

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
Monday
June 5, 1995

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

Prayer by Pastor Michael Cabana of the Woodstock Seventh Day Adventist Church in Bryant Pond and the Oxford Seventh Day Adventist Church in Oxford.

PASTOR MICHAEL CABANA: On behalf of both the Woodstock Seventh Day Adventist Church and the Oxford Seventh Day Adventist Church, I want to thank you very much for giving me the privilege to pray with you and for you this morning here in the Senate Chamber. Let's, at this time, bow our heads and have our prayer.

Our God in heaven, as we convene another business day in the Maine State Senate, we ask that your eternal presence be in our midst, and more importantly, in our hearts and in our minds. As we attempt to serve our constituents in this wonderful State of ours. We ask, our God, that you would empower us with the wisdom to meet the challenges at hand that face us in this day of the people's business. May we use our appointments and our election wisely, so as to better advance the cause of our State, and the people that we represent. With our needed wisdom, we ask for a measurement of discernment in making legislative policies, as we know that there are so many people that are affected by our votes and decisions. We pray for a spirit of selflessness, that the office that we possess would never be more important than the people that we serve and the State we love. May you establish an integrity in all of us that is befitting the calling of our offices and posts. Our God, may we ever keep in mind that great people are ordinary humans who are possessed by a vision greater than themselves. May we be possessed today by such a vision. Most importantly, may we fulfill our day in such a way that it would be pleasing in your sight. Some of us today may have come to face our days responsibilities with hearts full of personal troubles and burdens, such troubles and burdens which may cloud our judgement and impair our ability to serve. If such be the case, we beseech thee to lighten our personal burdens and make our load manageable, while helping us to grow above them so as to be able to be a more faithful civil servant, with great compassion, with keener understanding of all human plight. With lessons thus learned, may we serve with a blend of mercy and justice, and may equity prevail to the benefit of our people as a special case of loyalty to

you. Thank you, Oh God, for hearing our prayer. We speak to you in Jesus' name. Amen.

Pledge of Allegiance led by Senator CARPENTER of York.

Reading of the Journal of Thursday, June 1, 1995.

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

In Senate, May 30, 1995, the **OUGHT NOT TO PASS** Report "B" **READ** and **ACCEPTED**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-165)**, in **NON-CONCURRENCE**.

On motion by Senator KIEFFER of Aroostook, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION**.

Non-concurrent Matter

Bill "An Act to Release the Public Utilities Commission from Mandatory Participation in Welfare Programs"

S.P. 149 L.D. 335
(C "A" S-117)

In Senate, May 10, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-117)**.

Comes from the House with the **OUGHT NOT TO PASS** Report "A" **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

On motion by Senator KIEFFER of Aroostook, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION**.

Non-concurrent Matter

An Act to Increase Police Authority in Certain Cases of Disorderly Conduct

H.P. 357 L.D. 477
(C "A" H-173)

In Senate, May 16, 1995, **PASSED TO BE ENACTED**, in concurrence.

Comes from the House, **RECALLED** from the Governor's Desk pursuant to Joint Order H.P. 1105. Subsequently, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-173) AS AMENDED BY HOUSE AMENDMENT "A" (H-315)**, thereto, in **NON-CONCURRENCE**.

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

Non-concurrent Matter

Resolve, to Establish the Task Force to Study Environmental Regulation

S.P. 409 L.D. 1097
(C "A" S-169)

In Senate, May 24, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-169)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-169) AS AMENDED BY HOUSE AMENDMENT "A" (H-331)**, thereto, in **NON-CONCURRENCE**.

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

Non-concurrent Matter

Bill "An Act to Authorize a Multi-day Bass Tournament Permit"

H.P. 795 L.D. 1112
(C "A" H-253)

In Senate, May 23, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-253)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-253) AS AMENDED BY HOUSE AMENDMENT "B" (H-351)**, thereto, in **NON-CONCURRENCE**.

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

House Papers

Resolve, to Reduce Reliance on the Property Tax for School Funding

H.P. 1112 L.D. 1560

Reference to the Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and **ORDERED PRINTED**.

Which was referred to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence.

Bill "An Act to Deregulate the Costs and Revenues Associated with Acute Care Provided to Involuntarily Committed Patients within the Hospital Care Finance System"

H.P. 1110 L.D. 1558

Reference to the Committee on **HUMAN RESOURCES** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

Which was referred to the Committee on **HUMAN RESOURCES**, in concurrence.

Bill "An Act to Withdraw the State from the Atlantic States Marine Fisheries Compact"

H.P. 1111 L.D. 1559

Reference to the Committee on **MARINE RESOURCES** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**.

Which was referred to the Committee on **MARINE RESOURCES**, in concurrence.

Off Record Remarks

COMMITTEE REPORTS

House

Change of Reference

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Establish the Board of Licensure of Water Treatment Plant Operators"
H.P. 1090 L.D. 1534

Reported that the same be **REFERRED** to the Committee on **HUMAN RESOURCES**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HUMAN RESOURCES**.

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

The Bill **REFERRED** to the Committee on **HUMAN RESOURCES**, in concurrence.

Ought to Pass As Amended

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act Pertaining to the Purchase Deposit on Automobiles"
H.P. 1014 L.D. 1429

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-326).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-326).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-326) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Extend to Businesses the Laws Concerning Protection from Harassment"

H.P. 275 L.D. 377

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-328).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-328).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-328) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Amend the Probate Code Regarding Conservatorship Funds and to Require Bonds for Out-of-state Conservators"

H.P. 911 L.D. 1287

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-327).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-327).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-327) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Regarding the Granting of Hotel Liquor Licenses to Establishments Located on Offshore Islands" (Emergency)

H.P. 830 L.D. 1161

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-330)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-330)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-330) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Allow the Sale of Irradiated Food in the State"
H.P. 437 L.D. 603

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-128)**.

Signed:

Senators:

CASSIDY of Washington
PARADIS of Aroostook
LORD of York

Representatives:

KNEELAND of Easton
SPEAR of Nobleboro
HICHBORN of Lagrange
TYLER of Windham
CROSS of Dover-Foxcroft
DEXTER of Kingfield
STROUT of Corinth

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

Signed:

Representatives:

KILKELLY of Wiscasset
AHEARNE of Madawaska
HEESCHEN of Wilton

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-128)**.

Which Reports were **READ**.

THE PRESIDENT moved that the Senate **ACCEPT** the Majority **UGHT TO PASS AS AMENDED** Report, in concurrence.

Senator **GOLDTHWAIT** of Hancock requested a Division.

THE PRESIDENT: The pending question before the Senate is **ACCEPTANCE** of the Majority **UGHT TO PASS AS AMENDED** Report, in concurrence.

A Division has been requested.

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.

18 Senators having voted in the affirmative and 6 Senators having voted in the negative, **ACCEPTANCE** of the Majority **UGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-128) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Require Contractor Registration"
H.P. 360 L.D. 480

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

Signed:

Senators:

HARRIMAN of Cumberland
CIANCHETTE of Somerset
GOLDTHWAIT of Hancock

Representatives:

ROWE of Portland
BIRNEY of Paris
BRENNAN of Portland
CAMERON of Rumford
DAVIDSON of Brunswick
KONTOS of Windham
LIBBY of Kennebunk
REED of Dexter
SIROIS of Caribou

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-323)**.

Signed:

Representative:
POVICH of Ellsworth

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

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

Which Reports were READ.

The Majority OUGHT NOT TO PASS Report ACCEPTED, in concurrence.

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act to Provide a Tax Credit for the Rehabilitation of Historic Properties" H.P. 715 L.D. 972

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-322).

Signed:

Senators:
HATHAWAY of York
FERGUSON, JR. of Oxford

Representatives:
DORE of Auburn
TRIPP of Topsham
TUTTLE, JR. of Sanford
KEANE of Old Town
RICHARDSON of Portland
MURPHY of Berwick
GREEN of Monmouth
SPEAR of Nobleboro
DUNN of Gray
REED of Falmouth

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act to Implement the Recommendations of the Unorganized Territory Education and Services Fund Study Commission"

H.P. 404 L.D. 539

Reported that the same Ought Not to Pass.

Signed:

Senator:
HATHAWAY of York

Representatives:
DORE of Auburn
TUTTLE, JR. of Sanford
KEANE of Old Town
RICHARDSON of Portland
GREEN of Monmouth
SPEAR of Nobleboro
DUNN of Gray
REED of Falmouth

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-321).

Signed:

Senators:
FERGUSON, JR. of Oxford
CAREY of Kennebec

Representatives:
TRIPP of Topsham
MURPHY of Berwick

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

Signed:

Senator:
CAREY of Kennebec

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-322).

Which Reports were READ.

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

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

Which Reports were READ.

Divided Report

The Majority of the Committee on UTILITIES AND ENERGY on Bill "An Act to Allow Earlier Awarding of Funding of Intervenors in Cases before the Public Utilities Commission"

H.P. 647 L.D. 870

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-318).

Signed:

Senators:

CARPENTER of York
CLEVELAND of Androscoggin

Representatives:

KONTOS of Windham
ADAMS of Portland
TAYLOR of Cumberland
GIERINGER, JR. of Portland
O'NEAL of Limestone
POULIN of Oakland
LUTHER of Mexico
STONE of Bangor
HEESCHEN of Wilton
POIRIER of Saco

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

Signed:

Senator:

HARRIMAN of Cumberland

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-318).

Which Reports were READ.

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

Senate

Ought to Pass

Senator RAND for the Committee on LABOR on Bill "An Act to Amend the Maine State Retirement System with Respect to the Consolidated Plan for Participating Local Districts" (Emergency)
S.P. 559 L.D. 1518

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Senator CARPENTER for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Clarify the Municipal Bounds of the Town of Eliot" (Emergency)
S.P. 566 L.D. 1536

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator CASSIDY for the Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act to Increase the Amount of Reimbursement to Animal Shelters Housing Stray Dogs"
S.P. 387 L.D. 1064

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-209).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-209) READ and ADOPTED.

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

Senator BENOIT for the Committee on CRIMINAL JUSTICE on Bill "An Act to Protect the Rights of Children Who Have Been Victims of Sexual Abuse"
S.P. 533 L.D. 1471

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-208).

Which Report was READ.

The Bill and Accompanying Papers RECOMMENDED to the Committee on CRIMINAL JUSTICE.

Sent down for concurrence.

Senator **SMALL** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Amend the Laws Relating to Administrator Certification"

S.P. 493 L.D. 1352

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-207)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-207) **READ** and **ADOPTED**.

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

Senator **LORD** for the Committee on **NATURAL RESOURCES** on Bill "An Act to Delegate Permit-granting Authority to Municipalities"

S.P. 467 L.D. 1263

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-206)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-206) **READ** and **ADOPTED**.

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

SECOND READERS

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

Senate As Amended

Bill "An Act to Reduce the Amount of Good Time and Meritorious Good Time Available to Persons Sentenced to Terms of Imprisonment"

S.P. 201 L.D. 544
(C "A" S-204)

Which was **READ A SECOND TIME**.

On motion by Senator **HALL** of Piscataquis the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-204).

On further motion by the same Senator, Senate Amendment "A" (S-212) to Committee Amendment "A" (S-204) **READ**.

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

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is simply a technical change that has come up and was presented to me this morning and asked that we take care of it. I have looked it over and it is just a technical change and I would appreciate your voting on it. Thank you.

On further motion by the same Senator, Senate Amendment "A" (S-212) to Committee Amendment "A" (S-204) **ADOPTED**.

Committee Amendment "A" (S-204) as Amended by Senate Amendment "A" (S-212), thereto, **ADOPTED**.

Which was **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 Relating to Equipment Start-up, Shutdown and Unavoidable Malfunction

H.P. 354 L.D. 474
(C "A" H-278)

An Act to Require Additional Disclosure of Terms in Credit Life and Credit Health Insurance Policies

S.P. 314 L.D. 895
(C "A" S-160)

An Act to Encourage Compliance with Environmental Laws Administered by the Department of Environmental Protection

H.P. 677 L.D. 928
(C "A" H-285)

An Act Authorizing the State Board of Education to Adopt Rules Regarding Certain Early Childhood Personnel

H.P. 747 L.D. 1021
(C "A" H-284)

An Act to Amend the Structure of the Electricians' Examining Board

H.P. 787 L.D. 1104
(C "A" H-280)

An Act to Amend the Maine Criminal Code Sentence Alternative for Forfeiture of Firearms

H.P. 842 L.D. 1173
(C "A" H-286)

An Act to Repeal the Law Regarding Access to Property via Abandoned Roads

H.P. 966 L.D. 1375
(C "A" H-276)

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

Off Record Remarks

An Act to Permit the Equitable Taxation of Leased Equipment

H.P. 486 L.D. 667
(C "A" H-283)

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

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

Senator **BUSTIN** of Kennebec was granted unanimous consent to address the Senate off the Record.

An Act to Increase Venture Capital Access to State Businesses

H.P. 920 L.D. 1296
(C "A" H-272)

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

On motion by Senator **KIEFFER** of Aroostook, **RECESSED** until 10:30 o'clock in the morning.

After Recess

Senate called to order by the President.

Emergency

An Act to Reduce Paperwork and Promote On-site Elementary Neutralization of Low-hazard Wastes

H.P. 475 L.D. 656
(C "A" H-277)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senator 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.

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

COMMITTEE REPORTS

Senate

Ought to Pass

Senator **FAIRCLOTH** for the Committee on **JUDICIARY** on Resolve, to Provide Clear Title for the Maine Judicial Center (Emergency)

S.P. 507 L.D. 1366

Reported that the same **Ought to Pass**.

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

The Resolve **READ ONCE**.

The Resolve **TOMORROW ASSIGNED FOR SECOND READING**.

Resolve

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
(C "A" H-275)

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

Ought to Pass As Amended

Senator **GOLDTHWAIT** for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act Concerning the Labeling of Refundable Beverage Containers"
S.P. 21 L.D. 52

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-210)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-210) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services by Providing Mandatory Reimbursement to Counseling Professionals who are Licensed to Assess and Treat Intrapersonal and Interpersonal Problems"

S.P. 38 L.D. 68

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-211)**.

Signed:

Senators:

ABROMSON of Cumberland
SMALL of Sagadahoc
MCCORMICK of Kennebec

Representatives:

CHASE of China
GATES of Rockport
JONES, JR. of Pittsfield
MAYO, III of Bath
MITCHELL of Vassalboro

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

Signed:

Representatives:

CAMPBELL of Holden
GUERRETTE of Pittston
LUMBRA of Bangor
VIGUE of Winslow

Which Reports were **READ**.

THE PRESIDENT moved that the Senate **ACCEPT** the Majority **OUCHT TO PASS AS AMENDED** Report.

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

Senator **KIEFFER:** Thank you Mr. President. I just have one question before this item comes up. What is the fiscal note on this bill?

THE PRESIDENT: The Senator from Aroostook, Senator Kieffer, 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. This is not my Committee. It is my understanding that the fiscal note is well over half a million dollars over the course of the next biennium.

On motion by Senator **KIEFFER** of Aroostook, Tabled until Later in Today's Session, pending **ACCEPTANCE** of the Majority **OUCHT TO PASS AS AMENDED** Report.

Off Record Remarks

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

COMMITTEE REPORT

Senate

Ought to Pass As Amended

Senator **CARPENTER** for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Encourage the Training and Hiring of Resident Workers"
S.P. 432 L.D. 1200

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-213)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-213) **READ** and **ADOPTED**.

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

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

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

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

Pending - FURTHER CONSIDERATION

(In Senate, May 30, 1995, the OUGHT NOT TO PASS Report "B" READ and ACCEPTED.)

(In House, May 31, 1995 PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-165), in NON-CONCURRENCE.)

Senator KIEFFER of Aroostook moved that the Senate INSIST.

Senator LAWRENCE of York moved that the Senate RECEDE and CONCUR.

Senator KIEFFER requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator LAWRENCE of York that the Senate RECEDE and CONCUR.

A Division has been requested.

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.

13 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator LAWRENCE of York to RECEDE and CONCUR, FAILED.

On motion by Senator KIEFFER of Aroostook, the Senate INSISTED.

Sent down for concurrence.

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

Bill "An Act to Release the Public Utilities Commission from Mandatory Participation in Welfare Programs"

S.P. 149 L.D. 335
(C "A" S-117)

Tabled - earlier in the day by Senator KIEFFER of Aroostook

Pending - FURTHER CONSIDERATION

(In Senate, May 10, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-117).)

(In House, June 1, 1995, the OUGHT NOT TO PASS Report "A" READ and ACCEPTED in NON-CONCURRENCE.)

Senator KIEFFER moved that the Senate INSIST.

Senator LAWRENCE of York moved that the Senate RECEDE and CONCUR.

Senator KIEFFER of Aroostook requested a Division.

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

Senator CLEVELAND: Thank you Mr. President, Men and Women of the Senate. I would like to take just a few minutes of your time to review again what this program is about and what this bill is which is before you. This has to do with low-income assistance programs for electric customers that is funded by the ratepayers. I was to call to your attention, perhaps to those of you who aren't familiar, that in 1990 an extensive blue ribbon commission was formed by the Governor to study the energy needs of low-income residents. That commission, representing a broad cross section of individuals, concluded that there was, at a minimum, \$11 million in need for low-income customers that were being unmet at that time. In response to that, in 1991, the Legislature passed, and the Governor signed into law, a directive to the Public Utilities Commission to provide that low-income assistance be funded by ratepayers. The Public Utilities Commission followed that charge, and directed the major electric companies to form those programs which cover some 95% of all customers. They capped those benefits at no more than one-half of one percent of their revenues. The Public Utilities Commission has carefully monitored all of those programs and found that they are working as prescribed.

The Utilities Committee has not found, or documented, one instance where there was any defect in the implementation of these programs. Very clearly, we really don't need a study to determine how to fund this. We really know what the answer to that is. You either have to fund it from the General Fund - and there hasn't been one dollar made available since 1990 to do that, and none proposed this year - or you have to provide funds through the general ratepayers. The total impact on an individual who has perhaps \$100 electric bill is about fifty cents a month to help support the program. No individual, and I believe that includes anyone who has any of the minority reports, or any of the utilities, have suggested that this program should be eliminated immediately. One of the things to remember is that since 1990 electric rates have increased by over 50% in this State, and that low-income families and the elderly pay an average of 23% of their income for electric rates. I hope that you will support the motion to Recede and Concur.

The motion before us really accomplishes no beneficial end and the program is working well as is.

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

Senator **HARRIMAN:** Thank you Mr. President. Good morning Ladies and Gentlemen of the Senate. I rise to ask that you consider some of the additional facts that my good friend and colleague on the Energy and Utilities Committee, Senator Cleveland from Androscoggin County, didn't mention. That point is that, indeed, in 1991 there was a blue ribbon committee established to look at these issues. That seventeen-member commission recommended that, among other things, that because of decreases in federal funding for the LIHEA program, that the State of Maine put \$12 million into the State budget to provide welfare benefits for low-income families and individuals who could not meet their electric bills. Let me be clear, that was a direct recommendation, one of the highest priorities that they advocated for, that the Legislature put \$12 million in our budget to live up to our responsibilities as a civilized democracy to help people who are in harm's way, that we, as a Legislature, put this money in our budget. For reasons that are not clear to me, as I was not in the Legislature at that time, the Legislature did not accept the recommendation, but rather, instead, abrogated its responsibility to the utility industry. I might add that there are thirteen electric utility generators in the State of Maine, and this mandatory welfare program only applies to three of them. As my good friend from Androscoggin, Senator Cleveland, points out, no one is advocating that we eliminate this program today. Rather, recognize that it is time, once again, for State government to assume its responsibilities to care for people in harm's way, to say to the three utilities who are affected by this program that we recognize your industry is changing rapidly and dramatically, and that in all likelihood, in my opinion, over the next three to five years the electric utility industry in Maine will look very different than it does today. So, what this bill says is we need to continue helping people in harm's way, but as we recognize a transition in the utility industry, what we have decided to do is to say, through this legislation, that whatever these three utilities are paying for mandatory welfare benefits today will be capped. And as they look to join in the world of competition in the future they will know what their exposure is through this bill. It's as simple as that. Thank you Mr. President.

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

Senator **CLEVELAND:** Thank you Mr. President. The good Senator from Cumberland clearly makes my point for me. The proposal before you is to create a study to determine how to meet the needs. In 1990 we had a blue ribbon commission that studied the issue extensively and made a recommendation that there was at least \$11 million in unmet need then, the situation has only gotten worse with the reductions in LIHEA funds and other reductions in budget expenditures, not better. So, if anything the need is greater, not less. Secondly, it was very clear that we don't need a study to determine this. Either

it has to be paid for through the General Fund, or there has to be some other mechanism to pay for it. The one that is currently in place is an assessment on utilities, a very modest one, to help pay those electric energy bills. That's what the study showed and there is no indication that this study will show anything different, we know that. Yet, the legislature, not in 1990, or 1991, or 1992, or 1993, or 1994, or even in 1995, has anyone suggested, or brought forward a proposal, including proponents of this bill, that would provide any money from the General Fund. Though people talk about us taking our responsibility, no one has come forward to present a bill or proposal to do that. Not one person. So the study will accomplish no end. The rates are already capped at the same level that this bill proposes, it already occurs. The outcome of this bill will make no significant change whatsoever, it will put us back to the same point that we were before, and that is how do we address the issue of meeting the needs of the poorest of the poor in this society, who would otherwise be in harm's way, unable to pay for a basic necessity of life. Until someone comes forward with an opportunity or a suggestion on how to do that, this proposal will get us no further to that. I can assure you that if the study is conducted, it will say the same thing that was said in 1990 and we will get nothing more than we had before.

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

Senator **HARRIMAN:** Thank you Mr. President. Good morning Ladies and Gentlemen of the Senate. I won't belabor the point but there is an important distinction between the bill that has been described by my good friend from Androscoggin, Senator Cleveland, and I. The essence of this bill says that whatever these three utility companies are paying in dollar amounts, out of the ratepayer and shareholders checkbook, will be capped. If this does not pass, and revenues increase to the utilities, which hopefully they will, this .5% of revenues will grow and grow and grow, and more and more money of their revenues will be diverted to this program. All we are simply saying is, we have reached the plateau, whatever they are paying in cash to this program is capped, and we will look at ways to alleviate and make a transition away from it in the future. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **LAWRENCE** of York that the Senate **RECEDE** and **CONCUR**.

A Division has been requested.

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.

12 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion of Senator **LAWRENCE** of York to **RECEDE** and **CONCUR**, **FAILED**.

On motion by Senator **KIEFFER** of Aroostook, the Senate **INSISTED**.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Implement the Recommendations of the Unorganized Territory Education and Services Fund Study Commission"

H.P. 404 L.D. 539

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A"** (H-321) (4 members)

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

Pending **ACCEPTANCE** of Either Report

(In House, June 1, 1995, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

Senator **HATHAWAY** of York moved that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I am going to urge you to vote against the present motion of Ought Not to Pass so we can go on and vote on the motion of Ought to Pass as Amended by Committee Amendment "A". I have a lot of unorganized territory in my particular district, as some of you others do. For quite some time we have been shortchanging our Maine residents who choose to live in unorganized territories. Earlier, a task force was organized by the 116th Legislature, to look into the charges that things weren't fairly done. I had the pleasure of serving on that task force and attended many, many meetings. One thing that was unanimous on that task force was that we would treat all of the citizens of the State the same. That was unanimous. Later on, we also realized that in order to do that, most of the unorganized townships are in tree growth. We felt that though that was the way to go on the fairness issue, looking ahead we felt that probably the 117th would not pass such a thing. Therefore, if you read the amendment, you will see that is opted out. But, the education is still an issue. We are treating the taxpayers in the unorganizeds differently when it comes to their education. We are not taking the same amount of money out of the General Fund and putting

it towards that, as we are for municipalities. This bill, if passed as amended, would equalize that. Also, the unorganized territories are forced into double taxation when it comes to funding extra money for LURC. Think for a moment, DEP and LURC, basically the same organizations, DEP handles the regulation and enforcement in organized municipalities, LURC has the same task only they do their work in unorganized territories. You, who live in organized municipalities, pay our taxes and we do not have to pay any extra to have DEP. That's not the case in the unorganized territories. They are also paying their taxes to the State, but yet they are then asked to pay extra for the operation of LURC. I ask you, is that fair that they should pay twice? The argument will come up that the taxes in the unorganized territories are less than what I pay in my town, where ever it may be in Maine. I ask you, then, to consider, do these people in the unorganized territories have the same services that you have? You should come up with the logic that no, they surely don't. They live there by choice, as you live where you live by choice, but they actually receive none of the same services or the services are so far away, so remote, that they might as well not have any. Yet, all they are asking for is that they be treated fairly and equally with everyone else. I would urge you to vote against the present motion. Thank you.

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

Senator **MICHAUD:** Thank you Mr. President, Men and Women of the Senate. I will be supporting the motion simply because of how it treats the unorganized territories. Currently, only 10%, the way the statute is now, up to 10% of LURC's funding comes from the unorganized territories. In reality it has always been the 10% mark to fund LURC. LURC does 90% of their work in the unorganized territories, the other 10% of their work they do in Plantations. LURC, for those of you who don't know, is like a planning board in a municipality, which the municipalities do fund their planning boards. That's what only up to 10% of unorganized territories funds go to, to fund LURC. If it wasn't for this particular provision, I would be supporting the Minority, however, I will be opposing this bill and voting for the Majority Ought Not to Pass Report. Thank you Mr. President.

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

Senator **AMERO:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would encourage you to vote with the motion that's on the floor. What this bill would require is that money be taken from general purpose aid to education and be allocated to the schools that are run by the State in the unorganized territories. Remember that it's very attractive to organize communities to look for reasons to de-organize, and the more attractive that we make it for communities to become unorganized, I think, we are sending a very poor message to our communities that are working very hard to maintain their schools and to maintain their Plantations and their municipal governments. So, I would request that you vote with the pending motion, and in doing

so, you do not encourage other communities to become deorganized in the State of Maine.

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

Senator **CAREY:** Thank you Mr. President. It's interesting that some people speak about the school funding, because we are violating the state law each and every time that we don't give them a share. State law says that the unorganized territories shall be treated, for school purposes, as a municipality is treated. If you are going to be giving a municipality a consolidated school district, a union, or a SAD, monies from the state coffers, the unorganized territories are also eligible for that very same money, and, in fact, should be getting it. The state has simply forgotten about the people who are in the unorganized territories because they never send anybody here.

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

Senator **FERGUSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is a question of fairness and equal treatment, and I would urge you, very strongly, to vote against the pending motion. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator **HATHAWAY** of York that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in 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, BERUBE, BUSTIN, CARPENTER, CLEVELAND, ESTY, FAIRCLOTH, GOLDTHWAIT, HANLEY, HARRIMAN, HATHAWAY, LAWRENCE, LORD, McCORMICK, MICHAUD, PARADIS, PENDEXTER, PINGREE, RAND, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND**

NAYS: Senators: **BENOIT, CAREY, CASSIDY, CIANCHETTE, FERGUSON, HALL, KIEFFER, LONGLEY, MILLS, O'DEA**

ABSENT: Senator: **RUHLIN**

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator **HATHAWAY** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Off Record Remarks

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

HOUSE REPORTS - from the Committee on TAXATION on Bill "An Act to Provide a Tax Credit for the Rehabilitation of Historic Properties"
H.P. 715 L.D. 972

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-322) (12 members)

Minority - Ought Not to Pass (1 member)

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

Pending - **ACCEPTANCE** of Either Report

(In House, June 1, 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-322).**)

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

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

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

Senator **CAREY:** Thank you Mr. President. As I look at the Report, which was twelve to one, and I was the one, I would almost readily admit defeat, except to say that we are getting into too many tax credits and obviously the Taxation Committee, once again this year, is in that tax exempt mode so that they are a tax exemption committee. There will be a bill coming that would ask that the Taxation Committee be allowed to study the tax exempts and the credit that we have been giving out. We have got to consolidate some of these things, unfortunately, if in fact we are going to have enough money to give industry and commerce a break.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **HATHAWAY** of York 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.

25 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator HATHAWAY of York to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (H-322) READ and ADOPTED, in concurrence.

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

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

HOUSE REPORTS - from the Committee on UTILITIES AND ENERGY on Bill "An Act to Allow Earlier Awarding of Funding of Intervenors in Cases before the Public Utilities Commission"

H.P. 647 L.D. 870

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-318) (12 members)

Minority - Ought Not to Pass (1 member)

Tabled - earlier in the day by Senator KIEFFER of Aroostook

Pending - ACCEPTANCE of Either Report

(In House, June 1, 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-318).)

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

Senator CLEVELAND of Androscoggin moved that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence.

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

Senator CLEVELAND: Thank you Mr. President, Men and Women of the Senate. The only thing that this bill does is allow for those individuals who currently are allowable to be intervenors in the Public Utilities Commission process to be reimbursed

earlier in the process for their intervention. Currently, under the law, they are not allowed to be reimbursed until the proceedings are completed, which may be nine months or a year or more into the future, which presents a substantial burden on individuals who have little means or resources to participate, and who otherwise might not be able to fully participate. However, being granted intervenor status is not automatic. There are substantial tests, currently, and would be to be allowed early intervenor status again. Let me enumerate for you what those three tests are. First, that the position of intervenor is not adequately represented by the Office of the Public Advocate or the Public Utilities Commission, which means that if a position to be advocated is already being represented, the intervenor would not be allowed to participate for reimbursement. Secondly, that the intervenor's participation has significant value and will contribute substantially to the Commission's decision and the proceedings. And, thirdly, that the participant in the proceedings by the intervenor would impose a significant financial burden on the intervenor. These intervenor funds are paid through an account in the Public Utilities Commission, and would have no additional impact on the utilities, as funds are already provided for them. I would ask that you support the motion.

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

Senator HARRIMAN: Thank you Mr. President. Good afternoon Ladies and Gentlemen of the Senate. I hope you will join me in voting against the pending motion so we can move on to accept the Minority Report. Let me take just a moment, please, to share with you why I think that is a wise decision. As you may know, intervenors are people who are official parties to Public Utilities Commission cases. They can file briefs, they can interrogate witnesses, issue data requests, argue the cases, present "professional" witnesses, and even in some cases issue subpoenas. If the pending motion prevails it will make it easier to get paid for being an intervenor. Intervenor funding is paid for by ratepayers, and sometimes by the utility, depending upon the case. In order to be granted intervenor status now, you must substantially contribute to the approval of a position advocated by the intervenor. If this bill passes it will change. Then, the intervenor's position has to have a significant value and will contribute, substantially, to the Commissioner's decision, even whether or not the intervenor's position is adopted. Let me ask you, how can the Public Utilities Commission determine whether someone will substantially contribute to a decision before the case is even heard? If more and more people are paid to intervene in utility cases, utility rates regulatory costs could increase substantially. Every brief, memo, request for data, et cetera, would require more answers by utility attorneys. If we are going to be paying people to become intervenors early and often, why would we need a Public Advocate's office?

Under Central Maine Power and Bangor Hydro's electric rate caps, which have just been approved, utility shareholders could be forced to pay people to oppose them in Public Utilities Commission cases. Since ratepayers may not be paying the bill any

longer, there is no incentive for the PUC not to grant intervenor status. This bill is an incentive for professional intervenors to file cases with the PUC. I hope you will join me in defeating the pending motion. Thank you.

Off Record Remarks

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

Senator **CARPENTER:** Thank you Mr. President, Men and Women of the Maine Senate. I guess it's a little muddy, as to intervenor status and funding. I just want to try to make you realize that an intervenor is somebody that has the wherewithal, and the backing, and the knowledge to contribute to a PUC rate case. It's not just anyone. The way the process goes now is, when the rate case is finished, if they have shown significant information and the PUC deems they're entitled for reimbursement as an intervenor, they do get it. Under this bill it is sort of an advance to the same people. So, I guess the way the bill is, if you are in favor of paying for something before you get it then you are on the Majority Ought to Pass as Amended Report. If you would rather pay after the work is complete you are on the other side. Thank you.

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

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

Senator **CLEVELAND:** Thank you Mr. President. I would like to take the opportunity, men and women of the Senate, to really dispell some inaccurate characterizations of what this bill is intended to do, nor what it will do. This is not a bill to allow more and frivolous intervention by anyone who wants to come before the Public Utilities Commission for whatever purpose. This is a bill simply to allow those who have legitimate standing, with legitimate positions, that have been shown to the Public Utilities Commission; just as you do now, not differently; that they will make a significant contribution to the proceedings of the Public Utilities Commission. It is not expected, nor have we heard any testimony before the Public Utilities Committee that this will, in any way, increase the number of individuals who come before the Committee. What it does is to recognize that on occassion, there are those individuals that don't have the resources to really participate in a very extensive, and very expensive process, to have a legitimate point of view heard and considered before the Commission. What this bill does is provide for the opportunity of those individuals to be reimbursed during the course of the proceedings, as they indicate their contribution, rather than waiting nine months, or a

year, or more to be reimbursed, which really makes it an enormous financial hardship. This allows consumer groups, elderly groups, and the like, whose position may not be represented, and if it is they are not allowed in. If the Public Advocate or members of the PUC staff are representing their point of view, they don't have standing and will not be granted intervenor status to be reimbursed. So, the characterization that this is somehow going to throw open the gates to everyone who has an interest as a professional intervenor is not correct. There has never been any information suggested or presented to the Committee that that's the case. The Public Utilities Commission, themselves, indicated that they did not expect any significant change in the number of intervenors that came. All this bill does is try to lessen the financial burden on those with the least resources to have a legitimate point of view heard. That's all it does.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. My very good friend from Androscoggin, Senator Cleveland, makes a very eloquent point, and I would be inclined to agree with him if for one distinct and significant change that this law would make, and that is this: Presently, under existing law, intervenors must substantially contribute to the approval of a position advocated by the intervenor. If this passes we will change that, and then it will say all that is required is that the intervenor have a position that has significant value and will contribute substantially to the Commission's decision. I would submit, Men and Women of the Maine Senate, that if this passes we will, indeed, see more people intervening in cases, and most likely, it will be paid by shareholders and not ratepayers, and therefore, the PUC will really have no incentive not to grant them intervenor status and we will see more of these sorts of cases coming forward, which is what the Public Advocate is charged with doing. Thank you Mr. President.

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

Senator **CLEVELAND:** Thank you Mr. President, Men and Women of the Senate. If it is the intention of providing an opportunity for individuals who have legitimate positions, and have demonstrated those positions have significant value, and will contribute to the decision, you can't use the old language because the old language is retrospective, that is the process has already occurred so you have something that you look at and make a decision on. If, on the other hand, what you want to do is say individuals ought not to carry a financial burden for a year or more, you have to craft language that makes the test applicable as individuals request. The Public Utilities Commission has no incentive to allow individuals in frivolously, nor do they have any incentive, frankly, simply to pass the cost onto ratepayers in utilities, that's not the purpose of the Public Utilities Commission whatsoever, nor is there any indication that they have acted frivolously in that regard. Those who have business before the Public Utilities Commission, as a matter of fact,

often suggested to conserve in these regards. There has never been any indication that they are unfair, or unreasonable, or callous, or insensitive to the costs. None, by anyone or any party, has suggested that to us at any time. So, if someone suggested that is going to occur, I suggest to you that it is a fabrication that doesn't have a substantial basis in fact. So, the change in language is only to recognize the need to set up a test that is fair and reasonable, and measureable towards the beginning of the process, as opposed as towards the end, and that's the reason for the change in language. The other language wouldn't be appropriate.

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

Senator **KIEFFER:** Thank you Mr. President. I think this bill raises a very interesting question as to whether or not the PUC is either a soothsayer or has their mind made up before the hearing begins. I am certainly at a loss, without attending this Committee hearing, to understand how they can determine if you are going to add a significant contribution to a hearing prior to the hearing. I really have a problem with that. I have been an intervenor in several cases over there, and many times I didn't know whether I was going to make a significant contribution to the outcome of the hearing. The only way I can imagine that they could, is if they had their minds made up ahead of time, which I don't think they ever do. I think that we have a good PUC. I just have a problem with trying to make that sort of an anticipation. Thank you Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **CLEVELAND** of Androscoggin that the Senate **ACCEPT** the Majority **UGHT TO PASS AS AMENDED** Report, in 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: BUSTIN, CAREY, CARPENTER, CLEVELAND, ESTY, FAIRCLOTH, GOLDTHWAIT, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PINGREE, RAND

NAYS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, CASSIDY, CIANCHETTE, FERGUSON, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LORD, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

ABSENT: Senator: RUHLIN

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator **CLEVELAND** of Androscoggin to **ACCEPT** the Majority **UGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

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

Sent down for concurrence.

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

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator **LAWRENCE** of York, **RECESSED** until 12:30 o'clock in the afternoon.

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

Bill "An Act to Exempt Food Banks from Sales Tax and to Provide a Review Schedule for Sales Tax Exemptions"

H.P. 1116 L.D. 1561

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

Comes from the House, referred to the Committee on **TAXATION** and **ORDERED PRINTED**.

Which was referred to the Committee on **TAXATION**, in concurrence.

Bill "An Act to Implement the Recommendations of the Governor's Task Force on Motor Carrier Safety Laws"

H.P. 1118 L.D. 1562

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

Comes from the House, referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**.

Which was referred to the Committee on **TRANSPORTATION**, in concurrence.

Joint Resolution

The following Joint Resolution:

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO EXTEND THE MAINE TERRITORIAL SEA LIMITS FROM 3 MILES TO 12 MILES

WHEREAS, We, your Memorialists, the Members of the One Hundred and Seventeenth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the members of Congress of the United States, as follows:

WHEREAS, the current territorial sea limit for the State of Maine is 3 miles; and

WHEREAS, waters within the 3-mile territorial sea limit are regulated by the State of Maine with respect to marine fisheries and the waters outside the 3-mile territorial sea limit are not within the jurisdiction of the State; and

WHEREAS, the United States Government has extended territorial limits to 12 miles for purposes other than marine fisheries; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to extend the territorial sea limit of the State of Maine from 3 miles to 12 miles for the purposes of marine fisheries so that the State of Maine can more effectively manage its marine fisheries resources; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

H.P. 1117

(Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

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

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

COMMITTEE REPORTS

**House
Ought to Pass**

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Make Certain Changes to Postconviction Review"
H.P. 955 L.D. 1344

Reported that the same **Ought to Pass**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

The Bill **READ ONCE**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

Ought to Pass As Amended

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Exempt Bows from the Firearms Discharge Ordinances"

H.P. 785 L.D. 1102

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-335)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-335)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-335) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Make Minor Adjustments to the 1993 Apportionment Plan"

H.P. 977 L.D. 1386

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-340)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-340)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-340) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act to Exempt Goods Sold by Scouting Organizations from the Sales Tax"

H.P. 776 L.D. 1073

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-338)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-338)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-338) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

H.P. 934 L.D. 1315

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-337)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-337)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-337) **READ** and **ADOPTED**, in concurrence.

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

ENACTOR

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

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Line-item Veto
H.P. 729 L.D. 1003
(C "A" H-175; H "A" H-238)

Comes from the House **FAILED OF FINAL PASSAGE.**

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

Senator **HANLEY** of Oxford moved to **TABLE 1** Legislative Day, pending **FINAL PASSAGE.**

Senator **HANLEY** of Oxford requested and received leave of the Senate to withdraw his motion to **TABLE 1** Legislative Day, pending **FINAL PASSAGE.**

THE PRESIDENT: The pending question before the Senate is **FINAL PASSAGE.**

A vote of Yes will be in favor of **FINAL PASSAGE.**

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, BERUBE, CARPENTER, CASSIDY, CIANCHETTE, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LORD, MILLS, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND**

NAYS: Senators: **CAREY, CLEVELAND, ESTY, LAWRENCE, LONGLEY, O'DEA, PARADIS, RAND**

ABSENT: Senators: **BUSTIN, FAIRCLOTH, FERGUSON, McCORMICK, MICHAUD, PINGREE, RUHLIN**

This being a Constitutional Amendment, in accordance with the provisions of Section 4 of Article X of the Constitution, having received the affirmative vote of 20 Members of the Senate, with 8 Senators having voted in the negative, and 7 Senators being absent, and 20 being more than two-thirds of the Membership present and voting, was **FINALLY PASSED**, in **NON-CONCURRENCE.**

Sent down 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:

An Act to Amend the Maine Tree Growth Tax Law
S.P. 64 L.D. 93
(S "B" S-185 to C "A" S-153)

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

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
(C "A" S-181)

An Act to Amend the Motor Vehicle Laws
H.P. 679 L.D. 930
(C "A" H-306)

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
(C "A" S-180)

An Act to Promote the Collection of Data Concerning the Importing and Exporting of Forest Products
S.P. 376 L.D. 1053
(C "A" S-184)

An Act Concerning the Richmond Utilities District
S.P. 381 L.D. 1058
(C "A" S-183)

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

An Act to Promote the Use of Alternative Dispute Resolution in State Government
H.P. 772 L.D. 1069
(C "A" H-302)

An Act to Simplify the Licensure Requirements of the Board of Counseling Professionals Licensure
H.P. 844 L.D. 1175
(C "A" H-317)

An Act to Ensure Public Review and Legislative Oversight of Proposals Regarding the Introduction or Reintroduction of Threatened or Endangered Species
H.P. 884 L.D. 1237
(C "A" H-288)

An Act to Make Certain Changes to the Maine Juvenile Code

S.P. 466 L.D. 1262
(C "A" S-173)

An Act to Amend the Laws Governing Civil Liability for Individual Medical Providers with Whom the Department of Corrections Contracts

H.P. 925 L.D. 1306
(C "A" H-294)

An Act Concerning Inspection at Sea

H.P. 929 L.D. 1310
(C "A" H-320)

An Act to Establish Periodic Adjustments in the Mileage Reimbursements

H.P. 974 L.D. 1383
(C "A" H-291)

An Act to Permit Consumer-owned Utilities to Seek Rate Reductions

S.P. 522 L.D. 1420
(C "A" S-182)

An Act to Make Changes to the Public Utilities Laws

H.P. 1040 L.D. 1459
(C "A" H-307)

An Act to Add Types of Pharmacies That Are Subject to Record Seizure

H.P. 1057 L.D. 1486
(C "A" H-296)

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 Repeal the Snack Tax

H.P. 144 L.D. 192
(C "A" H-208)

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

An Act to Amend the Law Regulating 53-foot Semitrailers

H.P. 508 L.D. 689
(C "A" H-305)

On motion by Senator **STEVENS** of Androscoggin, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**.

An Act to Increase the Formula Used for ATV's and Snowmobile Reimbursement

H.P. 802 L.D. 1119
(C "A" H-297)

On motion by Senator **STEVENS** of Androscoggin, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**.

An Act to Restore State Funding for State Expenses at County Jails

H.P. 803 L.D. 1120
(C "A" H-287)

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

An Act to Increase Moose Hunting Permit Application Fees

H.P. 841 L.D. 1172
(S "A" S-205 to C "A" H-263)

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

An Act to Allow for Decreased Municipal Liability Regarding Ice-skating Rinks

H.P. 750 L.D. 1024
C "A" (H-301)

Comes from the House with the Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

On motion by Senator **KIEFFER** of Aroostook, Tabled 1 Legislative Day, pending **ENACTMENT**.

Emergency

An Act to Clarify Immunity from Civil Suit for Volunteer Activities

S.P. 128 L.D. 320
(C "A" S-178)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senator having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Direct the Land and Water Resources Council to Develop Alternatives to the Site Location of Development Laws That Protect the Environment and Improve the Effectiveness and Efficiency of the State's Land Use Laws

H.P. 947 L.D. 1336
(C "A" H-303)

Emergency

An Act to Clarify the Discretion of the Commission on Governmental Ethics and Election Practices in Assessing Penalties

H.P. 685 L.D. 936
(C "A" H-308)

On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending **ENACTMENT**.

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

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

Emergency

An Act Concerning Environmental Registration Plates

H.P. 1103 L.D. 1550
(S "A" S-200)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senator 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.

On motion by Senator CIANCHETTE of Somerset, **ADJOURNED** until Tuesday, June 6, 1995, at 9 o'clock in the morning.

Resolves

Resolve, Renaming a Cove in the Town of Friendship

S.P. 361 L.D. 987
(C "A" S-179)

Resolve, Authorizing the Town of Dennysville to Transfer a Certain Parcel of Property

H.P. 1030 L.D. 1449

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