

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate

May 2, 1995 to June 16, 1995

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Thursday
May 25, 1995

Senate called to Order by the President, Jeffrey H. Butland of Cumberland.

Prayer by the Reverend Ronald E. Libby of the Charleston Pentecostal Church in Charleston.

REVEREND RONALD E. LIBBY: Good morning Ladies and Gentlemen. I want to thank Mr. Hall for inviting me today, on this wonderful day. I get a chance to meet many of you, and I trust you will have a great day today. I'm kind of like the little boy whose mother had sent him to bed. He had done something wrong. He said, "Mommy, I'm afraid to go up to bed." She said, "You don't have to be afraid, God's up there." He said, "Okay", so he ran upstairs. He got right by the bedroom door and fear gripped his heart. He just kicked the door open and said, "God, I know you're in there, but if you move you'll scare me to death." Today, I trust that we will be able to add the blessing of the Lord upon your lives, as we go together in prayer. Let's pray.

Our Gracious, Eternal God, we thank thee for the privilege that we have of knowing that thou art our strength, and thou art our health, and thou art present in our world today. We thank you, Lord, for the blessings that you bestow upon us daily. We realize, Lord, that you have promised us that if we would look to you that many benefits would be ours. So, today we come, believing you Lord, for all of the needs for our great State. We thank you, Lord, for these who serve and give their lives and their time and their energies. I pray today, God, that you will bless them, grant them wisdom and understanding. May, Lord, as they deliberate in these Chambers today, I pray God, that you will guide their lives and guide their thoughts and bless them, I pray, in a special way. For these things we thank you now in thy name. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

Out of Order and under suspension of the Rules, on motion by Senator KIEFFER of Aroostook, the following Joint Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, May 30, 1995, at 9:30 o'clock in the morning.
S.P. 574

Which was **READ** and **PASSED**.

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

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

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Emergency

An Act to Increase Safety in Highway Construction and Work Maintenance Areas
H.P. 134 L.D. 182
(C "A" H-239)

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

Emergency

An Act to Amend the Charter of the Searsport Water District
H.P. 629 L.D. 854

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

Senate at Ease

May 22, 1995

Senate called to order by the President.

COMMUNICATIONS

The Following Communication:

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

May 22, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Banking and Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 262 An Act to Allow Banks and Credit Unions to Request the Scheduling of Joint Compliance Examinations by 2 State Regulatory Agencies
- L.D. 1430 An Act to Create a New Deductible for Workers' Compensation and to Clarify Reporting Requirements

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. I. Joel Abromson
Senate Chair

S/Rep. Marc J. Vigue
House Chair

S.C. 192

Which was **READ** and, with Accompanying Bills,
ORDERED PLACED ON FILE.

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Human Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 228 An Act to Restrict the Duration and Amount of Welfare Benefits
- L.D. 268 An Act to Create a Learnfare Program in the State
- L.D. 1140 An Act to Allow Pharmacies That Serve Long-term Care Recipients to Receive Discounts from Manufacturers
- L.D. 1248 An Act to Establish the Work-Not-Welfare Pilot Program
- L.D. 1334 Resolve, to Renew the State's Commitment to Family Planning Services for Low-income Women and Teens
- L.D. 1406 An Act to Assist Working Families during Catastrophic Illness and Economic Hardship through Eligibility for Medicaid
- L.D. 1427 An Act to Promote Family Self-sufficiency by Changing the Welfare Rules Governing the Disregard Period

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Joan M. Pendexter S/Rep. Michael J. Fitzpatrick
Senate Chair House Chair

S.C. 193

Which was **READ** and, with Accompanying Bills,
ORDERED PLACED ON FILE.

The Following Communication:

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON HUMAN RESOURCES**

The Following Communication:

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

May 22, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1057 An Act to Amend the Law Regarding Snowmobile Registration Fees
- L.D. 1131 Resolve, to Establish the Sportsmen Policing Our Ranks Together Program

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Stephen E. Hall S/Rep. Dorothy A. Rotondi
Senate Chair House Chair

S.C. 194

Which was **READ** and, with Accompanying Bills, **ORDERED PLACED ON FILE.**

The Following Communication:

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

May 22, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 310 An Act to Limit Protected Classes Under Maine Law
- L.D. 954 An Act to Limit Liability for Farm Pick-your-own Operations

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. S. Peter Mills Sharon Anglin Treat
Senate Chair House Chair

S.C. 195

Which was **READ** and, with Accompanying Bills, **ORDERED PLACED ON FILE.**

The Following Communication:

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON LABOR**

May 22, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 69 An Act to Require Binding Arbitration for Public Employees
- L.D. 223 An Act to Amend the Workers' Compensation Laws Regarding Small Businesses
- L.D. 534 An Act to Require the Department of Labor to Keep Statistics on the Number of Jobs That are Full-time, Part-time and Temporary
- L.D. 537 An Act to Include Salaries, Pensions and Insurance for Binding Arbitration under the Municipal Public Employee Labor Relations Laws
- L.D. 552 An Act Regarding Employer Errors and the Maine State Retirement System
- L.D. 693 An Act to Allow Seasonal Public Employees to Be Eligible for Unemployment Compensation
- L.D. 856 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Schedule for Paying Off the Unfunded Liability of the Maine State Retirement System

- L.D. 1090 An Act to Require Reimbursement of Unemployment Benefits by Workers' Compensation Insurers
- L.D. 1227 Resolve, to Establish a Task Force to Identify the Part-time Workforce in the State

- L.D. 1212 An Act to Eliminate State Participation in the Retail Liquor Business
- L.D. 1257 An Act to Clarify That an Arrearage by a Federally Assisted Tenant Applies Only to the Tenant's Share
- L.D. 1399 An Act to Control the Sale and Display of Tobacco Products
- L.D. 1460 An Act to Privatize the Liquor Industry
- L.D. 1494 An Act to Strengthen Prohibitions against Youth Access to Tobacco Products

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

Sincerely,

S/Sen. Charles M. Begley Senate Chair

S/Rep. Pamela H. Hatch House Chair

S/Sen. Norman K. Ferguson, Jr. Senate Chair

S/Rep. Guy R. Nadeau House Chair

S.C. 196

S.C. 197

Which was READ and, with Accompanying Bills, ORDERED PLACED ON FILE.

Which was READ and, with Accompanying Bills, ORDERED PLACED ON FILE.

The Following Communication:

The Following Communication:

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

May 22, 1995

May 22, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 63 An Act to Require Closure of the Discount Liquor Store in Kittery If a Discount Liquor Store Opens in Saco
- L.D. 867 An Act to Provide Certain Renters in Boarding Homes with the Status of Tenant at Will
- L.D. 920 An Act to Ensure That Landlords and Tenants Are Aware of the Right to a Court Hearing
- L.D. 999 An Act to Allow for Substitution of a Presidential Candidate Nominated by Petition BY REQUEST
- L.D. 1043 An Act to Allow Political Parties to Determine the Method of Nominating Candidates

- L.D. 993 An Act to Allow Municipalities to Grant Aquaculture Licenses for Sea Vegetables

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Jeffrey H. Butland
Senate Chair

S/Rep. Peter A. Cloutier
House Chair

S.C. 198

Which was **READ** and, with Accompanying Bill,
ORDERED PLACED ON FILE.

The Following Communication:

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

May 22, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 674 An Act to Create a Buffer Strip Requirement for the Location of Gravel Pits
- L.D. 773 An Act to Amend the Laws Pertaining to the Control of Phosphorus Transport in Watersheds
- L.D. 873 An Act to Clarify the Derivation of Metal Limitations for Waste Discharge Licenses
- L.D. 921 An Act Allowing Homeowners to Maintain Underground Oil Tanks
- L.D. 949 An Act to Study the Design of the Auto Emissions Testing Program and to Limit the Use of Credits Created by the Program
- L.D. 1002 An Act to Establish a Clean Air Act Title V Operating Permit Program
- L.D. 1086 Resolve, Exempting Michael and Theresa Palumbo of York from Legislation Requiring the Removal of Underground Storage Tanks
- L.D. 1241 An Act to Repeal the 100-foot Setback from Landfills for Recycling Facilities

L.D. 1302 An Act to Grant the Department of Environmental Protection the Authority to Waive the 180-day Limit to Apply for Coverage under the Insurance Fund

L.D. 1351 An Act to Regulate Automobile Refinishing Operations BY REQUEST

L.D. 1416 Resolve, Directing the State Planning Office to Improve the Coordination of State Agencies and Resources Involved in Projects Having an Environmental Significance

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Willis A. Lord
Senate Chair

S/Rep. Richard A. Gould
House Chair

S.C. 199

Which was **READ** and, with Accompanying Bills,
ORDERED PLACED ON FILE.

The Following Communication:

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

May 22, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 120 An Act to Establish Procedures for Secession and Annexation of Territory Situated within a Municipality
- L.D. 449 Resolve, Directing the Department of Administrative and Financial Services to Assume Auditing Functions for Certain Departments
- L.D. 798 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Legislative Review of Agency Rulemaking

- L.D. 862 An Act to Dissolve the Northport Village Corporation BY REQUEST
- L.D. 891 An Act to Establish Procedures for Secession and Annexation of Territories
- L.D. 961 An Act to Require the Legislature to Set the Fees Imposed by Executive Agencies
- L.D. 1129 An Act to Amend the Bidding Process for School Construction Purposes
- L.D. 1169 An Act to Allow for the Adjustment of Grant Issuance Procedures
- L.D. 1273 Resolve, to Ensure Standardization among State Agency Regulations

- L.D. 296 An Act to Improve the Administration of Personal Property Tax Assessing
- L.D. 611 An Act to Reduce the State Sales Tax from 6% to 5%
- L.D. 703 An Act to Protect Private Enterprise from Tax-subsidized Competition
- L.D. 807 An Act to Expand the Definition of "Taxable Services"
- L.D. 809 An Act Regarding the Payment of Excise Taxes on Leased Motor Vehicles Registered in One Municipality and Garaged in Another Municipality
- L.D. 820 An Act to Require Review by the Attorney General of Purchases of Large Tracts of Land under the Maine Tree Growth Tax Law

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Jane A. Amero
Senate Chair

S/Rep. Beverly C. Daggett
House Chair

S.C. 200

Which was **READ** and, with Accompanying Bills, **ORDERED PLACED ON FILE.**

The Following Communication:

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON TAXATION**

May 22, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 92 An Act to Reduce the Withdrawal Penalty for Certain Persons under the Maine Tree Growth Tax Law
- L.D. 286 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Local Tax Assessors to Assess Land at Current Use Value BY REQUEST

- L.D. 840 Resolve, to Establish the Commission to Study the Payment of Excise Taxes
- L.D. 997 An Act to Eliminate Tree Growth Tax Benefits for Landowners Who Clear-cut BY REQUEST
- L.D. 1022 An Act to Provide a Definition of Domicile for Purposes of Equitable Taxation
- L.D. 1027 An Act to Exempt Local Municipalities from Paying a Lease Tax on Equipment
- L.D. 1028 An Act to Alter the Valuation of Searsport
- L.D. 1080 An Act to Amend the Law Regarding Tax Exemptions for Water Pollution Control Facilities
- L.D. 1106 Resolve, Authorizing Reimbursement of an Overpayment of Income Taxes
- L.D. 1108 An Act to Eliminate the Sales Tax Exemption on Fuel and Electricity Used in Manufacturing
- L.D. 1156 An Act to Clarify the Tax Status of Homeless Shelters in Maine
- L.D. 1278 An Act to Decrease State Costs by Requiring That Both Parties Involved in a Property Tax Dispute Share Hearing Costs
- L.D. 1279 An Act to Exempt Computer Software Services from Taxation
- L.D. 1289 An Act to Amend the Property Tax Applicable to Institutions and Organizations
- L.D. 1293 An Act to Reduce the Sales Tax to 5% by October 1, 1996
- L.D. 1365 An Act to Promote Modernization and Job Training for Small and Medium-sized Businesses in Maine

L.D. 1410 An Act to Create a Homestead Tax Credit to Be Administered by Local Municipalities

L.D. 1417 An Act to Restrict Application of the Maine Tree Growth Tax Law BY REQUEST

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. W. John Hathaway
Senate Chair

S/Rep. Susan E. Dore
House Chair

S.C. 201

Which was READ and, with Accompanying Bills, ORDERED PLACED ON FILE.

The Following Communication:

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

May 22, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 492 An Act Relating to Authority of Governing Boards of Consumer-owned Electric Utilities

L.D. 886 An Act to Improve the Business Climate in the State by Making Power Available at a Lower Rate

L.D. 1109 An Act to Modify the Kennebec Water District's Authority to Limit Swimming in a Certain Area on China Lake

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. David L. Carpenter
Senate Chair

S/Rep. Carol A. Kontos
House Chair

S.C. 202

Which was READ and, with Accompanying Bills, ORDERED PLACED ON FILE.

The Following Communication:

117TH LEGISLATURE

May 24, 1995

Senator Mary E. Small
Representative John L. Martin
Chairpersons
Joint Standing Committee on Education and Cultural Affairs
117th Legislature
Augusta, Maine 04333

Dear Senator Small and Representative Martin:

Please be advised that Governor Angus S. King, Jr., has withdrawn his nomination of Mark P. LeGasse for appointment as the student member of the Maine Technical College System Board of Trustees.

Pursuant to Title 20-A, MRS Section 12705, this nomination is currently pending before the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Jeffrey H. Butland
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

S.P. 575

Which was READ and referred to the Committee on EDUCATION AND CULTURAL AFFAIRS.

Sent down for concurrence.

The Following Communication:

117TH LEGISLATURE

May 24, 1995

Senator Stephen E. Hall
Representative Dorothy Rotondi
Chairpersons
Joint Standing Committee on Inland Fisheries and
Wildlife
117th Legislature
Augusta, Maine 04333

Dear Senator Hall and Representative Rotondi:

Please be advised that Governor Angus S. King, Jr. has nominated Wilmot "Wiggy" Robinson of Millinocket for reappointment and F. Dale Speed of Princeton, Millard A. Wardwell of Penobscot and Charles F. Beck of Presque Isle for appointment as members of the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA Section 7033-A, these nominations will require review by the Joint Standing Committee on Inland Fisheries and Wildlife and confirmation by the Senate.

Sincerely,

S/Jeffrey H. Butland
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

S.P. 576

Which was **READ** and referred to the Committee on **INLAND FISHERIES AND WILDLIFE**.

Sent down for concurrence.

SENATE PAPERS

Bill "An Act to Simplify the Process of Registering Business Entities" S.P. 573 L.D. 1553

Presented by Senator **HARRIMAN** of Cumberland

Reference to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED**.

Which was referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act Concerning the Sites for Western Aroostook District Court"

S.P. 572 L.D. 1552

Presented by Senator **MILLS** of Somerset

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on **JUDICIARY** suggested and **ORDERED PRINTED**.

Which was referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Require Licensure for Use of the Title Athletic Trainer" H.P. 699 L.D. 957

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-282).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-282).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-282) **READ** and **ADOPTED**, in concurrence.

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Structure of the Electricians' Examining Board" H.P. 787 L.D. 1104

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-280).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-280).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-280) **READ** and **ADOPTED**, in concurrence.

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Increase Venture Capital Access to State Businesses"
H.P. 920 L.D. 1296

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-272)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-272)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-272) **READ** and **ADOPTED**, in concurrence.

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

Off Record Remarks

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Restore State Funding for State Expenses at County Jails" (Emergency)
H.P. 803 L.D. 1120

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-287)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-287)**.

Which Report was **READ**.

On motion by Senator **KIEFFER** of Aroostook, Tabled 1 Legislative Day, pending **ACCEPTANCE** of the Report.

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Add Forfeiture of a Firearm as a Sentence Alternative for the Crime of Possession of a Firearm by a Felon"
H.P. 842 L.D. 1173

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-286)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-286)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-286) **READ** and **ADOPTED**, in concurrence.

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Authorizing the State Board of Education to Adopt Rules Regarding Certain Early Childhood Personnel"
H.P. 747 L.D. 1021

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-284)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-284)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-284) **READ** and **ADOPTED**, in concurrence.

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **NATURAL RESOURCES** on Bill "An Act Relating to Equipment Start-up, Shutdown and Unavoidable Malfunction"

H.P. 354 L.D. 474

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-278)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-278)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-278) **READ** and **ADOPTED**, in concurrence.

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **NATURAL RESOURCES** on Bill "An Act to Reduce Paperwork and Promote On-site Elementary Neutralization of Low-hazard Wastes"

H.P. 475 L.D. 656

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-277)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-277) **READ** and **ADOPTED**, in concurrence.

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **NATURAL RESOURCES** on Bill "An Act to Encourage Compliance with Environmental Laws Administered by the Department of Environmental Protection"

H.P. 677 L.D. 928

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-285)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-285)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-285) **READ** and **ADOPTED**, in concurrence.

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Director of the Bureau of Parks and Recreation to Sell Land and Improvements on Hospital Street in Augusta, Maine Known as the Trial House

H.P. 809 L.D. 1126

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-275)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-275)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-275) **READ** and **ADOPTED**, in concurrence.

The Resolve, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Repeal the Law Regarding Access to Property via Abandoned Roads"

H.P. 966 L.D. 1375

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-276)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-276)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-276) **READ** and **ADOPTED**, in concurrence.

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **TAXATION** on Bill "An Act to Implement the Recommendations of the Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals"

H.P. 425 L.D. 582

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-281)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-281)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-281) **READ** and **ADOPTED**, in concurrence.

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **TAXATION** on Bill "An Act to Permit the Equitable Taxation of Leased Equipment"

H.P. 486 L.D. 667

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-283)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-283)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-283) **READ** and **ADOPTED**, in concurrence.

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act to Further Support the Community Service Volunteer Programs of the National Senior Service Corps of Maine"

H.P. 889 L.D. 1242

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-267)**.

Signed:

Senator:

PINGREE of Knox

Representatives:

FITZPATRICK of Durham
JOHNSON of South Portland
SHIAH of Bowdoinham
ETNIER of Harpswell
MITCHELL of Portland
JONES of Bar Harbor

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

Signed:

Senators:

PENDEXTER of Cumberland
BENOIT of Franklin

Representatives:

JOYNER of Hollis
MARVIN of Cape Elizabeth
WINGLASS of Auburn
LOVETT of Scarborough

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-267)**.

Which Reports were **READ**.

On motion by Senator **KIEFFER** of Aroostook, Tabled until Later in Today's Session, pending **ACCEPTANCE** of Either Report.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Require Firearm Hunters to Wear Blaze Orange"

H.P. 586 L.D. 796

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-264)**.

Signed:

Senator:
HALL of Piscataquis

Representatives:
ROTONDI of Madison
JACQUES of Waterville
KEANE of Old Town
ROSEBUSH of East Millinocket
CHICK of Lebanon
UNDERWOOD of Oxford

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

Signed:

Senators:
KIEFFER of Aroostook
MICHAUD of Penobscot

Representatives:
CLARK of Millinocket
TUFTS of Stockton Springs
GREENLAW of Standish
PERKINS of Penobscot

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-264).**

Which Reports were **READ.**

On motion by Senator **KIEFFER** of Aroostook, Tabled until Later in Today's Session, pending **ACCEPTANCE** of Either Report.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Increase Moose Hunting Permit Application Fees" H.P. 841 L.D. 1172

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-263).**

Signed:

Senators:
HALL of Piscataquis
KIEFFER of Aroostook
MICHAUD of Penobscot

Representatives:
ROTONDI of Madison
JACQUES of Waterville
CLARK of Millinocket
KEANE of Old Town

ROSEBUSH of East Millinocket
TUFTS of Stockton Springs
GREENLAW of Standish
CHICK of Lebanon
PERKINS of Penobscot

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

Signed:

Representative:
UNDERWOOD of Oxford

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-263).**

Which Reports were **READ.**

On motion by Senator **MICHAUD** of Penobscot, Tabled until Later in Today's Session, pending **ACCEPTANCE** of Either Report.

Senate

Ought to Pass As Amended

Senator **MILLS** for the Committee on **JUDICIARY** on Bill "An Act to Clarify Immunity from Civil Suit for Volunteer Activities"

S.P. 128 L.D. 320

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-178).**

Which Report was **READ** and **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-178) **READ** and **ADOPTED.**

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING.**

Senator **LONGLEY** for the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Renaming Coves in St. George, Cushing and Friendship

S.P. 361 L.D. 987

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-179).**

Which Report was **READ** and **ACCEPTED**.

The Resolve **READ ONCE**.

Committee Amendment "A" (S-179) **READ** and **ADOPTED**.

The Resolve, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **CASSIDY** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Ensure Mills Their Annual Supply of Logs and Wood Chips"
S.P. 376 L.D. 1053

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-184)**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-184) **READ** and **ADOPTED**.

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

Senator **STEVENS, JR.** for the Committee on **TRANSPORTATION** on Bill "An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Fiscal Year Ending December 31, 1996"
S.P. 284 L.D. 772

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-181)**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-181) **READ** and **ADOPTED**.

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

Senator **STEVENS, JR.** for the Committee on **TRANSPORTATION** on Bill "An Act to Allow Towns to Register Vehicles on Loan through the Federal Excess Property Program without Local Title"
S.P. 370 L.D. 1047

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-180)**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-180) **READ** and **ADOPTED**.

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

Senator **CARPENTER** for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Abolish the Richmond Utilities District"
S.P. 381 L.D. 1058

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-183)**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-183) **READ** and **ADOPTED**.

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

Senator **CARPENTER** for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Permit Consumer-owned Utilities to Seek Rate Reductions"
S.P. 522 L.D. 1420

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-182)**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-182) **READ** and **ADOPTED**.

The Bill, as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on INLAND FISHERIES AND WILDLIFE on Bill "An Act to Increase Moose Hunting Permit Application Fees" H.P. 841 L.D. 1172

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-263). (12 members)

Minority - Ought Not to Pass. (1 member)

Tabled - earlier in the day by Senator MICHAUD of Penobscot

Pending - ACCEPTANCE OF EITHER REPORT

(In House, May 24, 1995, 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-263).)

(In Senate, earlier in the day, Reports READ.)

The Majority OUGHT TO PASS AS AMENDED Report ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-263) READ and ADOPTED, in concurrence.

The Bill, as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

Senate

Bill "An Act to Authorize Municipalities to Pay Employees Biweekly" S.P. 259 L.D. 695

Bill "An Act to Require That a Vacancy in a County Office Be Filled by an Appointee from the Same Political Party" S.P. 390 L.D. 1067

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED.

Senate As Amended

Bill "An Act to Amend Real Estate Appraisal Licensing and Certification Laws" S.P. 168 L.D. 429 (C "A" S-158)

Bill "An Act to Make Certain Changes to the Maine Juvenile Code" S.P. 466 L.D. 1262 (C "A" S-173)

Which were 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:

An Act to Permit the Buyback of Retirement Time H.P. 567 L.D. 768 (C "A" H-196)

An Act to Ensure Disclosures under the Used Car Information Laws H.P. 859 L.D. 1190 (C "A" H-236)

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

An Act to Require All Persons to Use Safety Belts in Motor Vehicles S.P. 77 L.D. 165 (S "A" S-135 to C "A" S-91; H "A" H-181)

On motion by Senator HANLEY of Oxford, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act Concerning Sick Leave and Vacation Benefits

H.P. 388 L.D. 523
(C "A" H-140)

On motion by Senator HANLEY of Oxford, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

An Act to Create a Purple Heart License Plate
H.P. 102 L.D. 137
(S "A" S-123 to C "A" H-154)

Tabled - May 16, 1995, by Senator AMERO of Cumberland.

Pending - **PASSAGE TO BE ENACTED.**

(In House, May 16, 1995, **PASSED TO BE ENACTED.**)

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

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate the first Tabled and Later Today Assigned (May 24, 1995) matter:

JOINT ORDER relative to Susan Shows, of Winthrop for her work and dedication as President of the Jobs for Maine Graduates program.

SLS 88

Tabled - earlier in the day by Senator KIEFFER of Aroostook.

Pending - **PASSAGE.**

(In Senate, May 24, 1995, Joint Order **READ.**)

Which was **PASSED.**

Sent down for concurrence.

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

Senator LAWRENCE of York was granted unanimous consent to address the Senate off the Record.

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

Off Record Remarks

On motion by Senator GOLDTHWAIT of Hancock, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

HOUSE REPORTS - from the Committee on HUMAN RESOURCES on Bill "An Act to Further Support the Community Service Volunteer Programs of the National Senior Service Corps of Maine"

H.P. 889 L.D. 1242

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-267). (7 members)

Minority - Ought Not to Pass. (6 members)

Tabled - earlier in the day by Senator KIEFFER of Aroostook

Pending - ACCEPTANCE of Either Report

(In House, May 24, 1995, 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-267).)

(In Senate, earlier in the day, Reports READ.)

Senator PENDEXTER of Cumberland moved that the Senate ACCEPT the Minority OUGHT NOT TO PASS Report in NON-CONCURRENCE.

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

Senator PINGREE: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to urge you to vote against the Ought Not to Pass, and in turn, vote for the Ought to Pass as Amended by Committee Amendment "A" on this very good bill. Let me speak briefly to my thoughts on this bill. I don't think there is any question that government is shrinking right now, and we definitely have less money to use for the things that we want to do. This bill is a very good use of our dollars. We get wonderful, wonderful results from these programs, and I think they are an excellent investment. For those of you who don't know what this bill addresses, it's retired senior volunteer programs, our foster grandparents, our senior companion programs. These programs make incredibly good use of the skills and abilities of our senior citizens, and the time they have available to dedicate to our communities. Last year this program generated 800,000 volunteer hours and merely cost us about \$76,000. The amendment on this bill increases the funding another \$86,000. If you think about what we got for our dollars, \$76,000 bought us 800,000 volunteer hours. If we add another \$86,000 that would be approximately 1,000,000 more hours. If you just conservatively estimate that at \$5.00 an hour, that's \$5 million in volunteer labor, going into our communities, supporting services that we are cutting every day out of our budget. They do wonderful things. I won't go over the whole list, and I'm sure you know many of the people who participate in this program. They work in our hospitals, our clinics, our nursing homes, our schools, they help with homeless programs, legal services, the courts, transportation, public and private schools, day care centers, teen-age pregnancy programs, sheltered workshops, private homes, and they also have programs where senior citizens visit each other. It is a wonderful thing to do.

I know that when both of my parents retired, my mother was a nurse and my father was an accountant,

the most difficult thing for them to deal with was that they had nothing to do. They were incredibly skilled and talented people and had nothing to do. One wonderful thing about this program is it keeps our senior citizens active. They work together, they get together. It's a great program and I urge your support. As I said, the Committee Amendment adds an \$86,000 appropriation to this program this year. It will go to the Appropriations Table and be considered with everything else that we think is a good idea. I urge your support.

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

Senator PENDEXTER: Thank you Mr. President, Men and Women of the Senate. I echo everything that the Senator from Knox has expounded upon on the usefulness of this program. The Ought Not to Pass Report, in no way, reflects on the effectiveness of the program on the communities and what it does for senior citizens themselves. The issue here is purely a fiscal one. In the existing budget there is already \$76,000 appropriated each fiscal year for this program, and those of us who are opposing this bill are opposing it purely on the fiscal nature of the bill. We feel that some of us have sent what we are going to send to the Appropriations Table, and this is not one of the issues, when we were prioritizing what our needs were. So, please don't feel that voting against this bill is voting against the program. You are just fiscally saying that \$76,000 each fiscal year is all that we can afford at this point. Thank you.

Off Record Remarks

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

Senator LONGLEY: Thank you Mr. President, Men and Women of the Senate. I rise to request that you vote against the motion. In terms of seniors volunteering, to cut them off at the knees so that they don't have the start-up money to get out and do what it is, I think it is penny-wise and pound-foolish. On behalf of our seniors, and on behalf of anyone who has taken an Economics 101 course, when you give one dollar and you get ten, or twenty, or thirty, or forty, or one hundred dollars back from that one dollar, that is a wise, a conservative and a wise investment. On behalf of the seniors I request that you vote against the pending motion. Thank you.

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

Senator LAWRENCE: Thank you Mr. President, Men and Women of the Senate. Over the past several years we have heard a lot of discussion of scaling back on what government does for its citizens, of turning

those needs and those concerns over to the people in the communities, and having it done on a voluntary basis where citizens contribute of their own time to replace what was traditionally done by government. That's exactly what this bill does. It's time to put your money where your mouth is. If you support volunteer programs, if you support those kinds of community programs, then you will vote against the pending motion, send this bill through, put it on the Appropriations Table, and let's consider it in part of the appropriations process. We'll consider what our priorities are. Voting against it now is a vote against volunteers in the community working for public benefit.

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

Senator **RUHLIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would just point out one thing that I think has been missed also. I do share the fiscal concerns of the good Senator from Cumberland, but we should look at the cost of an active mind as it leads to a healthy body in our senior citizens. I think that is an important aspect of this bill. This amendment would encourage the contribution of a great number of hours, approximately one million hours, of volunteer time in the State of Maine. By keeping our senior citizens in a position to volunteer their services, I think, leads to more active minds, leads to a sense of wellness within the person, and makes a general contribution, both to the mental and physical health. I would ask you to take that into consideration when you consider the motion of Ought Not to Pass. Please vote against that motion, so we can go on to pass this piece of legislation. Thank you.

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

Senator **PENDEXTER:** Thank you Mr. President, Men and Women of the Senate. I would just like to briefly say that we are not cutting our elderly citizens off at the knees. We are, indeed, supporting them with some resources. This bill is purely a request over and above the \$76,000 that has already been appropriated. I feel that we, in State government, have given our seniors some support. This bill is merely asking for an increase in funding, over and above what is already allocated. Thank you.

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

Senator **PINGREE:** Just briefly, I want to say again, that we are making tremendous cuts this year and this is a way for our senior citizens to help all of us in the difficult budget problems we have in front of us. I think contributing another \$86,000 is minimal when you think that that is spread across the State. Mr. President, when the vote is taken, I request that they be taken by the yeas and the nays.

On motion by Senator **PINGREE** of Knox, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The President noted the absence of Senator **CAREY** of Kennebec, and excused him from today's Roll Call votes.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **PENDEXTER** of Cumberland that the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

A vote of Yes will be in favor of **ACCEPTANCE**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: **ABROMSON, AMERO, BEGLEY, BENOIT, CARPENTER, CASSIDY, FERGUSON, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LORD, MILLS, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND**

NAYS: Senators: **BERUBE, BUSTIN, CIANCHETTE, CLEVELAND, ESTY, FAIRCLOTH, GOLDTHWAIT, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, O'DEA, PARADIS, PINGREE, RAND, RUHLIN**

EXCUSED: Senator: **CAREY**

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with No Senators being absent and 1 Senator having been excused, the motion by Senator **PENDEXTER** of Cumberland 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 Today Assigned matter:

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Require Firearm Hunters to Wear Blaze Orange"
H.P. 586 L.D. 796

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-264). (7 members)

Minority - **Ought Not to Pass.** (6 members)

Tabled - earlier in the day by Senator KIEFFER of Aroostook

Pending - **ACCEPTANCE** of Either Report

(In House, May 24, 1995, 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-264).**)

(In Senate, earlier in the day, Reports **READ.**)

On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Either Report.

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

PAPER FROM THE HOUSE

Joint Order

The following Joint Order:

ORDERED, the Senate concurring, that Bill, "An Act to Increase Police Authority in Certain Cases of Disorderly Conduct," H.P. 357, L.D. 477, and all its accompanying papers, be recalled from the Governor's desk to the House.

H.P. 1105

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

Which was **READ** and **PASSED**, in concurrence.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Investing the Joint Standing Committee of the Legislature Having Jurisdiction over Taxation Matters with Exclusive Authority to Review Legislation Relating to Tax Policy"

S.P. 195 L.D. 504
(C "A" S-79)

In Senate, April 27, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-79).**

Comes from the House with the Bill and Accompanying Papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

On motion by Senator KIEFFER of Aroostook, the Senate **RECEDED** and **CONCURRED.**

Non-concurrent Matter

Resolve, to Strengthen Fish Hatchery Capacity within the State by Establishing a Partnership between Public and Private Organizations (Emergency)
S.P. 365 L.D. 991
(C "A" S-116)

In Senate, May 10, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116).**

Comes from the House with the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116) AS AMENDED BY HOUSE AMENDMENT "A" (H-298)** thereto, in **NON-CONCURRENCE.**

The Senate **RECEDED** and **CONCURRED.**

COMMITTEE REPORT

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Establish a Line-item Veto

H.P. 729 L.D. 1003

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-175).**

Signed:

Senators:

HANLEY of Oxford
BERUBE of Androsocoggin
BEGLEY of Lincoln

Representatives:

KERR of Old Orchard Beach
SIMONEAU of Thomaston
DONNELLY of Presque Isle
AIKMAN of Poland
OTT of York
MORRISON of Bangor
DIPIETRO of South Portland

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

Signed:

Representatives:

JOSEPH of Waterville
TOWNSEND of Portland
POULIOT of Lewiston

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-175) AND HOUSE AMENDMENT "A" (H-238).**

Which Reports were **READ.**

Senator **HANLEY** of Oxford moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senator **LAWRENCE:** Thank you Mr. President, Men and Women of the Senate. May I pose a question through the Chair? A question to anybody in this body who could answer. I heard told that this not only allows the Governor to do a line-item veto of the budget bill, but also allows him to do a line-item veto of other bills, including all other non-fiscal legislation. Is that true?

THE PRESIDENT: The Senator from York, Senator Lawrence, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President. In response to the question, yes, that is the case. That language was taken directly from my Democratic Co-Chair of the Appropriations Committee in a compromise to achieve the bi-partisan support from our Committee, which as you can tell from the Report, all three members of this body were in support of that measure. It was to enable the support of the Governor and his request for a line-item veto that we went with that report.

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

Senator **LAWRENCE:** Thank you Mr. President, Men and Women of the Senate. If that is the case, I have very strong concerns. Giving a Governor a line-item veto over a budget item is one thing, allowing him or her to go through, line by line, every single piece of legislation we do, and veto one word or one line

or one item of anything, in legislation, is a dangerous power to give the Governor. It is a real usurpation of legislative authority, and I think it dramatically changes the balance between the Executive Branch and the Legislative Branch. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President. In response, the Governor already has the veto authority to veto any legislation. This line-item would allow him to go into those areas where expenditures were made, and felt that those expenditures were not appropriate. They could be lined out.

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

Senator **RAND:** Thank you Mr. President. May I pose a question through the Chair? To anyone who may answer, does this line-item veto power concern itself only with appropriations, or is any matter up for veto?

THE PRESIDENT: The Senator from Cumberland, Senator Rand, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President. In response to the question, it is my understanding that it would be for appropriations measures, as far as financial measures specifically in the budget and in other documents.

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

Senator **ABROMSON:** Thank you Mr. President. In the "for what it's worth" department, last night we were discussing results of our surveys. Question seven of my survey was, "The line-item veto enables the State Governor to say No to specific parts of the State budget, without having to say No to the entire State budget. Do you support a line-item veto for Maine's Governor?" Out of 1,668 responses, 90.4% said yes.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **HANLEY** of Oxford that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

The Chair ordered a Division.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

19 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **HANLEY** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED.**

The Bill **READ ONCE.**

Committee Amendment "A" (H-175) READ and ADOPTED, in concurrence.

House Amendment "A" (H-238) READ and ADOPTED, in concurrence.

The Bill, as Amended, TOMORROW ASSIGNED FOR SECOND READING.

indefinitely postponed on Bill "An Act to Amend the Maine State Retirement System Laws to Authorize the Buy-back of Time Served in the Peace Corps or VISTA Programs" (S.P. 260) (L.D. 696)

Sincerely,

S/Joseph W. Mayo
Clerk of the House

S.C. 203

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

Which was READ and ORDERED PLACED ON FILE.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Protect Traditional Uses in the North Woods"

H.P. 1104 L.D. 1551

Reference to the Committee on AGRICULTURE, CONSERVATION AND FORESTRY suggested and ORDERED PRINTED.

Comes from the House, referred to the Committee on AGRICULTURE, CONSERVATION AND FORESTRY and ORDERED PRINTED.

Which was referred to the Committee on AGRICULTURE, CONSERVATION AND FORESTRY, in concurrence.

The Chair laid before the Senate the second Tabled and Later Today Assigned (May 24, 1995) matter:

HOUSE REPORTS from the Committee on TAXATION on Bill "An Act to Decrease the State's Share of Real Estate Transfer Taxes"

H.P. 821 L.D. 1152

Majority - Ought Not to Pass (10 members)

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-265) (3 members)

Tabled - earlier in the day by Senator KIEFFER of Aroostook.

Pending - ACCEPTANCE OF EITHER REPORT.

(In House, May 23, 1995, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.)

(In Senate, May 24, 1995, Reports READ.)

On motion by Senator AMERO of Cumberland, Tabled 1 Legislative Day, pending ACCEPTANCE of Either Report.

COMMUNICATION

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333-0002

May 25, 1995

Honorable May M. Ross
Secretary of the Senate
117th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its former action whereby the Bill and accompanying papers were

The Chair laid before the Senate the third Tabled and Later Today Assigned (May 24, 1995) matter:

Bill "An Act to Amend the Maine Tree Growth Tax Law"

S.P. 64 L.D. 93
(C "A" S-153)

Tabled - May 24, 1995, by Senator KIEFFER of Aroostook.

Pending - ADOPTION OF SENATE AMENDMENT "A" (S-176) TO COMMITTEE AMENDMENT "A" (S-153).

(In Senate, May 24, 1995, **RECONSIDERED ADOPTION OF COMMITTEE AMENDMENT "A" (S-153). SENATE AMENDMENT "A" (S-176) TO COMMITTEE AMENDMENT "A" (S-153) READ.**)

On motion by Senator **LORD** of York, Senate Amendment "A" (S-176) to Committee Amendment "A" (S-153) **INDEFINITELY POSTPONED.**

On further motion by the same Senator, Senate Amendment "B" (S-185) to Committee Amendment "A" (S-153) **READ.**

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

Senator **LORD:** Thank you Mr. President, my Learned Colleagues. All this does is it adds landowner under the definition of who can make a plan. It changes nothing else. The landowner can present his plan, have it reviewed by a registered forester, and have it approved. It spells out that a landowner can do this. The other language was very vague. Thank you.

On further motion by the same Senator, Senate Amendment "B" (S-185) to Committee Amendment "A" (S-153) **ADOPTED.**

Committee Amendment "A" (S-153) as Amended by Senate Amendment "B" (S-185), thereto, **ADOPTED.**

Which was **PASSED TO BE ENGROSSED, As Amended.**

Sent down for concurrence.

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

SENATE REPORTS from the Committee on **HUMAN RESOURCES** on Resolve, Requiring the State to Fulfill Its Commitment to Provide Adequate Mental Health Services for Senior Citizens in the Eastern Maine Area (EMERGENCY)

S.P. 35 L.D. 65

Report A - **Ought to Pass as Amended by Committee Amendment "A" (S-165)** (6 members)

Report B - **Ought Not to Pass** (6 members)

Tabled - May 23, 1995, by Senator **KIEFFER** of Aroostook.

Pending - **ACCEPTANCE OF EITHER REPORT.**

(In Senate, May 23, 1995, **REPORTS READ.**)

On motion by Senator **AMERO** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Either Report.

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

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1995 (EMERGENCY)

H.P. 1098 L.D. 1542

Tabled - May 24, 1995, by Senator **LAWRENCE** of York.

Pending - **ADOPTION OF SENATE AMENDMENT "A" (S-174).**

(In House, May 23, 1995, **PASSED TO BE ENGROSSED.**)

(In Senate, May 24, 1995, **SENATE AMENDMENT "A" (S-174) READ.**)

Senator **RUHLIN** of Penobscot moved the **INDEFINITE POSTPONEMENT** of Senate Amendment "A" (S-174).

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

Senator **HALL:** Thank you Mr. President. I would hate to see my amendment die so quickly, because it is such a good amendment. Here we go, county budgets. Out of sixteen counties we now have just four counties remaining where the legislators have the final approval. I have the pleasure of serving on two of those, this being one of them. After attending many meetings, looking over many volumes of paperwork and figures, and so on and so forth, I put great stock in the County Commissioners, after all they are elected officials, like ourselves. They're actually even closer related to the voter because they are easier to get at. We're kind of sheltered a little bit, a long ways from home, they are not. But, I really appreciate the citizens of the county who spent their nights, especially, serving on a budget committee. If any of you, and I'm sure some of you have been on those committees, or know people who have, it is very intense, very involved, every item is gone over with careful scrutiny. Then it comes time for the legislators to review all of this work that has been done, compromised out, decided what the taxes are going to be for the county taxpayers, and so on and so forth. Usually it is not a big process. We generally review it, okay it, after all all of these people have done this work before. But, occasionally, someone has a little pet project, or whatever, that they feel is perfectly okay to skip all of the prior process and bring it in front of the Commissioners. The Commissioners say no, bring it up next year, it's not fair, it hasn't passed a true public hearing. Here we are, that's

why my amendment. This is what has happened to these three particular items. The public has not had a public hearing for them, and I don't think it's fair. There's something like thirty-three legislators that have a piece of Penobscot County. Some are more involved than others. Some have a bigger piece than others. I happen to have a pretty good slice of it, but my vote is the same as someone that may have one town. So be it what it may. The meetings that the delegation had was very hot, tested, and steamy. I even left one meeting because I couldn't stand what was happening and the people that were being ridiculed, and I told them so. When we voted, we did not vote together, en masse. As a matter of fact that was the last meeting that was held. We were all handed a slip of paper, by the Chairman, he said to vote on these and turn it back in to him and he would tabulate them. These three things happened to pass. Not unanimously. As a matter of fact the votes were twenty to eight, eighteen to ten, and twenty to eight. Regardless, if I was the only dissenting vote, I think the process was wrong. When I sit down there are going to be several other Penobscot County Senators who are going to get up, and they are going to tell you how much these are needed, got to have them, can't go a year without them. I don't agree with that. Two of them, surely, would be helpful, but the fact that they can't get by for one year, and go through the process that everything else has, is wrong. So, without further ado, I am going to ask you to vote against the pending motion of Indefinitely Postponing this amendment, so that we can go on to accept it and move it on. Thank you.

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

Senator RUHLIN: Thank you Mr. President. I want to point out to the Senators that we have a tradition in this State of having those counties that have chosen to remain so, to have their county delegation have the so-called final word, before it comes to the Legislature on the budget. Now, that may be a good process, or it may not be a good process, I know other counties have been going away from it. Going to various ways of approving the County Commissioner's budget, so-called. Some have a budget committee that, if it votes unanimously, it upholds. Some go by a majority. But there are four counties who have chosen to continue having the legislative delegation make the final recommendation to the full Legislature, on what its budget should be. That is what this budget was drawn up under. This budget was operated that way. That county delegation had its meetings, duly scheduled, duly attended, duly noted. The items were really, and I agree with the good Senator from Piscataquis, some of them were very enlightening, and some of them were really pretty hard on your hair-do. You had to be a little bit careful of all of the hair-pulling that was going on. But, in fact, it was democracy in action. It was following the system that this Legislature has overseen for many years, and the process followed through legitimately. I want to point out to you, although I do not have the roll calls from the county delegation on all of the issues, I know on one of the ones that was involved here, it was twenty-six to two. I believe another one was twenty-eight to three. But I do know the final vote, I did see it

just about an hour ago, on one of the issues was twenty-six to two. My point is, on those items that remain in the Penobscot County Delegation, that are brought before this Legislature for final approval, had the overwhelming bipartisan support, vote of support, by the Penobscot County Delegation, and it was by a huge majority of the Penobscot County Delegation. If you want to change the way the system works, that's fine, I think it's worth a discussion, but it probably really isn't germane to the Penobscot County budget, at this point in time. I, therefore, hope that you will continue the tradition and respect the recommendations of the Penobscot County Delegation on the Penobscot County budget, and vote to Indefinitely Postpone this amendment. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator RUHLIN of Penobscot to INDEFINITELY POSTPONE Senate Amendment "A" (S-174).

The Chair ordered a Division.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator RUHLIN of Penobscot to INDEFINITELY POSTPONE Senate Amendment "A" (S-174), FAILED.

Senate Amendment "A" (S-174) ADOPTED.

Which was PASSED TO BE ENGROSSED, As Amended in NON-CONCURRENCE.

Sent down for concurrence.

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

Bill "An Act to Increase the Minimum Wage in Maine"

H.P. 108 L.D. 143
(C "B" H-67)

Tabled - May 24, 1995, by Senator LAWRENCE of York.

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

(In House, May 17, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-67).)

(In Senate, May 24, 1995, READ A SECOND TIME.)

On motion by Senator **AMERO** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit State Spending and Establish a Reserve Fund.

H.P. 630 L.D. 855
(C "A" H-177)

Tabled - May 24, 1995 by Senator **AMERO** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-177)**, in **NON-CONCURRENCE**.

(In House, May 3, 1995, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

On motion by Senator **AMERO** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-177)** in **NON-CONCURRENCE**.

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

SENATE REPORTS from the Committee on TRANSPORTATION on Bill "An Act to Broaden the Scope of the Farm Registration Laws to Include Farm Woodland Trucks"

S.P. 243 L.D. 640

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-170)** (2 members)

Tabled - May 24, 1995, by Senator **AMERO** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**.

(In Senate, May 23, 1995, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**. Subsequently **RECONSIDERED**.)

Senator **STEVENS** of Androscoggin moved that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **BEGLEY:** Thank you Mr. President. The bill for the farm woodland owner and trucker, on harvesting his own woodlot, is presented on behalf of a gentleman, at least one, and many others who testified, on the point of being that in order to be good harvesters of any product, whether it is agricultural or wood, is for the individual to be able to take care of it to the betterment of his land and everybody else's. This bill simply allows a woodlot owner to have one truck, within a certain limit, that he uses for the harvesting of the wood on his land. It does not allow large paper companies to take a fleet and then use them in that fashion. The reason he wants this bill is that the insurance on his truck is on a commercial rate, instead of a comparable rate that is given to agricultural farm vehicles. It is his contention that his crop is just as much a product as any of the agricultural products and, therefore, if he handles it and is restricted in the size and weight of his product and how he handles it, then he should receive the similar benefit. It is a situation, with the amendment on there, a farm woodland truck, registered as a farm truck, may not transport forest products harvested on land owned by a person other than the registered owner of the truck. There are enough safety devices in this to prohibit, at least in my mind, any abuse of the potential benefits that small woodlot owners would receive. I hope that you will vote against the pending motion.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Cassidy.

Senator **CASSIDY:** Thank you Mr. President, Women and Men of the Senate. This bill came before our Committee and there was a lot of discussion about the value of this particular bill. The feeling of, I think, the majority of the Committee was that number one, the revenues could be lost from folks who had trucks who had been registering them as farm trucks, and it was pretty hard to even get an estimate of the fiscal note that that would cost. The other feeling that we had, on the Committee, was that current law allows folks who own a farm and cut wood, and those sort of things, to deliver firewood or that sort of thing in a limited way. There is no big enforcement today that causes people not to be able to do this. We just felt that this was a bill that was unnecessary and that folks do have some leeway to harvest their own wood. If you are in a commercial situation, some of us who own woodlots may be, and will be, harvesting some wood. Normally you are going to need to make arrangements with commercial carriers to do that. I would ask you to support the motion by the good Senator Stevens. Thank you.

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

Senator **PINGREE:** Thank you Mr. President. I rise to support the bill of the good Senator from Lincoln, Senator Begley. I think that every day we think about ways to help the little guy, people who are doing things on their own land, people who find current law overly restrictive. All of us who represent rural districts have people with farm

trucks. You see them on the road. The name of the town is printed on the truck and you are allowed to comply with different laws. This addresses a very small population of people. While the Department may have said there would be a huge cost to the State, I think that very few people would take advantage of this. I think that it makes it easier to do work on your own land, and transport your own wood. It was said that if you have a farm truck you could cut firewood now, but this addresses people who don't own a farm as well as a woodlot, it's for someone who owns their own woodlot and is working on it for their own use. I think it is a perfectly good piece of legislation and I urge you to vote in opposition to the pending motion.

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

Senator **STEVENS:** Thank you Mr. President, Men and Women of the Senate. This wasn't the first time that this bill has been before the Transportation Committee. We went back in the previous files, and we tried to answer the question of the small person in farming, or whatever, and I do think the farm plate will take care of that. We have people now, if we should open this up, who might own a woodlot in Washington County, live in the City of Portland, that could possibly come under this recommendation of transporting their own product. If we have them living on the property it is very easy to re-establish a residency to be able to do it.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **STEVENS** of Androscoggin that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

The Chair ordered a Division.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **STEVENS** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

Minority - **Ought Not to Pass** (3 members)

Tabled - May 24, 1995, by Senator **HATHAWAY** of York.

Pending - **ACCEPTANCE OF EITHER REPORT**.

(In House, May 18, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-242).**)

(In Senate, May 23, 1995, Reports **READ**.)

On motion by Senator **AMERO** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Either Report.

Off Record Remarks

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **GOLDTHWAIT** of Hancock, **ADJOURNED** until Tuesday, May 30, 1995, at 9:30 o'clock in the morning.

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

HOUSE REPORTS from the Committee on TAXATION on Bill "An Act to Increase the Property Tax Exemption for Farm Machinery"

H.P. 17 L.D. 11

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-242)** (10 members)