

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Seventeenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME V**

**FIRST REGULAR SESSION**

**Senate**

June 19, 1995 to June 30, 1995

**FIRST CONFIRMATION SESSION**

September 14, 1995

**FIRST SPECIAL SESSION**

**House of Representatives**

November 28, 1995 to November 30, 1995

**Senate**

November 28, 1995 to November 30, 1995

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

Off Record Remarks

In Senate Chamber  
Tuesday  
June 20, 1995

PAPER FROM THE HOUSE

Non-concurrent Matter

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

Bill "An Act to Revise and Add to the Laws Regulating the Practice of Professional Engineering"  
S.P. 475 L.D. 1271  
(S "A" S-281)

Prayer by Pastor Gary Poorman of the South Paris Baptist Church.

In House, June 15, 1995, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-510), in NON-CONCURRENCE.

PASTOR GARY POORMAN: Good morning. I want to thank Senator Hanley, and Mr. Whitney, for the invitation to come this morning and open this session in prayer. It's a real privilege for me, and an honor. I also want to thank the Sergeant-at-Arms, Marc Meserve. He's doing a bang-up job on making people feel right at home here. I really appreciate that. I want you folks to know that there are not too many Wednesday nights that go by in our church when we are not praying for you, for the Representatives and Senators. There's usually one or more individuals who will lift you up in prayer before God's throne of grace. We think highly of what you are doing. I know that many times you are not thanked properly for the time you put in, but thank you from the folk at South Paris Baptist Church. Let's bow for prayer.

In Senate, June 16, 1995, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-281), in NON-CONCURRENCE.

Comes from the House, that body having INSISTED.

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

Father, I thank you so very much for our Senators. Lord, I thank you for the many hours that they are putting in, at a job that is, at times, very difficult. I just want to pray for them today, that as they are working on the budget, as they are seeking to wrap things up so they can adjourn, Lord, I just pray that you will grant your wisdom, your grace, and your strength that they might make the decisions that you might have them to make for this great State that you have allowed us to be a part of. Lord, thank you so very much that the weather is cooler today. I do pray that it would continue to grow cooler, so that at least there won't be the heat to contend with as things are talked about and debated, and decisions are made. Thank you so very much for the wisdom that you give from above. Thank you that righteousness exalts a nation. Thank you that we have you to look to. So, on behalf of our Senators, I lift them up before your throne of grace, praying that you will guide them today. In Jesus' name we pray. Amen.

ORDER

Senate Order

On motion by Senator HANLEY of Oxford, the following Order:

ORDERED, that all Bills and Resolves carrying or requiring an appropriation or involving a loss of revenue that are in order to be passed to be enacted, or finally passed, shall, at the request of a member of the Committee on Appropriations and Financial Affairs, be placed on a special calendar to be called up for consideration only by a member of that Committee; and be it further

ORDERED, that all Bills and Resolves carrying or requiring an appropriation of highway revenue or involving a loss of highway revenue that are in order to be passed to be enacted, or finally passed, shall, at the request of a member of the Committee on Transportation, be placed on a special calendar to be called up for consideration only by a member of that Committee; and be it further

Reading of the Journal of Yesterday.

**ORDERED**, that all Bills and Resolves carrying or requiring an appropriation of fishery and wildlife revenue or involving a loss of fishery and wildlife revenue that are in order to be passed to be enacted, or finally passed, shall, at the request of a member of the Committee on Inland Fisheries and Wildlife be placed on a special calendar to be called up for consideration only by a member of that committee; and be it further

**ORDERED**, that this order shall be retroactive to January 4, 1995.

S.O. 25

Which was **READ**.

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

Senator **LAWRENCE**: Thank you, Mr. President, Men and Women of the Senate. I think I understand, perhaps, the reason for the introduction of this Order, but I was wondering if we could get an explanation for the rest of the members of the Senate as to why this Order is being introduced. Thank you.

**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, Men and Women of the Senate. On December 7, when we came in for the swearing-in ceremonies of the 117th Legislature, there was an item on our calendar, an order presented to create a Special Appropriations Table, a Highway Table and an Inland Fisheries and Wildlife Table. Due to some of the circumstances going on at that point in time with the Senate, and the structuring of our procedures and so forth, for the upcoming session, this item was not dealt with on the seventh. Nor was this item carried over as Unfinished Business on December 8th, the next sequential day. Having not been carried forward on December 8th, no further action was taken upon those matters by this chamber. In order to have an Inland Fish and Wildlife Table, a Highway Table and a Special Appropriations Table, it does require an Order. As I said, the Order was on our calendar on December 7th, but was not acted upon. That is why we need to have this Order acted upon this morning, to properly deal with our various appropriation matters, whether they be standard appropriations, highway, or inland fish and wildlife. Thank you.

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

Senator **CAREY**: Thank you, Mr. President. I, too, like the Minority Leader, had a question, and I think we are both asking the same question. I would try to direct my question, if I may, to the Chairman of Appropriations. Senator, it is my understanding that this Order will at least put us in a better position when all of the members in this body, or the Appropriations Committee, are out of the room, and the matter that should go to the Appropriations Table needs to be done, this would allow the leaders to at least put something on the Table in your absence.

**THE PRESIDENT**: The Senator from Kennebec, Senator Carey, 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 good Senator from Kennebec's question, no. The Order, as it has been in past Orders, would require a member of the Appropriations Committee to place it on the Appropriations Table.

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

Senator **LAWRENCE**: Thank you, Mr. President, Men and Women of the Senate. I think perhaps an explanation in getting to my question, the reason for this, as I understand it, is we failed to, when we were supposed to, create an Appropriations and a Highway Table and a Fisheries Table, and that now we have to go back and do it. It does not change the procedure, as I understand it, for putting bills on the Appropriations Table. My question is, and I think I need to make it a little more specific, what happens to all the bills that we have so far Tabled on an Appropriations Table without the existence of this Order. What is the effect on all of those bills? Do they need to be re-tabled? Are they automatically tabled retroactively? How does this work?

**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 good Senator from York's question. This Chamber, in setting forth the rules to govern our actions, this Chamber has the opportunity and the authority to set forth those rules and those protocols. In adopting this Order, we will be having this Order retroactive to January 4, 1995, thus not requiring us to re-table all previously tabled items.

Which was **PASSED**.

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## COMMITTEE REPORTS

### House

#### Ought to Pass

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Permit a One-time Transfer of Uncommitted Funds for Community Corrections Programs" (Emergency)

H.P. 1095 L.D. 1539

Reported that the same **Ought to Pass** pursuant to Joint Order H. P. 1088.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-509)**.

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

The Bill **READ ONCE**.

House Amendment "C" (H-509) **READ** and **ADOPTED**, in concurrence.

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

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**Ought to Pass As Amended**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, to Preserve the Dairy Industry in the State (Emergency)

H.P. 1021 L.D. 1436

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-518)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-518) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Place a Spending Cap on State Senate and House Campaigns"

H.P. 322 L.D. 443

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-520)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-520)**.

Which Report was **READ**.

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

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The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Update and Clarify the Election Laws"

H.P. 1042 L.D. 1461

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-501)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-501) AS AMENDED BY HOUSE AMENDMENT "A" (H-524)** thereto.

Which Report was **READ**.

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

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The Committee on **NATURAL RESOURCES** on Bill "An Act to Reestablish the Great Pond Task Force"

H.P. 890 L.D. 1243

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-514)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-514) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Reform the Process of Periodic Review of Programs and Agencies"

H.P. 959 L.D. 1348

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-516)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-516)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-516) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Require a Silvicultural Basis for Harvesting That Produces Understocked Stands"

H.P. 958 L.D. 1347

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

Signed:

Senators:

CASSIDY of Washington  
LORD of York  
PARADIS of Aroostook

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-419)**.

Signed:

Representatives:

AHEARNE of Madawaska  
HEESCHEN of Wilton

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

Which Reports were **READ**.

Senator **PARADIS** of Aroostook moved that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **PARADIS:** Thank you, Mr. President, Men and Women of the Senate. I am voting ought not to pass on this bill, but not because there are no problems in the woods. On the contrary, I remember a young man from my district, a former student, calling on several occasions and wanting me to go and see. So finally, a month later, he pulled up in his little open-air jeep and we went up to the Allagash. He showed me skidder marks through brooks, oil cans that had been dropped, and of course the incredible clear cutting that is up there. Over and over we have heard from our constituents that they feel that state government is really impotent in the face of what is happening in our forest industry. So, the testimony from early afternoon to early evening, attested to the incredible concerns that people have. We heard from students to foresters to somebody whose ancestors came here in 1650. I decided, however, to vote against the bill because the Governor has committed himself with his Sustainability Council, to really look in depth at this whole issue, instead of us trying to do it piecemeal. Again, we heard the concerns, and we are hoping and we will be watching intently as the Council proceeds with its work, and hopefully there will be a balance on the Council that will meet everybody's needs. Thank you.

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

Senator **McCORMICK:** Thank you, Mr. President, Men and Women of the Senate. I'm going to be voting against the motion of ought not to pass. I very much want this amended version of L.D. 1347 to pass. You have, on your desks, a yellow sheet that shows just about every major newspaper in the state feels that it is important for this bill to pass. In fact, what this bill would do is put silvicultural criteria, actual scientifically based criteria for harvesting practices, in our statutes, thereby moving us toward a sustainable forestry management policy. May I remind you, with timber harvesting being one of our biggest industries in Maine, we all benefit or will suffer from harm done in the north woods. All of us, our very interdependent economy is linked to how well landowners and paper companies utilize the land over which they have stewardship. So, I would urge you to vote no on the ought not to pass report, and I ask for a Roll Call.

On motion by Senator **McCORMICK** of Kennebec, 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 Washington, Senator Cassidy.

Senator **CASSIDY:** Thank you, Mr. President, Men and Women of the Senate. This particular bill that we are voting on this morning was one of the ones that had the most interest in our Committee this year. As the Senator from Aroostook mentioned, it went on into the early evening. The problem with this particular bill as it was presented is there was a lot of information and I think people were trying to analyze information that they really didn't understand. There are also two issues here. Let me

discuss the sustainable forest issue first. First of all, in 1991 the Department had implemented the Sustainable Forest Act that we presently have. On April 11 of this year, the Forest Department presented that to our Committee. There was a lot of information, charts and things to analyze what has happened in the forest and where we are at this point. Clear cutting definitely shows, over the sites that they visited in that report, that clear cutting has dropped back. There's no question about it. We also have some rules and regulations, what we call a basal square foot, which is actually the square foot of a tree about four and a half feet off the ground. The minimums are different for different species, about like thirty basal feet. This new bill would have pretty well shut down the forest industry as we know it here in this State.

Other things that were presented as to why we need this bill was some information, you know it's really easy to make up a lot of pie charts that show things that are happening. I happened to have the opportunity, when I'm not teaching school, to work in the woods. I own a tree farm, as some of you know, and have done that for twenty years. When you go in and cut wood, no matter whether you clear cut it or just thin it, what often happens is low species wood will come back first, like poplar, aspen, ironwood, those kinds of things that aren't really marketable in a big way. It's an evolution of growth. Those will start up first and then the trees that are high quality trees will eventually go by those and those low species wood will die back. So, some of the charts that we saw that show this is what we are going to have for low species wood were true today, but twenty years down the road those numbers aren't going to be the same. This is what happens. So, we discussed all of those issues and we had the Committee look at this. We had an eleven to two vote out of Committee. I will also tell you that what has happened in that respect is that the Governor has put together, and is going to have, a task force to look at that present Forest Act, and see where we are and what we may do in the future to improve the industry and to make sure we do have a sustainable forest. The other thing that you might note, we do have the largest forested state in the union. I have gotten some of the craziest letters from folks over the past few months. One person said, in twenty years, once we totally destroy the Maine forest. Forestry is not like mining coal. You take out a ton of coal and you don't use it again. If you cut a tree, another one grows. I think somebody testified that the only way you could stop trees from growing in Maine is to pave it. That's true. If you fly over some of the clear cuts that happen you have to understand that some of those happened during the seventies when we had the spruce budworm disease, and we had to salvage trees. I admit, perhaps some of the companies took advantage of that and cut more than they should, but that's been corrected. If you fly over a piece of land, and then get off and go walk through that land it looks a whole lot different on the ground than it does from the air.

I could go on and on about this bill, but I hope that you will support the ought not to pass motion. The other issue, and I'm not going to discuss it a lot, but there's another issue here where you own the land, you pay the taxes. It's pretty tough to say

you own it and I will zone it. If people tried to relate this forest industry to the fisheries, where the fisheries is a public trust, we all own the ocean and can go fish, but I own my land. I pay my taxes, and I need to have some income as I do that. So, I hope you will support the motion. Thank you.

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

Senator **MCCORMICK:** Thank you, Mr. President. I have to disagree with my colleague from Washington County, Senator Cassidy. The current standards in Maine law, for forestry practices, do nothing to limit the extent of clear cutting. They changed the size of clear cutting and that is all. They failed any test of technical merit, and whether it is appropriate forest practice. They failed to adjust for different forest types, different species types. They permit conversion of the forest to less valuable trees, which was alluded to by the good Senator when he said you can't stop a tree from growing. That may be true, but we certainly can lower the productivity of our forests, and when you lower the productivity of our forests, you lower the amount of jobs and the amount of money that cycles through our economy from that industry, and that affects all of us. In fact, in a recent study completed by the Maine Forest Service, they found that 45% of all of the selective cutting, not clear cutting, selective cutting is below the minimum forestry standards necessary to maintain a productive forest industry. So we do have a problem here.

The current standards, if we were to let them stand for even one or two more years, and that is what we are talking about here, we're talking about a study, a long-term event, that leaves in place what we currently have and the harm that it may be doing. Our current forestry standards also produce clear cuts, or understocked stands, that are currently widely used in areas which are not necessarily recommended or recognized by forestry science. So I, once again, urge you to vote no on the ought not to pass motion, which is before us, so we can accept a widely heralded amended version of L.D. 1347. Thank you.

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

Senator **RUHLIN:** Thank you, Mr. President. I have heard some comments this morning that this particular proposal would, in fact, compete against the Sustainability Council that has been appointed by the Governor. I guess I don't see that. In looking at the bill, and looking at the intent of the Sustainability Council that was named by the Governor, I see this as being a compliment to that, or an additive to it that would go along with it as an adjunct and actually make the work of the Sustainability Council that much more appropriate, potentially, and that much more capable of being performed properly. I guess I would like to ask any member of the Committee, specifically where they think that this particular proposed legislation competes with, or would be lowering the value of, the Sustainability Council's efforts.

**THE PRESIDENT:** The Senator from Penobscot, Senator Ruhlin, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Washington, Senator Cassidy.

Senator **CASSIDY:** Thank you, Mr. President, Men and Women of the Senate. To try to answer your question in this way, Senator, is that three years ago, when the present law was put into effect, it was studied last year to see what affects that has had. It has obviously shown that clear cutting has declined a great deal. The other thing that has happened here is the Governor, with his council to look at the present law and to see what the projections are, you have to understand that in that present law we also have reporting now. For years and years there was no control over who cut what and where it went. The present law, if you are going to cut wood today, you have to file an intent to cut wood. If you do not file that intent it's a \$1000 fine per day. If you go beyond the present rules that we have today that is also a \$1000 fine. So, what you would do, it's not so much to compete with it, I spoke with the Governor and the Commissioner about this bill the day after we had our hearing. The Governor is very much concerned that we do what is right. For example, he doesn't want to be remembered as the Governor who destroyed the Maine woods and he is very concerned about what we are doing. He has faith in his department and in his Commissioner and the things that are going on. So what we need to do, if you implement this law, I'll tell you what you are going to do, you are going to shut down the forest industry today. You are going to be so restrictive that these folks are not going to be able to do business and to supply the wood that is needed for the mills and the saw mills and all of the other situations.

While I'm on my feet, I just want to say to you that just within the last year I had a forester come to my land. There is so much difference between seeing what is going on in the woods and what is really happening. What we did, we did some borings in some of my trees. I have spruce trees this size in diameter. So, when you bore into the core of that tree you can see the growth of those trees and where those trees have stopped growing. You can find fungus in there, you will see the most pretty looking tree in the forest and say it's terrible to cut this tree, but the fact is if I don't clear some of those trees out of there within the next few years they will be on the ground and I will, obviously, lose a substantial amount of money. So, there is a difference between seeing a snapshot and what is really going on in the forest. I remember one of the people who were testifying in favor of this bill. They were trying to show some pictures to see the difference in forests and the term was used that this was an uncut forest. Then followed by well, we all know it's been cut many times, and that's my point. You can cut it many times and you need to do it right so it will grow back. So, I hope that I answered your questions, but if we pass this bill we are really going to be putting a bill in that doesn't make sense for the State of Maine. I think we need to let the Council look at this and see where we need to go from here. Maybe there is nothing that needs to be done with the present bill.

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

Senator **RUHLIN:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I want to thank the good Senator from Washington County for his answer. I guess in partial response to all of you I would say, and to a comment made in that answer, that I also manage a wood lot. I use the word manage, rather than own, I have a deed to it but I look at myself as a trustee, or as a steward for future generations when I manage that wood lot. I don't really look at myself as owning it, but only managing it for the future. That's the way I feel about all of our forests in the State of Maine and the way that they should be treated. It would seem to me, from the information I have just received from the good Senator from Washington County, that, in fact, if the Governor wants to be remembered, perhaps, and if this particular body would like to be remembered as those who protected our resources, then perhaps what we should do is vote against the ought not to pass motion and get this bill into a position where it could be properly amended, and move forward in an effort to protect our natural resources. I would just suggest that this particular legislation presently before us can be adjusted so that it would be a compliment to the Sustainability Council. I think that is an important effort that we can make here this morning. Thank you.

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

Senator **LONGLEY:** Thank you, Mr. President, Colleagues of the Senate. I rise in honor of the Governor of our State who helped save a lot of the forests, Governor Percival Baxter. I also rise because I think our two most important resources are affected by this bill. Our important resources being, number one, kids, and number two, our trees. In the post-eighties merger era, where most of our 19 million acres of land is now owned by people who don't live here, who didn't grow up here, with all due respect to people who are here who haven't been here long, I think of those of us who watched the mergers in the eighties, realize that there is a certain impersonalization going on. It's up to those of us in a community as great as Maine to keep it personal, harvest the trees as is intelligent. Lastly, I come from an area where a certain port is being opposed because it will allow for the decimation of the forests. I have come out in support of the port because I believe that rather than stopping all development, we proceed intelligently instead. So, in honor of those people who look at the wood chip argument and say time out, we can proceed more smartly, I'm going to be voting against this motion. Thank you.

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

Senator **LORD:** Thank you, Mr. President, my Learned Colleagues. I'm not a logger but I have done a little work in the woods in my fifty or sixty years of farming. All of my land went through the 1947 fire, and I cut off some of my trees when I built my new house six years ago. I had pine that big. When



we started cutting it, right in the center of the pine, it was dead. I noticed some of my larger trees were dying as we went along. It didn't show from the outside, but it showed on the inside. We had a heavy burn, and of course it came up through the roots and that's what caused the trouble. If you don't think it broke my heart to see those people who were logging, to cut off an eight foot chunk of the wood, because it was hollow hearted and the mill wouldn't saw it. If I was home working, probably I would have had it sawed myself because it was almost clear. The thing of it is, when I was on the Energy and Natural Resources Committee, we passed the Forest Practice Act. We spent more than five or six hours on the Forest Practice Act, and we came up with what I think was a good program. The program was supposed to be allowed to run for four or five years and then we would view it to see what needed to change. Before the four or five years was run, up they come, they weren't satisfied, somebody wanted to change it. This is the second attempt to do it. The last attempt was last year and so they have a program to have a study. Before the study was even out and everyone could look at it, they started work on this one. I think it's time that we went ahead and let this Forest Practice Act work. Another thing that was brought out at this last hearing is that there is a U.S program for sustainable forests, not only in the State of Maine, but all over the country. Large companies who are working in the woods are getting into this. Another thing is we have an international sustainable forest practice program that is going on. Let's not tie down in law what we do with good management. We have all heard, on other agencies and other businesses, don't tie my hands with rules and regulations, and that's precisely what you are doing if you pass this law. I think it's a shame if you do it and I hope you will vote for the majority report. 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. Two years ago I had an opportunity to do what the good Senator from York is doing now, to be the Chair of the Natural Resources Committee. We had that bill dealing with clear cutting. For me it was one of the most interesting bills I have ever had to deal with. I never was involved in forest practices, representing the most southern district in the State, I knew very little. I found it to be the greatest education I had in the legislature. Some of the interesting things I learned, not only did I learn what basal area really is, and I had no idea what it was, but I also learned that there are approximately 500,000 land owners in the State of Maine. I learned that 10 of them own approximately 50% of the State of Maine. We are unique among New England states because most of the forested land in other New England states is owned by the state. In Maine, I believe, it is over 90% privately owned. I also learned that a lot of the forest practices that go on out there are driven by short-term economic factors, the price of different products of timber. When that bill came before the Natural Resources Committee to outlaw clear cutting I opposed it, and I still would because one of the things I learned was that there is a scientific basis for clear cutting. There are circumstances and ways

in which clear cutting is the best way to harvest the forest. But I also learned that the industry had, in the past, gone outside that scientific area for doing clear cutting and had used clear cutting in an inappropriate manner, one that was not in the best long-term interest of a state that relies heavily on forestry. We all discussed it and agreed that something needed to be done to strike a balance. From what I can tell of this bill, what I have read of it, this bill seeks to strike that balance. It seeks to strike the balance between the needs of a state that has an industry based on forestry, to meet its short-term economic goals, but also the need of the state to meet its long-term economic goals of preserving that forest into the future. I hope you will oppose the current motion and go on to support this bill.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **PARADIS** of Aroostook 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, BENOIT, BERUBE, CAREY, CARPENTER, CASSIDY, CIANCHETTE, ESTY, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LORD, MILLS, O'DEA, PARADIS, PENDEXTER, SMALL, STEVENS,** and the **PRESIDENT,** Senator **BUTLAND**

**NAYS:** Senators: **BUSTIN, CLEVELAND, FAIRCLOTH, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, PINGREE, RAND, RUHLIN**

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **PARADIS** of Aroostook to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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Off Record Remarks

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Senator **HATHAWAY** of York was granted unanimous consent to address the Senate on the Record.

Senator **HATHAWAY**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would just like to welcome you to Biddeford Day at the State House. As you will recall, earlier on our calendar today, we honored some of the fine young people in the City of Biddeford who have won the State High School Football Championship, who scored two touchdowns in the last four minutes of the game, who have a "never say die" attitude. We also honored the Biddeford High School State Champion Golf team. I am proud to present, in that tradition of excellence and achievement in our young people in Biddeford, and also, I think, a person who represents very well the fine heritage of Franco-American heritage that we have in this State, I would like to present Joan Badne, who is Miss Maine U.S.A., and also a native of Biddeford. Joan, who is in the back of the room today, this is her first visit to the State House. She has a business degree from Andover College. Next February she will be participating in the Miss U.S.A. pageant at Padre Island in Texas. She is working with the Children's Miracle Network, the Maine Cancer Society and the Starlight Foundation during the coming year. Her words are, "My focus is on children. I do believe they are the future and if we teach them well they will help us lead the way." I would also like to point out that she is a karate champion. So, I would like to take this opportunity to welcome our new Miss Maine U.S.A., Joan Badne, from the City of Biddeford.

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Off Record Remarks

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

Senator **BUSTIN**: Thank you, Mr. President. I thought, since we were recognizing people and doing all of that, that I would follow through on a request that was made to me by Bob Cammack. Bob is a constituent of mine, but he also does the tours at the State House here. This is what he wanted me to do. He wanted me to thank another constituent of mine, who is Russ Bickford, who is sitting here in this Chamber, for all of his help in processing those 2,000 visitors that we had. Russ did an excellent job of lecturing when Bob couldn't handle all of the 2,000. So, I think he deserves a big hand. Thank you Russ.

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**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act to Permit Suit against an Employer Who Knowingly Places a Worker at Risk of Serious Bodily Injury or Death"

H.P. 96 L.D. 131

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

Signed:

Senators:

BEGLEY of Lincoln  
MILLS of Somerset

Representatives:

JOY of Crystal  
JOYCE of Biddeford  
PENDLETON, JR. of Scarborough  
STEDMAN of Hartland  
WINSOR of Norway

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-413)**.

Signed:

Senator:

RAND of Cumberland

Representatives:

HATCH of Skowhegan  
CHASE of China  
LEMAIRE of Lewiston  
SAMSON of Jay  
TUTTLE, JR. of Sanford

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

Which Reports were **READ**.

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

Senator **LAWRENCE** of York requested a Division.

**THE PRESIDENT**: The pending question before the Senate is the motion by Senator **BEGLEY** of Lincoln that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** 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 11 Senators having voted in the negative, the motion by Senator **BEGLEY** of Lincoln to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine Creating a Unicameral Legislature

H.P. 863 L.D. 1194

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

Signed:

Senators:

AMERO of Cumberland  
CARPENTER of York  
LONGLEY of Waldo

Representatives:

DAGGETT of Augusta  
SAXL of Bangor  
ROSEBUSH of East Millinocket  
ROBICHAUD of Caribou  
LANE of Enfield  
SAVAGE of Union  
YACKOBITZ of Hermon

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-426).**

Signed:

Representatives:

AHEARNE of Madawaska  
LEMKE of Westbrook  
GERRY of Auburn

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

Which Reports were **READ.**

**THE PRESIDENT** moved that the Senate **ACCEPT** the Majority **UGHT NOT TO PASS** Report, in concurrence.

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

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

Senator **LONGLEY:** Thank you, Mr. President, Colleagues in the Senate. I would just like to quickly note that the members in the House commented that the Senate Chambers would make a very nice dining room if we went unicameral.

**THE PRESIDENT:** The pending question before the Senate is **ACCEPTANCE** of the Majority **UGHT NOT TO PASS** 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.

24 Senators having voted in the affirmative and 7 Senators having voted in the negative, **ACCEPTANCE** of the Majority **UGHT NOT TO PASS** Report, in concurrence, **PREVAILED.**

Senate

**Ought to Pass As Amended**

Senator **MILLS** for the Committee on **JUDICIARY** on Bill "An Act to Update and Clarify the Corporate Laws"

S.P. 571 L.D. 1545

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-295).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-295) **READ** and **ADOPTED.**

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

**Divided Report**

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Ensure a Sustainable Urchin Fishery in the State and to Promote Competition in the Maine Sea Urchin Processing Industry"

S.P. 337 L.D. 918

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-293).**

Signed:

Senators:

BUTLAND of Cumberland  
PINGREE of Knox  
GOLDTHWAIT of Hancock

Representatives:

BENEDIKT of Brunswick  
BIGL of Bucksport  
ETNIER of Harpswell  
LOOK of Jonesboro  
RICE of South Bristol  
VOLENIK of Sedgwick

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-294).**

Signed:

Representatives:

CLOUTIER of South Portland  
LAYTON of Cherryfield  
PINKHAM of Lamoine

Which Reports were **READ.**

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-293)** Report **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-293) **READ** and **ADOPTED.**

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

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**SECOND READERS**

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

**House As Amended**

Bill "An Act to Amend the Notification Requirements Regarding Automated Telephone Solicitation."

H.P. 100 L.D. 135  
(C "D" H-462)

Bill "An Act to Repeal the Laws Regarding Consumer Information Pamphlets"

H.P. 307 L.D. 411  
(C "A" H-88)

Bill "An Act to Extend the Medical Liability Demonstration Project Deadline by 3 Years"

H.P. 489 L.D. 670  
(C "A" H-502)

Bill "An Act to Establish Tuition Rates for the Unorganized Territory Schools Based on a State Average"

H.P. 651 L.D. 874  
(H "A" H-506 to C  
"A" H-476)

Bill "An Act to Expand Elevator and Tramway Inspection Services"

H.P. 862 L.D. 1193  
(C "A" H-504)

Bill "An Act to Update and Clarify Administrative Procedures"

H.P. 907 L.D. 1283  
(C "A" H-496)

Bill "An Act to Prevent Master Electrician License Fee Payment Duplication"

H.P. 1044 L.D. 1463  
(C "A" H-497)

Resolve, Directing the Department of Education to Develop a Statewide Plan for a Skills Development Program for Teachers

H.P. 1053 L.D. 1482  
(C "A" H-499)

Resolve, Establishing the Task Force on Alcoholic Beverage Sales (Emergency)

H.P. 1075 L.D. 1514  
(C "A" H-477)

Bill "An Act to Amend the Earnings Limitations under the Disability Plan" (Emergency)

H.P. 1078 L.D. 1520  
(C "A" H-495)

Bill "An Act Requiring Doctors of Naturopathic Medicine to Be Licensed by the Naturopathic Board of Examiners and Regulating Naturopathic Health Care Practice"

H.P. 1087 L.D. 1532  
(C "A" H-508)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended,** in concurrence.

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Bill "An Act to Revise the Somerset County Budget Committee"

H.P. 822 L.D. 1153

Which was **READ A SECOND TIME.**

On motion by Senator **AMERO** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED** in **NON-CONCURRENCE.**

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**Senate As Amended**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Prohibit Future Unfunded Liabilities and to Maintain the Current Amortization Schedule

S.P. 70 L.D. 158  
(C "A" S-276)

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended.**

Sent down for concurrence.

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Bill "An Act to Provide Greater Access to Health Care"

S.P. 343 L.D. 948  
(C "A" S-279)

After Recess

Senate called to order by the President.

Which was **READ A SECOND TIME**.

On motion by Senator **KIEFFER** of Aroostook, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED**.

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

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**PAPERS FROM THE HOUSE**

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**ENACTOR**

**House Papers**

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

Resolve, to Require the Brookton Elementary School to be Used as a Community Center for Northern Washington County

H.P. 1131 L.D. 1576

An Act to Amend the Real Estate Laws Concerning Validation of Defects

H.P. 1059 L.D. 1488

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

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

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

---

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

Which was under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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Senate at Ease

Senate called to order by the President.

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**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

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

The Committee on **NATURAL RESOURCES** on Bill "An Act to Amend the Underground Oil Storage Facilities and Groundwater Protection Laws"

H.P. 978 L.D. 1387

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

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-533)**.

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On motion by Senator **HATHAWAY** of York, **RECESSED** until 3 o'clock this afternoon.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-533)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-533) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the County Budget Approval Process for Cumberland County"

H.P. 314 L.D. 418

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-530)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-530)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-530) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **TAXATION** on 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

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-526)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-526)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-526) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES AND ENERGY** on Bill "An Act Concerning the Kennebec Water District"  
H.P. 937 L.D. 1326

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-527)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-527) **READ** and **ADOPTED**, in concurrence.

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

---

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

#### **SECOND READERS**

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

#### **House As Amended**

Bill "An Act to Reestablish the Great Pond Task Force"

H.P. 890 L.D. 1243  
(C "A" H-514)

Bill "An Act to Reform the Process of Periodic Review of Programs and Agencies"

H.P. 959 L.D. 1348  
(C "A" H-516)

Resolve, to Preserve the Dairy Industry in the State (Emergency)

H.P. 1021 L.D. 1436  
(C "A" H-518)

Bill "An Act to Permit a One-time Transfer of Uncommitted Funds for Community Corrections Programs" (Emergency)

H.P. 1095 L.D. 1539  
(H "C" H-509)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

**Senate As Amended**

Bill "An Act to Ensure a Sustainable Urchin Fishery in the State and to Promote Competition in the Maine Sea Urchin Processing Industry"

S.P. 337 L.D. 918  
(C "A" S-293)

Bill "An Act to Update and Clarify the Corporate Laws"

S.P. 571 L.D. 1545  
(C "A" S-295)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended.**

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 Revising the Liability for the Storage and Distribution of Natural Gas

H.P. 334 L.D. 454  
(C "A" H-431)

An Act to Prevent and Abate Uncontrolled Tire Stockpiles

H.P. 558 L.D. 759  
(H "A" H-486 to C "A" H-409)

An Act to Ensure the Integrity of the Maine Turnpike Electronic Toll System

H.P. 637 L.D. 860  
(C "A" H-457)

An Act to Revise Reapportionment Guidelines

H.P. 646 L.D. 869  
(C "A" H-437)

An Act to Amend the Law Regarding the Possession of Short Lobsters

H.P. 797 L.D. 1114  
(H "B" H-467)

An Act to Make Minor Technical Adjustments to Various Professional Licensing Boards

H.P. 933 L.D. 1314  
(C "A" H-449; H "A" H-503)

An Act Concerning Judicial Endorsement for Persons Transported and Held for Evaluation and Treatment

S.P. 501 L.D. 1360  
(C "A" S-261)

An Act to Amend the Laws Concerning Health Insurance

H.P. 994 L.D. 1405  
(C "A" H-445; H "A" H-470)

An Act Requiring Mobile Home Park Operators to Notify Lienholders Prior to Eviction

H.P. 1036 L.D. 1455  
(C "A" H-460)

An Act to Protect Consumers in High-cost Mortgages and Reverse Mortgages

H.P. 1068 L.D. 1503  
(C "A" H-447)

An Act Requiring that Certain Nonprofit Corporations Provide for the Disposal of Assets

H.P. 1081 L.D. 1523  
(C "A" H-430)

An Act Concerning Reports of Material Transactions and Other Provisions of the Maine Insurance Code

S.P. 561 L.D. 1528  
(C "A" S-257)

An Act to Provide Administrative Clarification within the Maine Insurance Code

H.P. 1100 L.D. 1547  
(C "A" H-422)

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 Strengthen the Laws Pertaining to Poaching

H.P. 178 L.D. 226  
(C "A" H-458)

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

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An Act to Authorize Municipalities to Pay Employees Biweekly

S.P. 259 L.D. 695

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

---

An Act to Amend the Education Funding Formula

H.P. 658 L.D. 881  
(C "A" H-452)

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

---

An Act to Amend the Surface Water Ambient Toxics Monitoring Program

H.P. 768 L.D. 1042  
(C "A" H-455)

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

---

An Act to Clarify Insurance Coverage Regarding Breast Reconstruction after Mastectomy Surgery

S.P. 80 L.D. 168  
(C "A" S-229)

Senator HARRIMAN of Cumberland requested a Division.

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

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.

27 Senators having voted in the affirmative and 2 Senators having voted in the negative, the Bill 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 Protect the Rights of Maine State Retirement System Employees

H.P. 147 L.D. 195  
(C "A" H-442)

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

---

**Emergency**

An Act to Amend the Laws Pertaining to the Marine Resources Advisory Council

S.P. 441 L.D. 1209  
(C "A" S-263)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senator having voted in the negative, and 28 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.

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**Emergency**

An Act to Extend the Deadline for a Maine State Police Officer to Choose a Certain Retirement Option

H.P. 1064 L.D. 1499  
(C "A" H-443)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senator 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.

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**Emergency**

An Act to Increase the Maximum Lease Size for Bottom Culture Aquaculture

S.P. 552 L.D. 1511  
(C "A" S-252)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senator having voted in the negative, and 31 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.

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**Resolve**

Resolve, to Create the Teacher Retirement Advisory Committee

H.P. 761 L.D. 1035  
(H "A" H-434 to C  
"A" H-311)

Resolve, Authorizing the Department of Labor and the University of Maine to Institute Conferences on Emerging Trends in Labor-Management Relations

S.P. 395 L.D. 1083  
(C "A" S-255)

Resolve, Instructing the Commissioner of Labor to Identify Available Data Sources on the Use of Per Diem, Part-time and Temporary Employment

H.P. 853 L.D. 1184  
(C "A" H-425)

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

Resolve, to Create a Task Force on Tax Increment Financing

H.P. 858 L.D. 1189  
(H "A" H-473 to C  
"A" H-339)

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

**Emergency Resolve**

Resolve, to Create the Commission to Study the Growth of Tax-exempt Property in Maine's Towns, Cities, Counties and Regions and its Impact on those Budgets

H.P. 550 L.D. 746  
(S "A" S-258 to C  
"A" H-244)

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

**Emergency Resolve**

Resolve, Authorizing the Maine Technical College System to Lease-purchase Facilities for York County Technical College

H.P. 951 L.D. 1340  
(C "A" H-461)

On motion by Senator KIEFFER of Aroostook, Tabled, pending **FINAL PASSAGE**.

**Mandate**

An Act Concerning Educational Technicians

H.P. 875 L.D. 1230  
(C "A" H-441)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 30 Members of the Senate, with No Senator 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.

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Increase Access to Primary Care Physician Services in Maine"

H.P. 1063 L.D. 1498  
(C "A" H-429)

In Senate, June 15, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-429)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-429) AND HOUSE AMENDMENT "A" (H-546)**, in **NON-CONCURRENCE**.

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

**COMMUNICATIONS**

The Following Communication:

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

June 19, 1995

The Honorable Jeffrey H. Butland  
President of the Senate of Maine  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 38 of the 117th Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of Charles F. Beck of Presque Isle, for appointment to the Inland Fisheries and Wildlife Advisory Council.

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

YEAS:	Sen. 3	Hall of Piscataquis, Kieffer of Aroostook, Michaud of Penobscot
	Rep. 10	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, Underwood of Oxford
NAYS:	0	
ABSENT:	0	

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Charles F. Beck of Presque Isle, for appointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed:

S/Stephen E. Hall  
Senate Chair

S/Dorothy A. Rotondi  
House Chair

S.C. 250

Which was READ and ORDERED PLACED ON FILE.

**THE PRESIDENT:** The Joint Standing Committee on FISHERIES AND WILDLIFE has recommended the nomination of Charles F. Beck, of Presque Isle, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on FISHERIES AND WILDLIFE be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 117th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS:	Senators:	None
NAYS:	Senators:	ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, BUSTIN, CAREY, CARPENTER, CASSIDY, CLEVELAND, ESTY, FAIRCLOTH, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LAWRENCE, LONGLEY, LORD, McCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PENDEXTER, PINGREE, RAND, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

ABSENT: Senator: CIANCHETTE

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Charles F. Beck, for appointment to the Inland Fisheries and Wildlife Advisory Council, was **CONFIRMED**.

The Secretary informed the Speaker of the House.

The Following Communication:

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

June 19, 1995

The Honorable Jeffrey H. Butland  
President of the Senate of Maine  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 38 of the 117th Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of Eric N. Davis of Vinalhaven, for appointment to the Inland Fisheries and Wildlife Advisory Council.

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

YEAS:	Sen. 3	Hall of Piscataquis, Kieffer of Aroostook, Michaud of Penobscot
	Rep. 9	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
NAYS:	1	Rep. Underwood of Oxford
ABSENT:	0	

Twelve members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Eric N. Davis of Vinalhaven, for appointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed:

S/Stephen E. Hall  
Senate Chair

S/Dorothy A. Rotondi  
House Chair

S.C. 251

Which was READ and ORDERED PLACED ON FILE.

**THE PRESIDENT:** The Joint Standing Committee on FISHERIES AND WILDLIFE has recommended the nomination of Eric N. Davis, of Vinalhaven, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on FISHERIES AND WILDLIFE be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 117th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS:	Senators:	None
NAYS:	Senators:	ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, BUSTIN, CAREY, CARPENTER, CASSIDY, CLEVELAND, ESTY, FAIRCLOTH, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LAWRENCE, LONGLEY, LORD, McCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PENDEXTER, PINGREE, RAND, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND
ABSENT:	Senator:	CIANCHETTE

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Eric N. Davis, for appointment to the Inland Fisheries and Wildlife Advisory Council, was **CONFIRMED**.

The Secretary informed the Speaker of the House.

The Following Communication:

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

June 19, 1995

The Honorable Jeffrey H. Butland  
President of the Senate of Maine  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 38 of the 117th Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of Wilmot "Wiggy" Robinson of Millinocket, for reappointment to the Inland Fisheries and Wildlife Advisory Council.

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

YEAS: Sen. 3 Hall of Piscataquis,  
Kieffer of Aroostook,  
Michaud of Penobscot  
Rep. 10 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, Underwood of  
Oxford

NAYS: 0

ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Wilmot "Wiggy" Robinson of Millinocket, for reappointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed:

S/Stephen E. Hall  
Senate Chair

S/Dorothy A. Rotondi  
House Chair

S.C. 252

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on FISHERIES AND WILDLIFE has recommended the nomination of Wilmot "Wiggy" Robinson, of Millinocket, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on FISHERIES AND WILDLIFE be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 117th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT,  
BERUBE, BUSTIN, CAREY,  
CARPENTER, CASSIDY, CIANCHETTE,  
CLEVELAND, ESTY, FAIRCLOTH,  
FERGUSON, GOLDTHWAIT, HALL,  
HANLEY, HARRIMAN, HATHAWAY,  
KIEFFER, LAWRENCE, LONGLEY,  
LORD, McCORMICK, MICHAUD, MILLS,  
O'DEA, PARADIS, PENDEXTER,  
PINGREE, RAND, RUHLIN, SMALL,  
STEVENS, and the PRESIDENT,  
Senator BUTLAND

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Wilmot "Wiggy" Robinson, for appointment to the Inland Fisheries and Wildlife Advisory Council, was CONFIRMED.

The Secretary informed the Speaker of the House.

The Following Communication:

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

June 19, 1995

The Honorable Jeffrey H. Butland  
President of the Senate of Maine  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 38 of the 117th Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of F. Dale Speed of Princeton, for appointment to the Inland Fisheries and Wildlife Advisory Council.

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

YEAS: Sen. 3 Hall of Piscataquis,  
Kieffer of Aroostook,  
Michaud of Penobscot

Rep. 10 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, Underwood of Oxford

NAYS: 0  
ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of F. Dale Speed of Princeton, for appointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed:

S/Stephen E. Hall  
Senate Chair

S/Dorothy A. Rotondi  
House Chair

S.C. 253

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on FISHERIES AND WILDLIFE has recommended the nomination of F. Dale Speed, of Princeton, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on FISHERIES AND WILDLIFE be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 117th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: None  
NAYS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, BUSTIN, CAREY, CARPENTER, CASSIDY, CIANCHETTE, CLEVELAND, ESTY, FAIRCLOTH, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LAWRENCE, LONGLEY, LORD, McCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PENDEXTER, PINGREE, RAND, RUHLIN, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of F. Dale Speed, for appointment to the Inland Fisheries and Wildlife Advisory Council, was CONFIRMED.

The Secretary informed the Speaker of the House.

The Following Communication:

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

June 19, 1995

The Honorable Jeffrey H. Butland  
President of the Senate of Maine  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 38 of the 117th Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of Millard A. Wardwell of Penobscot, for appointment to the Inland Fisheries and Wildlife Advisory Council.

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

YEAS: Sen. 3 Hall of Piscataquis, Kieffer of Aroostook, Michaud of Penobscot

Rep. 10 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, Underwood of Oxford

NAYS: 0  
ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Millard A. Wardwell of Penobscot, for appointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed:

S/Stephen E. Hall  
Senate Chair

S/Dorothy A. Rotondi  
House Chair

S.C. 254

**COMMITTEE REPORT**

Senate

**Ought to Pass As Amended**

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

**THE PRESIDENT:** The Joint Standing Committee on **FISHERIES AND WILDLIFE** has recommended the nomination of Millard A. Wardwell, of Penobscot, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on **FISHERIES AND WILDLIFE** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 117th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators: None

**NAYS:** Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, BUSTIN, CAREY, CARPENTER, CASSIDY, CIANCHETTE, CLEVELAND, ESTY, FAIRCLOTH, FERGUSON, GOLDTHWAIT, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, LAWRENCE, LONGLEY, LORD, McCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PENDEXTER, PINGREE, RAND, RUHLIN, STEVENS, and the PRESIDENT, Senator BUTLAND

**ABSENT:** Senator: SMALL

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Millard A. Wardwell, for appointment to the Inland Fisheries and Wildlife Advisory Council, was **CONFIRMED**.

The Secretary informed the Speaker of the House.

Senator **BEGLEY** for the Committee on **LABOR** on Bill "An Act to Clarify Early Retirement Incentives" S.P. 563 L.D. 1531

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-297)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-297) **READ** and **ADOPTED**.

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

**ENACTORS**

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

An Act to Authorize the Issuance of a Credit Card to Benefit the Land for Maine's Future Fund H.P. 852 L.D. 1183 (C "A" H-325)

An Act to Establish Legislative Guidelines for Secession S.P. 587 L.D. 1571

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

**ORDERS OF THE DAY**

**Unfinished Business**

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

The Chair laid before the Senate the following Tabled and Later Today Assigned (June 19, 1995) matter:

SENATE REPORTS from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Provide Equal Political Rights for Classified State Employees"  
S.P. 407 L.D. 1095

Report A - Ought to Pass as Amended by Committee Amendment "A" (S-264). (6 members)

Report B - Ought to Pass as Amended by Committee Amendment "B" (S-265). (6 members)

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

Pending - the motion by Senator **AMERO** of Cumberland to **ACCEPT** Report "A". (Roll Call ordered.)

(In Senate, June 15, 1995, Reports **READ**.)

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

Senator **LONGLEY:** Thank you, Mr. President, Colleagues of the Senate. If I may, I would just like to add two other points to the point I made yesterday about basically limiting a state employee, and his chosen friends, to even show up at a spaghetti supper. Committee Amendment "A" includes six additional prohibitions. I mentioned the bean supper prohibition yesterday. The exact wording is that "an employee in the classified service may not canvas for votes in support of, or in opposition to, a candidate for partisan political office." I extrapolate upon that and say that means, if I read it carefully, not even a spaghetti supper in somebody's garage where a candidate will show. I would like to add two other important points. It says you can't even sign a petition. When we all go around, trying to get our 200 signatures, no go for a state employee. Lastly, there are six but the three that I consider the most egregious infringements on people's constitutional rights, is that you cannot even serve as a poll watcher. For that reason, and every other reason I have said, I ask that you vote against the pending motion. Thank you.

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

Senator **RAND:** Thank you, Mr. President, Men and Women of the Senate. I would like to pose a question through the Chair. On page two of Committee Amendment "A", under 7B, does this mean that a state employee could not drive a relative to the polling place? The prohibition states, "or to drive voters to polling places in concertation or coordination with a political party, partisan political group, or a candidate for partisan political office." Would that also include a relative?

**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 Waldo, Senator Longley.

Senator **LONGLEY:** Thank you, Mr. President. In answer to the question, it certainly does. It means that you cannot, and I would happily go through the list but I will spare you, you cannot act as a poll watcher, in part 7, or even drive your spouse, who happens to be a candidate, to the polls. It is extremely restrictive of people's constitutional rights, in my opinion. Thank you.

Senator **AMERO** of Cumberland moved that the Bill and Accompanying Papers be **INDEFINITELY POSTPONED**.

Senator **LAWRENCE** of York moved to Table until Later in Today's Session, pending the motion by Senator **AMERO** of Cumberland to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers.

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

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator **LAWRENCE** of York to **TABLE UNTIL LATER IN TODAY'S SESSION**, pending the motion by Senator **AMERO** of Cumberland to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers.

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.

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator **LAWRENCE** of York to **TABLE UNTIL LATER IN TODAY'S SESSION**, pending the motion by Senator **AMERO** of Cumberland to **INDEFINITELY POSTPONE** the Bill and Accompanying papers, **FAILED**.

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

Senator **RUHLIN:** Thank you, Mr. President, Ladies and Gentlemen of the Maine Senate. I just wanted to rise for a moment to let you know that I am the prime sponsor of that particular piece of legislation. The intent, when I brought it before the legislature, was to increase the opportunity to participate in democracy and the democratic process for public employees of the State of Maine, those classified employees. I feel that that is a wise thing to do, I feel it is a just thing to do, and the proper thing to do. We should not disenfranchise people because they are state workers. After attending the Committee hearings, and working with the Committee, and attempting to come out with a bill that would be effective and allow the state employees to participate in the democratic process more fully, I became aware of what is now before us as Committee Amendment "A", which I think is draconian in intent and in its very nature. It would reduce the existing rights of workers in the State of Maine who are classified workers. When I look at Committee Amendment "A" it kind of makes me really feel that I do want to go along with the good Senator who Chairs that Committee, the Senator from Cumberland, and, in fact, Indefinitely Postpone the entire bill because the thing has gotten out of hand. What I assure you

was an honest and legitimate intent to help and further the participation of our workers in the State of Maine has come to something that would, in fact, possibly curtail their participation. So, with that in mind, I am reluctantly going to go along with the motion to Indefinitely Postpone this, I'm going to call it, honest and legitimate attempt to increase the rights of the workers of the State of Maine. But when I look at it and the draconian effects of Committee Amendment "A", all I can say is good riddance. Thank you.

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Senate at Ease

Senate called to order by the President.

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

Senator **RUHLIN:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. Sometimes we refer to things as the wisdom of the moment. I just told you that perhaps, because of the Report A, that refers to this bill, because of its draconian nature that it probably would be good riddance to the bill. Guess what? I've changed my mind. This is not the easiest thing I have ever done, to get up and say that I have changed my mind, but I want to tell you right straight out that in thinking about it, and in discussion with some of the members of my caucus, it was a good bill. Report B will potentially make it a good bill. It will do what it was intended to do, and I guess the time has come to stand up and say let's do it, and let's go at it. It may be hot, and we may be tired, and this may be our last week, and this may be a very minor issue compared to some of the other things that we have to discuss, but let me tell you something, when you are a state employee, and you want to participate in somebody's baked bean dinner, that's important to you too. When you want to go and raise money, within your own union, for a person that they may be supporting, that's important to you. That's as important as this last week of the legislative session is to us. So, I think because of that, we should go ahead now and defeat this motion to Indefinitely Postpone, at which time I would then hope the wisdom of the Senate could be greater than mine, and it could be more stable than my wisdom has shown itself to be, and that we could go ahead and support Committee Amendment "B". 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. I hope you will defeat the pending motion and we can go on to accept Report B out of the Committee. I would ask for the Yeas and Nays. Thank you.

On motion by Senator **LAWRENCE** of York, 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 **AMERO** of Cumberland that the Senate **INDEFINITELY POSTPONE** the Bill and Accompanying Papers.

A vote of Yes will be in favor of **INDEFINITE POSTPONEMENT**.

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, CAREY, CARPENTER, CASSIDY, FERGUSON, HALL, HANLEY, HARRIMAN, KIEFFER, LORD, MILLS, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND**

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

Senator **HATHAWAY** of York requested and received leave of the Senate to change his vote from **YEA** to **NAY**.

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **AMERO** of Cumberland to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers, **PREVAILED**.

Sent down for concurrence.

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

**HOUSE REPORTS** from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Make Changes in the Law Establishing the Maine School of Science and Mathematics"

H.P. 1035 L.D. 1454

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-383). (9 members)

Minority - Ought Not to Pass. (4 members)

Tabled - June 19, 1995, by Senator **KIEFFER** of Aroostook.



Pending - ACCEPTANCE OF EITHER REPORT.

(In House, June 19, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-383).)

(In Senate, June 19, 1995, Reports READ.)

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

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator SMALL: Thank you, Mr. President. Although I don't have the amendment before me here, or the bill, I just wanted to reassure the members of the Senate that all this bill does is change some technical language that was passed in last session's bill to create the Magnet School. This is to take care of some concerns that the bond houses had concerning what may be future bonding requirements of the Magnet School in Limestone, if that school is funded. This, in no way, requires to set the Senate in any sort of a position in regards to funding it this year. It is merely a technical amendment and, as I said, will not influence anyone's vote on whether or not to fund the Magnet School. It is simply language that was intended to be in the bill last year, but was not enough to satisfy the bond houses. It is strictly a technical amendment to take care of that. Thank you.

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

Senator MICHAUD: Thank you, Mr. President. May I pose a question through the Chair? Reading the statement of fact, it says that the bill clarifies the law establishing the Magnet School by adding language stating that the school is an agency of the State. Does this mean that the people who work at the Magnet School are state employees?

THE PRESIDENT: The Senator from Penobscot, Senator Michaud, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator SMALL: Thank you, Mr. President. No.

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

Senator CAREY: Thank you, Mr. President. I would like to pose a question through the Chair if I may on the very same subject. This becomes an agency of the State, as the Senator from Penobscot, Senator Michaud, mentioned, and yet they have the authority to bond, but somehow or other the State does not assume any responsibility for the bonding. I would direct a question to someone in here. If they would, tell me why they can do this. Thank you.

THE PRESIDENT: The Senator from Kennebec, Senator Carey, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator SMALL: Thank you, Mr. President, Men and Women of the Senate. It is my understanding that the State would be responsible for the bonds, but only after the properties of the school had been attached. No bond house will bond any dollars for this unless they feel that there is sufficient collateral within the school, which would be the computers and all of the other equipment, which would be well over the amount needed to bond. So, although the State of Maine would be the final recourse if they were unable to make the payments on the bonds, from what we were told by the people representing the bond houses at the hearing, they would not be issuing those bonds to the school unless they felt there was sufficient collateral to back up the bonding required by the school.

THE PRESIDENT: The pending question before the Senate is the motion by Senator SMALL of Sagadahoc 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.

30 Senators having voted in the affirmative and 2 Senators having voted in the negative, the motion by Senator SMALL of Sagadahoc to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (H-383) READ and ADOPTED, in concurrence.

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

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

HOUSE REPORTS from the Committee on NATURAL RESOURCES on Bill "An Act to Abolish the Maine Waste Management Agency"

H.P. 181 L.D. 229

Report A - Ought to Pass as Amended by Committee Amendment "A" (H-487). (11 members)

Report B - Ought to Pass as Amended by Committee Amendment "B" (H-488). (1 member)

Report C - Ought Not to Pass. (1 member)

Tabled - June 19, 1995, by Senator KIEFFER of Aroostook.

Pending - **ACCEPTANCE OF A REPORT.**

(In House, June 19, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-487).**)

(In Senate, June 19, 1995, Reports **READ.**)

Senator **LORD** of York moved that the Senate **ACCEPT** Report **"A" - OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-487)**, in concurrence.

On motion by Senator **KIEFFER** of Aroostook, Tabled 1 Legislative Day, pending the motion by Senator **LORD** of York that the Senate **ACCEPT** Report **"A" - OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-487)**, in concurrence.

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

**HOUSE REPORTS** from the Committee on **TRANSPORTATION** on Bill "An Act to Implement the Recommendations of the Task Force to Study the Safe Mobility of Maine's Aging Population"  
H.P. 367 L.D. 487

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-505).** (5 members)

Tabled - June 19, 1995, by Senator **KIEFFER** of Aroostook.

Pending - **ACCEPTANCE OF EITHER REPORT.**

(In House, June 19, 1995, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**)

(In Senate, June 19, 1995, Reports **READ.**)

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

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

Senator **PARADIS:** Thank you, Mr. President, Men and Women of the Senate. I had placed before you today a fact sheet on L.D. 487. Again, this was a bill that has had long and protracted discussion. The Committee spent an incredible amount of time on it. It's not the type of legislation that just pops up. It came out of a history in the State of having impaired drivers on the road. I would hope you would

vote against this motion and vote for the minority report on the bill. We find it is innocuous enough. They are basic guidelines that if not now, when? I, myself, was hit by an 84-year old last July 4th, at one o'clock in the afternoon. All he kept saying was, "I didn't see you. I didn't see you." That happens a lot and it would be putting things into law that would make our roads a lot safer. Many people laughed when we said after forty you should have your vision checked, so it certainly is not bashing of the elderly. As you can see on the yellow sheet, there are a lot of components dealing with setting up alternatives for people in rural areas who absolutely feel that they need their wheels but just should not be driving any more. So, I urge your rejection of this motion. Thank you.

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

Senator **STEVENS:** Thank you, Mr. President. The previous speaker was right. We did spend a lot of time with this in Transportation, and it was a study that went into depth. We found about 99% of what is here could already be done in present law. About the only thing left to do would be to mandate the doctors to turn in a client who shouldn't be driving. We thought by common sense they would do it automatically. Thank you.

**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, 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.

20 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **STEVENS** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED.**

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

**HOUSE REPORT** from the Committee on **TRANSPORTATION** on Bill "An Act to Amend Laws Pertaining to On-premises Signs by Allowing for Changeable Signs"  
H.P. 946 L.D. 1335

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-456)**

Tabled - June 19, 1995, by Senator **AMERO** of Cumberland.

Pending – ACCEPTANCE OF THE REPORT.

(In House, June 14, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-456).)

(In Senate, June 15, 1995, Report READ.)

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

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The Chair laid before the Senate the fifth 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)

Minority – Ought Not to Pass. (3 members)

Tabled – June 19, 1995, by Senator AMERO of Cumberland.

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.

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

Tabled – June 19, 1995, by Senator AMERO of Cumberland.

Pending – FURTHER CONSIDERATION.

(In House, June 6, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116) AS AMENDED BY HOUSE AMENDMENT "B" (H-367), thereto, in NON-CONCURRENCE.)

(In Senate, June 12, 1995, RECEDED and CONCURRED.)

(In House, June 16, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116) AS AMENDED BY HOUSE AMENDMENT "C" (H-482), thereto, in NON-CONCURRENCE.)

On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending FURTHER CONSIDERATION.

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Senate at Ease

Senate called to order by the President.

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Senator HATHAWAY of York was granted unanimous consent to address the Senate on the Record.

Senator HATHAWAY: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just would like to point out to you that we have handed each of you the flag from Quebec. As I said, this is Biddeford Day at the State House. I would just like to take a minute, if I could, to explain why we handed the flags out today. We did so to remind you of the strong heritage and the strong influence of the Franco-Americans in this State. For many years Franco-Americans have worked very hard under struggling conditions to help build this State and bring it to where it is today. Many of these mill towns across our State have been built with Franco-American heritage. Their heritage and their values still prevail today. They still hold strong family values, a strong work ethic, a strong sense and appreciation for freedom, and a strong faith in God. We want to just point that out today with this small flag as a token and a reminder of that. We also want to invite all of you to the La Kermesse Festival in Biddeford, starting Thursday night with the greatest fireworks show in the history of the State of Maine, and of course the parade, which we would love to have you attend on Friday, and all of the festivities throughout the weekend. So, once again, from the City of Biddeford, we would welcome you this weekend to join us to appreciate and recognize the strong Franco-American heritage in this State. Thank you.

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Senator CLEVELAND of Androscoggin was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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On motion by Senator **CLEVELAND** of Androscoggin,  
**ADJOURNED** until Wednesday, June 21, 1995, at 9  
o'clock in the morning.