRAY** of Penobscot to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Amend the Wrongful Death Laws"  
S.P. 31 L.D. 29

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-508)** (3 members)

Tabled - March 13, 1998, by Senator **LONGLEY** of Waldo.

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

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

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

Senator **LAFOUNTAIN:** Thank you Mr. President and men and women of the Senate. I rise today to encourage you to defeat the present motion and support the Minority Ought to Pass report. The reason I do so is as follows. I firmly believe that the Jury system in Maine works and you should really leave decisions, such as monetary awards, up to a jury. Currently, under Maine Law, in a wrongful death matter there are four forms of damages. The first is claims for medical and funeral expenses. The second is for a pecuniary loss. The third is claims for loss of comfort, society, companionship. And finally, the claims for punitive damages. What the Minority report does is it eliminates the cap on the third form of damages, which is claims for loss of comfort, society, companionship. The current cap is \$150,000. Additionally what the Minority report does is it eliminates the cap on punitive damages. Currently punitive damages are \$75,000.

I have discussed this matter today with the other Senators who are on the Judiciary Committee, and I have discussed with my fellow caucus members. What I'm asking the caucus and what I'm asking the members of the Senate to do here today is to support the Minority report, here in the First Reading, so that I can then go on in the Second Reading a seek to amend my bill. What I would do in my amendment is I would seek to create a cap of \$300,000 on claims for loss of comfort, society, companionship, which would be consistent with the Maine Tort Claims Act. What I would do is restore punitive damages to the present cap of \$75,000. Thank you.

The Chair ordered a Division. 18 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **LONGLEY** of Waldo to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED.**

Sent down for concurrence.

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

Bill "An Act to Conform Maine's Safe Drinking Water Laws with the 1996 Amendments of the Federal Safe Drinking Water Act"  
H.P. 1441 L.D. 2005  
(C "A" H-904)

Tabled - March 19, 1998, by Senator **PINGREE** Knox.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In House, March 18, 1998, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-904).**)

(In Senate, March 19, 1998, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence. Subsequently, on motion by Senator **PINGREE** of Knox, **RECONSIDERED**.)

On motion by Senator **PARADIS** of Aroostook, the Senate **RECONSIDERED** whereby Committee Amendment "A" (H-904) was **ADOPTED**.

On further motion by same Senator, Senate Amendment "A" (S-559) to Committee Amendment "A" (H-904) **READ** and **ADOPTED**.

Committee Amendment "A" (H-904) as Amended by Senate Amendment "A" (S-559) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (3/18/98) Assigned matter:

**SENATE REPORTS** - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Adopt Long-range Changes in the Methods by Which Whitewater Rafting Trips are Allocated among Licensees" S.P. 604 L.D. 1801

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-530)** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-531)** (3 members)

Tabled - March 18, 1998, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 18, 1998, Reports **READ**.)

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

**THE PRESIDENT:** The Chair recognizes the Senator from Lincoln, Senator **Kilkelly**.

Senator **KILKELLY:** Thank you Mr. President and men and women of the Senate. Many of the provisions in this bill are, in fact, housekeeping if you will, to allow the allocations on the Kennebec River in particular, to be more reasonably done. What we've had in the past is every five years the entire process is thrown open and folks come in and there are law suits and bidding wars, and arguments, and things carry on, and it gets pretty unhappy. It seems that much of that has settled down. So there are major provisions in this bill which say, rather than doing that every five years, we're going to maintain the current levels. We're just not going to reopen that in five years. That's a very significant provision. Another provision in the Majority report, and where it differs from the other report is that it does provide an additional 200 allocations on the Kennebec, on those nine

allocated days. It sets a maximum of 120 for any one outfitter. Now the proposal that came before our Committee would have been 120 for one year and then up to 160, 180, up to 240. We felt that 240 people for one company, given that we were going to be setting a maximum of 1,000 allocations on that river was too much. Because what it would have meant is that only, approximately four companies, if you do the math, would have been on the river on those special days that are the highest impact days. So we said that 120 seemed reasonable. This was something that was proposed by both small and large outfitters. Because some of the small outfitters would be interested in possibly merging or selling, and can't do that now because of the maximum 80 that's allowed on those allocated days. It is also important for some of the larger folks, who find that with their advertising campaigns and with the information that's gone out about the quality of those trips, that there are more and more people that are interested in doing it. Their concern is that we've spent the money on advertising. We've spent the money creating this program but when we get to 80 people we have to suddenly say, well, no, we're going to turn those over to somebody else.

One of the questions in Committee was, well, how can we put more people on this river? Has the river gotten bigger? The answer is no, the river hasn't gotten bigger but the amount of water going down the river is, in fact, more than what was anticipated at the beginning of this process. At the beginning of this process it was anticipated that the river release would be for an hour. Now we're finding that, on the average, it's two hours and sometimes it's longer. The folks in their launch schedule, it is determined as the launches continue private people are allowed to get ahead of the line. So we've expressed a concern about what happens to private people in this process? And they're taken care of. The majority of us on the Committee felt that increasing the number to 200, which is a maximum number, it doesn't mean that 1,000 people will go down the river every time. It doesn't mean that the 1,000 will ever be hit but it does set a maximum. Increasing to that amount would not, in fact, be detrimental given the fact that while the river is not bigger, the capacity of the river is larger because of the extended amount of water that is released. We feel that that's a reasonable compromise and that it has, obviously, some very positive economic benefits for parts of the state that don't have lots of other economic activity. So I would urge you to support the Majority Ought to Pass report. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator **Mills**.

Senator **MILLS:** Thank you Mr. President and men and women of the Senate. This is perhaps the worlds smallest but most complex public utility, and given the hour and the fact that my stomach is growling, and I'm going to eat these raw potatoes if we don't recess fairly soon. Let me just say that I applaud the work of the Committee. Committee Amendment "A" represents a very thoughtful resolution of some competing interests for the use of this scarce resource, namely the light water that comes down through the Kennebec Valley Gorge. It will greatly simplify, among other things, the regulation of this small industry and on that point, all 13 members of the Committee agreed. The fundamental portion of this bill has broad acceptance and broad concurrence. The Department likes this bill and all members of the Committee approved of the fundamental portions of this bill. The two issues that raised some disagreement on the

Committee, but I think that the current motion is the one to follow, are whether there should be a slight increase in the authorized traffic on Saturdays. It will not change, fundamentally, the traffic on the river. It is a very modest compromise of competing interests on the river. I recommend it to your attention. The other element that is of some concern is the issue of, should the companies be allowed to get a little bit bigger than they currently are? They're currently constrained to taking only 80 people down at a given trip. Committee Amendment "A" that's before you would permit them to grow by one busload, up to 120. That does not increase the traffic on the river because there would still be the overall levels constraining the traffic down the river. It would allow companies however to become somewhat larger than they now are and that is viewed, in general terms, to be appropriate at this stage of maturity for this industry. Thank you, and I want to say once again, thank you to the Committee for doing such a fine job of working this bill up. It's a very complicated subject. It's almost as bad as electrical deregulation, not quite. But the emotions certainly were stronger than the electricity issue. Thank you.

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

Senator **RUHLIN:** Thank you Mr. President and Honorable Senators. I, too, recognize that today is a Grange day and I also am hungry, so I'll be as brief as possible however, there are some items I think we should take into full consideration. First of all I want to applaud sincerely my two colleagues on that Committee. They worked very hard on it. They heard a lot of, sometimes, conflicting testimony. I think they gave it great care and attention and I appreciate that. However, honest people can differ for good reasons, and I do differ with them. I urge your attention that after we vote this particular report down, we go forward with the Minority report. Both amendments do basically the same thing except with number. I want to point out to this Senate that about five or six years ago, I'm not sure the number of years but some time ago, we had a Committee get together to decide the wise and prudent multiple use of our natural resources. These rivers belong to all the people of Maine. They belong to the kayakers as well as the canoeists, the people who want to fish, the people who want to enjoy nature. They also should have some use of their own without overcrowding them. We sat down at that time, not me personally but this Legislature, and made some findings. The findings were that the wise multiple use of those rivers involved limiting numbers on some of the rafting days. Now ask yourself, why do we have allocation days? You have allocation days because of crowding. The non-allocation days are not the problem. The problem is allocation days. Now, this proposal before you this morning wants to take that crowding and increase it an additional 25% in numbers. It wants to allow some companies the opportunity to increase their daily load of people 50%. I get 80 to 120. Fifty percent of 80 is 40. You add the 40 to 80 and you get 120. Some of them are getting an increase in their allocation of 50% on what is supposed to be a multiple use river that belongs to the people of the State of Maine for all of them to enjoy, hopefully. That is my problem with this particular bill as it is presently before you. I would ask that you give full respect and recognition to all the people of the State of Maine, not just the rafters, and that you defeat this proposal as it is before you and go on to vote for the Minority report. 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. It's true, there are a few allocated days. The Rafting Industry starts in May and ends in October or November when the water gets so cold that people don't want to go down. In all of those months there are only nine allocated days, just nine days. It's already been mentioned but I'll repeat quickly. When the rafters are there with their customers to go down, any other citizens who come and want to go by themselves, whether it's in a canoe, kayak, rubber tube, or any way they want to go, they have priority. They walk ahead of the rafters and put in. They do not have to wait. The rafters have a system where they have to go in order. So the public has got all the access they want. There's no waiting for them, or anything else. As far as the numbers go, that only means that these companies are going to be able to grow. There are only so many people that really want to get into a raft and go down that river. It may not necessarily increase the number of people going. It may increase, for some companies, the number of people they will take. It's a matter of open competition. People will have a right to go with whichever company they want. Right now when a company fills up their numbers they have to give them to some other company to go with. That, to me, is not free enterprise. It's not what I stand for. I urge you to vote for the Majority report. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Lincoln, Senator Kilkelly, to Accept the Majority Ought to Pass as amended Report.

The Chair ordered 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: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, CATHCART, FERGUSON, HALL, HARRIMAN, KIEFFER, KILKELLY, LAFOUNTAIN, LIBBY, MACKINNON, MICHAUD, MILLS, MITCHELL, NUTTING, PARADIS, PENDLETON, SMALL, THE PRESIDENT - MARK W. LAWRENCE

**NAYS:** Senators: CAREY, GOLDTHWAIT, LONGLEY, MURRAY, O'GARA, PINGREE, RAND, RUHLIN, TREAT

**ABSENT:** Senators: CLEVELAND, DAGGETT, JENKINS

23 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **KILKELLY** of Lincoln to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (S-530) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

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Senate at Ease

Senate called to order by the President.

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Senator **ABROMSON** of Cumberland 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 **PINGREE** of Knox, **ADJOURNED** until Friday, March 20, 1998, at 9:00 in the morning.