

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME VI

SECOND REGULAR SESSION

House of Representatives

January 3, 1996 to April 3, 1996

Senate

January 3, 1996 to March 13, 1996

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

In Senate Chamber
Tuesday
February 27, 1996

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

Prayer by the Reverend Glenn Metzler, Kennebec Mennonite Church, Augusta.

REVEREND GLENN METZLER: I wish to thank you for the opportunity to spend a few minutes with you this morning. It's certainly one of those beautiful winter, I guess still yet, mornings. It seems like spring. I certainly want to say that I appreciate and respect all of you, and the work and decisions that you need to make here. I certainly wish you the best in guidance and wisdom as you do that. Join with me as I lead in our opening prayer for the morning.

Lord, this morning we come to You to acknowledge Your presence with us, and to acknowledge Your wisdom and our need for guidance and strength from You. Thank You, Lord, that You care about the details of our lives and the work of these women and men who have been called out by the citizens of our State to perform the work of the Maine Senate. I thank You for each of our Senators, and for their commitment to the well-being of our State. Help them to do what is right, that their lives might be examples for us. Lord, bless them with health and the resources to accomplish their responsibilities today. Give them wisdom for the decisions to be made here in this room, and in the committees that meet throughout the day. Lord, bless their relationships with their colleagues so that these relationships might be a blessing and an encouragement for each one. I pray that today would be a rewarding day, one in which goals are accomplished and that each Senator and staff member would experience the satisfaction of a job well done. I pray, Lord, for Your favor to be upon us. Amen.

Pledge of Allegiance led by SENATOR O'DEA of Penobscot.

Reading of the Journal of Thursday, February 22, 1996.

Off Record Remarks

SENATE PAPERS

Bill "An Act to Extend Health Care Coverage for Parents Leaving the Aid to Families with Dependent Children Program"

S.P. 712 L.D. 1812

Presented by Senator MILLS of Somerset
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.

Which was referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Pursuant to Statutes
REVISOR OF STATUTES

Senator MILLS of Somerset for the REVISOR OF STATUTES, pursuant to MRSA, Title 1, section 94 asks leave to report, pursuant to Joint Rule 20, that the accompanying Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (Emergency)

S.P. 711 L.D. 1811

Be referred to the Committee on JUDICIARY for Public Hearing and printed.

Which Report was READ and ACCEPTED.

The Bill referred to the Committee on JUDICIARY.

Sent down for concurrence.

ORDER
Joint Order

On motion by Senator LORD of York, the following Joint Order:

ORDERED, the House concurring, that the Joint Standing Committee on Natural Resources report out a bill relating to solid waste management planning and state-owned solid waste disposal facilities.

S.P. 710

Which was READ and PASSED.

Sent down for concurrence.

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

COMMITTEE REPORTS
House

Ought to Pass

The Committee on CRIMINAL JUSTICE on Bill "An Act to Require Prisoners to Pay Their Fair Share of Victim Restitution"

H.P. 1263 L.D. 1738

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TAXATION on Bill "An Act to Conform the Maine Tax Laws for 1995 with the United States Internal Revenue Code" (Emergency)

H.P. 1205 L.D. 1655

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Pursuant to Resolve

The Committee on EDUCATION AND CULTURAL AFFAIRS on Resolve, to Establish a Tuition Rate for the Town of Dennysville and to Review the Provision of Education Services in the Unorganized Territory

H.P. 1297 L.D. 1780

Reported that the same Ought to Pass pursuant to Resolve 1995, chapter 33.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-716)**.

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

The Resolve **READ ONCE**.

House Amendment "A" (H-716) **READ** and **ADOPTED**, in concurrence.

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

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Enhance Amusement Ride Safety"

H.P. 1256 L.D. 1728

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-713)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-713)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-713) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, to Authorize the Maine Technical College System to Transfer Interests in Real Property

H.P. 1225 L.D. 1678

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-710)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-710)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-710) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Establish the Freeport Towne Square Mental Retardation Facility"

H.P. 1196 L.D. 1646

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-709)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-709)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-709) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AND VETERANS AFFAIRS** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine Regarding Municipal Certification of Direct Initiative Petitions

H.P. 1187 L.D. 1628

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-714)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolution **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-714)**.

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

The Resolution **READ ONCE**.

Committee Amendment "A" (H-714) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act to Exempt from the Sales Tax Automobile Equipment Necessary for Paraplegics or People Who are Confined to Wheelchairs"

H.P. 540 L.D. 736

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-705)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-705)**.

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

The Bill **READ ONCE**.

Committee Amendment "B" (H-705) **READ** and **ADOPTED**, in concurrence.

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

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

H.P. 776 L.D. 1073

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-706)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-706)**.

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

The Bill **READ ONCE**.

Committee Amendment "B" (H-706) **READ** and **ADOPTED**, in concurrence.

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

Senate

Ought to Pass As Amended

Senator **SMALL** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Amend the Law as It Pertains to Payment of Rent by a Blind or Visually Impaired Individual Who Operates a Vending Facility"

S.P. 610 L.D. 1614

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-435)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-435) **READ** and **ADOPTED**.

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

Off Record Remarks

SECOND READERS

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

House As Amended

Bill "An Act Concerning Real Estate Trusts"
H.P. 477 L.D. 658
(C "A" H-704)

Bill "An Act to Increase the Penalty for Criminal Restraint of a Young Child or a Dependent Person"
H.P. 1211 L.D. 1661
(C "A" H-700)

Bill "An Act to Provide Recovery for Motor Vehicle Damage to Forest Lands"
H.P. 1232 L.D. 1685
(C "A" H-701)

Bill "An Act to Enhance Fireworks Safety"
H.P. 1233 L.D. 1693
(C "A" H-702)

Bill "An Act to Reduce the Number of Legislative Confirmation Hearings"
H.P. 1241 L.D. 1701
(C "A" H-699)

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

Bill "An Act to Provide a Tax Credit for the Rehabilitation of Historic Properties"
H.P. 715 L.D. 972
(H "A" H-715 to C "B" H-703)

Which was **READ A SECOND TIME**.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you, Mr. President. I would like to address a question to anyone who can speak to the intent of this, in regards to the approximately \$60,000 loss of tax revenue involved. Thank you.

THE PRESIDENT: The Senator from Hancock, Senator Goldthwait, has posed a question through the Chair to any Senator who may care to respond.

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

Bill "An Act to Require Notification to the Landowner When Land Is Being Considered for Placement in a Resource Protection Zone"

H.P. 609 L.D. 819
(S "A" S-436 to C "B" H-685)

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in **NON-CONCURRENCE**. Sent down for concurrence.

Senate As Amended

Bill "An Act to Amend the Law Allowing the Growth and Sale of Cultivated Ginseng in Maine" (Emergency)
S.P. 649 L.D. 1691
(C "A" S-434)

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

ENACTORS

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

An Act to Amend the Charter of Milbridge Water District

H.P. 1168 L.D. 1600
(C "A" H-690)

An Act to Repeal the Requirement that Disbursement Warrants Receive an Affirmative Vote by Municipal Officers

S.P. 608 L.D. 1612
(C "A" S-421)

An Act to Amend the Piscataquis County Budget Process

S.P. 611 L.D. 1615
(C "A" S-423)

An Act to Repeal an Insurance Law Relating to Motor Vehicle Damage Appraisal

H.P. 1207 L.D. 1657
(C "A" H-693)

An Act to Amend the Laws Regarding Drag Limits in South Bay

H.P. 1235 L.D. 1695

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 Pertaining to the Northern New England Passenger Rail Authority

H.P. 1228 L.D. 1681

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

Senator **BERUBE:** Thank you, Mr. President. As I read the bill, it appears that it would exempt the authority from rulemaking provisions under the Administrative Procedures Act. I wonder if someone could explain the rationale behind that.

THE PRESIDENT: The Senator from Androscoggin, Senator Berube, has posed a question through the Chair to any Senator who may care to respond.

On further motion by the same Senator, Tabled 1 Legislative Day, pending **ENACTMENT**.

Emergency

An Act to Amend the Charter of the East Pittston Water District

H.P. 1173 L.D. 1605
(C "A" H-692)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senator having voted in the negative, and 25 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 Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 1997

H.P. 1193 L.D. 1637

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

Emergency

An Act to Clarify the Laws Regarding the Issuance of a Credit Card to Benefit the Land for Maine's Future Fund

H.P. 1213 L.D. 1663
(C "A" H-688)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senator having voted in the negative, and 25 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.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Discourage the Spread of "Crack" Cocaine"

H.P. 1038 L.D. 1457

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-696) (9 members)

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-697) (4 members)

Tabled - February 22, 1996, by Senator KIEFFER of Aroostook.

Pending - **ACCEPTANCE OF EITHER REPORT.**

(In House, February 20, 1996, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-697).)

(In Senate, February 22, 1996, Reports **READ.**)

Senator BENOIT of Franklin moved that the Senate **ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-696) Report, in NON-CONCURRENCE.**

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Benoit.

Senator BENOIT: Thank you, Mr. President. May it please the Senate. I would like to explain why the Criminal Justice Committee is split nine to four on this important bill, and point out to you that the split deals with the nature of the penalty for first time possession of crack cocaine. The majority report takes the view that first time possession of crack cocaine should remain a Class D penalty. Under Maine law, as you know, a Class D penalty is a fine of up to \$1,000 and incarceration, where appropriate, of up to one year. That's what the law is now for both powdered cocaine and crack, which is considered to be base cocaine. The minority report takes the view that first time possession of crack cocaine should be a felony, a Class C matter. A Class C penalty under Maine law, as you know, is a fine of up to \$5,000 and incarceration, where appropriate, of up to five years. So, there you have it, the basis for the split. On all of the particulars the Committee stands firm, shoulder-to-shoulder. In particular, let's go after these people that traffic in and furnish crack and nail these folks to the wall, if you will, because they are dealing in misery.

I would like to point out several reasons why the majority report should be supported. First is that the District Attorneys want the law to read as the majority report. Now, that's important to me because these folks are our troops in the trenches, if you will, in the drug war. They are in the front lines and they are telling us to make the second time possession of crack a felony, not the first time possession. Let's go after these folks who furnish and deal in drugs. So, the District Attorneys support the majority report. This is really their

bill. I would like to point out something further that we sometimes forget when we think of people who use and possess drugs. If I punch you in the nose, you are the victim and I am the defendant. If you break my window and destroy my property, I am the victim and you are the defendant. People who use drugs are both the defendant and the victim. We have to remember the difference there and treat these people differently than we do when we have a separate individual who is victim and defendant. Does it do any good to lock people up and throw away the key who are possessing drugs for the first time? I don't believe it. So, I ask you to note this difference, for myself, and my constituents, feel the same way. I would rather use beds in our correctional facilities for, and reserve them for, people who make victims out of others. What we have here, as you know, in the drug area, is a law that is written by the legislature to protect us from using harmful substances and making victims of ourselves. When you get a situation where the defendant is also the victim, the best way to go about this, in my view and my experience, is not incarceration but education. Probation with counseling, education about the pitfalls of the continued use of drugs.

Let me point out some of the arguments that are made in support of the minority report that, I think, have serious flaws. An argument that I have heard advanced is that, okay, we have a first time possessor of crack. How do we know this person hasn't possessed crack before, a plural number of times? How do we know that? That argument flies in the face of the very important constitutional provision that we are all presumed innocent. We are not presumed to have done it before. As we stand in court, we are not presumed to have done it before. We are not even presumed to have done it then. That's an important principle, to me, that washes away and cancels out that kind of argument. Please don't be persuaded by it because it doesn't hold water. I have heard it said, an argument in support of the minority, that if you charge a person for first time possession of crack as a felony, if this law should be amended that way, we could always plea bargain down to a Class D. Give me a break. I have had enough plea bargaining. My constituents feel the same way. Are we going to pass a law to further plea bargaining? What a way to educate a person possessing drugs! They come in charged with a felony and end up charged with a misdemeanor. It's two-faced and they know it. I would rather be right up front with them. Charge them with a Class D, get them into the system, they are more likely to plead to a misdemeanor than a felony, and work them through probation and try to turn them around, than charge them with a felony and work it down to a misdemeanor. There's enough plea bargaining going on and I'm not going to take part in passing a law that advances it further.

So, let's not go with labels, calling all these folks who possess crack for the first time felons. I want to share an example with you that I hope will hammer home the importance here. The minority report intends to give a stronger tool to law enforcement. I am going to ask you to consider this: you've got a carpenter working with a carpenter's hammer, don't tell me the quality of work of the carpenter will be enhanced by giving that person a sledge hammer. I don't think you want your surgeon, working with a scalpel, to take out your appendix with a butcher

knife. So, it's not the labels, and so forth, that we are going to call things that are really important but how do we handle this. I can remember going into the Marine Corps on Paris Island, years ago. When I joined the Marines, I became government property, as we all do when we go into the service. The government was interested in seeing that we remained combat ready. At the time, part of our education dealt with venereal disease. We should not get infected, because if we did we would not be combat ready. How did they go about this? How did they handle the problem? Did they give us labels? I'm going to give you a court martial if you get infected and give you a dishonorable discharge and then you can go home, labeled. No way, they didn't go at it that way. They took the high education road. They showed us a film in vivid color. Some of the platoon lost control of the contents of their stomach, that's how good the film was. I am pleased to say today, looking back, we remained combat ready through education. For myself, I prefer the present law than the minority report law, because the old adage is still true. Sticks and stones may break my bones but labels will never hurt me. Mr. President, at the time of the vote, could we please take a roll call?

On motion by Senator **BENOIT** of Franklin, 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 Somerset, Senator Mills.

Senator **MILLS:** Thank you, Mr. President, Men and Women of the Senate. I have very little to add to the fine oration given by the Senator from Franklin, Senator Benoit. I would only add two or three small points. Number one, I think that the rationale behind the minority report is that if we pass a law that makes possession of a small quantity crack into a felony that somehow the word will get out and it will be a preventative. I suggest to you that laws in this category, however, don't work that way. It's not the same thing as what we did with O.U.I. a few years ago. O.U.I. is a very commonly confronted offense and we toughened the laws on O.U.I. a number of years ago and cranked them up a little bit and posted a billboard at the entrance to the State and said that Maine has a tough new O.U.I. law. Drink and drive at your peril, or words to that effect. Fine, even in that situation, however, the O.U.I. law does not become a felony, except in certain egregious circumstances. This is one of those crimes that is buried in those massive red books that occupy eight feet of shelving in the corner of this room. A kid, nineteen or twenty-two years old, a college kid or some kid who gets involved in a party where he shouldn't be, and where he knows he shouldn't be, and there is a raid. Maybe he is the son, or daughter, of one of us. He does something stupid, an indiscretion that occurs. He calls you up Sunday, after it's over, and he says, "Dad, Mom, I got caught doing something pretty stupid last night. I was at a party where people were using crack. I was involved but I didn't bring it, I didn't provide it, I was just there." Your first instinct is to be compassionate with your child, but also to say, "Look, go down and take your medicine. Plead guilty to this misdemeanor, it's a Class D, it's a serious misdemeanor. Take your medicine, own up to it, and, for crying out loud, don't you ever get yourself involved in something like that again." But, suppose he goes to his lawyer, or court-appointed lawyer and

gets advised on Monday that this is a Class C felony. This is not a misdemeanor. Surprise! If he pleads to this offense, he can't go into the military. He can't ever own or possess a gun and go bird hunting with you in September. He's going to have to put this felony conviction down on his record every time he goes looking for a job. He probably can't get a decent job in a bank or an insurance company, or some place that a matter of public trust is involved. It ruins a young life before the life even gets started. I regret to tell you that what happens next is that many parents and children, who are caught in that situation, will go shopping around to find the best defense lawyer that they can find to try to fight that charge, instead of saying take your medicine and plead guilty and let's put this unfortunate chapter behind you. You wind up putting the parents and that child, that young person, into a position of antipathy for an irrational system. It makes the DA's life miserable. It makes the court's life miserable and we wind up with people who are suddenly hostile to this system in which they find themselves entrapped. We haven't served a good societal purpose.

This law has other elements to it. One of the ways in which the majority report will toughen the law is that it says if your son or daughter is caught with more than four grams of this substance, they are presumed to be furnishing. I don't know anything about these things but I gather from the context of the law that that is more than one person is likely to use in the course of a heavy evening. So, if there is a sufficient quantity in the possession of the defendant, that person is into felony territory, and rightfully so. So, the law preserves a serious misdemeanor penalty for only small quantities of possession or use, in those cases where it is a first occasion. If it's the second use of any drug, or if the quantity is beyond four grams, which is one-fifth of an ounce, then you are into felony territory, as you should be. I am not allowed to comment on the history of this bill in the other chamber. I will add a footnote to tell you that last year, before I got down here, I co-sponsored a bill to create a unicameral legislature. I simply want to go on record now as saying that I will neither sponsor nor support such a measure again. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BENOIT** of Franklin that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-696)** Report, in **NON-CONCURRENCE**.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAYS: Senators: **None**

ABSENT: Senators: **CIANCETTE, FAIRCLOTH, HANLEY**

32 Senators having voted in the affirmative and No Senators having voted in the negative, with 3 Senators being absent, the motion by Senator BENOIT of Franklin to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-696) Report, in NON-CONCURRENCE, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (H-696) READ and ADOPTED, in NON-CONCURRENCE.

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

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

SENATE REPORTS - from the Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act Relating to the Sale of Alcoholic Beverages"

S.P. 624 L.D. 1632

Majority - Ought to Pass (8 members)

Minority - Ought not to Pass (5 members)

Tabled - February 22, 1996, by Senator KIEFFER of Aroostook.

Pending - ACCEPTANCE OF EITHER REPORT.

(In Senate, February 22, 1996, Reports READ.)

Senator FERGUSON of Oxford moved that the Senate ACCEPT the Majority OUGHT TO PASS Report.

Senator STEVENS of Androscoggin requested a Division.

On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending the motion by Senator FERGUSON of Oxford to ACCEPT the Majority OUGHT TO PASS Report.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Strengthening the Laws That Prohibit the Drugging of Animals Competing in Pulling Events and Livestock Exhibitions"

H.P. 1322 L.D. 1809

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

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

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

Bill "An Act to Amend the Boundary between Berwick and South Berwick"

H.P. 1323 L.D. 1810

Reference to the Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

Comes from the House, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Which was referred to the Committee on STATE AND LOCAL GOVERNMENT, in concurrence.

Pursuant to Resolve
JOINT STANDING COMMITTEE ON
BUSINESS AND ECONOMIC DEVELOPMENT

The JOINT STANDING COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT, pursuant to Resolve 1995, chapter 52, section 8 asked leave to submit its findings and report, pursuant to Joint Rule 20, that the accompanying Bill "An Act to Make Changes in the Beverage Container Deposit Laws"

H.P. 1324 L.D. 1813

Be referred to the Committee on BUSINESS AND ECONOMIC DEVELOPMENT for Public Hearing and printed.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on BUSINESS AND ECONOMIC DEVELOPMENT and ORDERED PRINTED.

Which Report was READ.

Senate at Ease

Senate called to order by the President.

Which Report was ACCEPTED, in concurrence.

The Bill referred to the Committee on BUSINESS AND ECONOMIC DEVELOPMENT, in concurrence.

Senate at Ease

Senate called to order by the President.

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

Off Record Remarks

On motion by Senator BEGLEY of Lincoln, ADJOURNED until Thursday, February 29, 1996, at 10:00 o'clock in the morning.