

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

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

In Senate Chamber
Tuesday
April 1, 1997

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

Prayer by Pastor Mike Whitney of the Bath Alliance Church in Bath.

PASTOR MIKE WHITNEY: First, I would just like to say thank you for the opportunity and the privilege of leading this session in prayer. Let's pray.

Lord God, before we seek Your wisdom for the decisions to be made today, we first acknowledge Your right to rule in the affairs of our state, our nation, and our individual lives. We thank You for past blessings and we are mindful that those blessings will only continue as we seek to obey the commands You set forth in Your holy scriptures. Father, please grant us the ability to understand Your will, the humility to receive it, and the courage to do it. We confess, Father, that we have sinned against You. We uphold the killing of innocent children in the womb. We uphold lifestyles that You have declared wrong, at times. We often do not punish the guilty and do not defend the innocent. Father, we ask You to forgive us and help us understand that there is a right and wrong and that there will be another record kept of the events that occur here today besides the one kept by this legislative body. I pray that You will guide each man and woman here today. I thank You for their willingness to serve this great state and the sacrifice that it means to each one. I pray for Your protection of them and their families. Thank You, Father, for hearing us. In Jesus' name. Amen.

Pledge of Allegiance led by Senator Robert E. Murray, Jr. of Penobscot.

Doctor of the Day, Laurel Coleman, M.D., of Kennebec.

Reading of the Journal of Thursday, March 27, 1997.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Permit the Retail Sale of Smoked Alewives"
H.P. 1187 L.D. 1686

Committee on **HEALTH AND HUMAN SERVICES** suggested and **ORDERED PRINTED**.

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

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

Resolve, to Promote School Choice by Establishing a Voucher Program
H.P. 1189 L.D. 1688

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 Significantly Reduce Smoking and Tobacco Use among the Young People of Maine" H.P. 1192 L.D. 1691

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

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

Bill "An Act to Provide Court-ordered Income Withholding of Spousal Support" H.P. 1190 L.D. 1689

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

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

Bill "An Act to Regulate the Use of Tow Trucks"
H.P. 1188 L.D. 1687

Bill "An Act to Allow Law Enforcement Agencies Access to Motor Vehicle Insurance Information" H.P. 1191 L.D. 1690

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.

**Pursuant to Statutes
Administrator of the Unorganized Territory**

The **Administrator of the Unorganized Territory**, pursuant to MRSA Title 36, Section 1604, asked leave to report that the accompanying Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1997-98" (Emergency) H.P. 1193 L.D. 1692

Be referred to the Committee on **TAXATION** for Public Hearing and printed pursuant to Joint Rule 218, in concurrence.

Comes from the House, the Report **READ** and **ACCEPTED**. The Bill referred to the Committee on **TAXATION** and **ORDERED PRINTED**.

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

The Bill referred to the Committee on **TAXATION** and **ORDERED PRINTED**, in concurrence, pursuant to Joint Rule 218.

COMMUNICATIONS

The Following Communication: S.C. 133

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY**

March 27, 1997

The Honorable Mark W. Lawrence
President of the Senate of Maine
118th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 118th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Bernard M. Devine of Falmouth, for reappointment as an Active Retired Judge of the Maine District Court.

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

YEAS: Senators 3 Longley of Waldo, LaFountain of York, Benoit of Franklin

Representatives 9 Thompson of Naples, Watson of Farmingdale, Jabar of Waterville, Mailhot of Lewiston, Powers of Rockport, Plowman of Hampden, Madore of Augusta, Nass of Acton, Waterhouse of Bridgton

NAYS: 0
ABSENT: 1 Rep. Etnier of Harpswell

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Bernard M. Devine of Falmouth, for reappointment as an Active Retired Judge of the Maine District Court be confirmed.

Signed:

S/Susan W. Longley
Senate Chair

S/Richard H. Thompson
House Chair

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

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 506 of the 118th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CAREY, CATHCART, CLEVELAND, DAGGETT, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, KIEFFER, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: CASSIDY, JENKINS, PENDLETON, SMALL

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being absent, and none being less than two-thirds of the Membership present it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of the **Honorable Bernard M. Devine**, for reappointment as an Active Retired Judge of the Maine District Court was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

SENATE PAPERS

Resolve, to Reduce Reliance on Pesticides
S.P. 569 L.D. 1726

Presented by Senator KILKELLY of Lincoln
Cosponsored by Senator: NUTTING of Androscoggin

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

Sent down for concurrence.

Bill "An Act to Require Full Disclosure of Purpose of Data Collected through the Use of Promotional Products"
S.P. 566 L.D. 1723

Presented by Senator KILKELLY of Lincoln
Cosponsored by Representative TOWNSEND of Portland
and Representatives: PINKHAM of Brunswick, SKOGLUND
of St. George

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

Sent down for concurrence.

Bill "An Act Concerning Firearm Purchase Background Checks"
S.P. 562 L.D. 1719

Presented by Senator HALL of Piscataquis
Cosponsored by Senators: MILLS of Somerset, KIEFFER of Aroostook

Bill "An Act to Establish and Implement Restorative Justice"
S.P. 570 L.D. 1727

Presented by Senator MURRAY, JR. of Penobscot
(GOVERNOR'S BILL)
Cosponsored by Representative POVICH of Ellsworth and
Senators: BENOIT of Franklin, JENKINS of Androscoggin,
LONGLEY of Waldo, MITCHELL of Penobscot,
Representatives: BUNKER, JR. of Kossuth Township,
MCALEVEY of Waterboro, PEAVEY of Woolwich,
THOMPSON of Naples

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

Sent down for concurrence.

Bill "An Act Regarding Appointment to the Maine Public Broadcasting Board of Trustees"
S.P. 564 L.D. 1721

Presented by Senator CATHCART of Penobscot
Cosponsored by Senator: PENDLETON of Cumberland,
Representatives: BAKER of Bangor, BROOKS of Winterport

Bill "An Act to Authorize Interlocal Agreements for Construction and Operation of Public Education Fiber-optic Transmission Systems"
S.P. 568 L.D. 1725

Presented by Senator PARADIS of Aroostook
Cosponsored by Representative O'NEAL of Limestone and
Senators: KIEFFER of Aroostook, MICHAUD of Penobscot,
Representatives: AHEARNE of Madawaska, BELANGER of Wallagrass, DESMOND of Mapleton, SIROIS of Caribou,
WATSON of Farmingdale, WHEELER of Bridgewater

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

Sent down for concurrence.

Bill "An Act to Ensure Quality Care for Persons with Mental Illness"
S.P. 565 L.D. 1722

Presented by Senator DAGGETT of Kennebec
Cosponsored by Representative COWGER of Hallowell and
Senators: CATHCART of Penobscot, KILKELLY of Lincoln,
Representatives: MADORE of Augusta, O'BRIEN of Augusta,
SAXL of Bangor

Bill "An Act to Promote Professional Competence and Improve Patient Care"
S.P. 571 L.D. 1728

Presented by Senator GOLDTHWAIT of Hancock

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

Sent down for concurrence.

Bill "An Act to Require Health-care Providers to Honor Do Not Resuscitate Orders"
S.P. 572 L.D. 1729

Presented by Senator GOLDTHWAIT of Hancock
Cosponsored by Representative TUTTLE, JR. of Sanford and
Representatives: BROOKS of Winterport, BUMPS of China

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

On motion by Senator PINGREE of Knox, referred to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

Bill "An Act to Amend the Unemployment Insurance Laws"
S.P. 567 L.D. 1724

Presented by Senator DAGGETT of Kennebec

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

Sent down for concurrence.

Bill "An Act to Amend the Election Laws"
S.P. 574 L.D. 1731

Presented by Senator DAGGETT of Kennebec
Cosponsored by Representative TUTTLE, JR. of Sanford and
Senator: FERGUSON, JR. of Oxford, Representative: TRUE
of Fryeburg
Submitted by the Secretary of State pursuant to Joint Rule
204.

Which was referred to the Committee on **LEGAL AND VETERANS AFFAIRS** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Implement the Recommendations of the Great Pond Task Force" S.P. 573 L.D. 1730

Presented by Senator TREAT of Kennebec
Cosponsored by Representative COWGER of Hallowell and
Senator: NUTTING of Androscoggin, Representatives:
BARTH, JR. of Bethel, FULLER of Manchester, GREEN of
Monmouth, MCKEE of Wayne, NASS of Acton, TRUE of
Fryeburg

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

Sent down for concurrence.

Bill "An Act to Repeal the Requirement That Victualers Be Licensed by a Municipality" S.P. 563 L.D. 1720

Presented by Senator GOLDTHWAIT of Hancock
Approved for introduction by a majority of the Legislative
Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

ORDERS

Joint Resolution

On motion by Senator **ABROMSON** of Cumberland
(Cosponsored by: Representative SAXL of Portland) the following
Joint Resolution: S.P. 575

**JOINT RESOLUTION COMMEMORATING YOM HASHOAH,
THE DAY OF REMEMBRANCE OF THOSE WHO
SUFFERED AS VICTIMS OF THE HOLOCAUST**

WHEREAS, 55 years ago, 6,000,000 Jews were murdered in
the Nazi Holocaust as part of a systematic program of genocide
and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always
remember the atrocities committed by the Nazis so that such
horrors are never repeated; and

WHEREAS, the people of the State of Maine should always
remember those who liberated the Nazi concentration camps,
some at the cost of their lives and others with lifelong emotional
suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should
continually rededicate themselves to the principle of equal justice

for all people, remain eternally vigilant against all tyranny and
recognize that bigotry provides a breeding ground for tyranny to
flourish; and

WHEREAS, May 4, 1997 has been designated internationally
as a Day of Remembrance of the Victims of the Nazi Holocaust,
known as Yom HaShoah; and

WHEREAS, the national community pursuant to an Act of
Congress will be commemorating the Days of Remembrance of
the Victims of the Nazi Holocaust; and

WHEREAS, it is appropriate for the people of the State of
Maine to join in this international commemoration; now, therefore,
be it

RESOLVED: That, We, the Members of the One Hundred
and Eighteenth Legislature, now assembled in the First Special
Session, on behalf of the people we represent, pause in solemn
memory of the victims of the Nazi Holocaust, and urge one and
all to recommit themselves to the lessons of the Nazi Holocaust
through this international week of commemoration and express
our common desire to continually strive to overcome prejudice
and inhumanity through education, vigilance and resistance; and
be it further

RESOLVED: That suitable copies of this resolution, duly
authenticated by the Secretary of State, be transmitted to the
United States Holocaust Memorial Council in Washington, D.C.,
on behalf of the people of the State of Maine.

Which was **READ** and **ADOPTED**.

Sent down for concurrence.

COMMITTEE REPORTS

House

Change of Reference

The Committee on **HEALTH AND HUMAN SERVICES** on Bill
"An Act to Reduce MTBE in Maine Drinking Water"
H.P. 487 L.D. 658

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

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

Which Report was **READ**.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later
in Today's Session, pending **ACCEPTANCE**.

Ought to Pass As Amended

The Committee on **BANKING AND INSURANCE** on Resolve, Regarding Legislative Review of Chapter 840: Private Purchasing Alliances, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance (Emergency) H.P. 873 L.D. 1190

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-121)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-121)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-121) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **MARINE RESOURCES** on Bill "An Act to Improve Management in the Elver Fishery" H.P. 289 L.D. 353

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-114)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-114)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-114) **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 Clarify That a Town's Mooring Ordinance May Grandfather Existing Commercial or Noncommercial Moorings" H.P. 63 L.D. 88

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-119)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-119)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-119) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act Regarding Potato Bin Pilers and Refund of Sales Tax" H.P. 342 L.D. 464

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-116)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-116)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-116) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Prohibit Rebates and Other Incentives Pertaining to Insurance Claims" H.P. 407 L.D. 552

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

Signed:

Senators:

LAFOUNTAIN III of York
MURRAY, JR. of Penobscot
ABROMSON of Cumberland

Representatives:

SAXL of Bangor
WINN of Glenburn
DAVIDSON of Brunswick
O'NEIL of Saco
PERRY of Bangor
STANLEY of Medway
CARLETON, JR. of Wells
MAYO III of Bath
BRUNO of Raymond

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-92)**.

Signed:

Representative:
JONES, JR. of Pittsfield

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

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Allow Field Testing of Unregistered Snowmobiles Repaired by Licensed Snowmobile Repair Shops" H.P. 57 L.D. 82

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

Signed:

Senators:
KILKELLY of Lincoln
RUHLIN of Penobscot
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 to Pass as Amended by Committee Amendment "A" (H-99)**.

Signed:

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

Comes from the House, Reports **READ** and the Bill and Accompanying Papers **RECOMMENDED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

Which Reports were **READ**.

On motion by Senator **KILKELLY** of Lincoln, the Bill and Accompanying Papers **RECOMMENDED** to the Committee on **INLAND FISHERIES AND WILDLIFE**, in concurrence.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Prohibit Liquor Licensing of an Establishment Managed by a Person with a Criminal Record" H.P. 367 L.D. 512

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

Signed:

Senators:
DAGGETT of Kennebec
CAREY of Kennebec
FERGUSON, JR. of Oxford

Representatives:
TUTTLE, JR. of Sanford
GAMACHE of Lewiston
FISHER of Brewer
GAGNE of Buckfield
TESSIER of Fairfield

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

Signed:

Representatives:
CHIZMAR of Lisbon
TRUE of Fryeburg
LABRECQUE of Gorham
BIGL of Bucksport
BELANGER of Wallagrass

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

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Amend the Laws Pertaining to Sea Urchin Licenses" H.P. 622 L.D. 847

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

Signed:

Senators:
GOLDTHWAIT of Hancock
PENDLETON of Cumberland
MACKINNON of York

Representatives:

ETNIER of Harpswell
PERKINS of Penobscot
BAGLEY of Machias
PIEH of Bremen
PINKHAM of Lamoine
VOLENIK of Brooklin
HONEY of Boothbay
PINKHAM of Brunswick

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

Signed:

Representative:

GOODWIN of Pembroke

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

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Include Slide-in Truck Campers in Property That May Be Included in the Trade-in Allowance Credit" H.P. 62 L.D. 87

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

Signed:

Senators:

RUHLIN of Penobscot
DAGGETT of Kennebec

Representatives:

TRIPP of Topsham
ROWE of Portland
GAGNON of Waterville
MORGAN of South Portland
CIANCHETTE of South Portland
LEMONT of Kittery
TUTTLE, JR. of Sanford
GREEN of Monmouth

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-68)**.

Signed:

Representatives:

SPEAR of Nobleboro
BUCK of Yarmouth

Comes from the House, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-68)**.

Which Reports were **READ**.

Senator **RUHLIN** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

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 in **NON-CONCURRENCE**.

Senate

Ought to Pass

Senator **KILKELLY** for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Regarding Funding for the Extended Responsibilities of the Department of Inland Fisheries and Wildlife" S.P. 19 L.D. 17

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 **LIBBY** for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Concerning the Charter of the Northern Maine Development Commission, Inc." (Emergency) S.P. 158 L.D. 487

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 **KILKELLY** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Amend the Maine Apiary Laws" S.P. 85 L.D. 265

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-78)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-78) **READ** and **ADOPTED**.

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

Senator KILKELLY for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Amend the Laws Regarding Hunting from a Paved Way" S.P. 45 L.D. 155

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-80) **READ** and **ADOPTED**.

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

Senator CAREY for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Election Laws Pertaining to Absentee Ballots" S.P. 127 L.D. 406

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-83) **READ** and **ADOPTED**.

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

Senator GOLDTHWAIT for the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Conveyance of the Interest of the State in Certain Property in Augusta S.P. 201 L.D. 629

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-77)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-77) **READ** and **ADOPTED**.

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

Senator NUTTING for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Clarify the Laws on Personal Information of State Employees" S.P. 256 L.D. 825

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-74)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-74) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Authorize the Maine Land Use Regulation Commission to Regulate the Location and Use of Roads in the Unorganized and Deorganized Areas" S.P. 200 L.D. 628

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

Signed:

Senators:

KILKELLY of Lincoln
KIEFFER of Aroostook

Representatives:

BUNKER, JR. of Kossuth Township
LANE of Enfield
GOOLEY of Farmington
BAKER of Dixfield
CROSS of Dover-Foxcroft
DEXTER of Kingfield

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-79)**.

Signed:

Senator:

PARADIS of Aroostook

Representatives:

SAMSON of Jay
VOLENIK of Brooklin
SHIAH of Bowdoinham
MCKEE of Wayne

Which Reports were **READ**.

On motion by Senator KILKELLY of Lincoln, the Majority **OUGH NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Allow a Patient to Order Contact Lenses through the Mail without a Prior Visit to a Physician" S.P. 78 L.D. 217

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-82).**

Signed:

Senators:

JENKINS of Androscoggin
RAND of Cumberland
MACKINNON of York

Representatives:

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

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

Signed:

Representative:

FARNSWORTH of Portland

Which Reports were **READ.**

On motion by Senator **MACKINNON** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-82)** Report **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-82) **READ and ADOPTED.**

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

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Designate 2 Weekends When a Person May Fish without a License" S.P. 24 L.D. 22

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

Signed:

Senators:

KILKELLY of Lincoln
RUHLIN of Penobscot
HALL of Piscataquis

Representatives:

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

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

Signed:

Representative:

PERKINS of Penobscot

Which Reports were **READ.**

On motion by Senator **KILKELLY** of Lincoln, the Majority **OUGHT TO PASS** Report **ACCEPTED.**

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 Change the Selection Process and Qualifications for State Auditor" S.P. 35 L.D. 33

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

Signed:

Senators:

NUTTING of Androscoggin
GOLDTHWAIT of Hancock
LIBBY of York

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
GERRY of Auburn
SANBORN of Alton
DUTREMBLE of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-75).**

Signed:

Representatives:

BUMPS of China
FISK, JR. of Falmouth
GIERINGER, JR. of Portland
KASPRZAK of Newport

Which Reports were **READ**.

Senator **NUTTING** of Androscoggin 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.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Process for the Selection of the State Treasurer S.P. 36 L.D. 34

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

Signed:

Senator:
NUTTING of Androscoggin

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
GERRY of Auburn
SANBORN of Alton
DUTREMBLE of Biddeford
LEMKE of Westbrook

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-81)**.

Signed:

Senators:
GOLDTHWAIT of Hancock
LIBBY of York

Representatives:

BUMPS of China
FISK, JR. of Falmouth
GIERINGER, JR. of Portland
KASPRZAK of Newport

Which Reports were **READ**.

Senator **NUTTING** of Androscoggin 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.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require That Constitutional Officers Be Appointed by the Governor S.P. 121 L.D. 400

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

Signed:

Senator:
NUTTING of Androscoggin

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-76)**.

Signed:

Senators:
GOLDTHWAIT of Hancock
LIBBY of York

Which Reports were **READ**.

Senator **NUTTING** of Androscoggin 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.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require the Election of the Secretary of State in Statewide Elections S.P. 122 L.D. 401

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-73)**.

Signed:

Senator:
LIBBY of York

Representatives:

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

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

Signed:

Senator:

NUTTING of Androscoggin

Which Reports were **READ.**

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

SECOND READERS

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

House As Amended

Bill "An Act to Protect Deer" H.P. 99 L.D. 123
(C "A" H-97)

Bill "An Act Concerning Compensation under the Natural Resources Protection Laws" H.P. 205 L.D. 258
(C "A" H-111)

Bill "An Act to Permit Investigative Officers within the Employ of the Department of Corrections to Exercise the Powers of Law Enforcement Officers" H.P. 246 L.D. 310
(C "A" H-103)

Bill "An Act to Include Domestic Water Fowl in the Animal Trespass Statutes" H.P. 339 L.D. 461
(C "A" H-113)

Bill "An Act to Provide Limited Voting Authority for Associate Supervisors of Maine's Soil and Water Conservation Districts" H.P. 369 L.D. 514
(C "A" H-112)

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

Bill "An Act to Extend Access to Chiropractic Care under Health Maintenance Organization Managed Care Plans" H.P. 179 L.D. 234
(C "A" H-23)

Which was **READ A SECOND TIME.**

On motion by Senator **BUTLAND** of Cumberland Senate Amendment "A" (S-86) **READ.**

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

Senator **BUTLAND:** Thank you Mr. President, ladies and gentlemen of the Senate. The bill which this amendment applies to allows patients to, around their primary care providers, the gate keepers in a managed care plan, seek treatment directly from chiropractors for up to 36 times per year. Because it violates the notion of the gate keeper, which is a vital concept in managed care, I am opposed to the bill, but if we are to pass this bill we ought to address one aspect of it that bothers me greatly. This bill exempts the state and its employees, including the state legislature, from the mandate. No other health mandate that we have ever passed does so. This bill will be the first and it will establish a precedent, and in my mind, a very bad precedent. The reason the components of this bill exempted state employees, including legislators, from the requirement, is that it would generate a fiscal note and they were afraid that if there were a fiscal note attached that the bill might not pass and it is true. The mandate, if applied to state employees, would cost \$182,000 during fiscal year 1997 and 1998, and \$243,000 for the period of 1998 and 1999. Of course the cost to the private sector would be many, many times that of the cost to the state. I want us to think about this for a minute. Is it fair for us to impose requirements on our citizens that we do not impose on ourselves? Do we, as legislators, really want to be explaining to our constituents why something is good for them but not good for us, as legislators? Can we look them directly into the eye and say, "We're going to make you pay for this coverage, need it or not, want it or not, like it or not, and by the way, it is expensive, in fact, it is so expensive that we think that the state government cannot afford it so we're going to exempt ourselves from the law." I hope that you will be bothered by this precedent, as I am, and will vote to adopt this amendment. Mr. President, I ask for a Division.

On motion by Senator **LAFOUNTAIN** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **BUTLAND** of Cumberland to **ADOPT** Senate Amendment "A" (S-86).

Senate

Bill "An Act to Amend the Maine Health Data Organization Laws" (Emergency) S.P. 560 L.D. 1693

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

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

Senator **PARADIS**: Thank you Mr. President, men and women of the Senate. This enabling in legislation clarifies some of the funding provisions for the Maine Health Data Organization. It allows for a permanent funding from fees charged for information to certain providers and to certain insurers. The insurers include those who will benefit from the purpose of the organization, but it does not include disability insurers or other long term care insurers. It allows providers an emergency preamble to insure that the organization is authorized to conduct its business. Thank you very much.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Clarify the Public Safety Laws Concerning Visual Smoke Detectors" S.P. 266 L.D. 874 (C "A" S-72)

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

Sent down for concurrence.

ENACTORS

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

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

An Act to Clarify the School Budget Approval Process S.P. 26 L.D. 24

An Act to Allow Veterans to Get Vanity Veteran License Plates H.P. 17 L.D. 42 (C "A" H-83)

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 (C "A" H-81)

An Act to Decrease the Time Period Allowed for the Rescission of a Time-share Contract S.P. 65 L.D. 184 (C "A" S-60)

An Act to Amend the Site Law Concerning State and Local Review of Transmission Lines S.P. 79 L.D. 218 (H "B" H-106 to C "A" S-31)

An Act to Conform State Laws Regarding Fair Housing for Older Persons with Federal Laws S.P. 86 L.D. 266 (C "A" S-59)

An Act to Establish a Commemorative Day Recognizing the Children of this State H.P. 306 L.D. 370 (C "A" H-34)

An Act to Discourage Frivolous Lawsuits by Prisoners H.P. 335 L.D. 457 (C "A" H-80)

An Act to Amend 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)

An Act Concerning Towing in Cable Areas S.P. 212 L.D. 671

An Act to Include Health Maintenance Organizations in the Bureau of Insurance's Regulatory Assessment S.P. 237 L.D. 806 (C "A" S-55)

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 (C "A" S-56)

An Act to Apply Risk-based Capital Standards to Insurers H.P. 815 L.D. 1103

An Act to Amend the Oil and Solid Fuel Board Laws S.P. 340 L.D. 1118

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

An Act to Preserve Senior Volunteerism S.P. 115 L.D. 394 (C "A" S-61)

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

An Act to Include Operation and Maintenance in the Life-cycle Costs Analysis Required for Public Improvements S.P. 129 L.D. 408 (C "A" S-62)

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

Emergency

An Act to Amend the Charter of the Loring Development Authority as It Pertains to Immunity of the Authority S.P. 46 L.D. 156 (C "A" S-63)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Clarify the Manner in Which Decedents' Estates Are to Be Distributed
H.P. 299 L.D. 363
(C "A" H-79)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Provide the Maine Turnpike Authority with Representation on the State Employee Health Commission
S.P. 178 L.D. 561
(C "A" S-54)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Promote Investments in Maine through the Establishment of Merchant Banking Organizations
S.P. 313 L.D. 1022
(C "A" S-57)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Resolve

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

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

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 (3/24/97) Assigned matter:

SENATE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-65)** (9 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - March 24, 1997, by Senator **KILKELLY** of Lincoln.

Pending - motion by the same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report
(In Senate, March 24, 1997, Reports **READ**.)

On motion by Senator **KILKELLY** of Lincoln, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-65)** Report **ACCEPTED**.

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

Senator **HALL:** Thank you Mr. President. I'd like to thank the Senate for holding this particular bill while I was laid up. This is indeed one of my bills and I'd like to speak briefly to it.

THE PRESIDENT: The Chair would simply state, there has to be a motion on the floor before this bill can be debated. The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator **RUHLIN:** Thank you Mr. President. I'm of the understanding that it was a motion to Accept the Majority Ought to Pass Report, am I in error?

THE PRESIDENT: The Chair is in error. The Senator is not in error. The Senator from Piscataquis may proceed.

Senator **HALL:** Thank you Mr. President. I thought I had read that correctly. This particular bill I brought forth for the simple reason that, since I have been in the legislature, there has been at least two to five bills every year from the hunting public, constituents out here in the state who want us, the legislature, to do something about the coyote problem in the State of Maine. We have addressed this issue over, and over, and over again, and it keeps coming back to us. The goal, the experts tell us, and I agree, that there is basically, probably nothing that we can do to eradicate the coyote in the State of Maine. Many things were done by the federal government out west to no avail. Mother nature is a funny woman and when you eliminate, cut down the population, it seems to have more offspring. Though this bill will not eradicate the coyotes in the State of Maine, it will do a couple of things. It will allow the people who are complaining the loudest to have their hand at trying to do

something and that is to kill five or more coyotes in the State of Maine. I do believe a second reason for this, that years ago we used to have a bounty on the black bear as a nuisance animal in the State of Maine. Today, by taking the bounty off, we have made the black bear a big game animal and people spend thousands of dollars to come to the State of Maine to kill a black bear. I believe that we may be successful in doing the same thing with the coyote. It is a great sport for those who do partake of it, but there are just not enough that do. Through enticement as of this bill, to let those people go out and call coyotes and so on, and so forth, or bait coyotes, I think they'll find it is a great hunting sport and therefore it could become another big game animal which could bring dollars into the State of Maine. I personally am opposed to a bounty, and this is indeed a form of a bounty, and I have opposed them in the last few years. This particular bounty will not cost us anything, any deer permits perhaps. It is still optional. They will have to apply for this permit if they do indeed kill and tag five coyotes. The mechanism for tagging is already in place in the State of Maine as the coyote is a fur bearing animal, so we don't really have to do much else there. It does call for a tagging fee of \$1 apiece. Presently, a trapper or a hunter who wants to tag a coyote pays a quarter so the additional funds will take care of any additional costs to the department. It does sunset in a couple of years so that if it's not looked upon favorably by the hunting public or they do not participate, then it will die a sure death in two years. But, I think it is an opportunity for those who have complained the loudest to go out and give it a try and see what they can do. There again, I appreciate you very much for holding this bill and I'd be more than willing to answer any questions that anyone may have. I would encourage your vote for the majority report. Thank you.

The Bill **READ ONCE**.

Committee Amendment "A" (S-65) **READ** and **ADOPTED**.

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

The Chair laid before the Senate the following Tabled and Later (3/24/97) Assigned matter:

SENATE REPORTS - from 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

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-64)** (1 member)

Tabled - March 24, 1997, by Senator **KILKELLY** of Lincoln.

Pending - motion by the same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, March 24, 1997, Reports **READ**.)

The Chair ordered a Division.

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

Senator **HALL:** Thank you Mr. President, ladies and gentlemen of the Senate. Some we win and some we lose, and this one I'm about to lose. You know, you often wonder when you get up in the morning how you're going to end up on a particular bill. You really don't expect to end up alone but this isn't the first time and it won't be the last time. I do appreciate you holding this bill to give me a few brief moments to present my position and I will do it very quickly. This is a bill that I have had great concern on for a good many years, dating back to my days when I wore the green uniform and patrolled the Maine woods. It was very irritating, especially the last day of hunting season, to check six or eight fellows together and as you're checking their licenses you find that out of six at least four, if not five have already tagged their deer. They're all hunting with 270's and 30.06's and so on and so forth, and I couldn't hesitate but to aggravate myself and ask the question, "What are you fellows hunting?" It was always, "Coyote and bear," with a big smirk. Well, it might be a year when the bear had already dened up three weeks earlier and I asked sometimes, "Well, when's the last time you saw a coyote in the woods?" "Well, never have." One fellow might say, "Well, I saw one run across the road one time in the middle of the night." Well, you and I know, and they knew, that they were hunting deer. It was a party hunt. The Fish and Wildlife Department has said that if the so called party hunt did not take place in the State of Maine that we could issue over 70,000 any deer permits. Last year we issued in the neighborhood of a total of 32,000 so, more than double if people would only abide by the law. Now, tradition dies hard but it does die. We've seen the night hunting in the State of Maine gone to where probably three out of four people have committed the act, so, it may be one out of ten today. We have eliminated an awful lot of the deer being tagged by people who didn't shoot them. It used to be that the wife was the first one in the family to tag a deer and any child over the age of ten was the next one, and the male in the family was the last one. Well, the only illegal tagging basically, I can tell you, the majority of it that's going on now is among the male adults and it's because of this that they continue to hunt deer after having already killed one. I have talked about this bill for a couple of years at different organizations, guides organizations, sporting organizations and it was received very well at the time that I presented it. But I knew when "push come to shove," and it came time to "put up or shut up," that I would be standing here alone as I am today. The department was for it. You will not find a game warden in the State of Maine, either present or past, that would oppose this bill and they would all agree that what I'm saying here today is absolutely correct. It's been correct for 50 years. It's correct today. It's too bad that people see breaking the law as okay but that's the way it is sometimes. This particular law would prevent that. It would give the wardens some teeth to enforce the present day law. It basically was going to be, if you had killed and tagged your deer, you would only be allowed during the rest of deer season back into the woods with a shot gun with bird shot only, "possession of." It would not give the wardens the authority to search your person, to see if you had buck shot or lead in your pockets. I think that if this law passed that people would say, "Okay, we're going to abide by it. We're going to stay out of the woods."

We did have one fellow that testified against it. He said that, "Well, my non-residents sportsmen, once they kill a deer, like to go out and hunt coyote and I put bait out and they sit in a tree . . ."

and watch this bait." That's all well and fine but if they were doing that, they were probably close enough to kill a coyote with bird shot. We did ask him how many coyotes his sportsmen had killed and last year they killed two coyotes. So, it's not a big deal. There has to be some sacrifices sometimes when a bill is passed to protect and to make things better. What few bear are shot would probably be shot in November by a hunter who has already tagged a deer. We're probably better off to let that bear survive anyway and allow it to be hunted in September and October when people are paying \$3,000 and \$4,000 apiece to hunt black bear in the State of Maine, compared to the resident deer hunter who maybe shoots a bear and doesn't do anything with it. It's kind of a waste of a natural resource unless you're utilizing it to it's fullest extent. That was the only sacrifice that this bill would have. I understand why the committee members really didn't like the bill, and it wasn't because they didn't like it. It was because they were afraid to vote for it because of what their constituents and their hunters back home would think. You need to think about that before you side with me, if anyone here should decide to.

In my testimony at the public hearing, I told them this was political suicide. It has caused a lot of arguments around the coffee shops and filling stations, the tagging stations around the State of Maine, especially in my own district and I've been "hung out to dry" before, back home. It's kind of interesting, the people that have come up to me and supported my position in my home area, and of course, Piscataquis County is one of the old hunting standby's in the State of Maine and hopefully always will be. Even so called poachers, and I should have had a couple of them come down and testify on this bill, and they said they would, as a matter of fact, they agreed with me, and that it did make sense. They'd killed a lot of deer in multiple shootings, different years and would be willing to come down and testify to the fact that, had this bill been in effect they wouldn't have done it. Well, I think I've gone on about long enough. I think you understand the bill. I will stand here and make a statement today that this bill will pass. It will pass. Not today, not this year but within ten years somebody will be looking this up and this bill probably, almost to the letter, will be brought back by some legislator who hasn't even dreamt yet of being here because this will save some deer. It will save a lot of deer in the State of Maine. I will make that prediction today, that this bill will pass in the future. I won't be here to present it but I hope I'm still alive to maybe be able to come down and listen to the argument. Thank you very much. I would appreciate a little support, if any of you have courage enough. It will not pass, obviously, but vote your conscience and thank you very much for your time.

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

Senator **KILKELLY:** Thank you Mr. President, men and women of the Senate. I would suggest that there can be courage on both sides of this issue and would urge you to consider the fact that there are people in this state who do hunt bear and do hunt coyote legally, in the month of November, after they've tagged a deer. One of the main issues that the committee was concerned about with this bill was the issue that the previous speaker raised and that is that, it does not authorize a body search of a person in the woods. You could have someone who's in the woods, who has a shot gun, the shot gun has bird shot in it but they have slugs or buckshot in their pocket. It just seemed very complicated in terms of how could you possibly get

to the point of determining what someone had in their pocket or not, and if it was intrusive to do that and if it was really appropriate. So, we felt that it really was something that did, in fact, need to be so intrusive in order to be effective and that it was not, in fact, a logical step to take. We also were concerned that when we do have problems the first thing we do is to say, "Well, let's just stop this entirely." This is sort of a broad brush approach to issues. Certainly, enforcement is an issue and, as again the previous speaker mentioned, there have been a number of situations in the past that have been resolved over time as people become more and more aware of their responsibility as conservationists and their responsibility as managers of the wildlife resource. We just believe that this is not necessary at this time and would urge you to accept the majority (12 members of the committee) report, Ought Not to Pass. Thank you.

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

Senator **KIEFFER:** Thank you Mr. President. Mr. President and ladies and gentlemen of the Senate. I certainly don't intend to come down here and testify as one of the poachers referred to by the good Senator Hall. However, I've been around this situation quite a few times and it is a problem. I don't know if this is the sole answer to it or not. I believe that this issue does have to be addressed. I didn't attend this committee hearing. I don't know what the testimony really involved. This problem is so serious that even the guide with out of state sportsmen isn't able to stop this violation, in my opinion, from occurring day, after day, after day, after they have successfully shot a deer. I've said before, it may not be the answer. I think it's a step in the right direction and I guess I'll be supporting the minority report in this case, if nothing more than to encourage the committee, in the future, to take a longer and a harder look at this very serious problem. Thank you.

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

Senator **RUHLIN:** Thank you Mr. President, honorable Senators of Maine. It certainly is always a pleasure to welcome the good Senator from Piscataquis back. It's always a pleasure to discuss the issues with him. There are two things that I really didn't hear discussed that this bill involves yet. One is the issue of hunting versus killing. I've hunted since I was a boy, barely able to walk it seemed like, and I like to go hunting. There are many times I've had a chance to shoot something but I haven't, because you know why? I was having too good a time hunting. I wanted to hunt. I didn't want to end my hunt then. I can remember four or five different occasions, great opportunities. No. I was having to good a time hunting. What this bill proposes to do is tell me I can't go hunting anymore unless I have a certain type of weapon. I have, in fact, shot a bear for real after I've shot a deer, and it was my intention to. So, there is a legitimate reason for me to be out hunting. Most of the time I don't even bother to shoot anything if I don't want to, too much work, unless I'm right there with my canoe and can load it into my canoe and don't have to lug it and all that. The process is that I'm hunting. I'm not out there killing. I'm there to hunt, that's point one. Point two, I think we have to be very, very careful in this state of taking laws and putting on the books laws that are unenforceable. I'm afraid that this law, as proposed, would be totally unenforceable

and that is my primary objection. It has nothing to do with conscience. It has nothing to do with the fish and game clubs that I belong to and the fact that they all don't want this or don't want that. It's a simple thing. I'm very leery about passing bills here that aren't going to be enforced, that are unenforceable. It's like going to a 60 mile per hour highway and putting a 25 mile per hour speed sign up and expecting it to be enforced. It gets so that after awhile people ignore it and when you ignore the law that's even worse. It's worse than no law at all and I think that that's the way we ought to be in this case. Consequently, I am pleased to join with the majority and I'm pleased to have had the opportunity to discuss this with the good Senator from Piscataquis.

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

Senator **HALL:** Thank you Mr. President. Very briefly, I appreciate the debate from the good Senator from Penobscot, Senator Ruhlin, I beg to differ with you though. This particular law would be much easier to enforce. A shot gun is a shot gun, looks like a shot gun. It doesn't take any big expert to realize whether you're carrying a shot gun or a high-bore rifle. The sport of hunting small game, I feel, is probably more sporting than hunting big game. You still would be allowed to hunt the partridges, when in season, and the rabbits and other small game, and so on and so forth. I think, actually, people would have a better time. They wouldn't be looking over their shoulder all the time to see if the game warden was watching them as they're about to shoot at a deer or tracking a deer in the snow. The present law that we have, hunting deer after having already killed one, is the law that's very, very difficult to enforce. This would actually reverse the statement that this particular law would be easy to enforce and would really go a long way to making sportsmen out of everyone, even though there would be a little sacrifice of bear hunting and perhaps, coyote hunting. I did cut this down. It's amended to be for November and December. If I were really serious, the problem's in November and if I thought this had a chance at all of going anywhere, I'd amend it and amend out December, which is muzzle loading season. That is not a big problem right now. Thank you very much.

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

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending the motion by Senator **KILKELLY** of Lincoln, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report. (Roll Call ordered.)

The Chair laid before the Senate the following Tabled and Later (3/26/97) Assigned matter:

Bill "An Act to Improve Children's Health"
S.P. 551 L.D. 1677

Tabled - March 26, 1997, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

(Committee on **HEALTH AND HUMAN SERVICES** suggested.) And **OUGHT TO PASS**.

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

Sent down for concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **CAREY** for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Permit the Public Utilities Commission to Exempt Certain Telephone Utilities from Obtaining Approval to Serve" S.P. 82 L.D. 262

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-84)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-84) **READ** and **ADOPTED**.

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

Senator **CAREY** for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Adopt a New Charter for the Winthrop Water District" S.P. 238 L.D. 807

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-85)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-85) **READ** and **ADOPTED**.

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

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **ADJOURNED** until Wednesday, April 2, 1997, at 10:00 in the morning.