

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
Friday
May 16, 1997

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

Prayer by Reverend Garnet Chute of the Hermon Baptist Church in Hermon.

REVEREND GARNET CHUTE: Senator Mitchell and others, thank you for this opportunity to share here in prayer today. I was speaking with a gentleman here, coming in, and he asked me to talk to my boss about the weather and I told him, "I think it's a repeat of last year, he's stuck." Let's open in prayer, shall we?

Our Father, today we thank You for the privilege of being here in the Senate. We thank You for the privilege that You've given these ladies and gentlemen to govern this state. We thank you Lord, for the privilege that we have in the accountability that's also there from the word of God. We thank You for this wonderful State and we pray, Lord, Your blessing upon this session today as these men and ladies seek Your wisdom and knowledge in the many things before them. We thank You for the stewardship of our lives and how that each one of us has great privileges of living here, but also great privileges bring responsibility and accountability. We thank You for Your son, Jesus Christ, that he gave Himself for us, that we could have a wonderful life to live here and a sure hope thereafter. Again, we thank You for this privilege together of being here and pray Your blessing upon this day. In Jesus' name. Amen.

Doctor of the Day, John B. Makin, M.D., Skowhegan.

Reading of the Journal of Thursday, May 15, 1997.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Ban All Smoking within Workplaces, Restaurants and Public Accommodations"

S.P. 134 L.D. 413
(S "A" S-225 to
C "A" S-198)

In Senate, May 15, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-198) AS AMENDED BY SENATE AMENDMENT "A" (S-225)** thereto.

Comes from the House, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On motion by Senator **PINGREE** of Knox, the Senate **INSISTED**.

Sent down for concurrence.

Non-concurrent Matter

Bill "An Act to Establish the Maine Compassionate Use Act"
S.P. 319 L.D. 1059
(C "A" S-219)

In Senate, May 15, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-219)**.

Comes from the House, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Senator **PINGREE** of Knox moved the Senate **INSIST**.

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

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: **ABROMSON, CLEVELAND, GOLDTHWAIT, KILKELLY, LONGLEY, MURRAY, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT**

NAYS: Senators: **AMERO, BENNETT, BENOIT, BUTLAND, CAREY, FERGUSON, HALL, HARRIMAN, LAFOUNTAIN, LIBBY, MACKINNON, MITCHELL, THE PRESIDENT - MARK W. LAWRENCE**

ABSENT: Senators: **CASSIDY, CATHCART, DAGGETT, JENKINS, MICHAUD, MILLS, NUTTING, SMALL**

EXCUSED: Senator: **KIEFFER**

13 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 8 Senators being absent and 1 Senator being excused, the motion by Senator **PINGREE** of Knox to **INSIST, FAILED**.

The Senate **RECEDED** and **CONCURRED**.

Non-concurrent Matter

Resolve, to Establish Qualifications for Constitutional Officers
S.P. 80 L.D. 219
(C "A" S-99)

In House, May 13, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-99) AS AMENDED BY HOUSE AMENDMENTS "B" (H-419) AND "C" (H-436) thereto, in NON-CONCURRENCE.**

In Senate, May 15, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-99) in NON-CONCURRENCE.**

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

Senator **PINGREE** of Knox moved the Senate **INSIST.**

Senator **HARRIMAN** of Cumberland moved the Senate **RECEDE** and **CONCUR.**

The Chair ordered a Division. 9 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **HARRIMAN** of Cumberland to **RECEDE** and **CONCUR, FAILED.**

On motion by Senator **PINGREE** of Knox, the Senate **INSISTED.**

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 291

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

May 14, 1997

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

Dear Secretary O'Brien:

Pursuant to my authority under Maine P & S 1992, Chapter 95, I have appointed Senator Bruce MacKinnon and myself, both of York, to the Piscataqua River Basin Council.

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

Sincerely,

S/Mark W. Lawrence
President of the Senate

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

The Following Communication: S.C. 292

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA, MAINE 04333**

May 15, 1997

Honorable Joy J. O'Brien
Secretary of the Senate
118th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it failed to enact Bill "An Act to Label All Eggs Produced in the State by Source" (H.P. 425) (L.D. 575)

Sincerely,

S/Joseph W. Mayo
Clerk of the House

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

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing: the students from Public School #1276 Moscow, Russia and the students from School Administrative District #8 Vinalhaven, Maine, who participated in the 1997 educational exchange. We commend the leadership and dedication of all of the students who participated in the exchange; SLS 216

Presented by Senator **PINGREE** of Knox
Cosponsored by: Representative **VOLENIK** of Brooklin

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

Senator **PARADIS:** Thank you Mr. President. All this week, we've heard a lot about Aroostook County and it is indeed a pleasure to welcome these young people. They tell me they're a little tired this morning. It's a long trip and they'll be a little bit more tired by the time we get through this building. It's indeed a great pleasure for me to have them here. Tout c'est bienvenue et c'est un plaisir de vous voir avec nous aujourd'hui. Merci bien!

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

Sent down for concurrence.

Off Record Remarks

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (5/7/97) Assigned matter:

JOINT RESOLUTION - Commemorating the 125th Anniversary of the Maine State Society for the Protection of Animals S.P. 644

Tabled - May 7, 1997, by Senator **PINGREE** of Knox.

Pending - motion by Senator **KILKELLY** of Lincoln to **ADOPT**

(In Senate, May 7, 1997, on motion by Senator **KILKELLY** of Lincoln, **READ**.)

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

Senator **KILKELLY:** Thank you Mr. President, men and women of the Senate. The Agriculture, Conservation and Forestry Committee is charged with oversight on animal welfare issues, and I know that without the services of the Maine State Society for the Protection of Animals, that job would be much harder. The Society has been there and able to assist us and assist the State Humane agents in providing, as I said, food and shelter and support for animals that, in fact, have been mistreated. And so, it's our pleasure today, as the Committee on Agriculture, Conservation and Forestry, to have this resolution before us to commemorate them on their 125th anniversary. Thank you.

Which was, on motion by Senator **KILKELLY** of Lincoln, **ADOPTED**.

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

Off Record Remarks

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act to Change the Department of Environmental Protection's Regulatory Process from an Instruction-based Process to a Contractual Performance-based Approach" H.P. 1076 L.D. 1513

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

Signed:

Senators:
TREAT of Kennebec
NUTTING of Androscoggin
BUTLAND of Cumberland

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

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

Signed:

Representatives:
DEXTER of Kingfield
NICKERSON of Turner
FOSTER of Gray

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

Which Reports were **READ**.

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

Off Record Remarks

Senate

Ought to Pass As Amended

Senator **KILKELLY** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Protect the Potato Industry from the Spread of Serious Disease" (Emergency) S.P. 150 L.D. 429

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-241)**.

Which Report was **READ and ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-241) **READ** and **ADOPTED**.

The Bill as Amended, **LATER TODAY ASSIGNED FOR SECOND READING**.

Senator **KILKELLY** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Enhance the Potato Industry" S.P. 290 L.D. 941

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-240)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-240) **READ** and **ADOPTED**.

The Bill as Amended, **LATER TODAY ASSIGNED FOR SECOND READING**.

Senator **LAFOUNTAIN** for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Promote Parity in the Regulation of Insurance Sales by Federally and State-chartered Financial Institutions" (Emergency) S.P. 439 L.D. 1385

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-234)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-234) **READ** and **ADOPTED**.

The Bill as Amended, **LATER TODAY ASSIGNED FOR SECOND READING**.

Senator **LONGLEY** for the Committee on **JUDICIARY** on Bill "An Act Regarding the Leasing of Buildings" (Emergency) S.P. 372 L.D. 1231

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-242)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-242) **READ** and **ADOPTED**.

The Bill as Amended, **LATER TODAY ASSIGNED FOR SECOND READING**.

Senator **CATHCART** for the Committee on **LABOR** on Bill "An Act to Exclude from the Definition of "Employment" Services Provided by Lessees of Taxicabs" S.P. 110 L.D. 389

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-237)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-237) **READ** and **ADOPTED**.

The Bill as Amended, **LATER TODAY ASSIGNED FOR SECOND READING**.

Senator **CATHCART** for the Committee on **LABOR** on Bill "An Act to Amend the Retirement System as it Pertains to Qualified Survivors" S.P. 367 L.D. 1226

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-238)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-238) **READ** and **ADOPTED**.

The Bill as Amended, **LATER TODAY ASSIGNED FOR SECOND READING**.

Senator **CAREY** for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the Hebron Water Company" S.P. 547 L.D. 1665

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-239)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-239) **READ** and **ADOPTED**.

The Bill as Amended, **LATER TODAY ASSIGNED FOR SECOND READING**.

Divided Report

The Majority of the Committee on **LABOR** on Resolve, to Exempt Matthew Scott from Maine State Retirement System Restrictions on Income Earned as Deputy Commissioner of Inland Fisheries and Wildlife (Emergency) S.P. 94 L.D. 373

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

Signed:

Senators:

CATHCART of Penobscot
TREAT of Kennebec
MILLS of Somerset

Representatives:

SAMSON of Jay
BOLDUC of Auburn
RINES, JR. of Wiscasset
STANLEY of Medway
JOY of Crystal
JOYCE of Biddeford
TREADWELL of Carmel

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

Signed:

Representatives:

HATCH of Skowhegan
CLARK of Millinocket

Which Reports were **READ**.

On motion by Senator **CATHCART** of Penobscot, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Expand the Family Medical Leave Laws" S.P. 196 L.D. 624

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-235)**.

Signed:

Senators:

CATHCART of Penobscot
TREAT of Kennebec
MILLS of Somerset

Representatives:

HATCH of Skowhegan
BOLDUC of Auburn
CLARK of Millinocket
RINES, JR. of Wiscasset
STANLEY of Medway
PENDLETON, JR. of Scarborough

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

Signed:

Representatives:

JOY of Crystal
TREADWELL of Carmel

Which Reports were **READ**.

On motion by Senator **CATHCART** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-235) **READ** and **ADOPTED**.

The Bill as Amended, **LATER TODAY ASSIGNED FOR SECOND READING**.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Strengthen the Sanctions for Failure to Respond to an Employee's Request for Reason for Termination of Employment" S.P. 309 L.D. 1018

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-236)**.

Signed:

Senators:

CATHCART of Penobscot
TREAT of Kennebec
MILLS of Somerset

Representatives:

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

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

Which Reports were **READ**.

On motion by Senator **CATHCART** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-236) **READ** and **ADOPTED**.

The Bill as Amended, **LATER TODAY ASSIGNED FOR SECOND READING**.

SECOND READERS

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

House

Bill "An Act to Provide Regulation of Payroll Processing Companies" H.P. 1329 L.D. 1878

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

House As Amended

Bill "An Act to Provide Information to the Maine Land Use Regulation Commission" H.P. 757 L.D. 1034 (C "A" H-445)

Bill "An Act to Change the School Calendar" H.P. 1275 L.D. 1805 (C "A" H-461)

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

Bill "An Act to Amend the Enhanced 9-1-1 Laws" H.P. 712 L.D. 976 (S "B" S-224 to C "A" H-355)

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

Sent down for concurrence.

Bill "An Act to Allow Field Testing of Unregistered Snowmobiles Repaired by Licensed Snowmobile Repair Shops" H.P. 57 L.D. 82 (C "A" H-99)

Which was **READ A SECOND TIME**.

On motion by Senator **HARRIMAN** of Cumberland, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED, As Amended**, in concurrence.

Senate As Amended

Bill "An Act to Amend the Election Laws" S.P. 574 L.D. 1731 (C "A" S-230)

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:

Emergency

An Act to Control Browntail Moths H.P. 1263 L.D. 1790 (C "A" H-469)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with 1 Senator having voted in the negative, and 24 being 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.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (5/15/97) Assigned matter:

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Require the Department of Inland Fisheries and Wildlife to File Monthly Revenue Reports" H.P. 1204 L.D. 1704

Majority - **Ought to Pass** (9 members)

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

Tabled - May 15, 1997, by Senator **PINGREE** of Knox.

Pending - motion by Senator **KILKELLY** of Lincoln to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**

(In House, May 15, 1997, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, May 15, 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. This, I feel, is a very important bill. Presently, the last two months, the Fish and Wildlife Department have voluntarily filed reports with all committee members, which we appreciate, but only in the last couple of months. As all of you are probably well aware, the Fish and Wildlife Department, the last two years, has had financial problems. As a matter of fact, they've lost an average of \$1 million per year, the last two years. The disturbing part of that was that they went 16 months before they alerted the committee of a problem. Sixteen months.

The legislative committee was continually told there was no financial problem. Sale of licenses was on schedule, revenues were fine, expenditures in line. After 12 months went by, we found out, the 1st of July, the question was asked, "How are the license sales?" "Right on target." They called us in, in September, and said, "We've got a problem. We lost \$1 million as of last June 30th and we're scheduled to lose another \$700,000 between now, which was September, and this June 30th coming up." They claimed that they had made cuts to compensate that \$700,000. They told us, this winter in January, that they couldn't make that goal. They had accomplished \$400,000. The last report that we just received, last week at our home, shows them in arrears of \$300,000, between now and June 30. I think it was a mistake for them to keep us in the dark. I think that we should do everything that we can do to make sure it does not happen again in the future. That's why this bill is so important. Though they have voluntarily, the last two months, given us these reports, there's no guarantee that that will continue. We will be having a new Commissioner this fall. I don't know who it will be. Without this bill the new Commissioner will be under no obligation, except a moral one, to keep us informed of what's going on.

Now, as you're all well aware, the Governor was courteous enough to bail out this department, told them that, "I'm not going to make you pay back that million dollars you lost or didn't take in, but don't let it happen again." Well, they're still short, folks. At least we know about it and if we don't have this bill, there's no guarantee that the legislators, in the future, are going to have any idea what's going on there. You can ask for information. You may or may not receive it. This year I've continually asked for information. To this date, I still don't have a lot of it. I've asked for five-year reports that go to the federal government, three times. "Yes, we'll bring them over to you." I'm still waiting for them. I don't have the faith to allow this bill to die and to bind a legislative Inland Fisheries and Wildlife Committee and all the legislators, 186 of them, in the future. This is fact. It happened. We were uninformed. Let's not let it happen again. Please vote against the pending motion so that we can pass this piece of legislation. Thank you.

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

Senator **LIBBY:** Thank you Mr. President, men and women of the Senate. I'll keep this very brief and I apologize to the committee chair for being out of order, I didn't realize. I'd like to make one point perfectly clear in this debate. This department came down to my district, the town of Acton, and bought 60 acres of swampland, during this period, that's worth absolutely nothing and stirred up an entire town over access issues to a pond. In order to be able to use this swampland one must take their boat and go through a culvert to enter into and be able to boat on the pond. It really was disconcerting to me and I know all of the local officials that, not only could they have waited and bought, probably, more appropriate land to allow for public access, but the question also remains, why purchase 60 acres of swampland to go along with it? And, while there may be some answers from the department on that question, I would tell you today that it had to be one of the worst business deals I've ever seen in my life and I just can't understand it. It's a waste of taxpayer money. I think we've got some problems down here, so I have to support my good friend from Piscataquis, Senator Hall, when he says to

go ahead and oppose this pending motion so we can go on to pass the bill. Thank you.

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

Senator **KILKELLY:** Thank you Mr. President, men and women of the Senate. Actually, the reason I was out of order is, I keep forgetting to press my little button so it's a good training experience for me, and I'm actually glad that it worked out the way it did because I think the comments from the good Senator from York, Senator Libby, actually support some of my contentions. And that is, the issue that was raised about purchasing land or not purchasing land aren't, in fact, included in monthly financial reports. There may be issues, there may be a number of issues but are those issues all going to be settled by requiring, through statute, a department to provide monthly financial reports to a committee? The answer is no. My concern about this bill is that I do believe that it's not good public policy to put this sort of thing in statute. When we first began meeting, and this is my first time on this committee, when we first began meeting with the department over the issue of the budget, a number of issues did come up, issues about overspending, issues about lack of revenue and those sorts of things. As I dug into it more, it occurred to me that half of the problem probably resides in the department and half of the problem, most likely, resides here. And that's because there's been expectations that the Department of Inland Fisheries and Wildlife was a second General Fund. It was the second General Fund that was available. Money paid by sportsmen and women of this state, for their licenses, was a General Fund that was available to do Search and Rescue for non-sports activities. It was a source of money that was available to collect sales tax on ATVs and boats, and forward that money to the Department of Taxation, or Bureau of Taxation, without ever being reimbursed for the administrative cost of doing that. It was a General Fund that supported the registration of boats and sent part of that money, by statute, over to the Department of Marine Resources but never collected from Marine Resources any percentage to accommodate the cost of that administration. And the same was in effect for the Department of Conservation when it came to snowmobiles. So what the legislature had done historically was to say that here was this second pile of money that we, in fact, could access for non-sports activities and in doing that we, in fact, caused a number of those over-expenditures to happen. And again, as I said, my sense in reviewing this is that the blame lies on both sides.

When we ask a department to provide information to us and they do it, that is a trust situation and, in fact, the department has provided those monthly reports and they have been informative and they are continuing to do that. They are being mailed to our homes so that there's not any disruption in receiving those between when we're in session and when we're not, and as any of you know who have been here before, one of the things that happens a couple of months after the session is, you find that all of the things that your department has sent you that are sitting in a box somewhere, you come in and find, so that issue's been taken care of. I think the committee has developed a much better relationship with the department in terms of looking at problems, looking at responsibility and finding ways to deal with that.

When we clutter up statute with these kinds of regulations, with these kinds of laws, part of what we do is increase

administrative costs. Not only are we asking for this information to be presented but we're asking for it to be presented by law. We're saying that you need to monitor this particular law, you need to make sure you've abided by this law, and you need to do that rather than having a relationship that says, "We need this information. Will you provide it?" They've said yes and they're doing it. So, we talk a lot about cluttering up statute. We talk a lot about, are things, in fact, important enough to be written into the law of the State of Maine. And I guess my feeling about this particular issue is, "Not at this time." That we have developed a relationship with the department in which they are providing the information that we've asked for. We're merely increasing their administrative burden which is something I don't think any of us want to do. We're cluttering up statute with something that really doesn't need to be there. It's about relationships. It's about communication and it's about trust. And I do believe that many of the financial issues faced by this department, that led to the problems that you heard are, in fact, as much our responsibility as theirs. So, based on all those reasons, I would urge you to support the Ought Not to Pass report. Thank you.

Off Record Remarks

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

Senator **HALL:** Thank you Mr. President, ladies and gentlemen. I'd like to remind you that, as I mentioned to you, in the last couple of months, yes, the department is furnishing, finally, these reports that we should have been getting for years. But they only started furnishing them when this bill appeared and it was their way, I feel, of trying to ward this bill off. Also, I would remind you that nine members of the present Inland Fisheries and Wildlife Committee think this is a good idea. Those of us that served more than one term on this committee have been fooled. We've been deceived. I've got to tell you, I take it personally because I was the Senate chair last session. I should have known. The questions were asked but false answers were given to us and I don't want that to happen. I don't want another Senator, down the road, to have to feel the way I feel today, that a department that I had jurisdiction, oversight of, came up with a million dollar shortfall and never told me about it until three months after that million dollars had occurred. Now that's wrong. If that happened to your committee that you serve on, you'd be upset and you'd want to make sure, safeguard, that that didn't happen to anybody in the future. Please, vote against the pending motion so that we can pass this very important bill.

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

Senator **CAREY:** Thank you Mr. President. Mr. President, members of the Senate. About the financial dealings of the Inland Fisheries and Wildlife Department, it's interesting that the department has, in the past month and a half, voluntarily provided monthly reports. I'm wondering just how coincidentally it came about at the time that the bill surfaced. I learned a long time ago a little phrase from a lot of people that says, "You fooled me once, it's shame on you but you fool me that second time, it's shame on me." And I'm wondering who would the shame be on if we did it yet a third 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 just want to clarify. Now, we're down to these reports. They've been provided for a month and a half and these reports, in fact, started to be received by the committee prior to the introduction of this legislation. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: CATHCART, DAGGETT, LAFOUNTAIN, LONGLEY, NUTTING, O'GARA, PARADIS, PINGREE, RAND, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CAREY, CASSIDY, CLEVELAND, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, JENKINS, KILKELLY, LIBBY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, PENDLETON, RUHLIN, SMALL

EXCUSED: Senator: KIEFFER

Senator **KILKELLY** of Lincoln requested and received leave of the Senate to change her vote from YEA to NAY.

11 Senators having voted in the affirmative and 23 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **KILKELLY** of Lincoln to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**, **FAILED**.

On motion by Senator **CAREY** of Kennebec, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

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

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 **AMERO** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

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

COMMITTEE REPORTS

House

Ought to Pass

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

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

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

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

The Bill **READ ONCE**.

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

The Committee on **LABOR** on Bill "An Act to Amend the Provisions of the Disability Retirement Laws Administered by the Maine State Retirement System" (Emergency)
H.P. 1271 L.D. 1797

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

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

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

The Bill **READ ONCE**.

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

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Establish the Civil Offense of Creating a Police Standoff"
H.P. 1010 L.D. 1402

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-470)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-470)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-470) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Amend the Laws Governing the Maine Health and Higher Educational Facilities Authority" (Emergency)
H.P. 1280 L.D. 1817

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-473)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-473)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-473) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Allow the State to Appeal Certain Sentences Imposed on Defendants"
H.P. 710 L.D. 974

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-487)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-487)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-487) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Amend the Victims' Compensation Fund" H.P. 1184 L.D. 1675

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-486)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-486)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-486) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LABOR** on Bill "An Act to Clarify the Workers' Compensation Law Concerning Seasonal Agricultural Laborers" H.P. 835 L.D. 1140

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-480)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-480)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-480) **READ** and **ADOPTED**, in concurrence.

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

Off Record Remarks

The Committee on **LABOR** on Bill "An Act to Amend the Maine Workers' Compensation Act of 1992 Regarding Nonresident Employers" H.P. 971 L.D. 1351

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-481)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-481)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-481) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LABOR** on Bill "An Act Regarding Errors and Inconsistencies in the Maine Employment Security Law" H.P. 1209 L.D. 1709

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-482)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-482)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-482) **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 Impose a Statute of Limitations for Violations of Municipal Subdivision Ordinances" H.P. 371 L.D. 516

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-474)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-474)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-474) **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 Redistrict Knox County and Provide for 5 County Commissioners" H.P. 1016 L.D. 1408

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-475).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-475).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-475) **READ** and **ADOPTED**, in concurrence.

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

Off Record Remarks

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

SECOND READERS

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

Senate As Amended

Bill "An Act to Exclude from the Definition of "Employment" Services Provided by Lessees of Taxicabs" S.P. 110 L.D. 389 (C "A" S-237)

Bill "An Act to Protect the Potato Industry from the Spread of Serious Disease" (Emergency) S.P. 150 L.D. 429 (C "A" S-241)

Bill "An Act to Enhance the Potato Industry" S.P. 290 L.D. 941 (C "A" S-240)

Bill "An Act to Strengthen the Sanctions for Failure to Respond to an Employee's Request for Reason for Termination of Employment" S.P. 309 L.D. 1018 (C "A" S-236)

Bill "An Act Regarding the Leasing of Buildings" (Emergency) S.P. 372 L.D. 1231 (C "A" S-242)

Bill "An Act to Promote Parity in the Regulation of Insurance Sales by Federally and State-chartered Financial Institutions" (Emergency) S.P. 439 L.D. 1385 (C "A" S-234)

Bill "An Act to Amend the Charter of the Hebron Water Company" S.P. 547 L.D. 1665 (C "A" S-239)

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

Sent down for concurrence.

Bill "An Act to Expand the Family Medical Leave Laws" S.P. 196 L.D. 624 (C "A" S-235)

Which was **READ A SECOND TIME.**

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

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

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

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, LIBBY, MACKINNON, MITCHELL

ABSENT: Senators: JENKINS, PARADIS, SMALL

EXCUSED: Senator: KIEFFER

19 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being absent and 1 Senator being excused, the Bill was **PASSED TO BE ENGROSSED, As Amended.**

Sent down for concurrence.

Bill "An Act to Amend the Retirement System as it Pertains to Qualified Survivors" S.P. 367 L.D. 1226 (C "A" S-238)

Which was **READ A SECOND TIME.**

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED, As Amended.**

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Senator **LONGLEY** of Waldo was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **GOLDTHWAIT** of Hancock was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **ADJOURNED** until Monday, May 19, 1997, at 9:00 in the morning.