

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
Thursday
April 10, 1997

Senate Called to Order by the President Pro Tem Philip E. Harriman of Cumberland.

Prayer by Charity Pabst of the Baha'i Community in Portland.

CHARITY PABST: "Glory be unto Thee, O Lord of the world and Desire of the nations, O Thou Who has become manifest in the Greatest Name, whereby the pearls of wisdom and utterance have appeared from the shells of the great sea of Thy knowledge, and the heavens of divine revelation have been adorned with the light of the appearance of the sun of Thy countenance.

I beg of Thee, by that Word through which Thy proof was perfected among Thy creatures and Thy testimony was fulfilled amidst Thy servants, to strengthen Thy people in that whereby the face of the Cause will radiate in Thy dominion, the standards of Thy power will be planted among Thy servants, and the banners of Thy guidance will be raised throughout Thy dominions.

O my Lord! Thou beholdest them clinging to the rope of Thy grace and holding fast unto the hem of the mantle of Thy beneficence. Ordain for them that which may draw them nearer unto Thee, and withhold them from all else save Thee.

I beg of Thee, O Thou King of existence and Protector of the seen and the unseen, to make whosoever arises to serve Thy Cause as a sea moving by Thy desire, as one ablaze with the fire of Thy Sacred Tree, shining from the horizon of the heaven of Thy will. Verily, Thou art the mighty One, Whom neither the power of all the world nor the strength of nations can weaken. There is no God but Thee, the One, the Incomparable, the Protector, the Self-Subsistent." Bah`a`u`ll`ah

Doctor of the Day, Jane Garfield, M.D., Blue Hill.

Reading of the Journal of Wednesday, April 9, 1997.

Off Record Remarks

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

ORDERS

Joint Order

On motion by Senator PINGREE of Knox, the following Joint Order:
S.P. 592

ORDERED, the House concurring, that when the House stands adjourned it does so until Monday, April 14, 1997 at 9:00 in the morning and when the Senate stands adjourned it does so until Monday, April 14, 1997, at 10:00 in the morning.

Which was **READ** and **PASSED**.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Non-concurrent Matter

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of Constitutional Officers H.P. 290 L.D. 354 (C "A" H-137)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-137)** (10 members)

Minority - **Ought Not to Pass** (2 members)

In House, April 3, 1997, 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-137)**.

In Senate, April 8, 1997, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **PINGREE** of Knox the Senate **ADHERED**.

On motion by Senator **AMERO** of Cumberland, the Senate **RECONSIDERED** whereby it **ADHERED**.

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.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ADHERE**. (Roll Call Ordered)

House Papers

Bill "An Act to Improve Management of Maine's Forests"
H.P. 1246 L.D. 1766

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.

Bill "An Act to Authorize a General Fund Bond Issue to Make Necessary Improvements to the State House"
H.P. 1241 L.D. 1761

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

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

Bill "An Act to Amend the Structure of the University of Maine System"
H.P. 1245 L.D. 1765

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.

Resolve, Establishing the Task Force to Evaluate the Creation of a Centralized State Office of Advocacy Services
H.P. 1242 L.D. 1762

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 Establish an Office of Regulatory Reform within the Executive Branch"
H.P. 1244 L.D. 1764

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

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

Bill "An Act to Establish the Local Option Lodging Tax"
H.P. 1243 L.D. 1763

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.

Joint Order

The following Joint Order: H.P. 1247

ORDERED, the Senate concurring, that Bill, "An Act to Review Registration of Certified Nursing Assistants," H.P. 1206, L.D. 1706, be recalled from the Legislative Files to the Senate.

Comes from the House **READ** and **PASSED**.

Which was **READ**. Pursuant to Joint Rule 404 a Division was had. 29 Members of the Senate having voting in the affirmative, and no Senators having voted in the negative, and 29 being more than two-thirds of those present and voting, the Joint Order was **PASSED**, in 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 Authorize Additional Adjustments to the State Share of School Funding"
H.P. 1250 L.D. 1769

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 Concerning Fuel Taxes for Carriers Operating School Buses under Contract"
H.P. 1249 L.D. 1768

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.

Resolve, Directing the Department of Transportation to Construct an Adequate Railing on the Donald V. Carter Bridge (Emergency)
H.P. 1248 L.D. 1767

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.

Bill "An Act to Create the Pleasant River Standard Water District" (Emergency)
H.P. 1251 L.D. 1770

Bill "An Act to Extend the Electric Rate Stabilization Program" (Emergency) H.P. 1252 L.D. 1771

Come from the House, referred to the Committee on UTILITIES AND ENERGY and ORDERED PRINTED.

Which were referred to the Committee on UTILITIES AND ENERGY and ORDERED PRINTED, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 173

STATE OF MAINE ONE HUNDRED AND EIGHTEENTH LEGISLATURE COMMITTEE ON TRANSPORTATION

April 8, 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 Transportation has had under consideration the nomination of Julian R. Coles of Cape Elizabeth, for reappointment to the Maine Turnpike Authority.

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 2 O'Gara of Cumberland, Cassidy of Washington Representatives 9 Driscoll of Calais, Bouffard of Lewiston, Chartrand of Rockland, Fisher of Brewer, Wheeler of Eliot, Lindaahl of Northport, Clukey of Houlton, Savage of Union, Winglass of Auburn
NAYS: 0
ABSENT: 2 Sen. Jenkins of Androscoggin, Rep. Joyce of Biddeford

Eleven 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 Julian R. Coles of Cape Elizabeth, for reappointment to the Maine Turnpike Authority be confirmed.

Signed,

S/William B. O'Gara Senate Chair

S/Joseph D. Driscoll House Chair

Which was READ and ORDERED PLACED ON FILE.

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on TRANSPORTATION 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, CASSIDY, CATHCART, DAGGETT, FERGUSON, HALL, JENKINS, KIEFFER, KILKELLY, LAFOUNTAIN, LAWRENCE, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT PRO TEM - PHILIP E. HARRIMAN

ABSENT: Senators: CLEVELAND, GOLDTHWAIT

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 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 Julian R. Coles, for reappointment to the Maine Turnpike Authority was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

The Following Communication: S.C. 162

STATE OF MAINE ONE HUNDRED AND EIGHTEENTH LEGISLATURE COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

April 7, 1997

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

Dear President Lawrence and Speaker Mitchell:

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

- L.D. 230 An Act to Require the Maine Land Use Regulation Commission to Consider Community Benefits when Approving Utility Line Permits
- L.D. 698 An Act to Require That Dogs Be Kept on Leashes

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

Sincerely,

S/Sen. Marge L. Kilkelly Senate Chair
S/Rep. George H. Bunker, Jr. House Chair

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

The Following Communication: S.C. 163

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

April 7, 1997

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

Dear President Lawrence and Speaker Mitchell:

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

- L.D. 309 An Act to Amend the Laws Governing Medical Payments Coverage Limits on Priority Liens
- L.D. 1288 An Act to Adopt a Uniform Policy on Treatment of Medical Liens in Personal Injury Litigation
- L.D. 1484 An Act to Make Mandated Health Insurance Coverage Optional

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

Sincerely,

S/Sen. Lloyd P. LaFountain III Senate Chair
S/Rep. Jane W. Saxl House Chair

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

The Following Communication: S.C. 164

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

April 7, 1997

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

Dear President Lawrence and Speaker Mitchell:

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

- L.D. 920 An Act Criminalizing the Failure of One Parent to Report a Sexual Assault or Exploitation of a Child by Another Parent
- L.D. 1250 An Act to Protect Private Communication
- L.D. 1324 Resolve, to Establish a Commission to Review Sentencing Guidelines

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

Sincerely,

S/Sen. Robert E. Murray, Jr. Senate Chair
S/Rep. Edward J. Povich House Chair

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

The Following Communication: S.C. 165

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 7, 1997

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

Dear President Lawrence and Speaker Mitchell:

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

- L.D. 185 An Act to Reward Schools for Exceptional Student Performance on the 4th-grade Maine Educational Assessment Exam
- L.D. 1274 An Act to Include Training in Cardiopulmonary Resuscitation As a High School Graduation Requirement
- L.D. 1308 An Act to Authorize School Units to Consolidate Administrative Functions

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

Sincerely,

S/Sen. Peggy A. Pendleton Senate Chair
S/Rep. Shirley K. Richard House Chair

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

The Following Communication: S.C. 166

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

April 7, 1997

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

Dear President Lawrence and Speaker Mitchell:

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

- L.D. 108 An Act to Amend the Criteria for Reimbursement by the Medicaid Program for Nursing Facility Residents

- L.D. 829 An Act to Require Total Care Cost Analysis in the "MED 94" Assessment
- L.D. 1291 An Act to Prohibit Nursing Homes from Charging Private-payor Patients More Than Medicaid Patients
- L.D. 1364 An Act to Establish Ratios for Direct-care Providers to Nursing Home Residents

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

Sincerely,

S/Sen. Judy Paradis Senate Chair
S/Rep. J. Elizabeth Mitchell House Chair

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

The Following Communication: S.C. 167

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

April 7, 1997

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

Dear President Lawrence and Speaker Mitchell:

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

- L.D. 476 An Act to Require the Forfeiture of Any Proceeds of Prostitution
- L.D. 718 An Act to Open to Public Scrutiny the Workings of the Maine Legislature
- L.D. 995 An Act to Provide for Accomplish Liability with Respect to Civil Violations
- L.D. 1157 An Act to Grant to Joint Standing Committees of the Legislature Access to Confidential Information

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

Sincerely,

S/Sen. Susan W. Longley Senate Chair
S/Rep. Richard H. Thompson House Chair

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

The Following Communication: S.C. 168

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

April 7, 1997

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

Dear President Lawrence and Speaker Mitchell:

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

- L.D. 267 An Act Regarding the Redistricting of Ogunquit
- L.D. 615 An Act Concerning the Removal of Campaign Signs
- L.D. 850 An Act to Reduce the Time Political Signs May Be Placed in the Public Right-of-Way
- L.D. 884 An Act to Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee
- L.D. 1146 Resolve, to Authorize Robert Gray or His Legal Representative to Bring a Civil Action against the State in Order to Investigate Errors Made by State Officials That Caused Children to Erroneously Believe They Had Been the Victims of a Crime
- L.D. 1350 An Act to Require the Printing of the Toll-free Telephone Number of the Council on Compulsive Gambling on all Lottery Tickets Sold in the State

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

Sincerely,

S/Sen. Beverly C. Daggett
Senate Chair

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

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

The Following Communication: S.C. 169

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

April 7, 1997

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

Dear President Lawrence and Speaker Mitchell:

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

- L.D. 194 An Act to Fully Fund the Surface Water Ambient Toxics Monitoring Program

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

Sincerely,

S/Sen. Sharon Anglin Treat
Senate Chair

S/Rep. G. Steven Rowe
House Chair

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

The Following Communication: S.C. 170

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

April 7, 1997

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

Dear President Lawrence and Speaker Mitchell:

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

- L.D. 673 An Act Regarding Electric Energy Demand Charges
- L.D. 1148 An Act to Provide Sales Tax Relief for Low-income Citizens

L.D. 1321 Resolve, to Clarify the Definition of Tax-exempt Property

Sincerely,

L.D. 1375 An Act to Simplify the Individual Income Tax and Eliminate Filings with Low Returns

S/Sen. William B. O'Gara
Senate Chair

S/Rep. Joseph D. Driscoll
House Chair

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

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

Sincerely,

The Following Communication: S.C. 172

S/Sen. Richard P. Ruhlin
Senate Chair

S/Rep. Verdi L. Tripp
House Chair

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

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

April 7, 1997

The Following Communication: S.C. 171

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

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

Dear President Lawrence and Speaker Mitchell:

April 7, 1997

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

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

Dear President Lawrence and Speaker Mitchell:

L.D. 483 An Act to Create Industrial Enterprise Districts to Promote Economic Development and to Retain and Increase Good Quality Jobs by Providing More Competitive Electric Rates within the Districts

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

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

L.D. 927 An Act to Eliminate the Requirement for a Motor Vehicle Title upon Registration if the Motor Vehicle Is More than 10 Years Old

Sincerely,

L.D. 963 An Act to Establish the Loon Plate as the Official State License Plate and Establish the Committee to Develop a Decal System for License Plates

S/Sen. Richard J. Carey
Senate Chair

S/Rep. Kyle W. Jones
House Chair

L.D. 1320 Resolve, to Direct the Department of Transportation to Create a Weighing Point on Route 202 between Alfred and Lebanon

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

L.D. 1352 An Act to Allow Municipalities to Enact Ordinances Restricting Bicycle Tour Groups on State Roads

SENATE PAPERS

L.D. 1367 An Act to Amend the Bicycle Provisions of the Maine Revised Statutes, Title 29-A in Order to Provide a Greater Measure of Safety for Travel by Bicyclists

Bill "An Act to Promote Access to Health Care"
S.P. 596 L.D. 1775

Presented by Senator DAGGETT of Kennebec
Cosponsored by Senator: LAFOUNTAIN III of York
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

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

Sent down for concurrence.

Resolve, to Promote the Health of Maine's Children
S.P. 593 L.D. 1772

Presented by Senator DAGGETT of Kennebec
Cosponsored by Representative KANE of Saco
Approved for introduction by a majority of the Legislative
Council pursuant to Joint Rule 205.

Bill "An Act to Establish the Maine Prepaid College Tuition
Program" S.P. 599 L.D. 1778

Presented by Senator MURRAY, JR. of Penobscot
Cosponsored by Representative WATSON of Farmingdale
and Senators: CATHCART of Penobscot, CLEVELAND of
Androscoggin, PENDLETON of Cumberland, SMALL of
Sagadahoc, Representatives: BAKER of Bangor, BRENNAN
of Portland

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

Sent down for concurrence.

Bill "An Act to Establish Guidelines for Putting Certain Social
Service Contracts out to Bid" S.P. 597 L.D. 1776

Presented by Senator DAGGETT of Kennebec
Cosponsored by Representative KANE of Saco
Approved for introduction by a majority of the Legislative
Council pursuant to Joint Rule 205.

Bill "An Act Regarding Access to Medical Information"
S.P. 600 L.D. 1779

Presented by Senator PINGREE of Knox
Cosponsored by Representative WATSON of Farmingdale
and Senators: KILKELLY of Lincoln, PARADIS of Aroostook,
RAND of Cumberland, Representatives: BRENNAN of
Portland, GREEN of Monmouth, LOVETT of Scarborough,
MAYO III of Bath, MITCHELL of Portland

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

Sent down for concurrence.

Resolve, Directing the Maine State Housing Authority to
Recommend Certain Safety Standards S.P. 594 L.D. 1773

Presented by Senator DAGGETT of Kennebec
Cosponsored by Representative KANE of Saco
Approved for introduction by a majority of the Legislative
Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act to Promote Fiscal Accountability in State
Contracts for Services" S.P. 595 L.D. 1774

Presented by Senator DAGGETT of Kennebec
Cosponsored by Representative KANE of Saco and Senator:
LAFOUNTAIN III of York
Approved for introduction by a majority of the Legislative
Council pursuant to Joint Rule 205.

Bill "An Act to Permit the Creation of Cooperative Municipal
Fire Districts" S.P. 598 L.D. 1777

Presented by Senator DAGGETT of Kennebec
Cosponsored by Representative GAGNON of Waterville and
Representatives: KANE of Saco, MADORE of Augusta
Approved for introduction by a majority of the Legislative
Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

ORDERS

Joint Resolution

On motion by Senator PARADIS of Aroostook (Cosponsored
by: Senator KIEFFER of Aroostook, Representative BELANGER
of Wallagrass, Representative BELANGER of Caribou,
Representative DESMOND of Mapleton, Representative
DONNELLY of Presque Isle, Representative O'NEAL of
Limestone, Representative SIROIS of Caribou, Representative
WHEELER of Bridgewater), the following Joint Resolution:
S.P. 601

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF
THE UNITED STATES AND THE CONGRESS OF THE UNITED
STATES TO PROVIDE SUPPORT FOR CRITICAL HIGHWAY
IMPROVEMENTS THROUGH NORTHERN MAINE FROM
HOULTON TO FORT KENT**

WE, your Memorialists, the Members of the One Hundred and
Eighteenth Legislature of the State of Maine now assembled in
the First Special Session, most respectfully present and petition
the President of the United States and the Congress, as follows:

WHEREAS, Interstate 95 ends at Houlton, Maine, 99 miles
from the end of U.S. Route 1 in Fort Kent, Maine, which parallels
the international border in northern Maine between the United
States and Canada; and

WHEREAS, the structural and functional condition of the U.S.
Route 1 corridor from Houlton to Fort Kent is such that
substantial upgrades or reconstruction of the Route 1 corridor or

alternative routes is necessary for the economic growth and vitality of northern Maine; and

WHEREAS, northern Maine is critical as an economic connector to Canada and the Atlantic Rim; and

WHEREAS, various alternative improvements for the U.S. Route 1 corridor have been studied and it has been concluded that these improvements would not only enhance mobility and accessibility, but would spur the economic development of northern Maine; and

WHEREAS, the improvements would provide the type of high quality north-south transportation envisioned by the "20-Year Statewide Transportation Plan" called for by the Intermodal Surface Transportation Efficiency Act of 1991; and

WHEREAS, federal, state, local and private support and innovative financing are critical to fund any of several proposed alternative improvements and financing of those improvements would range from \$290,000,000 to \$476,000,000, the least costly alternative being nearly 6 times the Maine Department of Transportation's biennial budget of Interstate and National Highway System funds; now, therefore, be it

RESOLVED: That We, your Memorialists, request the United States Congress and the President of the United States to provide essential financial assistance to address the need for substantial highway improvements in this economically depressed, yet strategically located, section of the United States; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States and each Member of the Maine Congressional Delegation.

Which was **READ**.

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

Senator **PARADIS:** Thank you Mr. President, men and women of the Senate. It is indeed a pleasure for me to present this resolution, as you are aware, because we have been speaking about it all year. We have a full court press this year in Maine to see that a forty year inequity gets resolved and this is one of them, a piece of the process that we are putting forth. I will be following this up next week in Washington myself, to see if we can do anything to move this process along. Thank you very much.

Which was **ADOPTED**

Sent down for concurrence.

Off Record Remarks

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Amend the Maine Tort Claims Act to Specifically Include Members of the Maine State Retirement System Medical Boards and Other Designated Physicians in the Definition of Employee" H.P. 548 L.D. 739

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

Signed:

Senators:
LONGLEY of Waldo
LAFOUNTAIN III of York
BENOIT of Franklin

Representatives:
THOMPSON of Naples
WATSON of Farmingdale
ETNIER of Harpswell
JABAR, SR. of Waterville
MAILHOT of Lewiston
POWERS of Rockport
MADORE of Augusta
NASS of Acton
WATERHOUSE of Bridgton

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

Signed:

Representative:
PLOWMAN of Hampden

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

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Increase Health Insurance Benefits for Retired Educators" H.P. 132 L.D. 174

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-154)**.

Signed:

Senators:

CATHCART of Penobscot
TREAT of Kennebec
MILLS of Somerset

Representatives:

HATCH of Skowhegan
SAMSON of Jay
RINES, JR. of Wiscasset
BOLDUC of Auburn
STANLEY of Medway
JOY of Crystal
PENDLETON, JR. of Scarborough

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

Signed:

Representatives:

JOYCE of Biddeford
TREADWELL of Carmel

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-154)**.

Which Reports were **READ**.

On motion by Senator **CATHCART** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-154)** Report **ACCEPTED**, in concurrence.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Cathcart.

Senator **CATHCART:** Thank you Mr. President, men and women of the Senate. I rise to ask your support for a very important bill today, that would bring more equity into our retirement system for those employees that I probably value more than any others, our teachers. For approximately three decades the State of Maine has provided health insurance coverage to retired state employees. Educators are considered state employees for retirement purposes and they don't have any other choice. They don't get social security or other pension. They receive only 25% state payment of their health insurance premiums. This bill would begin again the process of providing parity between state employees and educators by incrementally increasing the state's contribution by 5% over the biennium. As a member of the Labor Committee, I can tell you that the support for this bill was unanimous. There was no opposition. We had another bill that would have brought it up to 100% but we thought that this was more prudent, and I urge you to support this so that our teachers will not have such a disparity.

Just one example of a retired teacher that we heard from, his insurance premiums in the past ten years have increased by \$180 a month. He now pays \$280 a month for his insurance, health insurance, and that is 20% of his total monthly pension. His total monthly pension is only a little over \$1,300, so you see, this really isn't an equity when we're paying full price for the state

employees retired health insurance benefits. I urge your unanimous support of this bill. Thank you Mr. President.

The Bill **READ ONCE**.

Committee Amendment "A" (H-154) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Require Overtime Pay for Employees of Large Agricultural Employers" H.P. 283 L.D. 347

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-155)**.

Signed:

Senators:

CATHCART of Penobscot
TREAT of Kennebec
MILLS of Somerset

Representatives:

HATCH of Skowhegan
SAMSON of Jay
CLARK of Millinocket
RINES, JR. of Wiscasset
STANLEY of Medway
BOLDUC of Auburn

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

Signed:

Representatives:

JOY of Crystal
PENDLETON, JR. of Scarborough
TREADWELL of Carmel

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-155)**.

Which Reports were **READ**.

Senator **CATHCART** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-155)** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-155)** Report, in concurrence.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Increase the Number of High-stakes Beano Games" H.P. 426 L.D. 576

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-146)**.

Signed:

Senators:

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

Representatives:

BELANGER of Wallagrass
 LABRECQUE of Gorham
 BIGL of Bucksport
 TRUE of Fryeburg
 CHIZMAR of Lisbon
 FISHER of Brewer
 TUTTLE, JR. of Sanford
 TESSIER of Fairfield

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

Signed:

Representatives:

GAGNE of Buckfield
 GAMACHE of Lewiston

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-146)**.

Which Reports were **READ**.

Senator **DAGGETT** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-146)** Report, in concurrence.

Senator **MILLS** of Somerset requested a Roll Call.

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

Senator **MILLS:** As I understand Mr. President, we're on item 5-4, which is the High Stakes Beano?

THE PRESIDENT PRO TEM: The Chair would answer in the affirmative.

Senator **MILLS:** Thank you Mr. President, men and women of the Senate. I would invite the members of this Body to reject

the Ought to Pass Report on this issue. My understanding of the background behind this is that there's an effort being made to develop what would really be tantamount to a beano casino in western Maine, based on getting permission from this state to expand or enlarge greatly the options that are available currently to the tribes to offer high-stakes beano enterprises. My concern is that this is not the kind of investment opportunity that we ought to be encouraging. The people that lie behind these proposals, the people that stand to support them economically and have most at stake to gain from some of these proposals, are large business corporations from out of state and I think, in my own view, they're using the tribes as a means or a method by which to set up a certain kind of business in this state that I think is contrary to the public interest. Studies from across the United States have revealed that large state localized gambling activity of this sort does not result in bringing in exported capital from outside. It does not result in new money coming in. In large measure it results in churning money that is already within the same community around and around, with the profits from that churning being exported to large out of state corporations that are in the gambling business. Now, there are exceptions and we're all aware of them. Las Vegas has a way of attracting people from all around the world, who come to what goes on there, and there are isolated exceptions like Foxwood, in Connecticut. But regrettably, the general pattern has been that when enterprises of this sort are allowed to exist or expand, the general rule is that it is local people who go to them, local people who are, in many cases, addicted to gambling activity, people who dump their paychecks into this form of recreation. And it doesn't leave any new money within the region but a lot of money is exported to those who are in control of the operation and who are in it to make a profit. I might also add that when we see these enterprises coming into a region, it detracts significantly from the success of the charitable organizations that use beano to support their own activities. It detracts from the revenue that goes to churches, who often times use beano as a way of raising money, and it has a directly adverse impact on harness racing which is the traditional way in which people bet money, but they bet money in a fashion that is an old, well respected New England tradition. We are seeing in New York state, and other states, the complete failure of harness racing in large measure because people in those states have voted in expanded high-stakes gambling enterprises of this sort to the great detriment of some of the more traditional hobbies and enterprises that the state has respected over the years. For all of these, and many other reasons, I urge you to vote against the pending motion. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Daggett.

Senator **DAGGETT:** Thank you Mr. President, members of the Senate. I'd like to focus your attention on exactly what this bill does. I think there are a number of issues that have been raised that, perhaps, are a little beside the point. Currently, today in the State of Maine the Indian nations are allowed to have high-stakes beano. This is not a change in policy. This is nothing that's different. This is simply allowing a few extra weekends of high-stakes beano per year. This is nothing different. Some years ago, when high-stakes beano was first discussed, it was considered to allow the Indian nations to have the high-stakes beano. It was put in for a year or two with a report back to make

sure that there was no effect on the local small beans, the local charitable organizations, those types of activities and indeed, there was not any effect. For those of you who may be somewhat familiar with the gambling activities, generally people tend to play, or involve themselves in a particular type and people who do high-stakes are not the same people who do the low-stakes. And we have kept, specifically in this state, the small beans with a low-stake because that is a different group of people. High-stakes beano was given to the Indian nations because they do not have the same capacity to raise revenue that municipalities do because they do not have the option of property tax. Property is held differently within the Indian nations. So, this is not a change in policy. It's an extension of the number of weekends. High-stakes beano occurs today.

One of the other issues that was raised is the potential for the expansion of the location for high-stakes beano. That is a different issue. That is a different issue. The expansion of location would take place in a different arena, not simply allowing the Indian nations to have a few extra weekends. So, I hope you will see the difference in some of the opposition that has been raised and what the bill actually accomplishes. Thank you very much.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **DAGGETT** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-146)** Report, in concurrence. (Roll Call Requested)

Senate

Ought to Pass As Amended

Senator **PARADIS** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Improve the Reporting of General Use Pesticide Sales"

S.P. 141 L.D. 420

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-96)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-96) **READ** and **ADOPTED**.

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

Senator **FERGUSON, JR.** for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Qualifications of the Administrator of the Maine Veterans' Homes"

S.P. 277 L.D. 885

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-97)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-97) **READ** and **ADOPTED**.

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

Senator **LIBBY** for the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Establish Qualifications for Constitutional Officers

S.P. 80 L.D. 219

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-99)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-99) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Provide That the Biennial Budget May Take Effect Immediately if Passed by a Majority Vote

S.P. 252 L.D. 821

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

Signed:

Senators:

GOLDTHWAIT of Hancock
LIBBY of York

Representatives:

FISK, JR. of Falmouth
GERRY of Auburn
BUMPS of China
GIERINGER, JR. of Portland
KASPRZAK of Newport
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-95)**.

Signed:

Senator:

NUTTING of Androscoggin

Representatives:

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

Which Reports were **READ**.

Senator **NUTTING** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-95)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-95)** Report.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Establish Basic Standards and Procedures for Personal Services Contracting by the State"
S.P. 294 L.D. 945

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-98)**.

Signed:

Senators:

NUTTING of Androscoggin
GOLDTHWAIT of Hancock

Representatives:

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

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

Signed:

Senator:

LIBBY of York

Representative:

KASPRZAK of Newport

Which Reports were **READ**.

Senator **NUTTING** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-98)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-98)** Report.

Off Record Remarks

Divided Report

Eleven Members of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Impose a Surcharge on Documents Recorded in a Registry of Deeds to Fund Preservation of Registry Documents" S.P. 47 L.D. 157

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-93)**.

Signed:

Senators:

NUTTING of Androscoggin
LIBBY of York

Representatives:

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

One Member of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-94)**.

Signed:

Senator:

GOLDTHWAIT of Hancock

One Member of the same Committee on the same subject reported in Report "C" that the same **Ought Not to Pass**.

Signed:

Representative:

GERRY of Auburn

Which Reports were **READ**.

Senator **NUTTING** of Androscoggin moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-93)**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-93)**.

SECOND READERS

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

House

Bill "An Act Regarding Sales Tax Trade-in Credits and Farm Machinery" H.P. 903 L.D. 1246

Bill "An Act to Abolish the Judicial Council" H.P. 924 L.D. 1267

Bill "An Act to Authorize Clerks to Sign Notices of Certain Court Actions" H.P. 1055 L.D. 1487

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

House As Amended

Bill "An Act Concerning the Fees Charged by the Secretary of State for Copies" H.P. 410 L.D. 555 (C "A" H-138)

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

Senate at Ease

Senate called to order by the President Pro Tem.

Senate

Bill "An Act Relating to Municipal Excise Tax Reimbursement" (Emergency) S.P. 418 L.D. 1339

Which was **READ A SECOND TIME**.

On motion by Senator **PINGREE** of Knox, Bill and Accompanying Papers **COMMITTED** to the Committee on **TRANSPORTATION**.

Sent down for concurrence.

ENACTORS

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

An Act to Amend the Laws Regulating the Installation and Inspection of Septic Systems H.P. 442 L.D. 592 (C "A" H-96)

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: CAREY, CATHCART, DAGGETT, GOLDTHWAIT, JENKINS, KILKELLY, LAFOUNTAIN, LAWRENCE, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, FERGUSON, HALL, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL, THE PRESIDENT PRO TEM - PHILIP E. HARRIMAN

ABSENT: Senator: CLEVELAND

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the Bill was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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 **MICHAUD** of Penobscot, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President Pro Tem.

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

Off Record Remarks

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act to Require Overtime Pay for Employees of Large Agricultural Employers" H.P. 283 L.D. 347

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-155)** (9 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - April 10, 1997, by Senator **CATHCART** of Penobscot.

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-155)** Report, in concurrence

(In House, April 9, 1997, 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-155).**)

(In Senate, April 10, 1997, Reports **READ.**)

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Cathcart.

Senator **CATHCART:** Thank you Mr. President, men and women of the Senate. I urge you to support, unanimously, this piece of legislation, to require overtime pay for employees of large agricultural employers. What this bill would do is remove an exemption that has been in the wage and hour laws of the State of Maine, to make certain that individuals who are employed in an egg factory will have to be paid overtime when they are required to work more than 40 hours a week. This is basic fairness to workers and it must be enacted. The amendment before us says that individuals employed directly or indirectly for, or at, an egg processing facility that has over 300,000 laying birds must be paid overtime in accordance with this subsection. Maine law exempts, as you know, agricultural and seasonal jobs from overtime pay because, as in the case with the potatoes and the blueberries and some fish processing, it's necessary to get the work done very quickly and get the processing done or get them shipped out to where they have to go, or frozen, or whatever it takes, and for that reason it's very logical. But, we're not talking about seasonal employment here that has to be done quickly. We're talking about year round employment in a factory. And I have pay slips from DeCoster Egg Farms, which is one of the ones that will be included under this, that show workers working up to 119, 120 hours a week with no overtime pay. This has to stop and we really must pass this legislation to assure that these workers are treated fairly. We did have testimony, neither for nor against, from the Executive Director of the Maine Poultry Federation, Mr. William Bell from Farmingdale and he told us that, "Dorothy Egg Farms, which also

has 300,000 laying birds, do not oppose this bill because they," I'm quoting, "they are good employers. Dorothy Egg Farms already pays overtime pay." I think everyone should have to be under the same laws and all workers should have the same protection under the law and have fair pay and I urge you to give this bill your unanimous support, and Mr. President, I request a roll call. Thank you Mr. President.

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

Senator **MILLS:** Thank you Mr. President, men and women of the Senate. I rise simply to share some sentiments that I've just heard expressed by Senator Cathcart from Penobscot. I think it was probably 35 or 40 years ago when I spent the last three weeks of my summer vacation working in a canning factory. Let's see, I worked 17 hours a day times six or seven, it was over 100 hours a week at, I think it was \$.85 an hour, no overtime and I did because I was a college kid and they didn't want to train anybody else to run the pressure cooker. And there was a guy from Bowdoin next to me, who did the mixing machine and they didn't want to train anybody else to run that machine, so while everybody else worked 8 or 8 1/2 hours, we worked 17 hours each. And I remember the experience, I'll remember it all of my life. When you spend 17 hours a day straight at one job it makes an impression on you. In fact, you fend off sleep for so long that when you get home and you lie down, you wake up in the middle of the night running your machine and trying to turn lights on and the anxieties go with you into dream world.

I understand the reasons for the agricultural exemption that permits farmers to get their hay in by working people 17 hours a day. It permits fishermen to get certain things done by essentially overworking people for limited periods of time. I understand why agricultural dairy farms and so forth, occasionally work people in this fashion. The reason I joined on this bill however, is my perception of the egg farm operation Mr. DeCoster runs is that it's very parallel to a garment factory or a shoe factory. It runs steady, year round, all of the means of production are right there within certain buildings that adjoin each other. So, what's happening is that making use of this agricultural exemption, there are certain people who are working 90 or 100 hours a week, this week, next week, the week after and every week thereafter.

I can tell you that after a certain time, even after the three week experience that I had, and certain parallel situations that I had, I remember, in the Navy, an all-nighter that I pulled in college and some all-nighters that I pulled getting ready for trials, on those occasions when you stay up, when you work your body 17 hours a day, or even in the Senate from time to time, I can remember certain ends of certain sessions we've had around here, where your ability to function goes to pot. You begin to do things that are dangerous to yourself. I've practically stumbled down the marble steps here in this building, just because I'd been here so long and was pushing myself beyond what I normally should.

At some point, the government here, the State of Maine, does have a very strong health safety and welfare interest in seeing to it that the people who work at this farm, those who may even voluntarily be exposing themselves to this are drawing back and restrictive, in some fashion, so that perpetuates a work place where accidents are more likely to happen and where people's health is likely to diminish because of what they're doing to

themselves. I really think that we're not doing any great harm to Mr. DeCoster's operation. I think that he can essentially keep his payroll costs at a level that is roughly comparable to what he's presently incurring, simply by employing more people and working them each 40 hours a week, rather than working a few people 60, 80 or 100 hours a week.

It isn't a very popular thing to do, in the last few years, to say anything nice about Jack DeCoster but I'd like to, if I may be permitted. Many of you may remember this, I think it was about a decade ago, or 10 or 15 years ago that he actually sold this operation in Turner and took back paper financing on it and attempted to make a transition in the new ownership while he went on to do other things in other states and the operation failed economically, failed miserably and Mr. DeCoster personally returned to the Turner region, took over the reigns of the operation that he had started and brought it back into solvency, and I applaud him for that. I think the people that live in that region owe him a great debt of gratitude for bringing back this industry from the verge of failure. Nevertheless, I feel that we're not imposing on him, to any great extent, by requiring that he pay these people time and a half for over 40. He has told us that he already does pay, in certain crews, in certain segments of the operation, time and a half to those who work over 40 because law requires it. The law that we invite you to pass today will simply apply to certain segments of his operation where they are not currently being paid time and a half. Thank you.

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

Senator **KIEFFER:** Thank you Mr. President, ladies and gentlemen of the Senate. I've listened very intently to this debate and I certainly want to thank the committee for the hard work and effort that they did put into this very difficult issue. However, I have a problem in this Body putting themselves in a position of creating retribution, perhaps, against a business for what they have done in the past. If we are to pass legislation, for example, regarding hospitals in the State of Maine, are we then going to exclude only, but either, the largest or the smallest hospital in the state because of some animosity that may or may not exist? I think we're putting ourselves in a very dangerous position in taking that position. I believe it's our job to pass legislation that deals with an entire industry, if it is necessary. I think we have done that in the past, pretty well. But to take an entire industry and for some magical reason use a figure of, whether it is a 100,000 chickens or baseball bats, or 300,000 chickens or baseball bats, I don't know what the magical number in that is, other than in this particular instance it looks like we're singling out one entity for some reason, to penalize. I really have a problem doing that. For that reason and for no other, I can't support this bill. If we were regulating the entire industry I would be more than happy to do so, but to single out either the small end of the spectrum or the large end of the spectrum, for some reason, I can't do that.

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

Senator **CLEVELAND:** Thank you Mr. President. I rise today, men and women of the Senate, to support the passage of this bill as well. One of the larger operations that produces these eggs is near my district. A number of the people who work in that

facility are in my district. It seems to me that we have to make a clear distinction here, that when we had an exemption for agricultural kinds of activities, that was meant to apply to those kinds of operations that were seasonal, that depended on weather, that depended on a large amount of activity in a seasonal period of time to complete agricultural work, taking in the hay, harvesting a certain species of fish at a particular time where extended periods of time were necessary, primarily on family run, smaller operations, maybe with a very few number of employees working in directly agricultural related industries. These operations of this size are manufacturing operations. They run like manufacturing operations. They're set up like manufacturing operations. They have extensive equipment for processing and sorting the agricultural product. I might even suggest to you that the only reason they have chickens is, they can't figure out some way to produce an egg without a chicken because if they could, they'd eliminate the chickens too, and then you'd have purely a manufacturing process. But since they can't eliminate the chicken, they use this as an excuse that somehow as an agricultural activity like farming and milking cows, bringing in a few lobsters. Well, it's not that kind of an activity. And I think we are far beyond, in this society, treating people like machines where they ought to work 80 and 90 and 100 hours a week or more and not get compensated for those additional hours. If it's not us who's going to protect those individuals from employees who can't make that distinction on their own, then who will? And if we don't do it now, when will we do it? When will we respect an individual's labor and time, and family experience and an opportunity to make a reasonable living? You need to remember that these individuals are being paid minimum wage, primarily. They're not being paid huge amounts of money and it makes a difference to them whether they get time and a half. It makes a difference whether they can afford a little something extra for their family, for the kind of effort and work that they put in, and I don't think it's unreasonable that people ought to expect that from their labor. And, I believe, that it's our responsibility to insure that those individuals who work in a manufacturing environment get paid accordingly and under the same regulations that we would expect from anyone else who might be working in a similar manufacturing environment. I strongly urge you to support this bill now for the integrity of these individual and these employees. Thank you.

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

Senator **HALL:** Thank you Mr. President, ladies and gentlemen of the Senate. I will not be supporting this bill today for several reasons. Some have already been mentioned. It appears to be singling out a particular business, this being an agricultural business and if you're going to do that, in order to prepare, you need to tax this on to everybody who produces eggs and that doesn't seem to be the case. This is targeted legislation. I will not be a part of it. I'm not sure what all those people who work there make, but I can assure you that probably most of them are pretty appreciative of having a job. A low paying job is better than no job at all. It seems that they're trying to penalize an individual, a company that has streamlined their operation because they are efficient at doing something, you're going to make it tougher for them to stay in business. Well, the five years that I've been here in Augusta, I've tried to vote for legislation that would create jobs for most business, encourage

business to expand and come to this state. I am not going to vote for legislation, hopefully, knowingly anyway, that will drive someone from this state. Also, I'd like to have you keep in mind that if this piece of legislation should pass, what would you do in this person's situation? Pay overtime? Or would you hire more employees and work them 25 to 30 hours with no benefits? Think about that. That discussion has gone on in here. Do you want to be a part of creating that situation? Do you want people working only 30 hours at minimum wage, living in your district, and they can't get overtime? Well, they've got to go take another job if they can find it. Think about that for just a moment.

Now, while you are trying to be the champion of the workers out there, I haven't received any calls, communication from people who work there, that are crying, complaining about having to work overtime. Yes, maybe they're working overtime to benefit their families, to provide that little extra. I take my hat off to them for doing that. I have received some communication, on my desk, from happy employees, who have worked there for years and want to continue to work there. Please don't take their jobs away from them. And if that's the case also, think for a moment, because I'm accustomed, in the past, to having worked overtime, 16, 20 hours a day and it is tough. Where did I work? I worked for the State of Maine. You have state employees out here now that are working those hours, with no overtime. None. They don't ask for it. They work those positions because they want to. I did because I wanted to. That was a part of the job when I took it. It's still here today with state employees, and it's called management today. It's called management. I worked for a fairly good sized police department for a while in the State of Maine. I worked six days a week, straight time every hour. If I wanted any overtime, I was allowed to have some at straight time. I didn't complain. I knew the conditions of that employment when I took it and these people know the conditions of their employment when they take it. They're not chained to any buildings down there. They can leave if they wish and probably you'll find that most of them are happy. Has anybody polled them to find out? If you were going to make an agricultural business pay time and a half over 40, let's do it for everybody. Who are you going to target next session? The new cranberry industry or what? Pretty poor excuse for passing this bill and I surely will not be a part of it and I urge you to think very seriously before you vote for it. Thank you.

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

Senator **TREAT:** Thank you Mr. President, men and women of the Senate. I also urge you to vote in support of the pending motion. As a member of the Labor Committee who did sit through many hours of hearings and also our work sessions on this, I think that most of the points have been brought out fairly clearly, but I would like to make two additional points, particularly in response to some of the concerns that have been raised by a few of the members of this Body. One of those concerns was just mentioned, which is a concern that this bill is singling out one producer instead of really treating the industry fairly. This is in fact not the case. We were told in the public hearing that there are two other egg producers that would be affected by this, Dorothy Egg Farms which is in the town of Winthrop, a town I represent, and also possibly the Avian Egg Farms, which does research. Both of those egg farms were comfortable with this bill. Dorothy already pays time and a half. In the case of Avian, they

were willing to change over some of their operations to make sure that time and a half would be paid, apparently they did not already pay it. So it does, for some of their operations, affect two other egg farms in this state.

Secondly, we had testimony from the Department of Labor that was very much in support of the bill as amended which made the purpose of it very clear to address those types of egg cultural operations which are truly more of a factory type setting than the seasonal agricultural operation that was intended in the law. And indeed, there apparently has been some confusion over the years calling for Attorney General's opinions on this very question as to whether or not the overtime law applies in this type of facility. And according to the Department of Labor this bill before us would clarify the original intent, and I will quote from their testimony, they say, "We believe that Representatives LaMaire's amended version of L.D. 347 clearly defines the overtime laws for this particular industry as was the original intent of the Maine minimum wage and overtime law as amended in 1976, and as such, we are pleased to support this clarification of the law." This bill only does what is fair for some very, very hard working people in this state. It levels the playing field here in the State of Maine. It is a positive thing for this state and I urge you to support the pending motion. Thank you.

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

Senator **KILKELLY:** Thank you Mr. President, men and women of the Senate. It's interesting that we're talking about a bill that's very focused on either one particular individual or one particular industry and what I'd like to do is read to you from the amendment. In fact, we already require overtime in a number of other similar processes. The canning, processing, preserving, freezing, drying marketing, storing, packing for shipment or distribution of agricultural products, meat and fish products and perishable foods and what's being added to that are individuals employed directly or indirectly for an egg producing facility that has over 300,000 laying birds must be paid overtime in accordance with this subsection. So I think that it's important to know that we are in fact leveling the playing field by doing that. And there are other producers as was pointed out and we certainly heard that before the Agricultural Committee. There are other producers that, in fact, are currently paying overtime and have dealt with that issue. So, that does include others within that industry. I'd like to pose a question to one of the previous speakers. There was an implication that if people did not work as many hours of overtime that more people would be hired. They might be hired at less than full time and not receive benefits and my question is, are the people that are currently working more than 40 hours and for as many as 100 hours currently receiving benefits?

THE PRESIDENT PRO TEM: The Senator from Lincoln, Senator Kilkelly poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President. In answer to the good Senators question, I don't know if they're receiving benefits or not. That's a question that came up late. While I'm on my feet, I would like to add that you want to have level playing field and that's fine, that's fine. And, I understand that there's no other

egg producing farm in the country that has to pay overtime with the exception of Maryland and they pay overtime for over 60 hours. So, if you're going to make somebody competitive then let's make it competitive. I still believe in free enterprise and if the people at these egg farms surely have a right to become unionized, or they can do whatever they need to do to encourage their bosses to pay them overtime, or whatever the case may be, or benefits in other ways, whether it be CCO time or whatever. But I don't feel that you can compare a canning factory with an egg producing farm. I think that's apples and oranges and doesn't apply here. Thank you.

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

Senator **BENOIT:** Thank you Mr. President and may it please the Senate. I rise in support of the motion and you've heard me say in relation to other legislation in this session that, in speaking against particular pieces of legislation that, "If it ain't broke, fix something else." After the debate here on the floor today and some of the information that I have, I get the impression that something's broke. What bothers me here in this facility is that some people get overtime and some people don't, in this same place of business. I'm going to vote the moral factor and the fairness factor in supporting this motion. Because after all, "If it's broke, fix it." That's the way I intend to vote this particular motion.

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

Senator **PINGREE:** Mr. President, I have one very brief thing to say, my fellow members of the Chamber. We often have issues before us that ask us to question what the role of government is in interfering or being involved with businesses and I think we take very seriously our responsibility not to get over involved in the conduct of free enterprise. But in fact, I see as one of our responsibilities making sure that we look after the health and safety of our work force as well as making sure that people get fair pay for honest hard work. I think the conditions that are addressed in this bill are something that most of us in the State of Maine have known about for a long time. And I heard the good Senator from Lincoln, Senator Kilkelly mention earlier that some of the issues have cast sort of a shadow over our agricultural industry, which is a very important and vital part of our economy. And I just wanted to make one comment about that, that I think we wouldn't be addressing this issue today if it were not for the hard work of a lot of good members of the legislative Body and the staff people who work with us who have brought forward something that was very important for us to address and I'm proud of the fact that we are looking at it today and I would be proud to support this motion that's on the floor.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Cathcart.

Senator **CATHCART:** Thank you Mr. President, men and women of the Senate. I apologize for rising again on this but there were just two points that I wish to clarify. First of all, this is not retribution against DeCoster. We will leave that to OSHA. If we were to wish to retaliate against DeCoster we probably would have tried to make these benefits retroactive. Secondly, the

Labor Committee heard much testimony from workers who are very unhappy about being forced to work this many hours, and they do feel they were forced, that they would lose their job if they weren't willing to work however many hours were demanded of them. And I just couldn't help but flash back to my childhood, down south, and want to tell you one quick vignette. Back when I was a little girl there was one of the favorite postcards that people bought, tourists and others, to send to the people back home. It had a picture of black people working in the cotton fields and the caption on this postcard was, "Happy times down south." Now, I would say to you that Maine people never supported slavery and just because not every member of this Body has heard that they're unhappy workers, please believe me, they are and the committee heard plenty of testimony. Thank you Mr. President.

On motion by Senator **CATHCART** 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: **ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CAREY, CASSIDY, CATHCART, CLEVELAND, DAGGETT, FERGUSON, GOLDTHWAIT, JENKINS, KILKELLY, LAFOUNTAIN, LAWRENCE, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT PRO TEM - PHILIP E. HARRIMAN**

NAYS: Senators: **HALL, KIEFFER, SMALL**

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

32 Senators having voted in the affirmative and 3 Senators having voted in the negative, the motion by Senator **CATHCART** of Penobscot, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-155)** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-155) **READ** and **ADOPTED**, in concurrence.

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

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

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide That the Biennial Budget May Take Effect Immediately if Passed by a Majority Vote
S.P. 252 L.D. 821

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-95)** (5 members)

Tabled - April 10, 1997, by Senator **NUTTING** of Androscoggin.

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-95)** Report

(In Senate, April 10, 1997, Reports **READ**.)

On motion by Senator **LAWRENCE** of York, the Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

Sent down for concurrence.

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

Off Record Remarks

On motion by Senator **SMALL** of Sagadahoc, **ADJOURNED**, until Monday, April 14, 1997, at 10:00 in the morning.