

# MAINE STATE LEGISLATURE

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**Senate Legislative Record**  
**One Hundred and Eighteenth Legislature**  
**State of Maine**

**Volume 1**

**First Regular & Special Session**  
**December 6, 1996 to May 19, 1997**

**Pages 1 - 980**

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

In Senate Chamber  
Thursday  
March 20, 1997

Senate Called to Order by the President, Mark W. Lawrence of York.

Prayer by Reverend David Rowe of the East Limington Baptist Church in East Limington.

**REVEREND DAVID ROWE:** I want to first of all thank Senator Libby for offering me the opportunity to come this morning. Shall we pray. Oh Heavenly Father how we thank You for the grace that You have bestowed upon this great nation of ours. How we thank You for the liberties that have been entrusted into our care. How I thank You for the great and sovereign State of Maine and these Representatives and Senators that help to govern that State. I pray that You'd make us mindful this day for those that we come to represent. I pray also that You'd give us the abundance and the joy of knowing that You have blessed this land. As is being observed even in these halls today, agricultural day, Lord we thank You for the great industry of the people of the State of Maine. I thank You for each leader that is involved here and has given of their personal time and effort to do the job that You've called them to do in this day, in this age. I pray that You'd give them wisdom from on high today as they deliberate, as they consider the laws that come before them and the bills that we pass or reject today. We pray that it will all be in Your Glory and in Your Will. I thank You for all that are involved, thank You for the Senate Body, in Jesus Precious name I pray. Amen.

Doctor of the Day, Mark Fourre, M.D., Cape Elizabeth.

Reading of the Journal of Wednesday, March 19, 1997.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Create the River Flow Advisory Commission within the Department of Defense and Veterans' Services"  
H.P. 1112 L.D. 1555

Committee on **LEGAL AND VETERANS AFFAIRS** suggested and **ORDERED PRINTED**.

Comes from the House, referred to the Committee on **NATURAL RESOURCES**.

Which was referred to the Committee on **NATURAL RESOURCES** and **ORDERED PRINTED**, in concurrence.

**COMMUNICATIONS**

The Following Communication: S.C. 110

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE**

March 19, 1997

Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 148 An Act to Appropriate Funds for the Staffing and Operation of the Northern Maine Regional Juvenile Detention Facility
- L.D. 162 An Act to Allow Retired Law Enforcement Officials to Obtain a Lifetime Concealed Weapons Permit
- L.D. 635 An Act to Amend the Sexual Abuse of Minors Laws

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

Sincerely,

S/Sen. Robert E. Murray, Jr.  
Senate Chair

S/Rep. Edward J. Povich  
House Chair

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

The Following Communication: S.C. 111

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

March 19, 1997

Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 613 An Act to Allow Primary Elections to Be Held on Saturdays
- L.D. 614 Resolve, Directing the Secretary of State to Create a Pilot Project to Establish Voting by Mail
- L.D. 731 An Act to Aid Municipalities by Eliminating Same Day Registration
- L.D. 778 Resolve, to Create a Voluntary Commission to Study the Integrity of Political Advertisements and Their Effect on the Voters
- L.D. 921 An Act to Amend the Laws Regarding Beano and Bingo
- L.D. 1047 An Act to Prohibit Persons Registering to Vote from Voting unless they Provide Adequate Identification

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

Sincerely,

S/Sen. Beverly C. Daggett  
Senate Chair

S/Rep. John L. Tuttle, Jr.  
House Chair

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

The Following Communication: S.C. 112

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

March 19, 1997

Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1282 An Act to Require the Department of Environmental Protection to Market Recycled Materials

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Sharon Treat  
Senate Chair

S/Rep. G. Steven Rowe  
House Chair

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

The Following Communication: S.C. 113

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

March 19, 1997

Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 131 An Act to Authorize a State Agency to Charge Interest on Money Owed to that Agency
- L.D. 331 An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to a Living Wage in State Subcontracted Work
- L.D. 551 An Act to Require Certain State Notices to Include Statutory Authority Citations
- L.D. 777 Resolve, to Establish a Board to Review State Spending and Budget Procedures
- L.D. 875 An Act to Require Legislative Confirmation of the Director of the Office of Substance Abuse
- L.D. 1169 An Act to Authorize the Annexation of Certain Land by Lake View Plantation

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

Sincerely,

S/Sen. John M. Nutting  
Senate Chair

S/Rep. Douglas J. Ahearne  
House Chair

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

**SENATE PAPERS**

Bill "An Act to Assist the Maine Potato Industry"  
S.P. 516 L.D. 1600

Presented by Senator PARADIS of Aroostook  
Cosponsored by Representative KNEELAND of Easton and  
Senators: KIEFFER of Aroostook, KILKELLY of Lincoln,  
MICHAUD of Penobscot, Representatives: BUNKER, JR. of  
Kossuth Township, DESMOND of Mapleton, DONNELLY of  
Presque Isle, SIROIS of Caribou, WHEELER of Bridgewater

Which was referred to the Committee on **APPROPRIATIONS  
AND FINANCIAL AFFAIRS** and **ORDERED PRINTED.**

Sent down for concurrence.

Resolve, to Foster Economic Growth through the Recognition  
and Development of Maine's Franco-American Resource  
(Emergency) S.P. 519 L.D. 1603

Presented by Senator PARADIS of Aroostook  
Cosponsored by Representative DONNELLY of Presque Isle  
and Senators: BENNETT of Oxford, JENKINS of  
Androscoggin, LAFOUNTAIN III of York, MICHAUD of  
Penobscot, Representatives: BROOKS of Winterport,  
CAMPBELL of Holden, MADORE of Augusta, VIGUE of  
Winslow

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

Sent down for concurrence.

Bill "An Act to Make Certain Changes in the University of  
Maine System to Promote Lifelong Learning"  
S.P. 513 L.D. 1597

Presented by Senator BENNETT of Oxford

RESOLUTION, Proposing an Amendment to the Constitution  
of Maine to Require the Legislature to Provide a Statewide  
System of Uniform and High-quality Education  
S.P. 517 L.D. 1601

Presented by Senator LONGLEY of Waldo  
Cosponsored by Senator: CATHCART of Penobscot,  
Representatives: BAKER of Bangor, BELANGER of Caribou,  
DESMOND of Mapleton, MCELROY of Unity, MERES of  
Norridgewock

Which were referred to the Committee on **EDUCATION AND  
CULTURAL AFFAIRS** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act to Revise Certain Provisions of Fish and Wildlife  
Laws" (Emergency) S.P. 520 L.D. 1604

Presented by Senator KILKELLY of Lincoln  
Cosponsored by Representative PAUL of Sanford and  
Senator: HALL of Piscataquis, Representatives: CHICK of  
Lebanon, DUNLAP of Old Town  
Submitted by the Department of Inland Fisheries and Wildlife  
pursuant to Joint Rule 204.

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

Sent down for concurrence.

Resolve, to Encourage Stream and Wetland Enhancement  
Projects S.P. 515 L.D. 1599

Presented by Senator RUHLIN of Penobscot  
Cosponsored by Representative FISHER of Brewer and  
Senators: FERGUSON, JR. of Oxford, NUTTING of  
Androscoggin, PARADIS of Aroostook

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

Sent down for concurrence.

Bill "An Act Regarding the Division of Safety and  
Environmental Services in the Bureau of General Services"  
S.P. 518 L.D. 1602

Presented by Senator DAGGETT of Kennebec  
Cosponsored by Representative GAGNON of Waterville

Which was referred to the Committee on **STATE AND  
LOCAL GOVERNMENT** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act to Provide for Enforcement of the Laws Regarding  
the Protection of Underground Utility Facilities"  
S.P. 514 L.D. 1598

Presented by Senator PENDLETON of Cumberland  
Cosponsored by Senators: CAREY of Kennebec, CASSIDY  
of Washington, LAFOUNTAIN III of York, O'GARA of  
Cumberland, Representatives: DRISCOLL of Calais,  
GIERINGER, JR. of Portland, O'NEAL of Limestone,  
TAYLOR of Cumberland

Which was referred to the Committee on **UTILITIES AND  
ENERGY** and **ORDERED PRINTED.**

Sent down for concurrence.

**ORDERS**

**Joint Resolution**

Under suspension of the Rules, on motion of Senator **KILKELLY** of Lincoln (Co-sponsored by: Representative Bunker of Kossuth Township; and Senators Paradis of Aroostook and Kieffer of Aroostook; and Representatives Samson of Jay, Shiah of Bowdoinham, Volenik of Brooklin, Baker of Dixfield, McKee of Wayne, Cross of Dover-Foxcroft, Dexter of Kingfield, Gooley of Farmington, Lane of Enfield), the following Joint Resolution:

S.P. 521

**JOINT RESOLUTION HONORING OAKHURST DAIRY FOR 75 YEARS OF WORKING WITH AND FOR MAINE AGRICULTURE**

WHEREAS, Oakhurst Dairy, northern New England's largest independent dairy, has provided a variety of fresh, great-tasting products to the people of Maine for 75 years; and

WHEREAS, owned and managed for 3 generations by the Bennett family, the Portland-based company has become the most familiar brand name in the region; and

WHEREAS, Oakhurst Dairy purchases its milk from 77 dairy farms, all located within 100 miles of Portland; and

WHEREAS, Oakhurst Dairy started Maine's first quality-incentive program for milk producers; and

WHEREAS, this commitment to excellence is one of the reasons that, for the past 5 years, Oakhurst Dairy's Portland plant has received among the highest federal ratings for quality and cleanliness of any dairy in the Northeast; and

WHEREAS, Oakhurst Dairy, a sponsor of the popular Color Me Green television campaign, has long promoted the importance of a healthy environment; now, therefore, be it

**RESOLVED:** That We, the Members of the 118th Legislature, now assembled in the First Regular Session, take this opportunity to honor Oakhurst Dairy and the Bennett family for embracing a philosophy of responsible corporate citizenship that serves as a model for private enterprise, to recognize the occasion of their 75th year of bringing quality products to the citizens of this State and to offer our congratulations and very best wishes for the future; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be presented to Oakhurst Dairy and the Bennett family as a tangible token of our highest esteem.

Which was **READ**

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

Senator **KILKELLY:** Thank you Mr. President, men and women of the Senate. It is fitting today that we take an opportunity to look at agriculture from a variety of perspectives. One of the themes that I have for this year, when I go to speak to groups, is that agriculture is business; that agriculture does create jobs, agriculture is absolutely essential to both the rural and urban parts of our state because agriculture, obviously,

provides the foods that we eat and the fibers that we use. It's very fitting that we take a look at the fact that there are businesses in this state that are still family-run business that are supporting agriculture and that by supporting agriculture they're also supporting open space and the quality of life that's really important to rural people of this State. So, I think it's wonderful that we've been able to take this time today to recognize the seventy-fifth anniversary of Oakhurst Dairy and the Bennett family and I'm pleased that Mr. Stan Bennett is here, and I would just remind everyone there are some wonderful displays in the hall for Agriculture Day, and the bottom line is that, Agriculture is business, Agriculture is important, and I hope you'll all be supportive of the variety of issues that we have coming before us on the agricultural front. Thank you.

Which was **ADOPTED.**

Sent down for concurrence.

Under suspension of the Rules, ordered sent forthwith.

Off Record Remarks

**COMMITTEE REPORTS**

House

**Ought to Pass**

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Abolish the Economic Development and Business Assistance Coordinating Council" H.P. 545 L.D. 736

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 **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Osteopathic Licensure Laws to Clarify the Appropriate Degree Required for Licensure" H.P. 617 L.D. 842

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 **CRIMINAL JUSTICE** on Bill "An Act to Meet Federal Requirements Regarding Collection of Bias Motivation Data through Uniform Crime Reporting"

H.P. 222 L.D. 286

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 **HEALTH AND HUMAN SERVICES** on Bill "An Act to Streamline the Process of Foster Child Placement"

H.P. 619 L.D. 844

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 **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Foster Parent Insurance"

H.P. 680 L.D. 932

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 **LABOR** on Bill "An Act to Amend the Drug Testing Program Approval Laws"

H.P. 332 L.D. 454

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 **LABOR** on Bill "An Act to Include in the Legislative and Judicial Retirement Systems the Same Provisions for Post-retirement Divorce That Are in the Maine State Retirement System"

H.P. 561 L.D. 752

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 **JUDICIARY** on Bill "An Act to Amend the Procedure for Foreclosure by Publication"

H.P. 572 L.D. 763

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

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

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

The Bill **READ ONCE**.

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

---

**Ought to Pass As Amended**

The Committee on **CRIMINAL JUSTICE** on Bill "An Act Concerning the Responsibility of Prisoners for Family Support"

H.P. 22 L.D. 47

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-18)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-18)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-18) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Allow Independent Investigation of a Complaint against a Law Enforcement or Corrections Officer upon Request"  
H.P. 121 L.D. 145

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-20)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-20)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-20) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Make Unlawful Possession of Firearms for Nonviolent Juvenile Offenses Either a Crime or a Juvenile Offense Depending upon the Age of the Violator"  
H.P. 233 L.D. 297

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-22)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-22)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-22) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **CRIMINAL JUSTICE** on Resolve, to Establish a Study Group to Assess the Needs of the Office of the State Fire Marshal and Ensure Prompt, Effective Response to the Public's Fire Safety Needs  
H.P. 295 L.D. 359

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-21)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-21)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-21) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Establish the Commission to Study the Use of Pharmaceuticals in Long-term Care Settings  
H.P. 122 L.D. 146

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-10)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-10)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-10) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Exempt the Dental Profession from the Reporting Requirements of the Maine Health Data Organization"  
H.P. 237 L.D. 301

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-9)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-9)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-9) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Study Job Creation for Welfare Recipients"  
H.P. 238 L.D. 302

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-17)**.



Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-17)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-17) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **LABOR** on Bill "An Act to Clarify Eligibility for State Employee Health Insurance Program Benefits" (Emergency) H.P. 61 L.D. 86

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-11)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-11)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-11) **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 Change the Method for Setting Wages for Deputies" H.P. 37 L.D. 62

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-26)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-26)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-26) **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 Make Legislative Information Available through the Internet" H.P. 78 L.D. 103

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-25)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-25)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-25) **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 Regarding Qualifications for the Office of Sheriff" H.P. 109 L.D. 133

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-27)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-27)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-27) **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 Allow Municipal Law Enforcement Officials to Enforce Handicapped Parking Restrictions" H.P. 127 L.D. 151

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-29)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-29)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-29) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Transfer of a Parcel of Land in Webster Plantation to Hazen and Theo Jipson H.P. 479 L.D. 650

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-28)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-28)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-28) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **TRANSPORTATION** on Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1997" (Emergency) H.P. 206 L.D. 259

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-14)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-14)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-14) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **TRANSPORTATION** on Bill "An Act to Maintain the Department of Transportation's Current Policy on Reimbursement of Consultant Costs" H.P. 650 L.D. 903

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-13)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-13)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-13) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the Madison Water District" H.P. 166 L.D. 221

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-19)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-19)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-19) **READ** and **ADOPTED**, in concurrence.

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

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#### Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Require Approval of Municipalities for Construction of Natural Gas Pipelines" H.P. 415 L.D. 565

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

Signed:

Senators:

CAREY of Kennebec  
CLEVELAND of Androscoggin  
HARRIMAN of Cumberland

Representatives:

JONES of Bar Harbor  
KONTOS of Windham  
USHER of Westbrook  
O'NEAL of Limestone  
LAVERDIERE of Wilton  
COLWELL of Gardiner  
BERRY, SR. of Belmont  
JOY of Crystal  
TAYLOR of Cumberland

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

Signed:

Representative:  
VEDRAL III of Buxton

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

Which Reports were **READ**.

On motion by Senator **HARRIMAN** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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**Divided Report**

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Allow Certain Public Utilities to Extend Their Service into Areas Serviced by Other Public Utilities" H.P. 592 L.D. 783

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

Signed:

Senators:  
CAREY of Kennebec  
CLEVELAND of Androscoggin  
HARRIMAN of Cumberland

Representatives:  
JONES of Bar Harbor  
KONTOS of Windham  
USHER of Westbrook  
O'NEAL of Limestone  
COLWELL of Gardiner  
LAVERDIERE of Wilton  
TAYLOR of Cumberland  
BERRY, SR. of Belmont  
JOY of Crystal

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

Signed:

Representative:  
VEDRAL III of Buxton

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

Which Reports were **READ**.

On motion by Senator **HARRIMAN** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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**Senate**

**Divided Report**

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act to Amend the Site Law Concerning State and Local Review of Transmission Lines" S.P. 79 L.D. 218

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-31)**.

Signed:

Senators:  
TREAT of Kennebec  
NUTTING of Androscoggin

Representatives:  
ROWE of Portland  
SHIAH of Bowdoinham BULL of Freeport  
COWGER of Hallowell  
JONES of Greenville  
MCKEE of Wayne  
MERES of Norridgewock  
FOSTER of Gray

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

Signed:

Senator:  
BUTLAND of Cumberland

Representatives:  
DEXTER of Kingfield  
NICKERSON of Turner

Which Reports were **READ**.

Senator **TREAT** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-31)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-31)** Report.

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Exempt Churches from the Real Estate Transfer Tax" S.P. 17 L.D. 15

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

Signed:

Senators:

RUHLIN of Penobscot  
DAGGETT of Kennebec  
MILLS of Somerset

Representatives:

TRIPP of Topsham  
ROWE of Portland  
GAGNON of Waterville  
MORGAN of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-32).**

Signed:

Representatives:

SPEAR of Nobleboro  
LEMONT of Kittery  
BUCK of Yarmouth  
CIANCHETTE of South Portland  
GREEN of Monmouth  
TUTTLE, JR. of Sanford

Which Reports were **READ.**

Senator **LIBBY** of York moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-32)** Report.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending the motion by Senator **LIBBY** of York, to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-32)** Report.

**SECOND READERS**

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

**House**

Bill "An Act to Require Responsibility of the Employers of Persons who Collect Signatures" H.P. 318 L.D. 440

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

**House As Amended**

Bill "An Act to Return a Certain Parcel of Land to Hartland from Pittsfield" H.P. 46 L.D. 71 (C "A" H-6)

Bill "An Act to Amend the Laws Requiring Notification for Public Hearings Concerning Ordinance Changes" H.P. 58 L.D. 83 (C "A" H-7)

Bill "An Act to Allow Towns to Use the Money Held in Administrative Funds That Comes from the Use of Ministerial Trust Land" H.P. 210 L.D. 274 (C "A" H-5)

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

**Senate**

Bill "An Act to Repeal the Maine Surplus Energy Auction Program" S.P. 251 L.D. 820

Bill "An Act to Exempt Public Airports with Approved Airport Layout Plans from Subdivision Review" S.P. 327 L.D. 1105

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

Sent down for concurrence.

**Senate As Amended**

Bill "An Act to Allow Municipalities to Enact Stricter Standards Regulating Sewer or Septic Sludge" S.P. 10 L.D. 2 (C "A" S-30)

Bill "An Act to Clarify the Law Concerning Evictions from Mobile Home Parks" (Emergency) S.P. 22 L.D. 20 (C "A" S-27)

Bill "An Act to Require That a Vacancy in the Office of Sheriff Be Filled by an Appointee from the Same Political Party" S.P. 33 L.D. 31 (C "A" S-20)

Bill "An Act to Preserve Public Springs" S.P. 48 L.D. 158 (C "A" S-29)

Bill "An Act to Allow the Maine Forest Service to Retain Funds from the Sale of Real Estate" S.P. 117 L.D. 396 (C "A" S-23)

Resolve, Authorizing the Theta Chi Building Association to File with the Secretary of State as a Nonprofit Corporation S.P. 145 L.D. 424 (C "A" S-28)

Bill "An Act to Change the Laws Pertaining to the Issuance of Copies of Birth, Marriage or Death Certificates by Towns" S.P. 159 L.D. 488 (C "A" S-21)

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

Sent down for concurrence.

**ORDERS OF THE DAY**

**Unfinished Business**

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (3/18/97) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Allow Municipalities to Advertise Public Legal Notices in Weekly Papers"  
S.P. 18 L.D. 16

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-14)** (5 members)

Tabled - March 18, 1997, by Senator **NUTTING** of Androscoggin.

Pending - motion by the same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report

(In Senate, March 13, 1997, Reports **READ**. Senator **NUTTING** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.)

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

Senator **NUTTING:** Thank you Mr. President, men and women of the Senate. Senator Libby and I have distributed a one-page flier on this issue, I think the flier is excellent and very self-explanatory. I just want to speak on a couple of items briefly, I know other people are going to speak on this issue. One thing I'm sure about is that every member in this body has heard from the lobby saying that this bill allows the public, local ordinances to be advertised in the weekly shopper, that's in a pile at the supermarket, and never goes any further than that pile and that is not correct. The bill was amended in Committee to first say that if you're going to use, this is permissive legislation, it gives the municipality the option, if they choose, to advertise in a weekly that is mailed to every home in that community and that they also must notify through the property tax bill, residents of that municipality, that they're going to make their local decision to use a weekly paper. I know the municipal officials in my district urge me, whatever I can, to give them the option to try to save money. They strongly encourage me to do it. The other reason I voted for the Ought to Pass Report is our own local paper that we have, and I've seen things change over the last two or three years, and in our local section of our local paper, our local daily paper, I dare you to find local small-town news anymore. People get it through their weekly. The local town events, especially small, towns of central Maine, are covered no longer by the daily but are covered by the weekly. So, for the opportunity to give the local control of this issue back to municipalities, to save themselves a lot of money on advertising public notices, I urge you to vote in favor of the motion Ought to Pass. Thank you.

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

Senator **GOLDTHWAIT:** Thank you Mr. President, ladies and gentlemen of the Senate. This has been a difficult bill for me because I am certainly a strong believer in local control; but, there is a component of this that worries me and has caused me to oppose this bill. The issue for me is the guarantee that notice will actually get to where it needs to be because of the fact that third class mail is mailed in what I call, "space available by the post office", and there isn't a guarantee of when that mail will arrive. We continue, despite the fact that all of the hearings that we've had in my committee, have been posted by way of the official legal notice, to have people come in and say, "I didn't know about it, you're sneaking this in", all those kinds of statements, although it was in a newspaper of general circulation, and having been to several of my town meetings lately, there was a town just last Saturday, where there was quite a long and interesting debate about how their town report would be delivered to them and they've tried delivering it with volunteers to peoples houses, they've tried leaving it in a number of public places to be picked up, and delivering to places like hospitals and senior citizens housings to make sure that everybody had an opportunity to get that and yet the people in that town said that really the only way they could be sure to have it, was if the town mailed it out. Now that's a considerable expense for a small town, probably about three thousand dollars in this case, and yet the people in their town felt there was nothing more important than adequate notice of the business they were going to conduct. And so because of the uncertainty of this route and even the best meaning selectmen, who felt that they had chosen the paper that they were sure to get there, cannot provide that guarantee that the notice will actually arrive. I am opposing this bill and the motion on the floor. The amendment, which is now the bill, also requires that now municipalities will have to give notice of how they're going to give notice, which is a rather cumbersome procedure. It will be included with property tax information and yet it does mean another step that the municipality will have to go through and I hope you will join me in opposing the pending motion. Thank you.

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

Senator **LIBBY:** Thank you Mr. President, I hope that's not a sign of things to come. Mr. President, men and women of the Senate. This bill was strongly supported by the Maine Municipal Association; I think there's one thing that really needs to be said. In addition to what the good Senator, Senator Nutting said about the fact that this is permissive legislation, I think it's important to note that up until this point, in this Chamber, local control seems to have been a very, very influential and important factor in some of the votes that we've taken and here's an example right here, and I'm speaking specifically to some people that have talked about local control as a part of other issues. Here's an example right here where we've got some weeklies and I think you know, in your towns, which weeklies they are. And we've got the potential for new weeklies in the State of Maine that can carry these advertisements and carry them at a cost that is up to sixty percent less than what we are forcing municipalities to pay, we're forcing them to do, at the current time. Regarding the dependability of this whole idea about putting municipal

advertisements in your local weekly, regarding dependability; First of all, if it's third class mail it's going to get to your home. Secondly, in terms of the weekly in my district, there are two weeklies, they're mailed to every single box-holder in the town, number one, every single box-holder. Number two, they're mailed for free, for free. If you compare the cost of your daily newspaper at sixty cents per day, on Sunday probably a dollar fifty, you're spending an awful lot of money during the week, you as a consumer, just to get the newspaper, and what has happened as a result of that? What has happened as a result of the cost of newspapers, the rise in the cost of newspapers? What has happened is, people aren't buying that daily newspaper, they're not getting the notice. But, with some of these weeklies, there being delivered for free. We put that protection in the amendment to make sure that the notice would get to all of your constituents. If a municipality had to advertise, whether it be a public hearing for a zoning amendment or whatever it might be, the cost savings that you're going to be able to take back home to your community is substantial. I think it's important to also look at this legislation as legislation that encourages deregulation because that's exactly what it does. It is saying to your local select-people back home or your city councilors, you can make this decision, we don't have to make it at the state level. And the final point I want to make, before I give up the floor, is that in the foreseeable future this bill is only the tip of the iceberg. If you think about it, there will be bills in front of this body in the very near future asking you to do municipal advertisements over cable TV and possibly on the web page and it's only a matter of time. There's no way that we're going to be able to stop this, I just don't believe it, and most of you have public cable access for free. So this is going to happen, I hope you'll support me with the pending motion on the floor and I thank you very much.

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

Senator **CLEVELAND:** Thank you Mr. President. I rise to support this motion as well and I do so with my experience that I've had with a number of small communities across the State of Maine. In my private life I do planning work, economic community development, which requires mandatory posting of notices for changing land use ordinances or for notifications of grants and the use of funds. So, I've had to deal with this on a regular basis and in a variety of communities across the State. One of the things that we've found in working with that, is that not all communities in this state have a daily newspaper which is of common circulation within that community, particularly, many communities that are sort of on the fringe areas between a number of daily's. For example; In my area, in the town of Durham, a number of folks get the Brunswick Times Record, some of them get the Portland Press Herald and some get the Lewiston Sun Journal, but there's no consistency on who gets those papers in that community. Another community I've done a lot of work with is over in Cornish, which is up near the upper northwest corner of York County, some people get the Biddeford Paper, some people get the Portland Paper, but what we've found is that in a number of these communities, that there is a local paper, it carries local information and it's the paper in which individuals look at constantly, that's where they get their local information. Often times there isn't much local news coverage for them to look at. A second aspect that we found that was important was that in these local papers they're able to buy a

very large display ad, quarter page, half page, and people see them readily; They're in large print, and they're readily visible to all residents, even those who perhaps, who's eyesight isn't as good as it used to be, like mine. In the daily papers you get a very small legal ad way in the back of the paper, which quite frankly, is not commonly read by most constituents, even if they get the paper because of the cost of advertising in those particular papers. I think the most important issue, frankly, it's not price to me, although, I think it's good if you can save some money, but it is what is the best method of ensuring that notification gets out to individuals. That's really what we want to be accomplishing. The fact is, the best method I have found to practice is not always a daily newspaper in every community in this state. And therefore, I think it only makes sense that we allow local municipalities the option to pick what they know to be, from experience, the best means of communication for notification in their area and if that happens to be a weekly paper that is delivered to every single resident in that area, than why do we have to decide that that's not the best method? Why don't we allow local officials, who know from their own experience, what the best method is? And I think you know as well as I do, that if the constituents are not getting notifications, it won't take long for them to notify local officials that there's some other means of notification that works better in that community. So, for all of those reasons I would urge you to support this proposal because I think it will ensure greater options at the local level to doing what's most important; Making sure that as many people as possible are notified of important public events so that they can participate if they choose to do so.

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

Senator **BENOIT:** Thank you Mr. President, may it please the Senate. The motive for this bill is plain and simple, one of money, and I would ask you to give serious consideration to creating two types of notices out of this legislation. You and I, everyone but municipalities, will have a form of notice that's been going on in this state for years, and years, and years. Municipalities will have a cheaper form of notice, a different form of notice, a shoppers' guide form of notice. And the thing that bothers me mainly about the bill is that, for years the Maine Supreme Judicial Court has had occasion to process cases on review that have had a publication type notice and has upheld the present form of notice in the state of Maine. You know, when you start tinkering with property rights and other rights that municipalities have jurisdiction over and you start dividing rights and defining rights, why not give our citizens the strongest possible notice we can give them, instead of thinking about money and watering down the notice. I guess the bottom line for me is to take it with an adage, "if it ain't broke", fix something else. Pure and simple, there's nothing here but a money motive and I would urge you to keep the high form of notice we have for our citizens and these legal matters and defeat this particular request. Thank you.

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

Senator **MILLS:** Thank you Mr. President, and may it please the Senate. Technology is marvelous even in less advanced forms, rather crude forms like this. We've been a State for a hundred and seventy five years and we finally have a button to

push. We had this bill in Judiciary two years ago and Senator Treat from Kennebec and I have entertained the lengthy array of witnesses who testified on both sides of this burdening issue. I finally decided that I thought that there was real merit to the existing law and that we ought to leave it well enough alone. The reason is, and part of it is drafting laziness, if you'll pardon that rather flimsy excuse, but, our present law makes use of a set of regulations published by the postal department that defines the criteria for second class mail and there was some discussion in our committee of possibly taking some of the meat of those second class mail regulations and importing them into our law so that we could sort of say, in a functional way, what it is that we wanted for notice and finally decided that the postal regulations did the job anyway and there was no sense in tinkering with our law. Now, without boring you to tears, let me just give you a few highlights of what those second class regulations require; It says, "that the publication, in order to be eligible for second class mail must have stated frequency that is observed with an intent to publish indefinitely". It isn't, you can't be some publication that is here today, gone tomorrow, something that somebody creates for a few weeks and gets tired of the effort and abandons the publication. It has to be a publication of some continuity and meaningful presence within the community or within the area. The periodical must show continuity from issue to issue, it must be published with regularity, it must have an office, a known office of publication within the community. Each issue must contain at least twenty four pages, no issue can contain more than seventy five percent advertising, it must have a legitimate list of persons who have requested the publication and fifty percent or more of the copies distributed must be to those persons who made that request. In other words, it must be something that demonstrates by these objective criteria that there are people out there who want it, and who want to read it. The problem with using third class advertisers as the medium is that they fall into the category that we've all come to know fondly, particularly those of us who serve in this chamber, as junk mail. Every day when I go back to my office, and get there by five or six o'clock at night, I get a carton and I fill it with my mail for the day and I go home and start a fire, and sit there, and I'm afraid to say that it falls into two categories, one very small category of keepers and then the other category is the third class mail and a lot of the advertising material, charitable solicitations, and lord knows what else, that regrettably falls into the second category. The category that we would be saying would be sufficient to give legal notice of something important within the community. I'm very, very reluctant to do that, I think that we should stick with the second class mail criteria. Is it more expensive? Yes. Is there a reason why it's more expensive? Yeah, it's expensive to go out and dig up news and put something on a page that has meaning to your readers and that your readers will solicit and pay for. Does the current law, indirectly, as a by-product subsidize some of these news organizations and provide them with revenue? Yes. Is that all bad? No. I would rather subsidize those organizations I think, than those that are just coming into town putting together an advertising. They may not even come into town, they may just say, heh, we're publishing from Portland but we're going to provide a service to central Somerset County, making use of the U.S. mails, or we'll mail it to every post office box and we'll pick up some revenue from several towns that want to use us and we'll try to make a living that way. I don't really want to subsidize those kinds of organizations frankly, and I don't think that the service that they would provide would yield anything very valuable to my community. So, I think we should rely on the

well-established news periodicals that already exists in our communities and let them do this work. Thank you.

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

Senator **NUTTING:** Thank you Mr. President. I wasn't planning on getting up a second time but I feel compelled, I guess, after the last speaker to very briefly get up a second time. I want to reiterate that the motion before us, ought to pass, does need to be supported. In my area the weekly papers contain the local news, they're mailed to every house third class, it's what the local small-town people read for local news. In the daily in our area, I dare you to find some local small-town news. It's just not there anymore. Thank you.

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

Senator **BEHOIT:** Thank you Mr. President. This may be an attempt, this piece of legislation, to get a foot in the door. What bothers me about the form of notice again, is that it waters down the quality of the notice. And if those who support this measure want to really save some money on notices that are from a municipality, legal notices, I would suggest a Shaw's or Shop n' Save form of notice, those fliers that come out every Sunday, they come out weekly, every single Sunday, in the Sunday paper. They're weeklies. Isn't that the next step? Put legal notices in that form of a publication, it's cheap, but it sure is watered down. I'd like to respond to a point that was just made about everyone in the municipality getting a notice. What bothers me about this is that there may be some non-residents in a municipality that ought to have a notice. This legislation will not reach them. Thank you.

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

Senator **AMERO:** Thank you Mr. President. I request a roll call, when the vote is taken.

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

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The Chair noted the absence of the Senator from Piscataquis, Senator **HALL**, and further excused the same Senator from today's Roll Call votes.

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The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

YEAS: Senators: BUTLAND, CAREY, CLEVELAND, FERGUSON, KIEFFER, LIBBY, MACKINNON, MURRAY, NUTTING, O'GARA, THE PRESIDENT - MARK W. LAWRENCE

**NAYS:** Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, CATHCART, DAGGETT, GOLDTHWAIT, HARRIMAN, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MILLS, MITCHELL, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT

**ABSENT:** Senator: JENKINS

**EXCUSED:** Senator: HALL

11 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **NUTTING** of Androscoggin, to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-14)** Report, **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (3/19/97) Assigned matter:

An Act to Amend the Fee Schedule for Probate Filings  
S.P. 138 L.D. 417  
(S "A" S-13)

Tabled - March 19, 1997, by Senator **RAND** of Cumberland.

Pending - **ENACTMENT** (Division Requested)

(In House, March 18, 1997, **PASSED TO BE ENACTED**.)

(In Senate, March 19, 1997, **PASSED TO BE ENACTED**. Subsequently, on motion by Senator **BENNETT** of Oxford, **RECONSIDERED**.)

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

Senator **LONGLEY**: Thank you Mr. President. Presuming members of my colleagues are interested in what went on in committee on this bill, basically on the request of people in the Probate Courts, we were asked to raise, it's primarily a revenue raising measure, fees have not been adjusted in ten years, costs have increased for court staff salaries, guardian ad litem fees, paper forms and keeping current technology, in the third and final piece of information that came to our committee is adjusting the fees will not offset operating expenses but it will lessen the burden on municipalities for financing county operations. Men and women of the Senate, thank you for listening.

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

Senator **FERGUSON**: Thank you Mr. President, I would request a Roll Call vote on this.

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

### ROLL CALL

**YEAS:** Senators: ABROMSON, BENOIT, CAREY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

**NAYS:** Senators: AMERO, BENNETT, BUTLAND, CASSIDY, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MITCHELL

**ABSENT:** Senator: JENKINS

**EXCUSED:** Senator: HALL

23 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, 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.

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

An Act to Classify Vehicular Homicide as a Class A Crime  
H.P. 176 L.D. 231

Tabled - March 19, 1997, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 18, 1997, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, March 19, 1997, **PASSED TO BE ENACTED**.)

On motion by Senator **AMERO** of Cumberland, **TABLED** until Later in Today's Session, pending **ENACTMENT**.

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

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Senator **KILKELLY** of Lincoln was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks



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

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

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Off Record Remarks  
\_\_\_\_\_

\_\_\_\_\_  
Senator **AMERO** was granted unanimous consent to address the Senate off the Record.

\_\_\_\_\_  
Off Record Remarks  
\_\_\_\_\_

Senate at Ease

Senate called to order by the President.

\_\_\_\_\_  
Off Record Remarks  
\_\_\_\_\_

On motion by Senator **PINGREE** of Knox, **RECESSED** until 4:00 in the afternoon.

After Recess

Senate called to order by the President

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

**COMMUNICATIONS**

The Following Communication: S.P. 522

**118th MAINE LEGISLATURE**

March 20, 1997

Senator William O'Gara  
Representative Joseph Driscoll  
Chairpersons  
Joint Standing Committee on Transportation  
118th Legislature  
Augusta, Maine 04333

Dear Senator O'Gara and Representative Driscoll:

Please be advised that Governor Angus S. King, Jr. has nominated Julian R. Coles for reappointment as a member of the Maine Turnpike Authority.

Pursuant to Title 23, MRSA Section 1965, this nomination will require review by the Joint Standing Committee on Transportation and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence  
President of the Senate

S/Elizabeth H. Mitchell  
Speaker of the House

Which was **READ** and referred to the Committee on **TRANSPORTATION**.

Sent down for concurrence.

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

**COMMUNICATIONS**

The Following Communication: S.C. 114

**THE SENATE OF MAINE  
OFFICE OF THE PRESIDENT  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

March 17, 1997

Joy J. O'Brien  
Secretary of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under 5 MRSA, Section 3358, I am pleased to appoint Senator Betty Lou Mitchell to the Maine Criminal Justice Commission.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Mark W. Lawrence  
President of the Senate

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

\_\_\_\_\_  
Senate at Ease

Senate called to order by the President.

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

**COMMITTEE REPORTS**

Senate

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Name the Richardson Township Boat Landing "Georges Landing" S.P. 314 L.D. 1054

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

Signed:

Senators:

NUTTING of Androscoggin  
LIBBY of York

Representatives:

AHEARNE of Madawaska  
FISK, JR. of Falmouth  
BAGLEY of Machias  
BUMPS of China  
GIERINGER, JR. of Portland  
KASPRZAK of Newport  
SANBORN of Alton  
DUTREMBLE of Biddeford

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

Signed:

Senator:

GOLDTHWAIT of Hancock

Representatives:

GERRY of Auburn  
LEMKE of Westbrook

Which Reports were **READ**.

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

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

Senator **GOLDTHWAIT** Thank you Mr. President, ladies and gentlemen of the Senate. I really just want to know if lightning can strike twice in the same place. The reason that I am on the opposing side on this bill is because it has always appealed to me in Maine, the amount of history that we maintain through place names and it's the reason I have trouble with the E-911 system. A lot of those designations are going away and with it a part of our history and culture. And, although it has not apparently been the tradition of the department to name these landings after an individual, I didn't see that as a reason to object to that. In this case a gentleman had made a strong effort to get this landing in place and I was going to support recognizing him in this was. Thank you.

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

Senator **NUTTING:** Thank you Mr. President. Very, very briefly this bill was brought before the State and Local Government Committee by Senator Ferguson and we spent quite a bit of time on it. Mr. Breau, George Breau was very, very pleased with the Majority Ought Not to Pass Report, because part of that report was that a letter was going to be sent from the Committee instructing the department to erect a plaque commemorating him for his effort on this issue. But, the department also pointed out that many, many other people worked on this issue, and that they felt it was appropriate not to have the first landing ever in Maine named after a person. They weren't comfortable with that and I understood that, and the majority of the Committee understood that. But, they were willing to erect a plaque there, commemorating George Breau for his years of hard work on this issue and he was very pleased with this resolution as well. Thank you.

The Chair ordered a Division. 17 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator **NUTTING** of Androscoggin, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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**ORDERS OF THE DAY**

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

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Exempt Churches from the Real Estate Transfer Tax" S.P. 17 L.D. 15

Majority Report - **Ought Not To Pass** (7 members)

Minority Report - **Ought to Pass as Amended by Committee Amendment "A" (S-32)** (6 members)

Tabled - March 20, 1997, by Senator **PINGREE** of Knox.

Pending - motion by Senator **LIBBY** of York to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-32)** Report

(In Senate, March 20, 1997, Reports **READ**.)

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

Senator **RUHLIN:** Thank you Mr. President, men and women of the Senate. The motion before you to Accept the Minority Ought to Pass as amended Report, is really a motion I have to be a little bit surprised with. To start with, we charge a standing committee of this legislature to come up with wise tax policy, to make wise recommendations and on this report, you see all three Senators representing the Senate recommending just the opposite of what this motion is. I think this motion probably came before us because of a mistake. I'm sure it would not be a lack of manners or anything else, and we certainly would recognize the three Senators involved who heard the testimony, who participated actively in the work session, those three Senators

who fully understand that the churches of this State now have whole property tax exemptions, full sales tax exemptions. They do good work throughout our State. We've taken all steps necessary, we feel, to support them, in their good works. Now we want to add to that, just for them alone, to get state-wide, wise tax policy, but, just for them alone, a tax that is .44 of one per cent. That's forty four dollars per thousand, that's two hundred and twenty from one, from the seller, and the other from the receiver or the buyer. That's a very small tax. It's a tax that has no coherency to carrying on a wide, broad-based, uniform tax policy in the State of Maine, it's an exemption for somebody to take and add one more little ornament to the Christmas tree that's already overburdened. I hope you will all vote with wisdom, vote with your Senators who sat on that committee and heard the testimony and vote it unanimously that this bill should not have passage. And the way that you do that this afternoon, is vote against the pending motion. Thank you.

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

Senator **LIBBY:** Thank you Mr. President, men and women of the Senate. This morning when I was fortunate enough to have the opportunity to present a minority report and move that forward, it seemed to be an opportunity, since nobody was really willing to present a motion, to go ahead and present a very reasonable position that six members of the Taxation Committee have agreed with. And it also seemed at the time, like divine intervention, given the fact that we're talking about churches here, that I would have the opportunity to move a minority report. And so, I took that opportunity, meaning no disrespect to the fine Senator who is the chair of the Taxation Committee. But I do want to say that, two churches, in my district, who will not be affected by this legislation, who are forced to separate. They own two pieces of property, two different church buildings, very close to each other in my community, in Bar Mills, Maine. There's a long history behind it, so it's a very difficult separation. It's a community and a church that has a long and historic tradition. The Tory Hill Church in Bar Mills, and they separated from now what is called the Bar Mills Community Church, and when they did, they found out they were going to have to pay a real-estate transfer tax to deed over one of the churches to the other group. A real-estate transfer tax in the State of Maine, and excuse me for saying this but, in the State of Maine I think it would be wrong, I think it would be poor tax policy to not exempt churches from this kind of policy, and it's as simple as that. There are a lot of different kinds of tax policy, and in those various areas we continue to exempt churches for the same reason that we should exempt them here. So, I would urge you to consider the minority report. Thank you very much.

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

Senator **MILLS:** I belatedly pushed my button, Mr. President. Men and women of the Senate. Just a couple of comments, I can't follow along from the honorable chairs commentaries, it's an overpowering presentation on this issue. Simply to say though, at least some portion of this small stipend is in the nature of a fee for the reporting services of the county in which the church is located and in that respect it is perhaps not a tax at all, but, a compensation to the Registry of Deeds for maintaining the record of the transfer in perpetuity. Another portion of this small

stipend goes to the Maine State Housing Authority, where it does a lot of good work for our citizens, and I'm sure that none of the church members, if they were bold, would begrudge that organization a small contribution from the proceeds of the transaction. The remaining portion, the third portion of this small stipend, goes into the general fund. It amounts to less than one half of one per cent of the total value of the consideration being paid and half of it is paid by the purchaser of the property. It certainly doesn't raise any very, large fiscal policy issues but, I would suggest that it is only partly a tax, it is partly a fee for a very valuable service to the parishioners, and that's really all I care to add to this discussion.

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

Senator **RUHLIN:** I believe I neglected to ask for a division, sir, I ask for a division.

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

Senator **LIBBY:** Thank you Mr. President, men and women of the Senate. I think it's important to note the context of this bill. This is an event, the separation of two churches, where they own two different pieces of property and we're only talking about the church building itself in this particular amendment. This is an event that probably takes place once in blue moon, it basically, really never takes place. But it took place in my community and it will take place again, sometime in the future. For the church involved, the reality I'm not talking percentage now, in dollar value, the church had to pay approximately a thousand dollars of real-estate transfer tax and that's a burden. The Tory Hill Church is currently trying to build a new roof and it's going to cost them fifty thousand dollars, so, what they did was, as your churches do back home, they put a big sign out front and they painted one of those little trees and you continually paint more and more up the tree until you get to the very top and you've raised fifty thousand dollars for your project, in this case a new roof. You know, if we cannot exempt a church for a mere one thousand dollars in this state, then I don't know why we have a myriad of other tax exemptions. Something's wrong with that. We've got exemptions, and if you want me to bring them out and list them here, I don't think you really do, and I guess I wouldn't do it anyway, but, we've got a myriad of exemptions. And, this has nothing to do with Christmas tree ornaments, this has everything to do with my community and your community. Now, my community has already paid its' tax, they're not affected by this legislation but gosh darn, if some other community ought not have to pay this real-estate transfer tax, when it's a church. It's as simple as that. So, when the vote is taken I would ask for the yeas and nays.

On motion by Senator **LIBBY** of York, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

**YEAS:** Senators: AMERO, BENNETT, BENOIT, CAREY, CASSIDY, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MITCHELL, NUTTING, SMALL

**NAYS:** Senators: ABROMSON, BUTLAND, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MILLS, MURRAY, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

**EXCUSED:** Senator: HALL

13 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator LIBBY of York to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-32)** Report, **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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

**SENATE REPORTS** - from the Committee on **NATURAL RESOURCES** on Bill "An Act to Amend the Site Law Concerning State and Local Review of Transmission Lines"

S.P. 79 L.D. 218

Majority Report - **Ought to Pass as Amended by Committee Amendment "A" (S-31)** (10 members)

Minority Report - **Ought Not To Pass** (3 members)

Tabled - March 20, 1997, by Senator TREAT of Kennebec.

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED COMMITTEE AMENDMENT "A" (S-31)** Report

(In Senate, March 20, 1997, Reports **READ**.)

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

Senator BUTLAND: Thank you Mr. President, ladies and gentlemen of the Senate. I hope that you will reject the pending motion so that we can go on to accept the minority report. During the second session of the 117th legislature a major amendment to the site law was enacted. I say it was a major amendment because it consisted of twenty nine pages and it was the product of a stake-holders group which had been convened by commissioner of the D.E.P., Commissioner Sullivan. The group consisted of business people, environmentalists and members of the D.E.P. staff. To quote the testimony of the D.E.P. person,

when they testified in committee, said, "that the intention of many changes to the site law last session, was in part the focus of the departments efforts on projects of state and regional significance". It was to prioritize, which is obviously a laudable goal. One of the changes to the site law last year was in the regulation of transmission lines, raising the threshold to transmission lines which were regulated under the site law from over one hundred kilovolts to over one hundred and twenty kilovolts and I must tell you that most of the transmission lines in the State of Maine are a hundred and fifteen kilovolts. The wooden H-frame structures that you see all along the countryside in the State of Maine. Now, raising the threshold to more than a hundred and twenty kilovolts, that change in the site law does not take place until July 1, 1997, it has not taken effect yet. The bill that we have before us today, the bill that was heard before the Natural Resources Committee, would prevent the rise of raising of the threshold. G.E.P. reviews transmission lines when they pass over environmentally sensitive areas, under the Natural Resource Protection Act, NRPA, does that presently. It also presently reviews those lines under the Site Law Act that we have in the State of Maine, and the Public Utilities Commission reviews transmission lines for there economic necessity. If this bill is defeated and we are to allow the law to take place that was passed a year ago to take effect on July 1st, we will be removing one layer of regulation. I would just like to read you a couple of excerpts from the D.E.P. testimony on the bill, it was by Erika Morgan; She said, "Over the past thirteen years the department has reviewed four a hundred and fifteen kilovolt transmission lines, our experience in dealing with a hundred and fifteen kilovolt transmission lines under the site law has demonstrated that there are few environmental issues, as these lines are located over or adjacent to protected natural resources such as rivers, streams, and wetlands, and the Natural Resources Protection Act applies and the standards of that law apply. All of the transmission lines that have been reviewed under site location have also been subject to the Natural Resources Protection Act. This creates duplicative permit review with no environmental benefit, I repeat, "with no environmental benefit". That was from the D.E.P. representative. And I would just end my testimony here, by quoting a member of this body, a member who I respect tremendously on environmental issues, the Senator from Penobscot, Senator Ruhlin. When he debated this issue a year ago, approximately a year ago, he said, and I quote, "Stop and think, you probably couldn't really run a transmission line a mile, anywhere in the State of Maine without impacting somewhere on some form of habitat, wetlands, deer or wild game habitat, forested habitat". I cannot picture in my mind, any transmission line going for any extent that is not going to be impacted by having to make application for a Natural Resources Protection Act permit. This is duplicative, it is wasteful, it is time we streamlined it and this particular piece of legislation attempts to do that. I feel that we all will be together today as we vote unanimously to enact this piece of legislation before the day is over. It was indeed enacted and what we are trying to do here today with the pending motion, is to prevent the enactment on July 1st, 1997, and I hope that you will vote against the pending motion.

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

Senator TREAT: Thank you Mr. President, men and women of the Senate. I hope that you will vote for the majority ought to

pass report in the pending motion, which was a ten to three, by-partisan majority report. Much of what the good Senator has stated to you already is in fact the case. This bill would maintain the status quo. The changes in the law that we made last year do not go into effect until July of this year and therefore, this bill is intended to basically provide a seamless transition back to where we have been for the last twenty or so years without many problems. There are good reasons to take up this bill and not to rely on what was done last year. The good Senator from Cumberland has mentioned the stake-holder process as being part of the decision-making that went into putting this provision into the site law. In fact, this particular provision was not part of the stake-holder process, it was added to the proposed legislation right before it was printed and it did not go through the extended discussion and review that most of the site law changes went through. Just to remind the Senate and those who were not here last year, the site law changes were part of a voluminous, what we probably would call an omnibus, or ominous bill, which was reviewed at very end of the session by a fairly beleaguered, and I think, tired Natural Resources Committee. As a result, there was no representation to that committee from the Public Utilities Commission and other people who might be experienced in matters of things such as kilovolts and transmission lines. And there was a sense of many people in the House, in the Senate, at the time, when it came before the floor, that this issue did not get the appropriate attention that it should have simply because it was rushed, not from any lack of attention on the part of the Natural Resources Committee, at that time. As a result, two bills were put in to change this and this particular bill is the merging of those two bills that were put in to change what was done last year. I think there are very good reasons and these reasons were considered in and agreed to by the majority of the committee, for keeping the law the way it is, before the July, 1997 changes go into effect. The changes to the site law that were proposed last year and adopted by this legislature were intended to take matters that were not of regional or state-wide significant and send those to the municipalities for review. It seems to me, and it seemed to the committee as a whole, that transmission lines, which cost over a series of municipalities indeed are of regional significance, and therefore would not fit the definition of the sort of thing that should be sent over to municipalities, under the site law. Secondly, we are concerned that municipalities lack the expertise to take a look at these issues and that basically it would be done in a fragmented manner. One municipality might look at it, the other ten in the row might not, many municipalities do not have the kind of capacity that they need to take a look at these issues. Today there's only twenty five municipalities in the state the D.E.P. has certified as actually being capable of doing site law review. Thirdly, we felt that this was a poor time to experiment in this area. We are on the verge of deregulation. The good Utilities Committee is spending, apparently, one or more days a week at this point, just going through work-shops and presentations on the issue, before they even get into a discussion of how to deregulate. The word we got from Public Utilities Council that came to our committee was that it is anticipated that there may well be an increase in electric generation because there will be, under these proposals, there very well could be, if adopted, no more certificate of need requirement, that's what's in the PUC's proposal right now. If generation facilities are built there will be transmission lines, there's no way around it, and the majority of the transmission lines that would be built would be these one hundred and fifteen kilovolt. Fourth, we felt that the arguments for shifting the review

to the towns were not great. The point has been made again by the Senator from Cumberland, that this change is basically a change to prevent duplication and multiple applications. When questioned on this point, the D.E.P. conceded that if in fact there was a review being done by D.E.P. under the Natural Resources Protection Act, they'd simply combine that review with a site law review. So, there is no duplication under the current process, and indeed, it is quite likely that if any towns exercise this authority to review on the site law that there would be increase in paperwork on the companies seeking permission. So again, that argument just did not seem to hold a whole lot of weight. Finally, as I mentioned, this change was made in the very last days of the session. Our committees spent an appropriate amount of time on it, we were very thoughtful about it, we came out with a very strong report in favor of the bill, and I think, for some very good reasons. I hope that the rest of the Senate will vote with me in favor of this motion.

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The President requested the Sergeant-at-Arms to escort the Senator from Knox, Senator **PINGREE** to the Rostrum where she assumed the duties as President Pro Tem.

The President retired from the Senate Chamber.

The Senate called to Order by President Pro Tem Pingree.

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**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Butland.

Senator **BUTLAND:** Thank you Madam President, once again ladies and gentlemen of the Senate. I would like to address the issue that the good Senator from Kennebec, Senator Treat has brought up as to whether the site law; this particular site law amendment was given a fair hearing back in the 117th Legislature. There was some discussion and there was some disagreement on our committee as to whether it did indeed have a full discussion. I had the opportunity to call a former member of this chamber, Senator Lord, who told me that it was ridiculous, you can put his accent to it, that it certainly had a fair hearing. I would like to make you aware of some notes that one of the stake-holders made during the process and I want you to know that the date that Senator Ruhlin and Senator Lord debated this on the floor of the Senate, was April 1st, 1996. The notes that I have from one of the stake-holders says that in November of 1995 they initially brought up the concept of eliminating the redundancy of site law and NRPA regulation with the D.E.P. by changing the threshold at which a permit is required under the site law from one hundred kv to one hundred and twenty kv. At the next meeting on December 8th, 1995, the next draft of the site law revisions report prepared by the D.E.P., being developed for legislature, included the change from one hundred to one hundred and twenty. Now it seems to me, if the notes are accurate, and I have no reason to believe that they are not accurate, that between December 8th, when this was put down on paper, December 8th, 1995 and April 1st, 1996, was more than adequate time for anybody to have their views known on this particular issue. There are even further notes down here that talk about February and March of 1996. During the time the Natural Resources Committee worked on the final bill, I had at least one conversation with Beth Nigousky of the NRCM, regarding the

rationale for the change. I described all of the reasons for eliminating the redundancies discussed above. After responding to a few questions, she gave no indication that she had any significant problems with the change. I offer that bit of information as a rejoinder to the idea or to the notion that this was not dealt with adequately in the 117th legislature. And once again, I urge you to vote against the pending motion so that we can go on to accept the minority report.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you Madam President. Very briefly, I know the hour is getting along, but I just want to relay to the Senate that I feel this law has really not been changed yet talking to my local, small-town municipal officials. Yes, this proposed change that hasn't taken affect yet is optional but they really don't feel as though they have the expertise to review these plans and they're very apprehensive about the fact that if they choose not to review these transmission lines, that means that if the law does go forth and is changed that nobody would be reviewing it and somehow that would come back on them. They're just not comfortable with the proposal that passed last year at all. Thank you.

The Chair ordered a Division.

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

**YEAS:** Senators: CAREY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, JENKINS, KILKELLY, LAFOUNTAIN, LAWRENCE LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, RAND, RUHLIN, TREAT, THE PRESIDENT PRO TEM - CHELLIE PINGREE

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

**EXCUSED:** Senator: HALL

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **TREAT** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-31)** Report, **PREVAILED**.

The Bill **READ ONCE**.

The Committee Amendment (S-31) **READ** and **ADOPTED**.

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

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

**COMMITTEE REPORTS**

Senate

**Ought to Pass As Amended**

Senator **CASSIDY** for the Committee on **TRANSPORTATION** on Bill "An Act Making Unified and Supplemental Appropriations and Allocations for the Expenditures of State Government, Highway Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999" (Emergency) S.P. 474 L.D. 1476

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-47)**.

Which Report was **READ**.

Senate at Ease

Senate called to order by the President.

On motion by Senator **AMERO** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE** of the Report.

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

Off Record Remarks

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

Off Record Remarks

On motion by Senator **RAND** of Cumberland, **RECESSED** until 6:15 in the evening.

After Recess

Senate called to order by the President

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

**COMMITTEE REPORTS**

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999" (Emergency)

H.P. 832 L.D. 1137

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-15)**.

Signed:

Senators:

MICHAUD of Penobscot  
CLEVELAND of Androscoggin

Representatives:

LEMAIRE of Lewiston  
BERRY of Livermore  
TOWNSEND of Portland  
POULIN of Oakland  
STEVENS of Orono  
KERR of Old Orchard Beach

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-16)**.

Signed:

Senator:

BENNETT of Oxford

Representatives:

MARVIN of Cape Elizabeth  
WINSOR of Norway  
OTT of York  
KNEELAND of Easton

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-15)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-15) AS AMENDED BY HOUSE AMENDMENTS "FF" (H-73); "HH" (H-75) AND "JJ" (H-82)** thereto.

Which Reports were **READ**.

Senator **MICHAUD** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-15)** Report, in concurrence.

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

Senator **MICHAUD:** Thank you Mr. President, men and women of the Senate. First of all I'd like to thank Senator Cleveland and Senator Bennett for all the work that they've done over the last two and half months on the budget. The Committee had worked long hours, five days a week and I really appreciate that and without the cooperation of everyone from the Committee we would never have had the budget before us this evening. When we put together a budget; what we had done , we have asked all the Joint Standing Committees in the legislature to look at their portion of the budget and report back to the Appropriation Committee. They have done that, they have done a very good job. Unfortunately we were unable to accept some of their proposals but, by and large, we did accept a lot of the unanimous recommendations from those Committees. For those of you who have dealt with budgets before, you know it's a delicate process. There's a lot of give and take, there's a lot of compromises. There are items in the budget that I did not support. However, I was in the minority and they got in the budget. I will support this budget. The biggest difference, I think, where we disagree clearly is on the tax-cap issue. That's one of the major differences in this particular budget. However, I think we've got to move forward, the public wants the legislature to work cooperatively and from the comments I've been hearing, they're pleased that we are moving at the pace that we are moving so that they will know what they're getting, particularly in general purpose aid but also revenue sharing, tree growth money and lot of other moneys that were given back to municipalities in this budget. I think it's a good budget, it might not be a perfect, I think it's a good budget and I hope that you'll support the majority report. Thank you.

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

Senator **AMERO:** Thank you Mr. President, I request a Roll Call.

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

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The Chair noted the absence of the Senator from Cumberland, Senator **ABROMSON**, and further excused the same Senator from today's Roll Call votes.

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The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

YEAS: Senators: CAREY, CATHCART, CLEVELAND, DAGGETT, GOLDTHWAIT, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

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

**EXCUSED:** Senators: ABROMSON, HALL

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **MICHAUD** of Penobscot, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-15)** Report, in concurrence **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-15) **READ**.

House Amendment "FF" (H-73) to Committee Amendment "A" (H-15) **READ**.

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

Senator **AMERO:** Thank you Mr. President. When the motion to adopt House Amendment "FF", I ask for a Roll Call.

**THE PRESIDENT:** The Senator from Cumberland, Senator Amero has requested a Roll Call. In order for the Chair to have a Roll Call it must have the expressed desire of one-fifth of the members present. All those in favor of a Roll Call will rise in their places and remain standing until counted. Obviously more than one fifth of the members present are in favor of a Roll Call, a Roll Call is ordered. The pending question before the Senate is the motion of the Senator from Penobscot, Senator Michaud, that the Senate Adopt House Amendment "FF" to Committee Amendment "A".

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

Senator **MILLS:** Thank you Mr. President. I would ask if anyone could explain the substance of Amendment "FF" from the House, I don't seem to have a copy immediately available to me and I'd like to know the import of the Amendment please, if anyone can answer?

**THE PRESIDENT:** The Senator from Somerset, Senator Mills poses a question through the Chair to anyone who may be able to answer. The Chair recognizes the Senator from Lincoln, Senator Kilkelly.

Senator **KILKELLY:** Thank you Mr. President. With apologies to Senator Mills I would ask you to repeat the question, I'm sorry.

**THE PRESIDENT:** The question posed by the Senator from Somerset, Senator Mills was an explanation of House Amendment "FF" to Committee Amendment "A".

Senator **KILKELLY:** Thank you Mr. President. The Amendment has been presented in the other Body to provide

money for supporting the Northeast Dairy Compact, which is extremely important to stability for dairy farmers in this State.

**THE PRESIDENT:** Is the Senate ready for the question? The question is Adoption of Amendment "FF" to Committee Amendment "A", a Roll Call having been ordered

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

#### ROLL CALL

**YEAS:** Senators: BENNETT, CAREY, CASSIDY, CATHCART, CLEVELAND, DAGGETT, FERGUSON, GOLDTHWAIT, JENKINS, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

**NAYS:** Senators: AMERO, BENOIT, BUTLAND, HARRIMAN, KIEFFER, MACKINNON, SMALL

**EXCUSED:** Senators: ABROMSON, HALL

Senator Ferguson of Oxford requested and received leave of the Senate to change his vote from NAY to YEA.

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

Senator Mitchell of Penobscot requested and received leave of the Senate to change her vote from NAY to YEA.

Senator Bennett of Oxford requested and received leave of the Senate to change his vote from NAY to YEA.

Senator Cassidy of Washington requested and received leave of the Senate to change his vote from NAY to YEA.

26 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 2 Senators being excused, House Amendment "FF" (H-73) to Committee Amendment "A" (H-15) **ADOPTED**, in concurrence.

House Amendment "HH" (H-75) to Committee Amendment "A" (H-15) **READ**.

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

Senator **AMERO:** Thank you Mr. President, men and women of the Senate. House Amendment "HH" proposes to establish a new study of the whole issue of how we fund and distribute general purpose aid to education. We have had, over the course of the last decade, at least six study commissions on how to distribute funds for general purpose aid to education, certainly in the advocate of all of those studies, if somebody were willing, a case could be made for possible changes in the school funding formula. But, the most recent study, which was just completed in 1995, with so-called blue ribbon commission shared by Jack



Rosser, and probably better known as the Rosser Commission, spent several thousand dollars studying this item over a long period of time. Many people and many consultants were brought in, paid very well, that commission worked very hard, made several recommendations, many of which have not yet been considered by either Body. It seems foolhardy, to me, at this time to be investing seventy-five thousand dollars, in yet another study of how we distribute general purpose aid to education. Thank you Mr. President.

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

Senator **MICHAUD:** Thank you Mr. President, men and women of the Senate. I hope you do support "HH". When the Committee on Appropriations dealt with this issue the seventy-five thousand dollars was a tax to defining what essential programs were for Education that we originally voted that in; Later on through our work sessions, a few days later, it was suggested that maybe the Joint Standing Committee on Education ought to report out a bill to look at setting up a study. There was no additional money attached when we added that extra burden in the budget. So I hope that you would support "HH".

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Off Record Remarks

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

Senator **SMALL:** Thank you Mr. President, men and women of the Senate. I believe that the good Senator from Cumberland was speaking to the original provision in the budget bill, that did have seventy-five thousand for a study. As the Chair of the Appropriations Committee said this amendment would just fund the essential program study which I think is essential. However, there is still a provision in that amendment that will be setting up another study which I do have a great deal of concern about, but I will be offering an amendment, further on in the process that will offer the option of eliminating that study and putting that decision back in the Committee where I believe it should be. But, I think it is important that we do change the bill from the original which was to have a seventy-five thousand dollar on the school funding formula and essential services which was bad policy and had no purpose being in the budget. I think it's important that we do fund the essential program study and then I will be offering an amendment that will eliminate yet another study on the funding formula that will just come out and surgically remove that part and not take the essential programs portion out so, I would support this amendment with the proviso that there'd be another amendment offered that will take out the new study, same old, same old. Thank you very much.

**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 a question for anyone who might care to answer it, if they can. Would I be correct in assuming then that the seventy-five thousand dollars that is the line item in this amendment is to be spent only on the study of what constitutes

the essential educational services and that there is no allocation of money within this amendment or within the Committee amendment to fund still another study of the school funding formula?

**THE PRESIDENT:** The Senator from Somerset, Senator Mills poses a question through the Chair. The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator **SMALL:** Thank you Mr. President. There is a provision in here that the Committee must report out a bill which very likely could have a price tag on it, should we be forced to do that but as I said, there will be an upcoming amendment that will address that.

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

Senator **KIEFFER:** Thank you Mr. President. I've read this about three times and I guess I still am not clear as to what this exactly is for. Under section X-1 it makes mention of a fact that "the plan must include establishment of a system to measure and insure that schools are held accountable for student learning results" and yet, and it seems to be quite limited to that and yet over in the summary it makes mention of an implementation plan for essential programs and essential services and provides a general fund of Appropriation to the Board to support that work. Now, the two of those to me, don't seem to be consistent but perhaps they are. Could I pose a question through the Chair Mr. President to someone to clarify that for me please.

**THE PRESIDENT:** The Senator from Aroostook, Senator Kieffer poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Cathcart.

Senator **CATHCART:** Mr. President, I would be glad to attempt to answer the question from the good Senator from Aroostook. The essential services study that is in this amendment is what was unanimously agreed to by the Joint Standing Committee Education and was referred to that way in the same language and I believe in our recommendations to the Appropriations Committee. This as I understand it, I was not in the 117th but as I understand it, this was already in the budget from the 117th but it was not funded and the State Board of Education was charged with doing this study which I believe they have slightly hummed away already. This is not a new study, it's been in the works for some time. Thank you Mr. President, I hope that answered the question.

**THE PRESIDENT:** Is the Senate ready for the question? The question before the Senate is the Adoption of House Amendment "HH" to Committee Amendment "A". The Chair will order a Division. The Chair recognizes the Senator from Cumberland, Senator Butland.

Senator **BUTLAND:** I request a Roll Call please.

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

**YEAS:** Senators: BENNETT, CAREY, CATHCART, CLEVELAND, DAGGETT, JENKINS, KILKELLY, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

**NAYS:** Senators: AMERO, BENOIT, BUTLAND, CASSIDY, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, LIBBY

**EXCUSED:** Senators: ABROMSON, HALL

24 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 2 Senators being excused, House Amendment "HH" (H-75) to Committee Amendment "A" (H-15) **ADOPTED**, in concurrence.

House Amendment "JJ" (H-73) to Committee Amendment "A" (H-15) **READ**.

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

Senator **AMERO:** Thank you Mr. President, ladies and gentlemen of the Senate. I'd like to have one of my colleagues please explain what the contents are of this amendment?

**THE PRESIDENT:** The Senator from Cumberland, Senator Amero poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President, men and women of the Senate. This amendment provides for tax relief for the citizens of the State of Maine, specifically for relief on income taxes. It does so in the following ways; It establishes a tax relief fund. That fund is capitalized, the money is provided for it in the following ways; Ten million dollars is provided by reductions in various accounts and departments from essentially surpluses of funds that are anticipated not to be needed. Those funds are enumerated within the amendment, they come from a variety of areas. Five million of that ten million is allocated for each of the two years of the fiscal year. Additionally the fund is further capitalized by funds that would come from surpluses after the fiscal year of 98' and the fiscal year of 99'. It requires that at a minimum the first ten million dollars of surplus would go into that fund after the end of each of those fiscal years, or if there is more than ten million dollars of surplus, then seventy-five percent of the total amount of surplus would go into those funds. But, I guarantee that if there is ten million dollars, at least ten million would go into the fund. Additionally what it does is cap the income tax projection lines for FY 98' at the projected rate by the administration and once they're projected they can't be changed, and then for FY 99' it does the same. Any additional income in the income tax line above those projections would go into this fund to fund income tax relief. The relief would come by

providing an increase in the individual exemptions in the current twenty-one hundred dollars up to the federal exemption, which is about twenty-five hundred dollars, and it would increase that at a rate of fifty dollar increments, so, every time there was enough money to increase that by fifty dollars, it would go up by another fifty dollars and it's also indexed as a federal exemption is so as inflation occurs that exemption continues to increase. It would provide tax relief directly and immediately in the first fiscal year by reducing the amount of taxes that needed to be paid by all income groups by increasing the amount of the personal exemption each family could take so it provides immediate and ongoing tax relief for the people of Maine.

**THE PRESIDENT:** Is the Senate ready for the question? The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you Mr. President, men and women of the Senate. It appears to me from reading the amendment, that the funding of the increase in the personal exemption; Because it comes only from either temporary funds or surplus funds, left over at the end of a fiscal year, but when you increase the personal exemption and thus reduce the tax to be realized from the income tax it would just appear to me that you're creating from year to year a built-in structural gap for a revenue shortage that is actually part of the structure of this proposal. And it is because there is no actual decrease in spending but only a plucking of stray funds from surpluses that are completely contingent. When you translate those occasional and stray surpluses into a permanent increase in the personal exemptions, and thus a permanent decrease in income taxes that you are building in a structural gap into the budget process that must be grappled with, even by this legislature, or the next. And for that reason I have very grave reservations about the mechanism that has been carpeted together in this amendment.

**THE PRESIDENT:** Is the Senate ready for the question? The Chair recognizes the Senator from Aroostook, Senator Kieffer.

Senator **KIEFFER:** Thank you Mr. President. Mr. President and members of the Senate. The first year portion of this seems to be funded for the most part by the appropriation of seven million dollars from the federal financial participation of providers specific gross receipts tax on nursing facilities. Has the State received confirmation from the federal government that that will not have to be repaid, or, exactly what is the current status on that. The last time I was made aware of this there was still some question as to whether that amount would have to be returned to the federal government. Is this an absolute amount now, free and clear of any repayment to the federal government.

**THE PRESIDENT:** The Senator from Aroostook, Senator Kieffer poses a question through the Chair to anyone who may be able to answer it. The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President, men and women of the Senate. We have been advised by the administration that they feel very confident that those sums of money, about five million dollars, have been set aside for that possible payment. They feel very confident that that won't be required to be pain and that those funds will in actuality be excess. We have gone forward on the assurance of the

administration that they feel confident that those funds will be available and not have to be repaid.

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

Senator **KIEFFER:** Thank you Mr. President. Has the administration received anything in writing or, what generates their confidence that this will not have to be repaid?

**THE PRESIDENT:** The Senator from Aroostook, Senator Kieffer poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Michaud.

Senator **MICHAUD:** Thank you Mr. President. To my knowledge, we haven't seen anything in writing whether or not that they would have to repay that or not.

**THE PRESIDENT:** Is the Senate ready for the question? The Chair recognizes the Senator from Oxford, Senator Bennett.

Senator **BENNETT:** Thank you Mr. President, fellow members of the Senate. I didn't rise earlier and discuss the adoption of the committee amendment when it was before us because frankly, I'm a little disappointed with the whole process here. As you all know, I voted in committee against the committee amendment that is currently before us and I did that after having worked long, hard amount of time with Senator Cleveland, Senator Michaud and the House members of the committee. I was disappointed frankly in the results of that because we were working cooperatively together for a long period of time, working very positively together. I think we made history when we passed out a supplemental budget in record time early this session with a unanimous vote. Where we are now is unfortunate and it's nothing I guess that this Senator can do about it but I was part of the negotiations after the committee process was abbreviated in trying to find some mechanism of tax relief. Frankly, I wasn't pleased with the results of those negotiations. However, there is the amendment before us now and it has, I think has been pointed out already during the debate, substantial numbers of problems with it. The funding mechanisms, in my view, are flawed. It doesn't provide enough meaningful tax relief but I do look at it as step in the right direction and frankly, I look at it as part of, possibly because I'm a hopeful optimistic person, I look at this as the first real evidence that I've seen by the other side in this debate that there's a pressing need for tax relief. And, I look at this as down payment, a gesture if you will, in a process of negotiation that for me, began much earlier in this session toward that end and for that reason I accept this gesture in good faith, I don't think this process is ended yet. I think it may appear to some and the media that this budget may be wrapped up in a matter of hours but frankly, I look at this as a gesture of good faith and yes maybe there is an understanding coming to the legislature in the other Body and this one that we need some tax relief. And maybe we can now, if we adopt this amendment, get down to talking about what kind of more meaningful relief we can provide through better mechanisms. So, I'm going to be supporting this amendment and I encourage you to do the same and I do this with a thank you and with the hope and optimism that more is yet to come and that we can return in good faith through this Body and through the other processes available in the legislature to

provide something more meaningful and without the problems that this has it may create for future legislatures in the next couple of days. So, I thank you very much and I urge your support.

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

Senator **BUTLAND:** Thank you Mr. President. To pose a question through the Chair.

**THE PRESIDENT:** The Senator my pose his question.

Senator **BUTLAND:** Thank you. To any of my colleagues who may know the answer; A year ago this legislature thought it was going to be faced with a surplus, significantly more than fifty million dollars and unfortunately, what happened was the chief executive of the State of Maine established a reserve fund, which took, I think I'm correct, approximately twenty-two million dollars from that surplus thereby reducing the surplus to somewhere around thirty-five or six million dollars. That surplus was then distributed appropriately and the remainder was spent on some programs. What I would ask to any member who might be able to answer is: are there anymore tax lines out there that need to be reserved? If there are, do we know the amount that it is going to take to reserve those? And, in reference to amendment "JJ", are there any provisions in the amendment which prevent reserve funds from being created to diminish the size of the surplus? Thank you.

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

Senator **MICHAUD:** Thank you Mr. President, men and women of the Senate. I believe there still is some in the sales tax line which have not come in complete compliance with the acceptable accounting practices. I'm not sure the figure, but I believe it's up as high as thirty, forty million dollars. I have no idea but there is a big chunk still out there on the sales tax area and Mr. President, when the vote is taken I request a Roll Call.

On motion by Senator **MICHAUD** of Penobscot, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator **BUTLAND:** Thank you Mr. President, ladies and gentlemen of the Senate. I asked three questions and got an answer to one. The one that I am most interested in was the final question which says; are there any provisions in this amendment which prevent the siphoning off of funds to go to income tax relief to create other reserve funds, for whatever reason? There are a lot of things that we've done in the State of Maine since I arrived here in nineteen eighty-eight, nineteen eighty-nine that probably don't square with generally accepted accounting practices and I'm concerned that we will never see any surplus because there will always be that need to bring us further and further into compliance, so I restate the question to any of my colleagues who might be able to answer.

**THE PRESIDENT:** The Senator from Cumberland, Senator Butland poses a question through the Chair to anyone who may be able to answer. The Chair recognizes the Senator from Penobscot, Senator Michaud.

Senator **MICHAUD:** Thank you Mr. President, men and women of the Senate. There's nothing in this language that would prevent any future legislature from doing that. As you know, legislatures cannot bind incoming legislatures and there's nothing in this here that we could do or, even if we did have it here, that would prevent any future legislature from repealing or changing it.

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

Senator **RUHLIN:** Thank you Mr. President, ladies and gentlemen of the Senate. I also would like to respond to the good Senator from Cumberland. And, I had a staff member, the analyst from the committee was in here just before you asked the question, was discussing this matter in depth. Keeping in mind that it's statutory in nature and what Senator Michaud has just said is correct. Any legislature may change any statute at any time, so it's statutory in nature. However, that question was asked to the analyst; As it is presently written those funds are protected, those funds go in there, there is no mechanism to allow for withdrawal of those funds. And in fact what we discussed is that sometime down the road, and I'm sure it will be four or five years, a future legislature is going to have to look at that fund with a possibility of establishing new goals for it because what this particular amendment does, and I have a little problem with it, but not enough to put me in opposition to the amendment, but just through a technical sense, there is a problem; That is you put funds in, it only allows you to spend those funds out to increase the deduction so it becomes similar to the federal government. Once you reach that goal however, it does not allow you to go beyond that goal, but it allows the fund to continue to grow so at some point I think the problem is just the opposite as you may have seen, that what in fact is going to be either to establish new goals or modify the fund, but that is down the road for future legislature and that would also require new statutory language. The most direct answer I can give you at this point is that it is statutory in nature and always subject to change.

**THE PRESIDENT:** The Chair would remind members during debate to refer their comments to the presiding officer and to refer to other members of the Body by their County and their title. The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Mr. President, men and women of the Senate. I wanted to echo something that Senator Bennett from Oxford touched upon and I want to thank the Senator from Penobscot, Senator Ruhlin for elucidating the mechanism by which this proposal would work, if put into effect. I simply want to share one thing that I hope we all recognize when we're looking at the forest here and not just the trees. And I think the very interesting thing about our discussions over the last several days is that we have all agreed, in principle at least, that it is the income tax primarily, that deserves the focus of our attention when seeking out meaningful measures for tax relief. And I for one, am very interested in looking at the exemption level as a mechanism for achieving income tax relief. I rather think that our

tax cap mechanism that is current law is the superior method of effectuating it. It should be allowed because it is law. It should be allowed to continue, but failing that, the close examination of exemption levels, a highly appropriate thing to be discussing. And my reservation about amendment for the House amendment that's under discussion is I don't like the funding mechanism I don't like the appearance of a promise that has no fulfillment, has no substance, it's an unfunded gesture this really, tantamount to a resolution, this Body rather than a law, as far as I can tell. But I think that it does highlight the fact that many of us are a lot closer than we thought and that the focus on the income tax, which; The unique thing about giving income tax relief is that you know that the tax relief is going to go to a Maine resident. The sales tax, at various stages, some people say a third of it is paid by people who visit us in the summer and go snowmobiling here in the winter, Canadian visitors; Perhaps as much as a third of it is paid for by out of staters. The property tax; I've heard various figures, but I suggest to you that a very significant fraction of our property taxes are paid by people who live out of state. I know in my own town, or in the town that I live next to, Skowhegan, some sixty-five percent of all the property taxes in town are paid by shareholders who live in South Africa, for which we're very grateful for their annual donations. So, looking at and focusing the energy of our two Chambers and our two parties on the income tax as the mode which people out there are demanding relief for, I think is the appropriate target for us to be shooting at and I would hope that we could develop a mechanism for affording that relief that would be far superior to the one that we have in front of us. Thank you.

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

Senator **MICHAUD:** Thank you Mr. President, men and women of the Senate. I want to make clear, this is not fake money, it's ten million dollars hard cash, and that's where the ten million dollars worth of cuts are coming from. The second item; I wouldn't want the good Senator to think that I believe the income is a top priority. I think property tax is a top priority. I wouldn't want him to think just because I'm supporting this amendment that that is high priority because it is not. Property tax is my high priority, however, in order to get a budget through, as I mentioned earlier, there are some things we have to vote on that we do not like. I'd much rather see more property tax, however, in the spirit of compromise, I will vote for this amendment because I think it's a good amendment, might not be the greatest, but I think it's a good amendment and I will be supporting it and hopefully the good Senator from Somerset will also vote in favor of the amendment.

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

Senator **MILLS:** Mr. President, men and women of the Senate. Just a brief response to my neighbor from Piscataquis County, I would only suggest, or Penobscot, wherever it is, it's one of those big ones off to the east, almost as big as mine. I think that property tax is a pocket problem; We have certain communities in this State that are horribly, horribly burdened with property taxes and we have other communities in this State that have low rates of eight, nine, ten and they are some of the wealthiest communities on the eastern seaboard, and to suggest

that they have a dire need for property tax relief is misguided. Thank you.

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

Senator **HARRIMAN:** Thank you Mr. President, good evening ladies and gentlemen of the Senate. Mr. President if I might, I'd like to pose a question through you.

**THE PRESIDENT:** The Senator from Cumberland, Senator Harriman may pose his question.

Senator **HARRIMAN:** Thank you Mr. President. I'm curious to know, I've had just a few moments to read through this amendment at least one time now and I see that part of the funding vehicle that's being proposed here is a two hundred and fifty thousand dollar deappropriation from savings in the workers compensation rate for State employees. I'm wondering Mr. President if someone could share with me where those savings are coming from and why they're being proposed here when I understand there's a significant unfunded liability for workers compensations claims for State employees?

**THE PRESIDENT:** The Senator from Cumberland, Senator Harriman poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President. You need to refer to your screen when I push the buttons so that you can use your new technology. Thank you men and women of the Senate. That savings in the workers compensation account comes from a better experiential record, safety record is even better, in the anticipation of the payment of claims have been less, so this is actually a reduction in the rate, a reflection of savings as a result because of reduction in the rate because of better experience in the State workers compensation fund. So, it's actually good news for us.

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

Senator **HARRIMAN:** Thank you once again Mr. President. May I pose a question?

**THE PRESIDENT:** The Senator may proceed.

Senator **HARRIMAN:** Thank you Mr. President. I notice in section xx-4 that there's a transfer of funds of nine hundred thousand dollars from the Bureau of Banking Securities Division in the Department of Professional and Financial Regulation. I understand that's a dedicated account and this amendment would seek to undedicate it; I am curious to know what that fund is being used for at presently and what hole, if any, we may be creating in the Bureau of Banking. Thank you Mr. President.

**THE PRESIDENT:** The Senator from Cumberland, Senator Harriman poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President. The funds in that line actually come out again because the State's been very fortunate and benefited, as others have, from the improvement in the investment and equities and stocks and other investments and that number comes from more interest earned and more revenue from those investments in the markets so we were going to use that money for tax reduction.

**THE PRESIDENT:** Is the Senate ready for the question? The question before the Senate is Adoption of House Amendment "JJ" (H-82) to Committee Amendment "A" (H-15). A Roll Call has been ordered.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

**YEAS:** Senators: AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, CLEVELAND, DAGGETT, JENKINS, KIEFFER, KILKELLY, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - W. LAWRENCE

**NAYS:** Senators: BUTLAND, FERGUSON, GOLDTHWAIT, HARRIMAN, LIBBY, MITCHELL

**ABSENT:** Senator: SMALL

**EXCUSED:** Senators: ABROMSON, HALL

26 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being absent and 2 Senators being excused, House Amendment "JJ" (H-82) to Committee Amendment "A" (H-15) **ADOPTED**, in concurrence.

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

Senator **KIEFFER:** Thank you Mr. President. The time is eight fifty-two and according to the Senate Rule 514 I'd ask for a Division vote on extending beyond nine o'clock.

**THE PRESIDENT:** The Chair understands that the Senator from Aroostook, Senator Kieffer moves we extend past nine o'clock and requests a Division on his motion. The Chair recognizes the Senator from Aroostook, Senator Kieffer.

Senator **KIEFFER:** I'm sorry I didn't make my motion more clear. My motion is to not extend beyond nine o'clock and I ask for a Division.

**THE PRESIDENT:** The Chair would answer than no motion is needed because no motion has been presented to extend past nine o'clock. The Chair recognizes the Senator from Cumberland, Senator Butland.

Senator **BUTLAND:** Mr. President I would move that this bill be **TABLED** until Later in Today's Session.

Senator Butland of Cumberland moved to **TABLE** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-15) as Amended by House Amendments "FF" (H-73); "HH" (H-75) and "JJ" (H-82) thereto, in concurrence.

The Chair ordered a Division. 13 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **BUTLAND** of Cumberland, to **TABLE**, **FAILED**.

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

Senator **PINGREE:** Thank you Mr. President. Mr. President, pursuant to Senate Rule 514, I move that the Senate be allowed to transact business past nine p.m.

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

Senator **AMERO:** Thank you Mr. President. I request a Division.

**THE PRESIDENT:** The Senator from Cumberland, Senator Amero requests a Division. The Chair recognizes the Senator from Cumberland, Senator Butland.

Senator **BUTLAND:** I would inquire if we can entertain this motion prior to resolving the motion that is presently before the Body.

**THE PRESIDENT:** The Chair would answer in the affirmative. There is a motion before the Body, that is Adoption of Committee Amendment "A", this motion to extend is allowable because it would be dilatory not to allow this motion at this point. The pending question before the Senate is shall the Senate be able to transact business after nine p.m.?

At the request of Senator **AMERO** of Cumberland a Division was had. 20 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **PINGREE** of Knox, to transact business after nine p.m., **FAILED**.

**THE PRESIDENT:** The pending question before the Senate is Adoption of Committee Amendment "A" (H-15) as Amended by House Amendment "FF" (H-73) and House Amendment "HH" (H-75) and House Amendment "JJ" (H-82) thereto, in concurrence. The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Mr. President, I present Senate Amendment "R" (S-50) to Committee Amendment "A" (H-15) and move its Adoption.

**THE PRESIDENT:** The Senator from Somerset, Senator Mills presents Senate Amendment "R" with a filing number of (S-50) to Committee Amendment "A" (H-15) and move its Adoption.

On motion by Senator **MILLS** of Somerset Senate Amendment "R" (S-50) to Committee Amendment "A" (H-15) **READ**.

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

Senator **MILLS:** Thank you Mr. President, men and women of the Senate. The issue that I seek to raise through proposing Senate Amendment "R" to this Body is one that is fundamental to the tax appropriation policies of this State. In a nutshell, the amendment would seek, the amendment as drafted, would curtail further enrollments in the business, equipment, tax rebate program effective April 1, 1997 and thereafter; This results in merely a five million dollar savings not in the upcoming fiscal year, but in the next fiscal year, the second fiscal year of the biennium and the amendment allocates that same money to a cause that's near and dear to my heart and I think to practically everyone in this Chamber and that it General Purpose Aid to Education. It would enable us to raise the percentage of increase on GPA in the second year of the biennium from a three percent figure with a three million dollar cushion to approximately a four percent figure and the amendment, if passed in its entirety both segments of the amendment would leave us with a balanced budget and it would have, in my view, the very significant an ameliorative effect on Maine government, Maine education and indeed the Maine economy. My concern over the so-called better program which is for those of you familiar with it, is an acronym spelled BETR, is that it is a program so open to abuse by the commercial interests that are exploiting it.

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Bennett and asks for what purpose the Senator rises?

Senator **BENNETT:** Point of order, Mr. President.

**THE PRESIDENT:** The Senator may state his point of order.

Senator **BENNETT:** Mr. President, I believe it is now nine o'clock.

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On motion by Senator **BENNETT** of Oxford, **ADJOURNED**, until Friday, March 21, 1997 at 8:00 in the morning.