

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
Monday
March 24, 1997

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

Prayer by the Honorable James D. Libby of York.

HONORABLE JAMES D. LIBBY: Thank you. I've adapted today's prayer from "illuminada," by Marianne Williamson. Please join me. Heavenly Father, we pray for the leaders of this Body and every other. May we not be strayed by politics, but listen instead to the spirit of truth. May we not hearken to the false and bitter voices of a frightened world but instead, hear the angels who administer unto us. May the world make room for our leadership and let us resist no more, our growth into the divine. May our virtues shield us. May our lack of virtue be forgiven and corrected. May our words be true. May our strength go before us to cut like a sword, through illusion. May we see the innocence in those who oppose us. May we grow beyond a shallow fight. Thus, may we all be taken into new light, new peace, new politics and new hope for the world. And God, therefore, as we begin our work today, may Your Spirit be with us so that we may fulfill a divine mission, shining light into all places. As this is a new day, may it not be darkened with yesterday's unforgiveness. Instead dear Lord, may we begin anew, with new strength, new creativity, new power and new love, for we are all in Your service Lord and here to lead the earth out of darkness and into light. May our work do this, through Your almighty power, in Jesus name. Amen.

Pledge of Allegiance led by Senator John Cleveland of Androscoggin.

Reading of the Journal of Friday, March 21, 1997.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Transfer State Ownership of Certain Railroad Rights-of-way, Create the Calais to Eastport Rail Authority and Authorize a General Fund Bond Issue in the Amount of \$4,500,000 to Fund Establishment of Freight Rail Service between Calais and Eastport" H.P. 1138 L.D. 1594

Committee on **TRANSPORTATION** suggested and **ORDERED PRINTED.**

Comes from the House, referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS.**

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

Bill "An Act to Require Banks to Have Written or Oral Authority before Funds Are Electronically Removed from Resident Accounts" H.P. 1155 L.D. 1619

Bill "An Act to Create an Independent Ombudsman for Consumer Protection in Managed Care" H.P. 1161 L.D. 1625

Come from the House, referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED.**

Which were referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Require That Handguns Sold in the State Be Equipped with Child-proof Trigger Locks" H.P. 1154 L.D. 1618

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

Which was referred to the Committee on **CRIMINAL JUSTICE** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Require That a Course in Multicultural Education Be Included in All Teacher Preparation Programs in the State" H.P. 1158 L.D. 1622

Bill "An Act Requiring Voter Approval for the Relocation of an Elementary School Class" H.P. 1162 L.D. 1626

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

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

Bill "An Act to Amend the Laws Regarding Intervenor Status for Foster Parents in Certain Cases of the Department of Human Services" H.P. 1156 L.D. 1620

Bill "An Act to Promote Healthy Maine Families" H.P. 1163 L.D. 1627

Come from the House, referred to the Committee on **HEALTH AND HUMAN SERVICES** and **ORDERED PRINTED.**

Which were referred to the Committee on **HEALTH AND HUMAN SERVICES** and **ORDERED PRINTED**, in concurrence.

Resolve, to Implement a Single State Tax System
H.P. 1159 L.D. 1623

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

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

Bill "An Act to Amend the Sensible Transportation Policy Act"
H.P. 1153 L.D. 1617

Bill "An Act to Increase Funding to the Highway Fund to Allow
Major Improvements to Highways and Bridges"
H.P. 1160 L.D. 1624
(See action later today.)

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

Which were referred to the Committee on
TRANSPORTATION and ORDERED PRINTED, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 115

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

March 19, 1997

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

Dear Madam Secretary:

Pursuant to my authority under 5 MRSA, Section 19202, I have
appointed Senator Peggy Pendleton of Cumberland as the
Senate member of the Maine HIV Advisory Committee.

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.**

The Following Communication: S.C. 116

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

March 20, 1997

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

Dear Madam Secretary:

Pursuant to my authority under Resolve 1995, Chapter 16, I have
appointed Senator John Nutting of Androscoggin to the Paper
Industry Council.

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 PAPERS

Bill "An Act to Streamline Licensing and Reporting
Requirements and Reduce Regulatory Burdens for Licensed
Insurance Professionals and Insurers" (Emergency)
S.P. 535 L.D. 1640

Presented by Senator ABROMSON of Cumberland
Cosponsored by Senator: LAFOUNTAIN III of York,
Representatives: CARLETON, JR. of Wells, PERRY of
Bangor
Submitted by the Department of Professional and Financial
Regulation pursuant to Joint Rule 204.

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

On motion by Senator LAFOUNTAIN of York, referred to the
Committee on **BANKING AND INSURANCE.**

Sent down for concurrence.

Bill "An Act to Authorize the Appleton, Camden, Hope,
Lincolnvile and Rockport Community School District to Construct
School Facilities" (Emergency) S.P. 532 L.D. 1637

Presented by Senator PINGREE of Knox
Cosponsored by Senator: LONGLEY of Waldo,
Representatives: BERRY, SR. of Belmont, POWERS of
Rockport, SAVAGE of Union, VOLENIK of Brooklin

Bill "An Act to Establish a Higher Standard for Appropriate Education of Students with Disabilities" S.P. 533 L.D. 1638

Presented by Senator PENDLETON of Cumberland

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

Sent down for concurrence.

Bill "An Act to Promote Consumer Choice in Health Care Providers for Patients Discharged from Hospitals and in Need of Continuing Care" S.P. 529 L.D. 1634

Presented by Senator PENDLETON of Cumberland
Cosponsored by Representative NASS of Acton and Senator: MITCHELL of Penobscot, Representatives: BUCK of Yarmouth, CAMPBELL of Holden, CARLETON, JR. of Wells, DONNELLY of Presque Isle, FULLER of Manchester, KANE of Saco, SIROIS of Caribou

Which was referred to the Committee on **HEALTH AND HUMAN SERVICES** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Make Mediation Mandatory in Medical Malpractice Proceedings" S.P. 531 L.D. 1636

Presented by Senator MILLS of Somerset

Bill "An Act to Amend the Corporate Laws" S.P. 534 L.D. 1639

Presented by Senator LONGLEY of Waldo
Submitted by the Secretary of State pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act to Make Changes to the Official Maine State Symbols" S.P. 530 L.D. 1635

Presented by Senator PINGREE of Knox (By Request)

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

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Apply Risk-based Capital Standards to Insurers" H.P. 815 L.D. 1103

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 Amend the Criminal Code Concerning the Crime of Assault on an Officer" H.P. 13 L.D. 9

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**.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Establish a Commemorative Day Recognizing the Children of this State" H.P. 306 L.D. 370

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-34)**.

Signed:

Senators:
NUTTING of Androscoggin
LIBBY of York

Representatives:

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

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

Signed:

Senator:

GOLDTHWAIT of Hancock

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-34)**.

Which Reports were **READ**.

Senator **RAND** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senator **GOLDTHWAIT:** Thank you Mr. President, ladies and gentlemen of the Senate. We have a growing list of official State days and official State things, including an official State fossil, which is not, contrary to popular belief, the good Senator from Kennebec, Senator Carey. We are adding to that list at great speed and my particular concern about this one is, that it requests for the Governor to acknowledge this day, but also that schools do. I think that we are asking so much of our schools right now. Although this is a very nice concept, to add one more burden onto our, already overburdened schools by expecting them to take time out from teaching children to celebrate children, seems counterproductive to me. We currently have Arbor Week, Poetry Day, American History Month, Statehood Day, Chester Greenwood Day, Maine Cultural Heritage Week, R. B. Hall Day, St. John Baptiste Day, Maine Clean Water Week, National Women's History Week, Seaman's Memorial Day, Maine Business Women's Week, Alcohol Awareness Week, Samantha Smith Day, Maine Merchant Marine Day, Garden Week, Margaret Chase Smith Day, Edmund S. Muskie Day, Former POW Recognition Day, Deaf Culture Week and Land Owner Recognition Day. And, I think that is probably a sufficient number of days to be celebrating, and I would suggest that the Revisor's Office and this Body, and indeed the teachers of Maine, have more productive things to do with their time. Thank you.

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

Senator **NUTTING:** Mr. President, thank you very much. I'll be brief. The vast majority of the Committee, as you can see from this 12-1 report, felt that the right thing to do was to pass permissive legislation so that if the local school or a local municipality wanted to have a day, recognizing our children, and to build a local community program around children and aspirations, that we find a way for that to happen. This is not mandating anybody to do anything, but I think, the more we can raise awareness of children and their importance, especially in relation to aspirations that, that's just going to serve the State well. I urge you to vote for the pending motion. Thank you.

The Chair ordered a Division. 23 Senators having voted in the affirmative and 3 Senators having voted in the negative, the motion by Senator **RAND** of Cumberland, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-34)** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-34) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Modify the Prohibition against Bathing in Sebago Lake within 2 Miles of the Intakes of the Portland Water District" H.P. 760 L.D. 1037

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

Signed:

Senators:

CAREY of Kennebec
CLEVELAND of Androscoggin
HARRIMAN of Cumberland

Representatives:

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

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 **CAREY** of Kennebec, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Senate

Ought to Pass

Senator **JENKINS** for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Oil and Solid Fuel Board Laws" S.P. 340 L.D. 1118

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

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

The Bill **READ ONCE**.

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

Senator **PENDLETON** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Clarify the School Budget Approval Process" S.P. 26 L.D. 24

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

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

The Bill **READ ONCE**.

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

Senator **PENDLETON** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, to Appoint a Study Group to Determine How to Consolidate and Preserve the Health Sciences Library in Maine S.P. 265 L.D. 873

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

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

The Resolve **READ ONCE**.

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

Senator **PENDLETON** for the Committee on **MARINE RESOURCES** on Bill "An Act Concerning Towing in Cable Areas" S.P. 212 L.D. 671

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

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

The Bill **READ ONCE**.

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

Ought to Pass As Amended

Senator **LAFOUNTAIN** for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Provide the Maine Turnpike Authority with Representation on the State Employee Health Commission" S.P. 178 L.D. 561

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-54)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-54) **READ** and **ADOPTED**.

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

Senator **LAFOUNTAIN** for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Include Health Maintenance Organizations in the Bureau of Insurance's Regulatory Assessment" S.P. 237 L.D. 806

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-55)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-55) **READ** and **ADOPTED**.

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

Senator **LAFOUNTAIN** for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Grant Visually Impaired Operators of Government Vending Facilities Access to State Health Insurance at Their Own Expense" S.P. 253 L.D. 822

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-56)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-56) **READ** and **ADOPTED**.

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

Senator LAFOUNTAIN for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Promote Investments in Maine through the Establishment of Merchant Banking Organizations" (Emergency) S.P. 313 L.D. 1022

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-57)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-57) **READ** and **ADOPTED**.

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

Senator JENKINS for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Conform State Laws Regarding Fair Housing for Older Persons with Federal Laws" S.P. 86 L.D. 266

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-59)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-59) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Decrease the Time Period Allowed for the Rescission of a Time-share Contract" S.P. 65 L.D. 184

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-60)**.

Signed:

Senators:
JENKINS of Androscoggin
RAND of Cumberland

MACKINNON of York

Representatives:

CAMERON of Rumford
FARNSWORTH of Portland
MACDOUGALL of North Berwick
MACK of Standish
MURPHY, JR. of Kennebunk
SHANNON of Lewiston
SIROIS of Caribou
VIGUE of Winslow
WRIGHT of Berwick

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

Signed:

Representative:
BODWELL II of Brunswick

Which Reports were **READ**.

On motion by Senator JENKINS of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-60)** Report **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-60) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Exempt Schools with One Teacher from Continued Contracts for Teachers" S.P. 40 L.D. 38

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

Signed:

Senators:
PENDLETON of Cumberland
CATHCART of Penobscot
SMALL of Sagadahoc

Representatives:

BAKER of Bangor
BELANGER of Caribou
BRENNAN of Portland
DESMOND of Mapleton
MCELROY of Unity
RICHARD of Madison
STEDMAN of Hartland
WATSON of Farmingdale

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

Signed:

Representatives:

BARTH, JR. of Bethel
SKOGLUND of St. George

Which Reports were **READ**.

On motion by Senator **PENDLETON** of Cumberland the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ACCEPTED** 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 won't take too long on this issue, but it is a very serious one for my district. The issue is that there are about 10 schools in the State of Maine that only have 1 teacher and I am trying to provide an exemption from the continuing contract requirement for only those schools. The fact is that in those schools, a student may have the same teacher for the first 9 years of their education. This is not an effort, as some people assume, to get rid of a teacher that people don't like. It is actually an effort to be able to keep a teacher that the community does like for longer than 2 years, but not necessarily forever. It is the feeling of the parents in these 1 teacher schools that their children will make the adaptation to high school education more smoothly if they have not had the benefit of only 1 teacher for those 9 years. If they've had the benefit of different teaching techniques, different personalities, whatever. Unfortunately, although, I firmly believe that the primary interest of almost all of the teachers in our State, is our children, the organizations that represent those teachers seem to feel that the overriding consideration is tenure, in this case. That is distressing to me and also to the families who are working under our current system. This is a very narrow exemption. We have very few schools. I didn't do it for small schools because some small schools have 2 teachers or 3 teachers. It is only for schools that have only 1 teacher and I would urge you to think about the effects on those kids on being exposed, as I say, to one individual teaching style for 9 years and in the case of most of these schools, they are island schools or geographically isolated schools. Kids then have to go to a larger secondary school and try to adapt in a situation that can be quite difficult for them. So, I would urge you to vote Ought Not to Pass on the pending motion, on behalf of the children in these very small 1 teacher schools.

Off Record Remarks

THE PRESIDENT: The pending question is the motion by the Senator from Cumberland, Senator Pendleton, that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

The Chair ordered a Division. 18 Senators having voted in the affirmative and 7 Senators having voted in the negative, the motion by Senator **PENDLETON** of Cumberland, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for Concurrence

SECOND READERS

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

House As Amended

Bill "An Act to Raise the Fee for Congressional and Legislative Registration Plates" H.P. 19 L.D. 44 (C "A" H-31)

Bill "An Act Concerning Prisoner Participation in Public Works Projects" H.P. 70 L.D. 95 (C "A" H-47)

Bill "An Act to Amend the Permitting Laws for Septic Waste Disposal Sites" H.P. 156 L.D. 198 (C "A" H-67)

Resolve, Directing the Commissioner of Marine Resources to Negotiate with the Passamaquoddy Tribe Regarding Fishing Rights H.P. 209 L.D. 273 (C "A" H-33)

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

Senate As Amended

Bill "An Act to Repeal Provisions of the Probate Code Relating to Depositing Wills in Court within the Testator's Lifetime" S.P. 162 L.D. 491 (C "A" S-48)

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 (C "A" S-47)

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

Sent down for concurrence.

On motion by Senator O'GARA of Cumberland, the Senate **RECONSIDERED** whereby it **REFERRED** to the Committee on **TRANSPORTATION** the following:

Bill "An Act to Increase Funding to the Highway Fund to Allow Major Improvements to Highways and Bridges"
H.P. 1160 L.D. 1624

On further motion by same Senator, referred to the Committee on **TAXATION** in **NON-CONCURRENCE**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Increase the Effectiveness of the Maine Blueberry Commission" (Emergency) H.P. 1169 L.D. 1646

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

Which was referred to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and **ORDERED PRINTED**, in concurrence.

Resolve, to Require the Superintendent of Insurance to Develop Criteria for an Independent Fairness Review Prior to Conversion of a Non-profit Entity to a For-profit Entity
H.P. 1165 L.D. 1642

Comes from the House, referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED**.

Which was referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Establish the Maine Franco-American Center in Bangor" H.P. 1168 L.D. 1645

Comes from the House, referred to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

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

Resolve, Directing the State Board of Education to Add Consolidation to the School Construction Rating System
H.P. 1166 L.D. 1643

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

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

Bill "An Act to Give the Director of the Bureau of Labor Standards Rule-making Authority for All Wage and Hour and Other Related Laws That the Bureau of Labor Standards Is Charged with Enforcing" H.P. 1167 L.D. 1644

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

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

Bill "An Act Regarding the Taking of Tolls on the Maine Turnpike" H.P. 1164 L.D. 1641

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

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

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

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act to Require Disclosure to Prison Workers in the Case of an Inmate Who Tests Positive for Acquired Immune Deficiency Syndrome" H.P. 97 L.D. 121

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-81)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-81)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-81) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Clarify the Manner in Which Decedents' Estates Are to Be Distributed" (Emergency) H.P. 299 L.D. 363

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-79).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-79).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-79) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Discourage Frivolous Lawsuits by Prisoners" H.P. 335 L.D. 457

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-80).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-80).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-80) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act to Allow Veterans to Get Vanity Veteran License Plates" H.P. 17 L.D. 42

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-83).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-83).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-83) **READ** and **ADOPTED**, in concurrence.

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

Off Record Remarks

Senator **PINGREE** of Knox, 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 **PINGREE** of Knox, **RECESSED** until the sound of the bell at 12:15 in the afternoon.

After Recess

Senate called to order by the President

Off Record Remarks

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **PARADIS** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Preserve Senior Volunteerism" S.P. 115 L.D. 394

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-61).**

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-61) **READ** and **ADOPTED**.

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

Senator LIBBY for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Charter of the Loring Development Authority as It Pertains to Immunity of the Authority" (Emergency) S.P. 46 L.D. 156

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-63)**

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-63) **READ** and **ADOPTED**.

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

Senator LIBBY for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Include Operation and Maintenance in the Life-cycle Costs Analysis Required for Public Improvements" S.P. 129 L.D. 408

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-62)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-62) **READ** and **ADOPTED**.

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

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

ORDERS OF THE DAY

Unfinished Business

The following matter 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 (3/21/97) Assigned matter:

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 Operation of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999" (Emergency) H.P. 832 L.D. 1137

Tabled - March 21, 1997, by Senator **PINGREE** of Knox.

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. (Roll Call Ordered)

(In House, March 20, 1997, 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.)

(In Senate, March 21, 1997, Senate Amendment "R" (H-50) to Committee Amendment "A" (H-15) **INDEFINITELY POSTPONED**. Senate Amendment "A" (S-19) to Committee Amendment "A" (H-15) **READ** and **INDEFINITELY POSTPONED**. Senate Amendment "S" (S-51) to Committee Amendment "A" (H-15) **READ** and **INDEFINITELY POSTPONED**. Senate Amendment "K" (S-40) to Committee Amendment "A" (H-15) **READ** and **INDEFINITELY POSTPONED**. Senate Amendment "J" (S-38) to Committee Amendment "A" (H-15) **READ** and **INDEFINITELY POSTPONED**. Senate Amendment "O" (S-45) to Committee Amendment "A" (H-15) **READ** and **INDEFINITELY POSTPONED**. Senate Amendment "H" (S-36) to Committee Amendment "A" (H-15) **READ** and **INDEFINITELY POSTPONED**. Senate Amendment "T" (S-52) to Committee Amendment "A" (H-15) **READ** and **INDEFINITELY POSTPONED**. Senate Amendment "N" (S-44) to Committee Amendment "A" (H-15) **READ** and **INDEFINITELY POSTPONED**. Senate Amendment "C" (S-25) to Committee Amendment "A" (H-15) **READ** and **INDEFINITELY POSTPONED**. Senate Amendment "G" (S-35) to Committee Amendment "A" (H-15) **READ** and **INDEFINITELY POSTPONED**. Senate Amendment "D" (S-26) to Committee Amendment "A" (H-15) **READ** and **INDEFINITELY POSTPONED**. Senate Amendment "L" (S-41) to Committee Amendment "A" (H-15) **READ** and **INDEFINITELY POSTPONED**. Senate Amendment "V" (S-58) to Committee Amendment "A" (H-15) **READ** and **RULED NOT PROPERLY BEFORE THE BODY**. Ruling **APPEALED** and **SUSTAINED**. Motion to **RECOMMIT** Bill and Accompanying Papers in **NON-CONCURRENCE, FAILED**. Senate Amendment "M" (S-43) to Committee Amendment "A" (H-15) **READ** and **INDEFINITELY POSTPONED**. Senate Amendment "P" (S-46) to Committee Amendment "A" (H-15) **READ** and **INDEFINITELY POSTPONED**. Senate Amendment "U" (S-53) to Committee Amendment "A" (H-15) **READ** and **INDEFINITELY POSTPONED**.)

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

Senator **AMERO:** Thank you Mr. President, ladies and gentlemen of the Senate. Before we do vote on Committee Amendment "A", I just have a few comments about the procedures that have led up to the vote this afternoon. First of all I'd like to discuss briefly, the actions that were taken on Friday, in which we put forward about 20 proposed amendments to this budget. I believe, that as Republicans, the amendments were brought forward in good faith. I was very concerned that there were very few people here, in the Senate Chamber, to hear those deliberations and I'm also concerned about the fact that Committees were meeting all day on Friday. Committees have been meeting all day today while the Senate has been in session. And, I'd like to just quote from Mason's Manual of Legislative Procedure, section 628, regarding Committee meetings, while a House is in session (House, referring to either Body). 1. "Committees may not meet during the sessions of the House, without the consent of that House. To secure consent, the Chair of the Committee should present a motion requesting the consent. 2. Whenever the House goes into session, it is the duty of a Committee, upon receiving notice, to immediately discontinue its meetings and attend in the House. Committees may not continue in session when the time for convening of the House has arrived". I think it was a real disservice to the deliberations on the budget, as well as the deliberations that were taking place in the various Committees, that people spent all day Friday and this morning running back and forth, trying to be in two places at once. It really, I think, shows that this accelerated pace that we have been working under is making us act in haste. And, I'm very concerned for the process that has long been tradition in the Maine Legislature, that that process is impeding us making good decisions. I'm also disappointed that the way in which we began our deliberations in January, in this Body, began with hope from our presiding officer that we would be able to forge a new majority in this Senate. I'm really disturbed to see what that has come to mean because I felt at that time his new majority meant bringing both sides of the aisle together, to come to a real consensus. We're now about to put through a budget that consists of a majority of one side only and it completely excludes the other. I'm always optimistic that there can be negotiation and there can be compromise, but at this point I'm very pessimistic because I think that the majority is anxious and ready to go forward with this majority budget. I know we could do better. I wish we had more time, that we could put out the education piece and that we could spend some real time deliberating, where we gave each other a chance to hear what each side is saying. Thank you for your attention.

THE PRESIDENT: The Chair will just remind the Chamber the motion before the Body is Adoption of Committee Amendment "A" As Amended. Committee Amendment "A" is an emergency measure requiring two-thirds, therefore it is inappropriate to debate passing a budget by a majority vote at this time. The Chair would encourage members to keep their comments solely to Committee Amendment "A". The Chair recognizes the Senator from Cumberland, Senator Harriman.

Senator **HARRIMAN:** Thank you Mr. President, good afternoon ladies and gentlemen of the Senate. On behalf of my

Republican colleagues, I'd like to take this opportunity to say thank you to the Senate for it's indulgence last Friday, as we considered amendments that I and others believe were worthy of consideration in the context of the budget before us. While some members may have viewed these amendments as obstructing the legislative process, I viewed them as fair and reasonable and clearly within the rules of procedure to protect the rights of the minority.

THE PRESIDENT: The Senator will defer. The Chair will again say that we are debating Committee Amendment "A", not amendments offered last week. The Senator will confine his comments to Committee Amendment "A".

Senator **HARRIMAN:** Please forgive me Mr. President.

THE PRESIDENT: The Senator may proceed.

Senator **HARRIMAN:** Thank you. Before the vote is taken this afternoon, I'd like to speak up and stand up, not for the needs of government, but for the hard working Maine citizens who pay the bills, for at the end of the day, it is their money we are spending. I'm always mindful of the families who are working as hard as they know how, just to stay even and hopefully have a little something left over in their pay to save for college expenses or retirement. Their voice speaks clearly and deserves to be answered. When they ask, "Why is it that we have a snack tax or why did State government stop indexing my income taxes for inflation in 1992, as a technique to balance the budget, but why hasn't the sales tax reverted back to 5%, as promised?" I believe the answer is, is that government continues spending at a rate faster than our citizens personal incomes are growing and our inability to create a vibrant economic environment, where more tax payers can be created. If we could demonstrate the courage to look beyond the headlines and see the horizon, we would recognize that Maine citizens can no longer afford the growths in spending that we are debating here today. Especially when we consider what other states are doing to create hospitable economic environments, like we see in New Hampshire, in Massachusetts, New York, Michigan, New Jersey. And, as the State Planning Office reports, Mr. President, Maine's population is stagnant and at best, may grow slightly, if at all. The budget we'll be voting on will approach almost \$4 billion. Yet, total State government spending is almost double that, and most of those monies are dedicated money until we don't have enough money in the general fund, then we see proposals to take money from those dedicated resources, like the Underground Tank Removal Fund, \$1 million from the Bureau of Banking and Securities, \$900 thousand or \$250 thousand for the Workers Compensation Fund for State employees, and I could go on and on. Also, within this budget is spending for additional services and projects. Most have been inserted into this spending plan, without public hearings or legislative floor debate. And, if we continue to look at the horizon, the Bureau of the Budget projects today that the next legislature, the 119th legislature, will have to grapple with yet another, another spending increase beyond tax revenues. The figures they've recently released show that the general fund in the next biennium would be out of balance by almost \$115 million and the Highway Fund would be out of balance by almost \$42 million and that's before the new programs that are contained in this budget are considered. Before I yield the floor Mr. President, let me

close by expressing how much I enjoy taking the time out of our hectic schedule here to visit with Maine citizens who come to their State House, especially the school children. I particularly enjoy talking with them about the history of this great Chamber and the people who serve here. Indeed, from the moment they walk in the South wing, there's a marquee there with a welcoming letter from our Governor, as there is by the Speaker of the House's Office, as there is here in the Senate. And, the welcoming message here in the Senate says in part, "When I was elected Senate President, I asked the other 34 members to join with me in forging a new majority in the Maine Senate that recognizes that we all have valid opinions on issues that face us as a State. The challenge is to find, within our disagreements, the foundation for our solutions. For only together can we meet the growing challenges of tomorrow and renew ourselves and our government a commitment to democracy, civility and compromise." Mr. President, I accepted that challenge and I still do, with open arms and an open mind. Hopefully, we can take a fresh look at the disagreements between us with an eye towards the horizon. For our very future depends upon it. Thank you Mr. President.

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

Senator **LIBBY:** Thank you Mr. President, good afternoon men and women of the Senate. My remarks will be extremely brief today because I only intend to discuss what I believe is the most egregious part of this particular budget that we're looking at today and that is, the State liquor policy in the State of Maine. I don't understand how I can have a constituent in a town, in Senate District 34, who's been asking to open up a retail liquor store for the past 15 years and the State has said no for that entire stretch of time, up to this day. But without a public hearing, we can open up new State liquor stores on both sides of the turnpike in Kennebunk, Maine without a public hearing. We're ignoring the recommendations for privatization of the liquor stores that have come from across the State. We're ignoring editorials and many, many newspapers up and down the coast of Maine, west to east and we've had no opportunity to discuss what the options should be. This is an egregious policy. We have no right to do it and it's one of my severe complaints about this amendment. What we need to do, we need to take that policy, put it back where it belongs, give it a fair hearing, talk to the people of Maine and then listen to the people of Maine and decide where we should head, and in one direction. Thank you very much.

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

Senator **MACKINNON:** Thank you Mr. President, women and men of the Senate. I arise today to tell you that I don't think I can support this amendment. While I'm in favor of 99% of this budget, I think this rush to the budget because the cap doesn't fit all, is kind of a second priority with me. I want to thank you people for allowing me to be part of this institution, you made the transition here as a working legislator to be nice, it's been comfortable and we've worked together. Our Committee work has been tremendous. We get along, I think we put our time in. I don't think we have a chance to look at all the bills as close as I'd like. When I ran I promised to hold taxes, to look at, you

know, the very tough decisions and to work together for the people of Maine. On Thursday the Honorable Senator from Penobscot, Senator Michaud, was great when he told me he could accept property but not the tax cap, I respect that, that's up-front, but he was willing to put in the \$10 million of hard money for that, I respected that and took that as a hope and a light for compromise. Before I get run over by this train, I hope that I'm not left at the station because I want to make a contribution. Right now I'm feeling left out. This institution is honorable, you're 35, 34 people plus myself, who are tremendous here. You have the interest of the State of Maine and the people of Maine. We, as a group, all want the same thing, security for the people of Maine but right now we're looking at ourselves as I's and not as we. I may have come from another institution about sports and education, where we work together, we try to do the best for the people. I don't want to be left at that station. I know we were told we had to be kept up to speed here, I'm not Michael Jordan, I feel more like Kenny Lofton in the ads now. This budget is up 7%, while our income is about 3%, to me that's overextended. We have to look at some budget cuts. I'm on a committee, the Business and Economic Committee. We need that as a tool to drive our economy, to put jobs here to help people. If I was a business person now, looking to relocate in the State of Maine with what's going on, I'm not sure I'd bring my people here and I think that's a sad state of affairs. We have to stop thinking in terms of 2 years and look at 10 years down the road, what's best for the people of Maine, not to pass one thing to take it away. Maybe we can compromise, maybe we can look at it. But, I feel that my word is my bond, my promises are there. I really feel as if, that I'm not used to, changing the rules. Last year it was passed under two-thirds and I know that that can be debated and how it was passed but it still looks like to me, it was changed and for that, I'm not sure. I would like to feel ownership of this budget. I'd like to feel ownership of this institution. You people have been great here. I hope that we can work together. I will hope that we stop this rush so that we can all get on the train and leave together, feel ownership of this and feel like we're doing something for the people of Maine. Thank you.

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

Senator **MILLS:** Thank you Mr. President, men and women of the Senate. My concerns about this budget are many, but the thing I'd like to focus on is the procedural posture of things. By my count there are at least 6 significant issues funded, or addressed, by this budget that represent fairly significant policy decisions that, as far as I can tell, were made by a subcommittee of 8 people who serve on Appropriations and were never addressed either in public hearings or in any thorough way by the committees that have jurisdiction over the policy issues at stake. The funding of \$2.1 million in reimbursement to the Maine State Retirement System, the allocation of \$2 million for the possible purchase of Sears Island, about \$2 million allocated to a new Research and Development Program at the University of Maine, the retaining of 2 additional District Attorney's for York County, the creation of a new Family Court System, as I recall, the public hearing was taking place up in Judiciary at the same time as the Appropriations Committee, or its subcommittee, in its wisdom, was putting this plan into law or attempting to, and finally the addition of 2 new State liquor stores at the south end

of the turnpike. As I understand it, there is money left, something approximating a third of a million dollars on the table with which to fund anything that might come out of approximately 1500 bills that are currently in the hopper and have not yet been acted upon by the Committees of Jurisdiction. I must ask, what hope is there for serious consideration of those 1500 bills, if the group of 8 people on the Appropriations Committee has all but decided how to spend all of the money at our disposal? Thank you.

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

Senator **PINGREE:** Thank you Mr. President, men and women of the Senate. I rise to speak briefly today about some of the issues that have been raised about our budget and the vote we're looking at right now. I want to reiterate again that no one needs to feel left out of this process. We would be very happy to have two-thirds of the members of the legislature vote on this and cooperate and work together on this budget. I do want to address some of things that have happened in the process. There have been over 39 days of public hearings and most of the committees submitted either unanimous or near unanimous budgets to the Appropriations Committee which were used in putting together this budget. So, I do think there's been a lot of impute and involvement by all of the members of the legislature in this budget, up until this point. We've spent the last couple of weeks looking for a compromise on the budget and I would have to say that the Democrats have floated at least 5 different compromise opportunities, none of which have been fully accepted in the budget to this point, but we have been trying very hard, I think. We've put in a lot of long days and long nights with the Appropriations Committee and members of leadership, looking for some common ground and we found that very difficult to find and felt it was important to continue to move on with this budget with the best compromise we thought we could come to, so that we never got into a position where government couldn't operate as efficiently as it needed to. I have to say that I think that this is a very good budget and that many of the things that people have been asking for are in this budget. There are still \$180 million of tax cuts, many of them proposed in the last session of the legislature that had to be funded in this session of the legislature and put into this budget. The hospital tax. Tax and Match is funded at \$116 million, the nursing home tax is funded at \$25 million, the BETR Program gets \$29 million in this budget, the tax relief fund for Maine residents gets another \$10 million, that's \$180 million. We also did our best to pay our bills in this legislative session in this budget. We paid \$6.3 million into the Tree Growth Tax Reimbursement Funds, we put more money back into county jails, we made sure that we covered our share of the teacher retirement costs, which was an important item to many of our communities. We added more money to General Purpose Aid to education, to the University of Maine System, then the governor had proposed and to the Maine Technical College System. I think we did a lot of things that both our constituents were asking for, that paid previous bills, that returned money to the communities to lower property taxes. I think there are very many good things in this budget and while I, like everyone else has to say, I only like 99 or 98% of it. I understand that it was a compromise, a compromise that I felt was the best one that we could come to and I think that it's something that I can go home and be proud of and speak to my

communities about and feel very good about the work that we've done. There's been a lot of talk about doing this early, getting everything done early, and I find it interesting to be on the other side of this coin, this legislative session because I have often heard in previous legislative sessions, many times from members of the other caucus, that we should shorten these sessions. There are often proposals to shorten our legislative sessions, saying, if you give them the time, they will fill it up. Well, this time we said, let's not take all the time. Let's get right down to work, let's work quickly, and let's get the job done. We tried very hard to meet our commitment to report back to our communities about school funding so that when they went to their school budget hearings, they would know exactly how much money they could expect from us, something they've been asking for a long time and are often unable to balance their budgets because they don't know that and we made sure that they had that information in attempting to pass this budget early. Also, we're operating under some other constraints. The last legislature cut the legislative budget, we won't have as much money to spend on taking our time up here and we tried to respect those constraints and again do our work as quickly as possible. So, I'm hoping that everyone will vote for this budget, in fact it would be nice to have a unanimous vote on this budget and I think we could all vote for it and move on and feel very good about the work that we've done. Thank you.

THE PRESIDENT: The pending question before the Senate is Adoption of Committee Amendment "A" (H-15) as Amended by House Amendments "FF" (H-73); "HH" (H-75) and "JJ" (H-82) a Roll Call has been ordered. Is the Senate ready for the question.

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: 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, **COMMITTEE AMENDMENT "A" (H-15) AS AMENDED BY HOUSE AMENDMENTS "FF" (H-73); "HH" (H-75) AND "JJ" (H-82) thereto, ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME.**

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed as Amended, in concurrence. 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.

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: 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 Bill was **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, in concurrence.

Senator **PINGREE** of Knox moved to **RECONSIDER** whereby this Bill was **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.

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

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

A Division was had. No Senators having voted in the affirmative and 33 Senators having voted in the negative, the motion by Senator **PINGREE** of Knox, to **RECONSIDER** whereby this Bill was **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, in concurrence, **FAILED**.

Senator **PINGREE** of Knox, 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 **PINGREE** of Knox, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President

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

ENACTORS

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

Emergency

An Act Making Unifies 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

H.P. 832 L.D. 1137
(H "FF" H-73; H "HH"
H-75; H "JJ" H-82 to
C "A" H-15)

Comes from the House **FAILED OF ENACTMENT**.

On motion by Senator **PINGREE** of Knox, 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 Somerset, Senator Mills.

Senator **MILLS:** Mr. President, I'm sorry to interrupt, just a point of order. This bill comes from the House having failed of enactment, is that correct?

THE PRESIDENT: The Chair would answer in the affirmative.

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, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

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

EXCUSED: Senator: HALL

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

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, **PASSAGE TO BE ENACTED, FAILED.**

On motion by Senator PINGREE of Knox, the Senate **RECONSIDERED** whereby **PASSAGE TO BE ENACTED, FAILED.**

Senator PINGREE of Knox moved to **RECONSIDER** whereby this Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-15) AS AMENDED BY "FF" (H-73); "HH" (H-75) and "JJ" (H-82)** thereto, in concurrence.

Senator AMERO of Cumberland rose to a **POINT OF ORDER**; the motion to reconsider having been previously made.

The Chair **RULED** the motion to **RECONSIDER** in order, intervening motions having been made and carried.

At the request of Senator BENNETT of Oxford a Division was had. 20 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator PINGREE of Knox, to **RECONSIDER PASSAGE 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, **PREVAILED.**

Senator PINGREE of Knox, moved to **RECONSIDERED** whereby **COMMITTEE AMENDMENT "A" (H-15) AS AMENDED BY HOUSE AMENDMENTS "FF" (H-73); "HH" (H-75) AND "JJ" (H-82)** thereto, was **ADOPTED.**

At the request of Senator BENNETT of Oxford a Division was had. 20 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator PINGREE of Knox, to **RECONSIDER** whereby **COMMITTEE AMENDMENT "A" (H-15) as AMENDED BY HOUSE AMENDMENTS "FF" (H-73); "HH" (H-75) AND "JJ" (H-82)** thereto, was **ADOPTED, PREVAILED.**

Senator PINGREE of Knox moved to **SUSPEND THE RULES** for the purpose of **RECONSIDERING** whereby **HOUSE AMENDMENT "JJ" (H-82) TO COMMITTEE AMENDMENT "A" (H-15)** was **ADOPTED.**

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.

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: 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 PINGREE of Knox to **SUSPEND THE RULES** to **RECONSIDER** whereby **HOUSE AMENDMENT "JJ" (H-82) TO COMMITTEE AMENDMENT "A" (H-15)** was **ADOPTED, FAILED.**

On motion by Senator MICHAUD of Penobscot Senate Amendment "W" (S-66) to Committee Amendment "A" (H-15) **READ.**

THE PRESIDENT: The Senator has the floor.

Senator MICHAUD: Thank you Mr. President, men and women of the Senate. I was hoping that I would not have to offer this amendment to you this evening. It was my intention to get a two-thirds budget. Clearly, with the vote in this Body just recently, that is impossible. This amendment does 5 things. First of all is, it takes care of the municipal mandate under the Northern Maine Juvenile Detention Center, so it's no longer a mandate, therefore, it does not need a two-thirds. It removes the emergency preamble. It removes the \$4.5 million surplus that we were going to take originally in fiscal year 96' and 97', since it's not an emergency, we cannot do that. But at the same token, unfortunately, we also have to remove the additional money that we were going to give back in revenue sharing because of the gross receipts tax. And finally, it makes clear our intent not to get \$100 a day during the special session. So I would hope that this Body would adopt Senate Amendment "W". Thank you.

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

Senator **MILLS:** Mr. President, if I may pose two questions to anyone who may be able to answer?

THE PRESIDENT: The Senator may pose his questions.

Senator **MILLS:** The first is whether the fourth provision of this amendment is not an emergency, thus requiring that the bill go into effect immediately rather than 90 days after adjournment. In other words, the provision relating to per diem compensation, is my first question? Second question is whether this amendment is within the scope of the president's letter of last week, concerning the deadline for making of amendments? Thank you.

THE PRESIDENT: The Chair would answer the second question first. This amendment is not dilatory because it moves towards adoption of the bill. The Senator from Somerset, Senator Mills poses a further question 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. Clearly, it should be an emergency in order for that final provision to go into effect. I want to make it clear that it is our intention that no legislator receive the \$100 a day. I would expect that they probably can go in and request it, however, if that is the case I would suggest that we probably ought to pass a bill later on that, if they do receive it then they'd either have to pay it back or it be deducted from their expenses in the second year. A few years ago, I believe back in the early 90's this was done, but it was done through a joint order, prohibiting that and I think probably we ought to do the joint order as well, but I'm not sure whether that will supersede the law however, it was done once before. But, I want to make it clear that it's our intention that any Special Session held to finish our business that we do not receive the \$100 per day. Mr. President, when the vote is taken I request a Roll Call.

THE PRESIDENT: A Roll Call has been ordered. The Chair recognizes the Senator from Cumberland, Senator Harriman.

Senator **HARRIMAN:** Thank you Mr. President, good evening ladies and gentlemen of the Senate. I'd like to pose two questions, if I may Mr. President?

THE PRESIDENT: The Senator may pose his questions.

Senator **HARRIMAN:** Thank you. First, I'd like assurance, if I could from someone in the Body since I literally just received this amendment, I haven't had a chance to understand it completely. The first question dealing with the Detention Facility, I'd like to know how we are going to assure that this may not be a mandate because it says so in the document, but, I'd like assurance that in practice there's a logistical and legal matter that it's not going to be mandate? Second, I'd like to know, it appears to me Mr. President that we are not going to provide the revenue sharing money to municipalities. As I understand it, when the gross receipts tax was eliminated, money that was previously going

into that account could now go to municipal revenue sharing and I'd like to know why we're not going to do that? Thank you Mr. President.

THE PRESIDENT: The Senator from Cumberland, Senator Harriman poses two questions through the Chair to anyone who may answer. The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** I just wanted to briefly comment on the second question here and allow some others to answer some of the more technical things about question number one. But I'd like to say that I think that it is true that we will not be providing that revenue sharing and I think we should all look at this as one of the casualties of not being able to get a two-thirds vote earlier tonight and I'm very sorry and disappointed we weren't able to do that.

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

Senator **MICHAUD:** Thank you Mr. President, men and women of the Senate. Clearly if you look at the amendment on line 40, it says, after discretion of the sheriff a county may assume, it does not mandate that they have to assume, it's "may". And this was the language that we had staff, when I asked them to look at any municipal mandates, this was the suggested language. And I might also add to what Senator Pingree has mentioned about revenue sharing. Even though this amendment does not deal with the gross receipt tax, revenue sharing still will be receiving an increase over the last year, it's roughly another 4.7 and a 4.2% increase above and beyond the \$5.2 million that they would have received.

Senator **LIBBY** of York rose to a **POINT OF ORDER;** questioning whether Senate Amendment "W" (S-66) to Committee Amendment "A" (H-15) was properly before the body.

THE CHAIR RULED Senate Amendment "W" (S-66) to Committee Amendment "A" (H-15) **PROPERLY BEFORE THE BODY.**

Senator **LIBBY:** Thank you. I'd like to challenge the ruling of the presiding officer and I do this on the basis that when we spoke recently in the Senate, Mr. President, and you gave us a ruling on what was dilatory and what was not, the message that you gave us verbally was that anything that would move us toward a two-thirds vote for the document and now that seems to have changed. And so what I'm saying is that this is a dilatory amendment and I would challenge the ruling and ask for a Roll Call.

Senator **LIBBY** of York appealed the **RULING OF THE CHAIR.**

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

THE PRESIDENT: The pending question is: "Shall the Ruling of the Chair be Sustained?"

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: 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 RULING OF THE CHAIR was SUSTAINED.**

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

Senator **HARRIMAN:** Thank you very much Mr. President, good evening ladies and gentlemen of the Senate. I appreciated the explanation from my good friend from Penobscot, Senator Michaud on the Juvenile Detention and I will assume that if a county sheriff decides to assume responsibility for detention, that it's permissible, but if they don't, the State will then bear the cost? If that's incorrect I certainly would appreciate testimony to the same. And Secondly, Mr. President I would simply say, in all due respect to my good friend from Knox, Senator Pingree that the comments that we are debating in this amendment, the statements we are debating in this amendment clearly states that this amendment generates new, new general fund revenue, approaching \$5.8 million for over the biennium for money that should be going to revenue sharing for municipalities. To me that is money that should be going to municipalities that the government is saying, we need more than the towns do. 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. To elaborate on the first part about municipal mandate. It's up to the Fiscal Program Review Office, it's their responsibility to let the legislature know whether this is a municipal mandate. And, they were the ones who had drafted this language and they said that with this language that it is not a municipal mandate. And just to further reiterate, the good Senator's concern about the additional money into revenue sharing, the \$5.2 million, I would like to see that go. However, in order for us to do it, we needed a two-thirds vote and we were denied the two-thirds vote on the budget, so therefore, we had to remove that.

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 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: 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 Senators being excused, the motion by Senator **MICHAUD** of Penobscot, to **ADOPT** Senate Amendment "W" (S-66) to Committee Amendment "A" (H-15), **PREVAILED.**

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.

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: 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 Senators being excused, **COMMITTEE AMENDMENT "A" (H-15) AS AMENDED BY HOUSE AMENDMENTS "FF" (H-73); "HH" (H-75); "JJ" (H-82) AND SENATE AMENDMENT "W" (S-66) thereto, ADOPTED in NON-CONCURRENCE.**

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.

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: 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 Senators being excused, the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-15) AS AMENDED BY HOUSE AMENDMENTS "FF" (H-73); "HH" (H-75); "JJ" (H-82) AND SENATE AMENDMENT "W" (S-66) thereto, in NON-CONCURRENCE.**

Senator **PINGREE** of Knox, moved that this item be sent forthwith for concurrence.

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

Senator **PINGREE** of Knox, moved to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-15) AS AMENDED BY HOUSE AMENDMENTS "FF" (H-73); "HH" (H-75); "JJ" (H-82) AND SENATE AMENDMENT "W" (S-66) thereto, in NON-CONCURRENCE.**

The Chair ordered a Division. 14 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **PINGREE** of Knox, to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-15) AS AMENDED BY HOUSE AMENDMENTS "FF" (H-73); "HH" (H-75); "JJ" (H-82) AND SENATE AMENDMENT "W" (S-66) thereto, in NON-CONCURRENCE, FAILED.**

Sent down for concurrence.

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 **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Give an Antlerless Deer Permit to a Person Who Kills 5 or More Coyotes" S.P. 63 L.D. 182

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-65).**

Signed:

Senators:
KILKELLY of Lincoln
HALL of Piscataquis

Representatives:
PAUL of Sanford
CHICK of Lebanon
UNDERWOOD of Oxford
TRUE of Fryeburg
USHER of Westbrook
GOODWIN of Pembroke
CROSS of Dover-Foxcroft

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

Signed:

Senator:
RUHLIN of Penobscot

Representatives:
CLARK of Millinocket
DUNLAP of Old Town
PERKINS of Penobscot

Which Reports were **READ.**

Senator **KILKELLY** of Lincoln moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-65) 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-65) Report.**

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Limit the Type of Hunting Equipment Used by Hunters Who Have Already Tagged a Deer"
S.P. 230 L.D. 799

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

Signed:

Senators:

KILKELLY of Lincoln
RUHLIN of Penobscot

Representatives:

PAUL of Sanford
CLARK of Millinocket
DUNLAP of Old Town
CHICK of Lebanon
UNDERWOOD of Oxford
TRUE of Fryeburg
USHER of Westbrook
CROSS of Dover-Foxcroft
PERKINS of Penobscot
GOODWIN of Pembroke

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-64).**

Signed:

Senator:

HALL of Piscataquis

Which Reports were **READ.**

Senator **KILKELLY** of Lincoln moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** 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 NOT TO PASS** Report.

Senate at Ease

Senate called to order by the President.

On motion by Senator **AMERO** of Cumberland, **ADJOURNED**, until Tuesday, March 25, 1997, at 10:00 in the morning.