

# MAINE STATE LEGISLATURE

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

**Volume 2**

**First Special Session (Continued)**  
**May 20, 1997 to June 20, 1997**

**First Confirmation Session**  
**October 6, 1997**

**Second Regular Session**  
**January 7, 1998 to March 24, 1998**

**Pages 981 - 1977**

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

In Senate Chamber  
Tuesday  
May 20, 1997

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

Prayer by Reverend John Paddock of the Grace Episcopal  
Church in Bath.

**REVEREND JOHN PADDOCK:** Let us pray. Eternal God,  
Ruler of all the earth, we bless You for our country and for this  
State of Maine. Bountifully You have given to us beyond our  
deserving. You have made us heirs of what untold ages have  
created, the majesty of upthrust mountains, the green of wooded  
hills, the beauty of valleys where rivers run and the blue waters of  
lakes and streams, the rugged glory of the coast and the might of  
the sea. Help us to treasure this heritage and the people and  
other creatures with whom we share it. Merciful God, we thank  
You for the women and men of this Body, for their willingness to  
serve on behalf of the people. Help them, we pray, to seek the  
common good. Grant them wise and discerning hearts. Give  
them courage to uphold truth, justice and compassion even when  
it may not be popular to do so. Challenge them to break away  
from narrow and parochial concerns and to see broad visions.  
Bestow upon them large hearts for those who are poor or weak,  
sick or powerless. Bind them up and protect them and their  
loved ones from unjust and mean-spirited criticism. O God, the  
fount of all blessing, bless the Senators and bless all those who  
assist them in their labors. Support them all the day long until the  
shadows lengthen and the evening comes and the busy world is  
hushed and the fever of life is over and their work is done. Then,  
in Your mercy, grant them safe lodging and a holy rest and peace  
at the last. Amen.

Reading of the Journal of Monday, May 19, 1997.

Off Record Remarks

**COMMUNICATIONS**

The Following Communication: S.P. 658

**118TH MAINE LEGISLATURE**

May 16, 1997

Senator Beverly Daggett  
Representative John Tuttle  
Chairpersons  
Joint Standing Committee on Legal and Veterans Affairs  
118th Legislature  
Augusta, Maine 04333

Dear Senator Daggett and Representative Tuttle:

Please be advised that pursuant to Title 1, Section 1002, that  
Governor Angus S. King, Jr. has withdrawn his nomination of  
Elena M. McCall of Portland for appointment as a member of the  
Commission on Governmental Ethics and Election Practices.

This nomination is currently pending before the Joint Standing  
Committee on Legal and Veterans Affairs.

Sincerely,

S/Mark W. Lawrence  
President of the Senate

S/Elizabeth H. Mitchell  
Speaker of the House

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

Sent down for concurrence.

The Following Communication: S.P. 659

**118TH MAINE LEGISLATURE**

May 16, 1997

Senator Beverly Daggett  
Representative John Tuttle  
Chairpersons  
Joint Standing Committee on Legal and Veterans Affairs  
118th Legislature  
Augusta, Maine 04333

Dear Senator Daggett and Representative Tuttle:

Please be advised that Governor Angus S. King, Jr. has  
nominated the Honorable Merle R. Nelson of Falmouth for  
appointment as a member of the Commission on Governmental  
Ethics and Election Practices.

Pursuant to Title 1, MRSA Section 1002, this nomination will  
require review by the Joint Standing Committee on Legal and  
Veterans Affairs and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence  
President of the Senate

S/Elizabeth H. Mitchell  
Speaker of the House

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

Sent down for concurrence.

**COMMITTEE REPORTS**

House

**Ought to Pass As Amended**

The Committee on **LABOR** on Bill "An Act to Require the Department of Labor to Ensure That Housing Provided as an Incident of Employment by Agricultural Employers Meets Minimum Standards of Habitability" H.P. 446 L.D. 596

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-484)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-484)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-484) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Permit Forest Fire Wardens and Forest Rangers to Carry Weapons" H.P. 472 L.D. 643

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-395)**.

Signed:

Senators:

KILKELLY of Lincoln  
CASSIDY of Washington

Representatives:

BUNKER, JR. of Kossuth Township  
SAMSON of Jay  
VOLENIK of Brooklin  
SHIAH of Bowdoinham  
CROSS of Dover-Foxcroft  
DEXTER of Kingfield

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

Signed:

Senator:

PARADIS of Aroostook

Representatives:

LANE of Enfield  
GOOLEY of Farmington  
BAKER of Dixfield  
MCKEE of Wayne

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-395) AS AMENDED BY HOUSE AMENDMENT "B" (H-489)** thereto.

Which Reports were **READ**.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act Regarding Firearms Proficiency Testing for Private Investigators" H.P. 867 L.D. 1184

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-511)**.

Signed:

Senators:

MURRAY, JR. of Penobscot  
O'GARA of Cumberland  
MITCHELL of Penobscot

Representatives:

O'BRIEN of Augusta  
PEAVEY of Woolwich  
MCALEVEY of Waterboro  
POVICH of Ellsworth  
JONES of Greenville  
TOBIN, JR. of Dexter  
BUNKER, JR. of Kossuth Township  
FRECHETTE of Biddeford  
WHEELER of Bridgewater

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

Signed:

Representative:

MUSE of South Portland

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-511)**.

Which Reports were **READ**.

On motion by Senator **RAND** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-511) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Amend Snowmobile Registration Fees and Promote Snowmobile Club Participation"  
H.P. 1146 L.D. 1611

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

Signed:

Senators:

KILKELLY of Lincoln  
RUHLIN of Penobscot  
HALL of Piscataquis

Representatives:

PAUL of Sanford  
CLARK of Millinocket  
CHICK of Lebanon  
DUNLAP of Old Town  
USHER of Westbrook  
GOODWIN of Pembroke  
PERKINS of Penobscot

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-494).**

Signed:

Representatives:

UNDERWOOD of Oxford  
TRUE of Fryeburg  
CROSS of Dover-Foxcroft

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

Which Reports were **READ.**

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

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Affirm the Rights to Private Property  
H.P. 352 L.D. 475

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-510).**

Signed:

Representatives:

PLOWMAN of Hampden  
WATERHOUSE of Bridgton

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

Which Reports were **READ.**

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

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Restrict the Use of Social Security Numbers"  
H.P. 911 L.D. 1254

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  
JABAR, SR. of Waterville  
MAILHOT of Lewiston  
ETNIER of Harpswell  
POWERS of Rockport  
PLOWMAN of Hampden  
MADORE of Augusta  
NASS of Acton

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-508).**

Signed:

Representative:  
WATERHOUSE of Bridgton

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

Which Reports were **READ**.

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

---

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Require Compensation for Loss of Property Value Due to State or Local Regulation" H.P. 914 L.D. 1257

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  
PLOWMAN of Hampden  
NASS of Acton  
MADORE of Augusta

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-509).**

Signed:

Representative:  
WATERHOUSE of Bridgton

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

Which Reports were **READ**.

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

**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act to Preserve the Solvency of the Unemployment Compensation Fund" H.P. 1236 L.D. 1753

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-502).**

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  
PENDLETON, JR. of Scarborough  
TREADWELL of Carmel

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

Signed:

Representative:  
JOYCE of Biddeford

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-502).**

Which Reports were **READ**.

On motion by Senator **RAND** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-502) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Prohibit Towns from Cancelling Health Insurance Provided to Retired Employees" H.P. 1140 L.D. 1605

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-497).**

Signed:

Senators:

NUTTING of Androscoggin  
LIBBY of York

Representatives:

AHEARNE of Madawaska  
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:

GOLDTHWAIT of Hancock

Representatives:

BUMPS of China  
KASPRZAK of Newport

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-497).**

Which Reports were **READ.**

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

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

---

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1997 (Emergency) H.P. 1330 L.D. 1880

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 993).

Signed:

Senators:

NUTTING of Androscoggin

GOLDTHWAIT of Hancock  
LIBBY of York

Representatives:

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

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

Signed:

Representative:

GERRY of Auburn

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED.**

Which Reports were **READ.**

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

The Resolve **READ ONCE.**

The Resolve **LATER TODAY ASSIGNED FOR SECOND READING.**

---

**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Increase the Speed Limit and Amend the Penalty Point System" H.P. 1091 L.D. 1534

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

Signed:

Senator:

O'GARA of Cumberland

Representatives:

WINGLASS of Auburn  
FISHER of Brewer  
CLUKEY of Houlton  
CHARTRAND of Rockland  
LINDAHL of Northport  
DRISCOLL of Calais  
BOUFFARD of Lewiston  
SAVAGE of Union  
WHEELER of Eliot

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-512).**

Signed:

Representative:  
JOYCE of Biddeford

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

Which Reports were **READ**.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

---

**Senate**

**Ought to Pass As Amended**

Senator **RAND** for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Resolve, to Foster Economic Growth through the Recognition and Development of Maine's Franco-American Resource (Emergency) S.P. 519 L.D. 1603

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-275)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-275) **READ** and **ADOPTED**.

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

---

Senator **O'GARA** for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Expand the Monitoring of the Conversations of Prisoners" S.P. 364 L.D. 1223

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-277)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-277) **READ** and **ADOPTED**.

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

---

Senator **MURRAY** for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Assist the Law Enforcement Community in Locating Missing Children" S.P. 553 L.D. 1679

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-276)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-276) **READ** and **ADOPTED**.

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

---

Senator **PENDLETON** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Amend the Laws Relating to State Agency Clients" S.P. 377 L.D. 1236

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-266)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-266) **READ** and **ADOPTED**.

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

---

Senator **CASSIDY** for the Committee on **TRANSPORTATION** on Bill "An Act to Permit the Sale of Used License Plates" S.P. 411 L.D. 1332

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-268)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-268) **READ** and **ADOPTED**.

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

---

**Divided Report**

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, to Reduce Reliance on Pesticides S.P. 569 L.D. 1726

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-272)**.

Signed:

Senators:  
KILKELLY of Lincoln  
PARADIS of Aroostook  
CASSIDY of Washington



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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-273).**

Signed:

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

Which Reports were **READ.**

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT.**

---

**Divided Report**

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Continue the Operation of State Government for the First Two Quarters of the Fiscal Year Ending June 30, 1998" (Emergency) S.P. 620 L.D. 1823

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

Signed:

Senators:  
MICHAUD of Penobscot  
CLEVELAND of Androscoggin

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-267).**

Signed:

Senator:  
BENNETT of Oxford

Representatives:  
MARVIN of Cape Elizabeth  
WINSOR of Norway

OTT of York  
KNEELAND of Easton

Which Reports were **READ.**

Senator **MICHAUD** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** REPORT.

---

**Divided Report**

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Provide Health Insurance Coverage for Prostate Cancer Screening" S.P. 320 L.D. 1060

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

Signed:

Senators:  
LAFOUNTAIN III of York  
MURRAY, JR. of Penobscot

Representatives:  
CARLETON, JR. of Wells  
SAXL of Bangor  
WINN of Glenburn  
O'NEIL of Saco  
BRUNO of Raymond  
STANLEY of Medway  
JONES, JR. of Pittsfield

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-274).**

Signed:

Senator:  
ABROMSON of Cumberland

Representatives:  
MAYO III of Bath  
PERRY of Bangor  
DAVIDSON of Brunswick

Which Reports were **READ.**

Senator **LAFOUNTAIN** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

---

**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Ensure Funding for Snowmobile Law Enforcement Activities" (Emergency) S.P. 193 L.D. 611

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-270)**.

Signed:

Senator:

HALL of Piscataquis

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-271)**.

Signed:

Senators:

KILKELLY of Lincoln  
RUHLIN of Penobscot

Representative:

USHER of Westbrook

Which Reports were **READ**.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

---

**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act to Permit Whitewater Rafting Guides to Be Paid at a Daily Rather Than an Hourly Rate" S.P. 362 L.D. 1221

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

Signed:

Senator:

CATHCART of Penobscot

Representatives:

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

JOYCE of Biddeford  
PENDLETON, JR. of Scarborough  
TREADWELL of Carmel

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

Signed:

Senator:

MILLS of Somerset

Representative:

CLARK of Millinocket

Which Reports were **READ**.

Senator **CATHCART** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

---

**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Amend the Motor Vehicle Laws Concerning Inspection Stations" S.P. 541 L.D. 1660

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

Signed:

Senator:

CASSIDY of Washington

Representatives:

WINGLASS of Auburn  
FISHER of Brewer  
JOYCE of Biddeford  
CLUKEY of Houlton  
CHARTRAND of Rockland  
LINDAHL of Northport  
DRISCOLL of Calais  
SAVAGE of Union  
WHEELER of Eliot

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-269)**.

Signed:

Senator:

O'GARA of Cumberland

Representative:

BOUFFARD of Lewiston

Which Reports were **READ**.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

**SECOND READERS**

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

**House As Amended**

Bill "An Act to Regulate Recreational Vehicle Franchises"  
H.P. 964 L.D. 1327  
(C "A" H-503)

Bill "An Act to Establish the Licensing of Sexual Assault Nurse Examiners"  
H.P. 1181 L.D. 1672  
(C "A" H-505)

Bill "An Act to Amend the Licensure Act for Speech Pathologists and Audiologists"  
H.P. 1234 L.D. 1751  
(C "A" H-506)

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

**Senate As Amended**

Bill "An Act to Exempt Nonprofit Ambulance and Fire Emergency Services from the State's Sales Tax" (Emergency)  
S.P. 189 L.D. 607  
(C "A" S-260)

Bill "An Act to Amend the Law Governing Municipal Zoning with Respect to Community Living Arrangements"  
S.P. 292 L.D. 943  
(C "A" S-263)

Bill "An Act to Remove the Large Lot Exemption from the Definition of "Subdivision" within the Laws Administered by the Maine Land Use Regulation Commission"  
S.P. 356 L.D. 1175  
(C "A" S-245)

Bill "An Act to Clarify the Application of the Sales Tax on Hay, Horses and Horse Farms"  
S.P. 445 L.D. 1419  
(C "A" S-261)

Bill "An Act to Redefine the Community Services of the Mental Health System"  
S.P. 495 L.D. 1526  
(C "A" S-257)

Bill "An Act to Amend the Corporate Laws"  
S.P. 534 L.D. 1639  
(C "A" S-259)

Resolve, to Establish a Pilot Project Voucher System for Nursing Facility Level Care Reimbursement under the Medicaid Program (Emergency)  
S.P. 558 L.D. 1684  
(C "A" S-256)

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

Sent down for concurrence.

Bill "An Act to Place Conditions on the Investment of Municipal Funds in Mutual Funds" S.P. 433 L.D. 1379  
(C "A" S-264)

Which was **READ A SECOND TIME**.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED, AS AMENDED**.

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

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

**COMMITTEE REPORTS**

**House**

**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act to Provide for Binding Arbitration for County Employees with Respect to Monetary Issues" H.P. 1031 L.D. 1448

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

Signed:

Senators:

CATHCART of Penobscot  
TREAT of Kennebec  
MILLS of Somerset

Representatives:

RINES, JR. of Wiscasset  
STANLEY of Medway  
JOY of Crystal  
JOYCE of Biddeford  
PENDLETON, JR. of Scarborough  
TREADWELL of Carmel

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-500)**.

Signed:

Representatives:

HATCH of Skowhegan  
SAMSON of Jay  
BOLDUC of Auburn  
CLARK of Millinocket

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

Which Reports were **READ**.

Senator **CATHCART** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** 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 NOT TO PASS** Report, in concurrence.

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**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act to Remove the Disqualification for Unemployment Insurance Benefits for Claimants Who Are Locked Out by an Employer" H.P. 1222 L.D. 1734

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-501)**.

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  
CLARK of Millinocket

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  
JOY of Crystal  
PENDLETON, JR. of Scarborough

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-501)**.

Which Reports were **READ**.

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

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Prohibit Dedimus Justices from Receiving Payment for Services other than Long-distance Travel Reimbursement" H.P. 1023 L.D. 1440

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

Signed:

Senators:

NUTTING of Androscoggin  
GOLDTHWAIT of Hancock  
LIBBY of York

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-496)**.

Signed:

Representative:

GERRY of Auburn

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

Which Reports were **READ**.

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

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**Divided Report**

Ten Members of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Laws Relating to Notaries Public" H.P. 1094 L.D. 1537

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-498)**.

Signed:

Senators:

NUTTING of Androscoggin  
GOLDTHWAIT of Hancock

Representatives:

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

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

Signed:

Senator:

LIBBY of York

One Member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-499)**.

Signed:

Representative:

GERRY of Auburn

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-498)** READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-498)**.

Which Reports were **READ**.

Senator **NUTTING** of Androscoggin moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-498)**, in concurrence.

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" (H-498)**, in concurrence.

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Ensure Ethical Conduct in the Office of Treasurer of State" S.P. 225 L.D. 794 (C "A" S-221)

In Senate, May 15, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-221)**.

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

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

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

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

Senator **NUTTING:** Thank you Mr. President. Just briefly, I'm going to be voting against the pending motion to indefinitely postpone this committee report from the State and Local Government Committee. This is a reasonable request. It's, I believe, an 11 to 2 committee report. This is supported by the Treasurer of the State of Maine. This just places restrictions on the Treasurer and doesn't allow the Treasurer to raise political funds for people that the Treasurer would work with in the investment area, be it people from Bond Houses or Investment Analysts. I think it's reasonable. I think we need to support the bill and I'm going to be voting against the pending motion. Thank you.

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

Senator **LIBBY:** Thank you Mr. President, men and women of the Senate. I had also hoped that the good Senator from Sagadahoc, Senator Small, would be here to discuss this issue. It's one that's near and dear to her heart, a bill that she has sponsored. I would concur with the Senator from Androscoggin, Senator Nutting, that this is a very important piece of legislation and I am very surprised at the, you know, course that it's taken. It seemed to me that it would be a piece of legislation that both sides of the aisle would happily embrace, and it appears that way from the previous votes that that is exactly what's happened in this body, but unfortunately, it hasn't had such a great life elsewhere. This bill is limited to, really, access of the Treasurer of the State of Maine to Bond Houses, and I think it's really important to note the influence and the connections that are made between the Treasurer of the State of Maine and some of these Bond Houses. It just needs to be dealt with. This bill doesn't take any great strides further than that, which some members of this body might disagree with. It simply deals with these issues of the Bond Houses and I think that's critical to the state, to make sure that we bring into line with other states some of our practices. It's a good move. It's ethical. I hope you'll support it and I hope you'll oppose the pending motion. Thank you.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending motion by same Senator to **RECEDE** and **CONCUR**. (Division Requested)

**COMMITTEE REPORTS**

**House**

**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Require That School Administrative Units Provide Additional Appropriate Personnel When Transporting Students with Special Needs"

H.P. 636 L.D. 861

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

Signed:

Senators:

PENDLETON of Cumberland  
CATHCART of Penobscot  
SMALL of Sagadahoc

Representatives:

RICHARD of Madison  
BRENNAN of Portland  
SKOGLUND of St. George  
WATSON of Farmingdale  
BAKER of Bangor  
BARTH, JR. of Bethel  
MCELROY of Unity  
STEDMAN of Hartland  
BELANGER of Caribou

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-526).**

Signed:

Representative:

DESMOND of Mapleton

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

Which Reports were **READ.**

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

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Decrease Infectious Disease Transmission"

H.P. 287 L.D. 351

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-468).**

Signed:

Senators:

LONGLEY of Waldo  
LAFOUNTAIN III of York  
BENOIT of Franklin

Representatives:

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

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

Signed:

Representatives:

PLOWMAN of Hampden  
WATERHOUSE of Bridgton

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-468).**

Which Reports were **READ.**

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

On motion by Senator **AMERO** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **LONGLEY** of Waldo to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Provide Legal Counsel for Legislative Committees"

H.P. 847 L.D. 1152

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-488).**

Signed:

Senators:

NUTTING of Androscoggin  
LIBBY of York

Representatives:

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

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

Signed:

Senator:  
GOLDTHWAIT of Hancock

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-488).**

Which Reports were **READ.**

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

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Promote Wildlife Rehabilitation Centers" H.P. 551 L.D. 742

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

Signed:

Senators:  
RUHLIN of Penobscot  
DAGGETT of Kennebec  
MILLS of Somerset

Representatives:  
TRIPP of Topsham  
ROWE of Portland  
MORGAN of South Portland  
SPEAR of Nobleboro  
TUTTLE, JR. of Sanford  
BUCK of Yarmouth

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-535).**

Signed:

Representatives:  
GREEN of Monmouth  
LEMONT of Kittery  
CIANCHETTE of South Portland  
GAGNON of Waterville

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-535).**

Which Reports were **READ.**

On motion by Senator **RUHLIN** of Penobscot, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED** in **NON-CONCURRENCE.**

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act Concerning Fuel Taxes for Carriers Operating School Buses under Contract" H.P. 1249 L.D. 1768

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

Signed:

Senators:  
RUHLIN of Penobscot  
DAGGETT of Kennebec  
MILLS of Somerset

Representatives:  
ROWE of Portland  
SPEAR of Nobleboro  
BUCK of Yarmouth  
TUTTLE, JR. of Sanford  
MORGAN of South Portland  
TRIPP of Topsham

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-533).**

Signed:

Representatives:  
GREEN of Monmouth  
GAGNON of Waterville  
LEMONT of Kittery  
CIANCHETTE of South Portland

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-533).**

Which Reports were **READ.**

On motion by Senator **RUHLIN** of Penobscot, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED** in **NON-CONCURRENCE.**

Sent down for concurrence.

**Divided Report**

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Clarify Sanitary District and Sewer District Authority to Adopt Impact Fees" H.P. 576 L.D. 767

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

Signed:

Senators:

CAREY of Kennebec  
CLEVELAND of Androscoggin  
HARRIMAN of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-548)**.

Signed:

Representative:

VEDRAL III of Buxton

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

Which Reports were **READ**.

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

**ENACTORS**

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

An Act to Allow Partially Consumed Bottles of Wine to be Taken from Restaurants H.P. 997 L.D. 1389 (C "A" H-308)

An Act to Require the Release of the Results of an HIV Test to a Person Who Has Experienced a Bona Fide Occupational Exposure H.P. 1000 L.D. 1392 (C "A" H-404)

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

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

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

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

Senate called to order by the President.

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

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

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

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

On motion by Senator **JENKINS** of Androscoggin, **RECESSED** until the sound of the bell.

**After Recess**

Senate called to order by the President.

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

**Senate at Ease**

Senate called to order by the President.

\_\_\_\_\_  
**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 (5/19/97) Assigned matter:

**SENATE REPORTS** - from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Reinstate the Death Penalty" S.P. 492 L.D. 1524



Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-252)** (2 members)

Tabled - May 19, 1997, by Senator **MURRAY** of Penobscot.

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

(In Senate, May 19, 1997, Reports **READ**.)

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

Senator **BENOIT:** Thank you Mr. President, may it please the Senate. I realize that the motion that's before the body is a motion to accept the Majority report of the Criminal Justice Committee, in a report, 11 to 2, that the bill be reported out Ought Not to Pass. And Mr. President, I would make a motion that the bill and its accompanying papers be indefinitely postponed, and I would like to speak to the motion.

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

Senator **BENOIT:** Thank you. This bill is the product of my constituents' agenda and, as you know, I've said more than once here, that my constituents' agenda leads and my agenda follows. Last November, after the general election, I had constituents approach me asking that I file the bill to reinstate the death penalty. I had quite a talk with them over the matter. In fact, I tried to talk them out of it. It came to a point where my constituents said, "Benoit, you're no different than anybody else down there in Augusta. You haven't got the guts to file legislation when your constituents want you to do so." That's all I needed really, to hear, and I filed the bill because otherwise it would go through a referendum process which I was not going to force them to do. So I filed the bill. I went down to the Revisor's Office and worked with the Revisor's Office to come out with the piece of legislation that went to the Criminal Justice Committee. The bill, at that time, tracked the Capital Punishment bill that was filed four years ago, here. It was an over-broad piece of legislation and didn't go anywhere. My constituents wanted to narrow the matter to two types of murder, make it specific, get specificity in there, address the most heinous murders, two of them, and see what would happen with the legislation. So it was drawn to address multiple murders where someone goes into a place of business, a McDonald's or even a private place of business, and kills two or more people in a shoot-out, or whatever you want to call it. And the other was even more egregious, if that wasn't egregious enough, the sexual assault, if you will, the rape and murder of a child. These were the two specific matters that the bill addressed. I worked with the Revisor's Office and came out with a bill and it went to the committee.

My constituents and I had our day in court at the public hearing. It was a couple, or three, hours long and was very emotional and then the following week, we had the work session which I also attended. The report, as you know, is 11 to 2, Ought Not to Pass. I was thinking I might ask that the bill be recommitted to the committee because at the work session, which was attended by the Attorney General's Office, the

Attorney General wanted to work with me to make the bill better. Put it this way. Make it more acceptable to the Attorney General's Office. There were some misgivings that the Attorney General's Office had about the bill. So, the issue came up whether the bill would be put over to the short session, which is what I wanted to see done on behalf of my constituents. The Attorney General's Office was willing to work on the bill further, so was the Criminal Law Advisory Commission, called CLAC, and I was willing to work. But, I guess, it all boils down to the fact that no matter how much more work would be done on the bill, the Committee is still going to report it out 11 to 2.

Now, I stand here knowing that this bill could be made better. What do I do? Do I fight for a bill and try to get something enacted that could be made better? No, I don't. I think we all take an oath here to put out legislation that we feel is the best work product we can put together. So I'm not going to stand here and try to do a vain thing and talk in support of a bill that needs to be worked a little bit more, Mr. President. It doesn't need major surgery, major construction, but according to the Attorney General's Office, ought to have some issues addressed, such as the separation of the powers of government that was raised by that office and some other matters.

So, I guess, I should say on the record, that a poll done recently in the State of Maine on this specific piece of legislation shows 53% of Maine citizens support this bill as drawn. Not just capital punishment in general but this piece of legislation. A fellow Legislator, Representative Gooley, whose district is Farmington and Industry, also conducted a poll and found 60% support capital punishment being reinstated in the state. So you can see, my constituents are not off the wall with this particular request. If they had been off the wall, I would not be sponsoring the measure, but 38 states have capital punishment in this country. And there are many people in the State of Maine who feel that for the egregious murders taking place that there ought to be some punishment to fit the crime. And that's the whole purpose of this legislation. Not all murders are the same in degree of seriousness. That's why we have in our law that the sentence for murder can be 25 years to life. There are different types of murders that occur. But try to address the heinous type murder of Megan Kanka down in New Jersey. A seven year old youngster who was stalked by her neighbor, a twice-convicted sex offender, before he got hold of her, raped her and murdered her. That's what this bill is all about and that's where my constituents are coming from, Mr. President. So, we will have another day. There are other sessions and we'll make this bill better so that I'll be able to stand, if I'm back, and I'm not telling you this isn't a promise to run for re-election, but I'm sure that a bill like this will surface again. After all, one surfaced just four years ago. I would rather stand here and argue the merits of a bill, when my platform is well constructed, so I can talk about the merits instead of having to talk about the procedure in the law and the merits, too, and let the chips fall where they may.

So, without getting into the merits of the matter, realizing the facts of life, by way of the committee vote, I ask that the bill and its accompanying papers be indefinitely postponed. Mr. President, thank you.

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

Senator **MURRAY:** Thank you Mr. President, men and women of the Senate. I rise to support the pending motion to indefinitely postpone this matter. I also want to acknowledge and

appreciate the comments of the good Senator, my friend from Franklin County, Senator Benoit, in recognizing the flaws that do exist with this piece of legislation. There are flaws, there are many and, in fact, there may be ways to address those flaws, recognizing that even if those flaws are addressed, there are other issues that people of good will and sound mind will continue to differ on with regard to the merits of this particular piece of legislation, even once in the future if it's approved. And for that day we will save our arguments with regard to the merits but for today, I want to extend my appreciation for the recognition that the good Senator has acknowledged and urge you to support the pending motion.

On motion by Senator **BENOIT** of Franklin, the Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

Sent down for concurrence.

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

#### COMMITTEE REPORTS

##### House

##### Ought to Pass As Amended

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Provide Subrogation Equity" H.P. 1036 L.D. 1453

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-524)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-524)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-524) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Create a Universal Bank Charter" H.P. 1319 L.D. 1869

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-523)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-523)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-523) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Place a Moratorium on Construction and Development in Southern Maine and to Provide for Equal Economic Opportunity for All Regions of the State" (Emergency) H.P. 1035 L.D. 1452

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-504)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-504)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-504) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Provide Licensing for Micropigmentation Practitioners" H.P. 1270 L.D. 1796

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-507)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-507)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-507) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Increase the Period of Probation for Sex Offenders" H.P. 49 L.D. 74

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-517)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-517)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-517) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Create a Repeat Offender Provision Addressing Crimes of Violence against Persons" H.P. 229 L.D. 293

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-554)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-554)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-554) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Strengthen the Laws Concerning Resisting Arrest" H.P. 443 L.D. 593

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-553)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-553)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-553) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Amend the Law to Be Consistent with the Organizational Structure of the Department of Corrections and for Other Purposes" H.P. 1050 L.D. 1467

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-513)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-513)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-513) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Outlaw the Sale of Code Grabbers in the State" H.P. 1105 L.D. 1548

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-552)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-552)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-552) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **CRIMINAL JUSTICE** on Bill "An Act Regarding Illegal Transportation of Drugs by a Minor" H.P. 1262 L.D. 1789

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-514)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-514)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-514) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Ensure Consistency Between State and Federal Special Education Requirements" H.P. 842 L.D. 1147

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-543)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-543)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-543) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, to Establish a Committee to Review the Asbestos Hazard Emergency Response Act H.P. 1030 L.D. 1447

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-544)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-544)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.  
The Resolve **READ ONCE**.

Committee Amendment "A" (H-544) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Eliminate the Use of Time-out Boxes" H.P. 1099 L.D. 1542

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-541)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-541)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-541) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Promote Higher Education" (Emergency) H.P. 1223 L.D. 1735

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-542)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-542)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-542) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, to Establish the Task Force to Study Strategies to Support Parents as Children's First Teachers H.P. 1287 L.D. 1832

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-540)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-540)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-540) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Conform the State Revolving Loan Fund for Drinking Water with the 1996 Amendments to the Federal Safe Drinking Water Act" (Emergency) H.P. 1215 L.D. 1715

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-522).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-522).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-522) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **JUDICIARY** on Bill "An Act Regarding Terminal Rental Adjustment Clauses Vehicle Leasing"  
H.P. 646 L.D. 899

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-530).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-530).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-530) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **JUDICIARY** on Bill "An Act to Implement the Recommendations of the Task Force on Tribal-State Relations"  
H.P. 926 L.D. 1269

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-531).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-531).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-531) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Require Mandatory Testing of Persons Who Assault Police Officers"  
H.P. 1017 L.D. 1409

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-532).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-532).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-532) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **JUDICIARY** on Bill "An Act to Bring the State into Conformity with the Firearms Provisions of the Violence against Women Provisions of the Federal Violent Crime Control Act"  
H.P. 1264 L.D. 1791

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-529).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-529).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-529) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **LABOR** on Resolve, to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Unemployment Compensation  
H.P. 268 L.D. 332

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-549).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-549).**

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

The Resolve **READ ONCE.**

Committee Amendment "A" (H-549) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **LABOR** on Bill "An Act to Allow Persons 15 Years of Age or Older to Work at Games of Skill"  
H.P. 648 L.D. 901

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-518)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-518)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-518) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **NATURAL RESOURCES** on Bill "An Act to Ensure Stable Funding of Pollution Abatement Programs Administered by the Department of Environmental Protection"  
H.P. 1123 L.D. 1579

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-545)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-545)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-545) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Laws Regarding Legal Notices"  
H.P. 1302 L.D. 1845

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-519)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-519)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-519) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **TAXATION** on Bill "An Act to Continue the Vendor's Tax for One Year by Delaying the Repeal Date"  
H.P. 244 L.D. 308

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-520)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-520)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-520) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **TAXATION** on Bill "An Act to Amend the Tax against Certain Casual Sales"  
H.P. 671 L.D. 923

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-547)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-547)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-547) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1998 and June 30, 1999" (Emergency) H.P. 455 L.D. 618

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-515)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-515)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-515) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **TRANSPORTATION** on Bill "An Act to Return a Portion of Fines Resulting from Violations of Motor Vehicle Laws to Law Enforcement Agencies" H.P. 623 L.D. 848

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-516)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-516)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-516) **READ** and **ADOPTED**, in concurrence.

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

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Off Record Remarks

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

**ENACTORS**

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

An Act to Modify the Prequalification Laws to Allow the Disqualification of Contractors for a Time Not to Exceed One Year H.P. 285 L.D. 349 (C "A" H-343)

An Act to Provide That the Operator of a Motor Vehicle Is Not Responsible for Securing in a Seat Belt a Passenger 18 Years of Age or Older H.P. 303 L.D. 367 (C "A" H-334; S "C" S-218)

An Act to Amend the Watercraft Registration Laws H.P. 564 L.D. 755 (C "A" H-438)

An Act to List Specific Threatened and Endangered Species H.P. 598 L.D. 789 (C "A" H-367)

An Act to Establish the Rider Safety Act H.P. 713 L.D. 977

An Act Directing the Department of Human Services to Submit an Annual Report on Children in Foster Care and on Adoption of Children in the Care and Custody of the Department H.P. 738 L.D. 1002 (C "A" H-303)

An Act to Amend Coded Licenses H.P. 865 L.D. 1182 (C "A" H-262)

An Act Concerning Public Notice of Lottery Odds H.P. 918 L.D. 1261 (C "A" H-427)

An Act to Amend the Child and Family Services and Child Protection Act H.P. 1182 L.D. 1673 (C "A" H-430)

An Act to Clarify Issuance of the Writ of Possession S.P. 557 L.D. 1683 (C "A" S-212)

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

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An Act to Allow Certain County and Municipal Officials to Serve on the Maine Land Use Regulation Commission and the Board of Environmental Protection H.P. 9 L.D. 6 (C "A" H-293)

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

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending **ENACTMENT**. (Division Requested)

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An Act Regarding Balances Remaining in General Purpose Aid for Local Schools H.P. 73 L.D. 98 (C "A" H-424)

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

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An Act to Allow a Greater Share of the Transfer Tax to Remain in the Counties Where it is Collected

S.P. 91 L.D. 271  
(C "A" S-126; H "B"  
H-374)

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

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Off Record Remarks

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An Act to Define the Projects That Public Works Departments May Undertake Without Procuring the Services of a Registered Professional Engineer

S.P. 244 L.D. 813  
(C "A" S-214)

On motion by Senator **BUTLAND** of Cumberland, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED, AS AMENDED**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-214).

On further motion by same Senator, Senate Amendment "A" (S-243) to Committee Amendment "A" (S-214) **READ**.

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

Senator **BUTLAND:** Thank you Mr. President, ladies and gentlemen of the Senate. First of all, let me apologize for providing this amendment so late and having to go through all of that reconsideration. The original bill and the Senate Amendment increases the threshold that Public Works Department in which they may undertake Public Works projects without procuring the services of a registered Professional Engineer. Previous to that, any public works project over \$5000, they had to enlist the services of a registered Professional Engineer. The original bill was the handiwork of the Senator from Somerset, Senator Mills, and I don't believe that it had been updated for a number of years, a considerable number of years. The Committee in Committee Amendment "A" upgraded the threshold to \$100,000. Projects of over \$100,000, public works departments, municipal public works departments must procure the services of a registered engineer. My amendment simply adds to the last two sentences of each paragraph, and the first being that "the work is a normal maintenance activity routinely performed by that department or political subdivision or county, city, town, township or plantation". It further, in my opinion, increases the public safety aspect of this amendment. And then the last addition is, "or if the project involves construction of new facilities or substantial capacity improvements to existing

facilities". I hope that you will vote in favor of this amendment as I believe that it enhances public safety. Thank you.

On motion by Senator **CASSIDY** of Washington, **TABLED** until Later in Today's Session, pending the motion by Senator **BUTLAND** of Cumberland to **ADOPT** Senate Amendment "A" (S-243) to Committee Amendment "A" (S-214).

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An Act to Reduce the Presumptive Amount for Trafficking in Marijuana from 2 Pounds to One Pound H.P. 749 L.D. 1026  
(C "A" H-422)

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

---

An Act to Amend the Continuing Care Retirement Community Laws H.P. 827 L.D. 1132  
(C "A" H-426)

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

---

An Act to Include Flunitrazepam in the List of Schedule W Drugs S.P. 603 L.D. 1800  
(C "A" S-217)

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

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**Resolve**

Resolve, Authorizing the Maine Technical College to Achieve Cost Savings through the Lease-purchase of Facilities H.P. 444 L.D. 594  
(C "A" H-228; S "B"  
S-174)

Resolve, to Name the New Topsham-Brunswick Bridge across the Androscoggin H.P. 838 L.D. 1143  
(C "A" H-423)

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

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Resolve, Compensating Robert O'Malley for Claims against the State H.P. 201 L.D. 254  
(C "A" H-337)

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

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Resolve, to Establish a Task Force to Review the Applied Technology Centers and Applied Technology Regions  
H.P. 771 L.D. 1048  
(C "A" H-320)

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

Resolve, to Improve the Delivery and Financing of Long-term Care  
S.P. 382 L.D. 1241  
(C "A" S-208)

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

Off Record Remarks

On motion by Senator **RAND** of Cumberland, **RECESSED** until 1:30 in the afternoon.

After Recess

Senate called to order by the President.

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

#### PAPERS FROM THE HOUSE

##### Non-concurrent Matter

Bill "An Act to Make Technical Changes in the Laws Relating to the Sale of Alcoholic Beverages"  
S.P. 510 L.D. 1572  
(C "A" S-182)

In Senate, May 6, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-182)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-182) AND HOUSE AMENDMENT "A" (H-521)** in **NON-CONCURRENCE**.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

##### Non-concurrent Matter

Resolve, to Create a Task Force to Develop a Single Payment System for State and Federal Taxes for Small Businesses  
H.P. 988 L.D. 1368  
(H "A" H-416 to C "A" H-240)

In Senate, May 12, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-240) AS AMENDED BY HOUSE AMENDMENT "A" (H-416)** thereto, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-240) AS AMENDED BY HOUSE AMENDMENT "B" (H-565)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

#### House Papers

Resolve, Regarding Legislative Review of Portions of Chapter II, Section 67: Nursing Facilities Services, Maine Medical Assistance Manual, a Major Substantive Rule of the Department of Human Services, Bureau of Medical Services (Emergency)  
H.P. 1331 L.D. 1881

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.

#### Joint Order

The following Joint Order: H.P. 1332

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Education report out legislation on components of the school funding formula to the House.

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

Which was **READ** and **PASSED**, in concurrence.

#### COMMITTEE REPORTS

##### House

##### Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act Requiring State Reimbursement for Certain Services Provided by Counties"  
H.P. 534 L.D. 725

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

Signed:

Senators:  
MURRAY, JR. of Penobscot  
O'GARA of Cumberland  
MITCHELL of Penobscot

Representatives:

MUSE of South Portland  
O'BRIEN of Augusta  
PEAVEY of Woolwich  
MCALEVEY of Waterboro  
POVICH of Ellsworth  
JONES of Greenville  
TOBIN, JR. of Dexter  
FRECHETTE of Biddeford  
WHEELER of Bridgewater

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-556)**.

Signed:

Representative:

BUNKER, JR. of Kossuth Township

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

Which Reports were **READ**.

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

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**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Allow Towns within a Community School District to Vote on a School Budget by Referendum" H.P. 709 L.D. 973

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

Signed:

Senators:

PENDLETON of Cumberland  
CATHCART of Penobscot  
SMALL of Sagadahoc

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-557)**.

Signed:

Representatives:

SKOGLUND of St. George  
BARTH, JR. of Bethel

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

Which Reports were **READ**.

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

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**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Allow an Appeal Concerning the Date to Determine Age for Kindergarten" H.P. 1007 L.D. 1399

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

Signed:

Senators:

PENDLETON of Cumberland  
SMALL of Sagadahoc

Representatives:

RICHARD of Madison  
BRENNAN of Portland  
DESMOND of Mapleton  
SKOGLUND of St. George  
MCELROY of Unity  
STEDMAN of Hartland  
BELANGER of Caribou

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-562)**.

Signed:

Senator:

CATHCART of Penobscot

Representatives:

WATSON of Farmingdale  
BAKER of Bangor  
BARTH, JR. of Bethel

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

Which Reports were **READ**.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

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**Senate**

**Divided Report**

Seven Members of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Provide for Removal of a State Auditor Who Fails to Meet the Statutory Qualifications for the Office" S.P. 440 L.D. 1414

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-279).**

Signed:

Senators:

GOLDTHWAIT of Hancock  
LIBBY of York

Representatives:

GERRY of Auburn  
GIERINGER, JR. of Portland  
KASPRZAK of Newport  
DUTREMBLE of Biddeford  
FISK, JR. of Falmouth

Three Members 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-280).**

Signed:

Senator:

NUTTING of Androscoggin

Representatives:

AHEARNE of Madawaska  
BUMPS of China

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

Signed:

Representatives:

BAGLEY of Machias  
SANBORN of Alton

Which Reports were **READ.**

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF ANY REPORT.**

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Establish a Devolution Review Board S.P. 499 L.D. 1561

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-278).**

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.**

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT.**

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**ORDERS OF THE DAY**

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

Bill "An Act to Make Technical Changes in the Laws Relating to the Sale of Alcoholic Beverages" S.P. 510 L.D. 1572 (C "A" S-182)

Tabled - May 20, 1997, by Senator **RAND** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, May 6, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-182).**)

(In House, May 20, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-182) AND HOUSE AMENDMENT "A" (H-521) in NON-CONCURRENCE.**)

On motion by Senator **RAND** of Cumberland, the Senate **RECEDED** and **CONCURRED.**

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

Resolve, to Create a Task Force to Develop a Single Payment System for State and Federal Taxes for Small Businesses

H.P. 988 L.D. 1368  
(H "A" H-416 to C  
"A" H-240)

Tabled - May 20, 1997, by Senator **RAND** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, May 12, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-240) AS AMENDED BY HOUSE AMENDMENT "A" (H-416)** thereto, in concurrence.)

(In House, May 15, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-240) AS AMENDED BY HOUSE AMENDMENT "B" (H-565)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **RAND** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

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

**HOUSE REPORTS** - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Permit Forest Fire Wardens and Forest Rangers to Carry Weapons"  
H.P. 472 L.D. 643

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-395)** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - May 20, 1997, by Senator **RAND** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 19, 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-395) AS AMENDED BY HOUSE AMENDMENT "B" (H-489)** thereto.)

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

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

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

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

Senator **KILKELLY:** Thank you Mr. President, men and women of the Senate. I would urge you to support the Majority Ought to Pass report on this bill. Recently I distributed a list of

concerns that had been raised by Forest Rangers of things that they want us to know as we're preparing to vote on this bill. When we heard from the Rangers, in the testimony on this bill, there were a couple of things that were very clear. One is that the level of violence in any kind of situation is increasing in all parts of our world, whether we're in the woods or in the city or anyplace else. Rangers are, in fact, finding themselves in the midst of confrontation more and more often. Because they are working in very rural areas, there is sometimes a one or two hour wait before backup is available. They told us a number of stories of situations that they had found themselves in, which it would have given them a great deal of comfort had they been armed. What this bill does is to provide that the Department will, in fact, promulgate rules that will allow Rangers to be armed. It doesn't require that they be armed. It provides an opportunity for those who would care to be, to be armed. It's important to note that we already have armed law enforcement folks in other categories. Marine Patrol folks are armed and Game Wardens are armed. Forest Rangers are often mistaken for those folks because the uniforms are very similar. So, what we've done is, we've subjected these people to a public understanding that these are law enforcement folks, that they're out in the field and that they are there to enforce the law. They look like a police or quasi-police officer, if you will, but they're not armed. And we have, in fact, put them in a situation of grave concern for many of them. So, I would urge you to vote with the Majority of the Committee, so that we can go on to provide the necessary rule-making to allow this to take place. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President, women and men of the Senate. I rise today because I felt it was important to make a few comments regarding, I think, a fairly significant policy change. The suggestion here is that the enforcement of Forestry Laws is becoming much more adversarial and dangerous, that the resolution to those situations is to provide or allow at the option of the Rangers the opportunity to carry firearms. I suggest to you that that may not be the best resolution of an unfortunate situation. If you have a situation where there is a potential for violence, the use of firearms, and our solution to that is to allow the Rangers to have their own firepower to shoot back or to shoot first, whatever the case may be, the outcome may be very tragic. It may well be a better resolution to find a way to diffuse the situation, to back away from a situation that may be tense and violent, and to come back to that situation, for enforcement, with the appropriate assistance or when the situation has been appropriately cooled down. Simply to allow a single Ranger to be in a situation with a firearm, to have to decide whether they're going to shoot it out with the individual that they're confronting, as opposed to finding another resolution to that, I think, will put us in a situation where we're going to be dealing with a tragic outcome. Someone is going to be shot. Someone may be dead. Hopefully, it's not the Ranger, but it may be someone. And allowing more firearms into a very difficult situation isn't always the best solution, and I suggest to you, in these circumstances, may well be the worst outcome that we could have. I would hope that you would not support this because I don't believe the evidence is there, that carrying firearms by Forestry Agents is the solution to the problem that's appropriate. I also would suggest to you that, if you're going to have a public policy, it ought not to be discretionary in whether or not the employees decide to do it or

not, carry firearms. If we're going to have a policy, everyone should follow it. They should either all have firearms or none of them should have firearms. It ought not to be a public policy that, depending on the individual's preference, they can do it or not do it. If there's a need to have firearms, then the policy should be that there's a need for everyone to have firearms. It's not a situation where one set of Rangers perhaps don't need firearms and the others do. They all face enforcement situations that are unknown. So, they ought to all have the same protocol in dealing with those enforcement situations or they ought not to have firearms for some, where they can decide to shoot it out, and others can decide that they're going to try to resolve it in some other way. I think that this is a piece of legislation that may be driven more by emotion and interest as opposed to solid, reasoned, thoughtful consequences of the outcomes. As it is, trained police officers, from time to time, find themselves in situations where they are questioned on whether the use of their firearm was appropriate or not appropriate. And we have to have investigations, and there are individuals who are killed who, sometimes we found out, were never even armed. But they thought they were armed and the officer felt that they had to protect themselves or others and used their firearm to kill that individual. I'm not sure that putting the Rangers in that same position is going to, at all, improve the safety of either the Rangers or the citizens of this state. After all, for the most part, they're enforcing Forestry Regulations. For the most part, they aren't enforcing laws that concern the life and death of an individual as a law enforcement officer may find themselves in. Far better to identify the individual, get the registration of the vehicle if that's available, and come back and do the enforcement in a less adversarial or confrontational way, than to have to resort to violence to enforce Forestry Laws. I would hope that you would not support the Ought to Pass motion.

**THE PRESIDENT:** The Chair recognizes the Senator from Washington, Senator Cassidy.

Senator **CASSIDY:** Thank you Mr. President, men and women of the Senate. I rise this afternoon to give you a little bit of background on this particular piece of legislation we have before us today. I've been concerned about this issue for a long time. As you know, and I know I've mentioned it here, but I'll tell you one more time. I have a Christmas tree farm back home that I work part-time, my family and I, and during that whole process of running that farm, three years ago I was out doing some work during the season when we'd start to harvest things. As you know, we harvest brush and we harvest trees. I have just a small farm and I saw maybe 16,000 to 20,000 pounds of brush in the fall that is later made into wreaths. And one day I heard some ruckus out on the other part of my lot and I went out there and I found three characters with hundreds of dollars worth of brush that they were stealing from me. Actually, I was quite intimidated when I got there. I mean, here are three individuals with axes and knives and all sorts of things, and I'm standing there with a buck knife that wasn't sharp for at least two weeks. I confronted them and finally, after some words of wisdom, and you can imagine what I had to say, they did leave and I took the brush. I could have called the authorities, at the time, and prosecuted, but I felt their penalty was the work they did and, you know, to harvest the brush, and I sold the brush and felt real uneasy about it. Last fall my son came home from college and, again, they all help on the farm. He was out and heard some noise and got on the tractor and, apparently, scared some folks away again. So, I

called the Department and asked if they would do some surveillance, which they do often during the season. Two officers showed up the next day and I showed them where, you know, we had lost the brush, where the folks would come in on our lot and, you have to understand, this is probably a mile or more away from the main highway. I was just amazed to find out that they didn't have weapons. I mean, here they had a web belt, they had mace, they had handcuffs, and they're out here in harm's way with no way to defend themselves. Now I can't imagine they'll go out and confront a lot of people with their gun drawn, but the whole intent of this thing is to protect them, and to protect the rest of us citizens who are subject to the sort of violence that we see happening, all throughout our state these days, unfortunately. Two of those gentlemen that were on my land three or four years ago, have now been indicted and will be going to trial really soon. One of them is now serving a ten-year prison term in Thomaston for armed robbery. I mean, these folks will do anything and I was thinking of the danger that I was in and the danger we're putting our officers in. I just want to say, in response to some of the comments earlier, the tragedy that we're going to see here, in the State of Maine, when we send these folks out, which we do now, in harm's way to, first of all, enforce timber theft. We send them out to enforce the laws of the Christmas tree harvesting and theft of brush, all those kinds of things. When one of those folks gets killed, that's where the tragedy's going to be. We're going to be saying, "Why did we let this happen? Why did we send folks out to enforce laws with no protection?" Things have changed so much in that department. Years ago, they were strictly fire enforcement, and you remember, at one point, we had all the little fire stations around and people would set those by the hour, and now we do things with planes and so on, and so forth. Things have changed. Times have changed. The laws have changed. Timber harvest theft wasn't such a big issue 20 years ago, as much as it is today, with all the enforcement that we've put on folks. Land and forest products have become very, very valuable. So, this is the kind of situation we've created and I hope, today, you realize the responsibility we have, as legislators, to put these folks in the field with every possibility of every protection and safety that we can offer them. You know, I want to point out one more issue before I sit down. All those folks train in the same academy that our police, our wardens, our sheriff and our local police people do. We're not asking anybody to carry a weapon that isn't qualified that has the ability to do so. With that said, I ask you to support this motion. Thank you.

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

Senator **CATHCART:** Thank you Mr. President, men and women of the Senate. I don't often rise on issues such as Forest Rangers, but on behalf of the Rangers from my District, who have contacted me, I do want to say a few words in support of this legislation. Rangers are law enforcement people and they do work out there alone. Usually the backup is an hour or two hours away and they work in the woods and for me, that's enough. There are many, many people who carry weapons into the woods, most of those are law abiding Maine citizens, but there are a few who are not. We expect these people to go out in their uniforms, state agents of law enforcement, and to enforce these laws for us, and why deny them the ability to defend themselves or use a weapon if they were forced to do that? As a citizen who doesn't carry a weapon, generally, I was very surprised to know that Forest Rangers were not already armed. I assumed, and I

would imagine that most citizens assume, that they are allowed to carry weapons now, and indeed, why should they not. I don't believe, from talking to the Rangers in my District, that this bill has anything to do with prestige or money or power or anything else, other than the safety of these state employees and they're asking us to support them and I urge you to do so. Thank you Mr. President.

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

Senator **MILLS:** Thank you Mr. President, men and women of the Senate. I think there's a lot of merit to the idea that we should be considering, someday perhaps, a merger of some of our disparate law enforcement agencies, the Warden Service, the Marine Warden Service, Maine State Police, and even some of the county law enforcement agencies, the Sheriffs and so on. There's a great deal of overlap and, I think, some confusion both in the minds of the public and perhaps, even in the minds of some of these officers about what responsibilities they have and what role they play in the administration of law. I think one of the things that is not understood well, and I did not understand until just this morning, is how very limited the present authority is of the Forest Ranger Service. Their powers are listed in Section 8901, Title 12, and practically everything in there has to do with controlling forest fires, assuming on-site authority and responsibility for a forest fire scene, education, training at all levels of command to meet forest fire emergencies, gathering of evidence concerning forest fires, the authority to set backfires and, almost incidentally, the authority to enforce those laws that relate to forests and forest preservation, and laws under the Maine Land Use Regulatory Commission and the Bureau of Public Lands. There is nothing that they have power to do, as I see this statute, they have no power to intervene in a situation where there is a hunting or a fishing violation occurring in their presence. They are required by law to call up on a radio and get someone in there who has suitable authority. In the example given by Senator Cassidy from Washington County, I question whether they would have power directly to intervene in an ongoing theft. They certainly have power to be a witness and to call in an appropriate authority, but except insofar as stealing wood may fall within the jurisdiction of our Forest Laws, the process of catching somebody in the act of stealing something else is not what they have. They have no more power in that regard than you and I do. I'm concerned about vesting these officers with the appearance of an authority that they do not really have and I think this is a much narrower issue than the larger issue that is a concern to many of us and that is, shouldn't we be giving these people broader, more generic authority for law enforcement? Shouldn't we be considering a blending of some of our services instead of this highly schismatic approach that we take, based on which department you may be working from? I just think it's important for this Chamber to comprehend just how limited and how narrow the authority is of these Forest Wardens. They have an interesting job to do, but it's nothing at all like being Game Wardens and certainly nothing at all like being a Deputy Sheriff or a Maine State Police Officer.

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

Senator **KILKELLY:** Thank you Mr. President, men and women of the Senate. An interesting point has been raised, in terms of what is outlined as the responsibility of the Forest Ranger, versus some of the things that they actually find themselves involved in. I think that, while that's a good point and one that, certainly, I will make sure is before my Committee, there's an issue of reality here that, I think, we need to really deal with. The reality is that one of the things that Forest Rangers do, for example, is to check campsites, and when they're out checking campsites, to determine if people have the appropriate fire permit for that campsite, they may, in fact, stumble upon something that's going on that is an act that is an illegal act. We certainly, I don't, expect them to turn around and say, "Wait, stop, while I go get someone to arrest you while you're committing this crime", nor would we, I think, want them to walk away and ignore that. The issue of timber theft and tipping, or taking brush, particularly around Christmas time is an interesting one. If you walk up to somebody who is stealing timber in the form of brush from trees and you say to that person, "I intend to arrest you because what you're doing is wrong. And, on top of that, I intend to confiscate the product that you've been stealing", you can't really expect that the person, on the receiving end of that, is going to just say, "Oh, okay. I've been caught." We're talking about someone who may, in fact, be stealing that timber, not that I'm supporting stealing timber, but stealing that in order to pay a light bill or feed the family or do something else and they're going to feel pretty desperate about that. And when they're feeling desperate about it, they're liable to do things that they shouldn't do. If that person is armed, then there is a conflict there, and those are the kinds of situations that Rangers brought to the us, that when they were in the process of doing their job, they found themselves in situations where they were sometimes confronted with folks who were armed and it takes sometimes two hours to get support, to get backup.

The other issue that was raised, they were compared, by one opponent to this measure, to the Department of Environmental Protection folks, saying, "Well, you know, they don't have guns so we don't think the Forest Rangers need to have guns." And there's one issue about that, that I think is particularly important and that is, in an environmental situation where there's an activity taking place, that's an illegal activity and you feel threatened and you feel like you need to leave, you can turn around and you can leave that situation, and you can come back the next day or the next hour when you've got the appropriate backup. And that particular violation is still going to be there because you can't really move the entire whatever it is that's going on. But that's not the case in timber theft. It's not the case with tipping. It's not the case with a number of these issues in which things are going on where, by the time you get back four hours later, when you've gone, you've gotten the backup and you've come back with people, they're gone. They have left. Do we really want to water down our enforcement of those laws by saying, "Gee, you know, this feels threatening so we're going to turn around and walk away and leave you here to do whatever it is you're doing that's an illegal act and then we're going to come back." I don't think that says very good things about how strongly we believe in the laws that we've passed regarding, whether it's fire control and arson or timber theft or any of the other issues that the Forest Rangers are dealing with. So, I think it really is important that we look at the fact that they are getting themselves into situations

that are dangerous situations and they are asking for support. Thank you. I would urge you to support my motion.

The Chair noted the absence of the Senator from Hancock, Senator **GOLDTHWAIT**, 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, AMERO, BENNETT, BENOIT, BUTLAND, CASSIDY, CATHCART, DAGGETT, FERGUSON, HALL, HARRIMAN, JENKINS, KIEFFER, KILKELLY, LAFOUNTAIN, LIBBY, MACKINNON, MITCHELL, NUTTING, O'GARA, SMALL, THE PRESIDENT - MARK W. LAWRENCE**

NAYS: Senators: **CAREY, CLEVELAND, LONGLEY, MICHAUD, MILLS, MURRAY, PARADIS, PENDLETON, RAND, TREAT**

ABSENT: Senators: **PINGREE, RUHLIN**

EXCUSED: Senator: **GOLDTHWAIT**

22 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator **KILKELLY** of Lincoln to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-395)** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-395) **READ**.

House Amendment "B" (H-489) to Committee Amendment "A" (H-395) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-395) As Amended by House Amendment "B" (H-489) thereto, **ADOPTED**, in concurrence.

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

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

**HOUSE REPORTS** - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Prohibit Towns from Cancelling Health Insurance Provided to Retired Employees" H.P. 1140 L.D. 1605

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-497)** (10 members)

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

Tabled - May 20, 1997, by Senator **RAND** of Cumberland.

Pending - motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, May 19, 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-497)**.)

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

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

**SENATE REPORTS** - from the Committee on **BANKING AND INSURANCE** on Bill "An Act to Provide Health Insurance Coverage for Prostate Cancer Screening" S.P. 320 L.D. 1060

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-274)** (4 members)

Tabled - May 20, 1997, by Senator **LAFOUNTAIN** of York.

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

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

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

Senator **ABROMSON:** Thank you Mr. President, ladies and gentlemen of the Senate. I want to quote for you an article that appeared in the May issue of Fortune magazine. It was entitled, "The Gender Gap in Cancer Research." It noted that, "When it comes to mobilizing for a war on cancer that treats them sexually, men have a lot to learn from women. Breast cancer is expected to kill 44,300 U.S. women this year. Prostate cancer will kill almost as many men, 41,400. Yet there is a striking difference in how the genders deal with their sexually-threatening scourges. Ask a woman about breast cancer and she's liable to roar that the government had better fund more mammograms pronto or a certain Congressman is going to get fried. Ask a typical male about prostate cancer and he'll reply, "How about them Patriots?"

During the last session of this Legislature, we enacted a number of healthcare mandates. Three of them are specifically geared towards women's health concerns. We expanded mandated coverage to non-medically, necessary cosmetic surgery on the unaffected breast after mastectomy surgery. We

expanded mandated care for mothers and newborns, to increase the length of hospital stay in accordance with physicians' recommendations, and we expanded mandated coverage for women's healthcare to include an annual Pap smear by allowing the patient to self-refer to an OB-GYN once a year and allowing women to designate an OB-GYN as her Primary Care Physician. And I must say, I voted for all of those. Proponents of these mandates believe that these measures will save money, in the long run, by reducing the likelihood of more expensive forms of healthcare treatment in the future. I believe the same can be said for mandated PSA testing. According to the American Cancer Society, there are more than 100 different types of cancer. Here, in the State of Maine, looking at all types of cancer except cell skin cancers, we anticipate, in 1997, we will have 8200 cases of cancer. Over 20% of those cases, 1700 of them, will be prostate cancer. In Maine, in 1997, we anticipate deaths from cancer. There will be 240 female breast cancer victims and there will be 220 prostate cancer victims. We are talking about a deadly disease.

What the bill does is, the bill requires that insurance companies pay for a prostate cancer blood test in coordination with a DRE, which is a Digital Rectal Examination. These two tests, used together, have a high probability of detecting cancer. I'm not going, however, to say that they are infallible because they are not. In fact, in the mandate study that was done under contract to the Bureau of Insurance, the final paragraph says, "Mandating the availability of the screening will still not solve the basic problem of disagreement as to its efficacy." So once again, I'm not going to stand here and tell you that this is foolproof but it is the best test that we have. The best test we have today. If you read the paper yesterday, you would see that, apparently, researchers are closing in on a gene that might help us to come up with a cure for prostate cancer. In fact, that may be as near as a year away but, in the meantime, I'm not prepared to give up 220 lives, in case they don't find this cure. We can always repeal the bill once passed, if that's necessary.

PSA is a blood test and the numbers that you get from that blood test will tell you, with a certain amount of probability, whether you have prostate cancer. A member of this body just, recently, a year ago, took this PSA test and came up with a number of zero. Zero means you have virtually no possibility of cancer. The average, for a man, say in his sixties, the normal, would be around 4.0. This same gentleman a year later had a reading of 4.2. 4.2 ordinarily wouldn't mean an awful lot but combined with a year ago, zero, means that he had cancer and not treated, it could have cost him his life. Prostate cancer, on the other hand, is one of those diseases that, if you live long enough, you'll probably get it as a man. You will either die from prostate cancer or with prostate cancer. What we're trying to do is assure that you die with prostate cancer and not of it, unless of course, you're diagnosed with it and they remove the prostate and that, generally, will cure the whole situation.

Let me tell you who testified on our behalf, on behalf of this bill. Bob Dole. Bob Dole wrote us a letter addressed to the Committee and Senator Dole gave about a page and a half of testimony on why this PSA is so important. He closed by saying that he is not in favor of mandated health benefits, so he should have been probably on the neither for nor against. He was for the test, but he was against mandated benefits. But I read that to the Committee anyway. We had Dr. Mark Garnick. Dr. Garnick wrote, "The Patient's Guide to Prostate Cancer." Dr. Garnick is at the Harvard Medical School and Beth Israel Hospital in Boston and came up here to testify. Dr. Rich Leininger, a constituent of

the good Senator from Knox, Senator Pingree, rearranged about 40 appointments so he could attend to testify. He is a urologist from Camden. Attorney Matthew Goldfarb from Portland, who was a victim of prostate cancer, was in his 50's, surely would have died without this test. We had a letter from General Schwarzkopf. We had testimony from professional golfer, Arnold Palmer. We even had testimony from professional philanthropist and felon, Michael Milken.

Again, I will repeat that this is not a one-sided issue. In favor of this bill and screening, not mass screening, mind you, this is not everybody, but this is when prescribed by a physician or ordered by a physician. In favor of this bill are the American Cancer Society, the American Urological Society, the American College of Radiology, Maine Urologic Society. Opposed to it, just to show you that this is not cut and dried, are the National Cancer Institute, American College of Physicians, the World Health Organization and the Canadian Cancer Society. Now, why do I tell you this? I tell you this because, as I told the good Senator from York, my Chairman, Senator LaFountain, I'm throwing myself on the mercy of the Senate. I think there are two sides to this issue. I just believe that it's far more important that we come down on the side of caution and require that insurance companies cover this test when ordered by a physician. The test costs anywhere from \$40 to \$120. What bothers me is I, personally, can afford this. If I need to, I'll take that test twice a year. But what bothers me is there are people, and the same thing was true with mammograms before they were covered, was that women would go and the physician would say, "I suggest that you take a mammogram" and perhaps she couldn't afford it. She would say, "How much is it?" They'd say \$65 or \$100 and they just wouldn't get it done. I don't think it's worth that risk. I, please, urge you to defeat the Ought Not to Pass and to vote later for the Ought to Pass. Thank you Mr. President.

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

**Senator NUTTING:** Thank you Mr. President men and women of the Senate. I'm going to be voting to support the Minority report today and I wanted to just briefly explain why. Two years ago my father had a PSA test that was zero. A year ago his PSA test was 5.4, I believe. He had no symptoms. He has had his prostate out. It was cancerous. They got it before it had spread and today he is doing great. I'm of the understanding that there's a bill coming forth, from the Banking and Insurance Committee next week, that has a different report concerning mammograms. And I know mammograms are still slightly controversial. I feel this issue should be treated the same. I don't care if it just saves one person's life. I know the PSA test saved my father's life. But the specialist that treated my father put things to him, I think, and really to all of mankind, he said, "In men over 50, there's two groups. Those who have prostate cancer and those who don't have it yet." And I feel very strongly about this issue. Just look at it from healthcare costs. If there's a few cases we can get earlier and have prostate cancer before the cancer spreads, in that person's lifetime, the total healthcare costs are going to be much less if the cancer's found early and treated early than it is if it's allowed to spread and things go on and on and on. So, for those reasons, I urge this body to support the Minority report. Thank you.

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



Senator **LAFOUNTAIN**: Thank you Mr. President, men and women of the Senate. I rise today and ask you to support the pending motion. And first of all, I'd like to tell you a little bit about the committee process as a result of this bill. First of all, we had our public hearing followed by a work session and things work a little differently in Banking and Insurance when you're dealing with a mandated benefit. After you first work session, statute requires that we take a straw poll of the entire Committee to determine whether or not there is substantial interest in the Committee to go forward on this bill and if there is that substantial interest, we then send over to the Bureau of Insurance, what we perceive to be, the bill itself or the amended version of the bill. The Committee worked pretty hard in drafting an amendment, which is actually the Minority report, and that amendment would require that screening be made available to men 50 years of age or older, up to the age of 72, if recommended by a physician. It specifically set out the two types of examinations that are required, one being the Digital Rectal Exam, which is the DRE, and the second being the Prostate Specific Antigen, which is known as the PSA. I believe the Committee vote at that time, in the straw vote, was probably, I'd say, 8 or 9 for, with just a few opposed, and a few members actually weren't there at the time, so actually, at the time we sent the proposed amendment to the Bureau of Insurance, you actually had a majority of the Committee supporting this report. The report was prepared and returned to us. The Bureau had a contract out due to a maternity leave by the Senior Analyst, who actually prepares these reports, and it was prepared by William Mercer, which is a company that operates out of Milwaukee, Wisconsin. Pursuant to statute, they asked to address some specific issues relative to a mandated benefit, one being the social impact of the mandate, second being the financial impact of the mandate and third being medical issues relative to the mandate. It was a result of this report that you actually saw a number of people who, previously, had supported the bill now, actually favor an Ought Not to Pass report. And that's because within the medical community the PSA test is quite controversial. As the good Senator from Cumberland, Senator Abromson, indicated to you, there are a number of groups statewide and, actually, nationally and internationally who feel that mass screening using the PSA test is a good idea and there are others who believe that it's not a very good idea at this time. That is because the test gives a great number, a high percentage of false negatives. By having mass screening throughout the State of Maine, where a test is not highly reliable, can cause some great confusion out there amongst consumers. The Committee really didn't take into account the financial impact of it. We didn't believe that, although we had conflicting information relative to what the cost of the test would be, anywhere from \$20 to, somewhere just over \$100, that really wasn't the issue. I believe, the Committee fully realized the seriousness of prostate cancer, that there are a great number of people, here in Maine, and nationwide and internationally, who ultimately die as a result of prostate cancer. We weren't really looking at the monetary aspects of the bill. We were looking at whether or not we were giving a false hope to consumers that a test that would be put into our statutes gives a great percentage of false negatives to consumers. Thank you.

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

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

Senator **MURRAY**: Thank you Mr. President, men and women of the Senate. I want to just briefly explain to you why I support the pending motion of the majority of the Committee on Banking and Insurance. Let me begin, though, and state, probably what's an obvious thing. These mandated benefit issues are extremely difficult. They're difficult for a number of reasons but, primarily they're difficult because almost, I think, universally, no matter what the potential issue is with regard to the mandated benefit under consideration, a strong case can be made that it will have positive benefits to it if we were to propose it and if we were to require it. The difficulty is that, practically speaking, it would be almost impossible to adopt every proposed mandated benefit because of the potential costs, as well as other issues. With this issue, and I personally have supported a number of mandated benefits in the past, from my earlier legislative service, and I will, as has been noted, be supporting other mandated benefits that we'll be dealing with in this session on other issues. What is somewhat unique, in my opinion, in regard to this issue, and it's why I supported the Ought Not to Pass, is this question of the efficacy of the test. If, in fact, we are going to go through the process of a cost-benefit analysis, if you will, measuring the benefit and the potential cost, something that we need to feel quite comfortable and confident about is, if we're going to mandate, that this, in fact, be a part of every single insurance policy that's issued in this state, we ought to have a fairly strong level of comfort and degree of certainty with regard to that which we are mandating. Unfortunately, with regard to this particular test, under these circumstances, that level simply wasn't demonstrated. The degree of concern about the high, relatively high, level of false negatives and false positives, even though the false positives aren't as risky, but the false negatives gave us great concern that this particular test, which is what this bill is about, isn't something that we ought to be mandating, and we ought to be, basically, giving our endorsement to it. Given that concern, the other issues come into weighing the balance. Are we then going to impose upon and require, in every health insurance policy, this type of test which, as has been indicated, has a unit cost that ranges from \$25, some tell us, to \$130, others tell us? Are we going to impose that and the potential risk of making that utilization or unit cost go even higher, under the circumstances, where its efficacy is so in doubt? The other issue that was persuasive in my mind and, in fact, tipped the final balance was that it was pointed out to us that, in fact, in those circumstances where the patient is symptomatic and a physician has, in fact, ordered this particular type of procedure, those are already covered and will continue to be covered under the policies that are issued in this State of Maine. So for all of those reasons, I, and I think the majority of the Committee, thought it was the most prudent position to take, given the fact that the research in this area is still ongoing and, in fact, developing as we speak. The wiser course was to support the Ought Not to Pass on this particular measure and I would encourage you to do so as well.

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

Senator **KIEFFER**: Thank you Mr. President, ladies and gentlemen of the Senate. I rise today feeling like I fall in the category of the so called expert, with an expert determined to be

someone who lives more than 50 miles from home. But I know absolutely nothing about healthcare. I do know that in the past I have opposed mandates to healthcare. The question was raised earlier as to the cost of this test and I went and just pulled out what I had, and the cost of the test was \$68. This is a very tough issue for me because it seems that it's, in all of the conversations with the different healthcare experts, it's really sort of a nebulous item, out there, that no one can really get their hands around. No one is really sure of the outcome of the test and there are so many options that are involved here today. It's a difficult decision as to which way to go. I feel that certainly this type of test, over perhaps age 50 or something, should be something that every male certainly steps forward and takes. The cost certainly from this receipt which I have here is not prohibitive. In many cases, I'm sure that it would come under the deductibles unless the deductibles were waived in an individual policy to begin with. I only mention that to tell you that it's not a clear, cut and dried issue. I hope that someday that it will be. It certainly came as a shock to me because I had had this same test, in the same physical, at the same time of year, for five consecutive years and, as a matter of fact, I had a second test because I wouldn't believe it. So it does come as a shock to you and if it does cure or find the source for only a few people, certainly long-term, there's going to be substantial savings in healthcare costs down the road. Thank you Mr. President.

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

Senator **ABROMSON:** Thank you Mr. President. One thing I did forget to mention, with respect to cost, is that the mandate study indicated that the cost would be 11 cents per member, per month, on a premium. The second thing I wanted to say is that if we pass this today, I would urge you to talk to your own physician, I would urge you to talk to the Physician of the Day, whatever, wherever that physician comes from, because I've done it, within the last week or so, and I can't find any physician who doesn't think that this test is worthwhile. But I would invite you to do so and perhaps somebody could convince me and others later, in second reader or enactment or wherever that this is not the thing we should be doing. Thank you.

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

Senator **HALL:** Thank you Mr. President, ladies and gentlemen. It wasn't, too, many years ago the life expectancy of males and females alike, and especially males, was back in the thirties, and if you don't believe it, just go and visit some of the old cemeteries around the state. There's a reason that we're living longer and it's medical science. It isn't that we're any stronger than we ever were, but medical science is keeping us alive longer, thank goodness. Medical science has developed this PSA test. Thank God they have. But if we don't take advantage of what's been given to us, we're looking the wrong way. Now I don't like mandates and I think probably most of you know that. The five years I've been here, I've been trying to do most everything I could do to lower our insurance premiums. I finally have realized that it's not going to happen and probably all of you haven't come to that conclusion yet, but I surely have. I have voted for some mandates, especially when it came to women, and I'm not sorry I did, and I'm sure that raised the premiums a little more. I'm willing to raise this premium 11 more

cents per person. You are only fooling yourself if you vote for this present motion because, as has already been said, and I hope you listened and I hope you understand that, every male in this Senate, if you live long enough, will have prostate cancer. It's just a matter of time. It may not kill you if you're in the later years of your life, but it's very deadly for men in their 50's, very deadly. And anyone who does not have an annual test, over the age of 50, is playing Russian Roulette with their body. Plain and simple as that. Medical science has given us this test. It may not be 100% but it's a lot better than what we had before.

Much has been mentioned about mammograms and from what I understand, it really depends on the person reading it. Two people could read it and say there's nothing there and a third one reads it and says, "Yes, there it is. You two missed it." Nothing is positive. Nothing. Nor is this test, but we've come a long, long way and let's not let it stop here now. I'm going to make a special plea, here today, to all the women in the Senate, for your fathers and for your husbands and for your sons, please vote against this pending motion. Thank you.

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

Senator **NUTTING:** Thank you Mr. President. I just have to respond quickly to one thing said by the good Senator from Penobscot, Senator Murray. He pointed out that if this test is requested by the doctor because of symptomatic reasons, then the test cost is covered. Well, the fallacy there is the specialist also told my father that in over 50% of the cases, where there were obvious symptoms, the cancer had already spread beyond the prostate and was actually too late to be fixed just by simple prostate surgery. And then you're looking at a huge increase in total lifetime healthcare costs. Thank you.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

#### ROLL CALL

**YEAS:** Senators: CATHCART, CLEVELAND, DAGGETT, LAFOUNTAIN, MURRAY, O'GARA, PARADIS

**NAYS:** Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CAREY, CASSIDY, FERGUSON, HALL, HARRIMAN, JENKINS, KIEFFER, KILKELLY, LIBBY, LONGLEY, MACKINNON, MICHAUD, MITCHELL, NUTTING, PENDLETON, RAND, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

**ABSENT:** Senators: MILLS, PINGREE, RUHLIN

**EXCUSED:** Senator: GOLDTHWAIT

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

7 Senators having voted in the affirmative and 24 Senators having voted in the negative, with 3 Senators being absent and 1 Senator being excused, the motion by Senator LAFOUNTAIN of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-274)** Report **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-274) **READ** and **ADOPTED**.

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

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

**HOUSE REPORTS** - from the Committee on **TRANSPORTATION** on Bill "An Act to Increase the Speed Limit and Amend the Penalty Point System" H.P. 1091 L.D. 1534

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-512)** (1 member)

Tabled - May 20, 1997, by Senator **RAND** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 19, 1997, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

Senator **O'GARA** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

Senator **LIBBY:** Thank you Mr. President, men and women of the Senate. I feel strongly about this issue. I spoke to my caucus earlier today. I believe, that raising the speed limit by 5 miles per hour will do nothing in terms of added safety risk, which has been one of the main contentions here. If you look at the amendment to this bill that is being offered before us now, those areas of the State of Maine where the speed is posted at 65 miles per hour would be raised to 70 miles per hour, with exceptions to be made by the department and, to me, that's a pretty simple bill. The Maine turnpike was built, for example, for the speed of 70 miles per hour. Everybody that I watch on the turnpike on my way up here is traveling 70 miles per hour with a few exceptions of those who are going by the posted speed limit. But when there are road conditions that are poor road conditions, I would always advocate that we reduce the speed limit even lower than 45 miles per hour on the turnpike as is sometimes posted. That is when the majority of the accidents occur. During broad daylight and under good conditions, north of Bangor for

example, the only problems that you're going to have are people falling asleep at the wheel or if there is a deer or a moose or something like that and usually you've got an awful lot of visibility there and no problem in recognizing that. People need to be careful and thoughtful in their driving habits, but most certainly we have had a speed limit of 70 miles an hour in the state before and we ought to have it again. And there are other states in rural areas that don't even have speed limits. And I know a lot of people disagree with me on this, but I feel strongly that if a law is not being obeyed, and is not being enforced, I think somebody is sending a message to somebody, "Let's all admit that the speed limit is a little bit lower than it should be. Let's raise it to an appropriate level," and this is an opportunity to do that. So, if it pleases the Senate, I'd like to ask for the roll. Thank you.

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

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator O'Gara.

Senator **O'GARA:** Thank you Mr. President. Mr. President and ladies and gentlemen of the Senate. It isn't simply a matter of increasing the speed limit on the turnpike. Perhaps the Senator wasn't aware that there are two other areas as well, but let me just talk about the turnpike one. That is from the southerly part of the Exit 6A in Scarborough, the rest of the way would be 70 miles an hour. I submit to you that if people are, if you move it to 70, it's just going to increase the speed even higher than that. There are two other areas as well on Interstate 95 north of Exit 15 in Falmouth the speed limit would be raised to 75 miles an hour. On Interstate 495, north of the northerly point of the access ramp of Exit 10 in Falmouth, the speed limit would be raised to 75 miles an hour. Ladies and gentlemen of the Senate, I think that the speed limits we have now and the control that we have over them, by those who are in control of the speed limits, is sufficient. I would urge you to support the 10 to 1 Majority Ought Not to Pass report. Thank you.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

**YEAS:** Senators: **ABROMSON, AMERO, BENOIT, BUTLAND, CAREY, CASSIDY, CATHCART, CLEVELAND, DAGGETT, FERGUSON, HALL, HARRIMAN, JENKINS, KIEFFER, KILKELLY, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, RAND, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE**

**NAYS:** Senators: **BENNETT, LIBBY**

**ABSENT:** Senators: **PINGREE, RUHLIN**

**EXCUSED:** Senator: **GOLDTHWAIT**

30 Senators having voted in the affirmative and 2 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator O'GARA of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

SENATE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, to Reduce Reliance on Pesticides S.P. 569 L.D. 1726

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-272)** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-273)** (4 members)

Tabled - May 20, 1997, by Senator **RAND** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

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

On motion by Senator **KILKELLY** of Lincoln, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-272)** Report **ACCEPTED**.

The Resolve **READ ONCE**.

Committee Amendment "A" (S-272) **READ** and **ADOPTED**.

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

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

SENATE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Continue the Operation of State Government for the First Two Quarters of the Fiscal Year Ending June 30, 1998" (Emergency) S.P. 620 L.D. 1823

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-267)** (5 members)

Tabled - May 20, 1997, by Senator **MICHAUD** of Penobscot.

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

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

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

Senator **BENNETT:** Thank you Mr. President, fellow members of the Senate. I rise now to encourage you and urge you, in the name of your responsibility as members of this body, to vote against the pending motion so we can go on and consider the Ought to Pass as amended report on this very important bill. The intention of this bill is clear. This bill would allow state government to continue operating at 1997 levels of activity, that is per the budget passed for 1997 fiscal year, into the first two quarters of fiscal year 1998, in the event that the state does not have a budget to operate under during those two quarters. Now, you can well ask, "Well, why would we worry about that? This body, as well as the other, voted. The Governor signed a budget in late March to cover, not only the first two quarters of fiscal year 1998 but, in fact, the next two fiscal years. As we all know however, there is an unprecedented activity underway currently, across this state, to gain signatures in a People's Veto that would have the effect of stopping, putting a halt to, the legislation. In other words, if they're successful in gaining 51,000 signatures, this state could, very well, be left without a budget to operate under in the first two quarters of the fiscal year. I would suggest that it is highly irresponsible for this body to take that issue lightly. I think that it is incumbent upon us not to just assume that the Governor, under some ill-defined executive powers, can continue running the government but, rather, it is important for us, as members of the legislature, to affirmatively recognize that there is this concern. It is imperative that we accept that responsibility by not doing away with the only vehicle that is before us currently to deal with that eventuality, and that is this bill. It is imperative that we do not vote to kill this bill but, rather, that we pass this bill, in order to insure that this government will continue to operate, that we do not have the threat of a shut-down, that we continue along the 1997 budget levels into the first two quarters of the year, if that signature-gathering effort is successful. It is clear, also, that we will be out of session when that effort is complete. We may wake up one July morning and suddenly find out that, according to our Constitution, we are without a budget. We will then have to rely upon the Governor or ourselves to call us back into special session in order to do then what we can and we should do now, which this bill would accomplish. So, I encourage you to vote against the pending motion so that we can go on and accept the Ought to Pass report and allay those feelings and fears and concerns now. Mr. President, I ask for the yeas and nays when the vote is held. Thank you.

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

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Senator **AMERO** of Cumberland requested a Quorum Call.

The Roll being called, the following Senators answered to their name.

## ROLL CALL

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CAREY, CASSIDY, CATHCART, CLEVELAND, DAGGETT, FERGUSON, HALL, HARRIMAN, JENKINS, KIEFFER, LAFOUNTAIN, LIBBY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PENDLETON, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

EXCUSED: Senator: GOLDTHWAIT

30 Senators having answered to the Roll, the Chair declared a quorum present.

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

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate. We're in the middle of debating L.D. 1823 which is 5-18 on your printed calendar. This bill, I think, is a good, responsible government bill, because what it does is prepare for the unlikely, but possible, possibility that a People's Veto may overturn the state budget. I'm disappointed to see that the vote from the Committee was strictly along party lines because I think all of us, in here, want to be responsible Senators and, I think, that we want to do the right thing and, also, that we want to act in a fiscally responsible way. This piece of legislation is proactive in that it lays out, for state government, a method of continuing to operate in case the citizens who are circulating papers to veto the budget do get 51,000 signatures. All this bill says is, if they happen to be successful, state government can keep operating for the first two quarters of the next fiscal year using the same level of expenditures that they used in fiscal year 1997. So, it's just a bill that prepares us for that possibility. I hope that each of you will look at it in that regard and will say, so that you won't have to say in another month when we're out of session, if this people's veto is successful, that we'd have to come back and come up with a plan on how to operate. It would cost us money to have to come back in session and do that. So, I do hope that you will consider voting against the pending motion so that we can vote for this bill, so that state government could continue to operate in the case that a People's Veto of the budget is successful. Thank you very much.

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

Senator **CLEVELAND:** Thank you Mr. President, men and women of the Senate. I certainly do think that all of us want to be fiscally responsible in this Chamber and, I think, that's so even though there are some members in this Chamber who are signatories to the repeal motion currently circulating in the state. I suspect that that member, as well, had his motives on why the state's budget should be vetoed by the people and that was in the interest of the State of Maine. But notwithstanding that, I'd like to make a couple of points about this particular legislation. If you would read the legislation with some care, what you find out is that the ability to allocate any expenditures terminates on December 31st of 1997. That is a date before which this

Legislature will be back in session, so that when January 1st comes around, unless we have acted in any way any differently, we will not be able to continue state government. On January 1st of 1998, even if this bill passed, state government would have to shut down unless other action was taken because this bill does not authorize any expenditures before then. You, of course, are aware that if they should be successful in gathering sufficient signatures, the referendum wouldn't occur until the November election, and therefore, it would be after that election before we know what the results of that referendum would be. So, if the referendum was successful and the vote succeeded, we would still have a situation where the state would not be able to expend money and stay open. I would suggest to you, that means that a responsible legislature would have to be back into session, sometime in the fall, to deal with that issue unless we decide to see the state close down on January 1st of 1998. I would further submit to you that what this bill does is simply allow expenditures to occur at the same levels that they occurred in the previous biennium. Those may or may not be, and I suggest most likely may not be, concurrent with the best interests of the State of Maine. For example, General Purpose Aid to Education to all of your school districts would have to be under expenditure levels for the previous biennium. So, that means, for the first six months of the fiscal year, your school districts are going to get substantially less money than they otherwise would have gotten. In addition to that, our expectations for the revenues are the same. That the revenues will far exceed those expenditure levels and that the money would otherwise have been there to allocate to those school districts. So those school districts would have to make fairly substantial changes after they have adopted budgets, at their town meetings or at their town councils, to accommodate these fairly significant reductions in General Purpose Aid to Education.

Similar situations would occur in regard to Corrections which have a major problem and they need to have a substantial number of new Corrections Officers, as a matter of fact, who are authorized under a Supplemental Budget, but that would exceed the expenditure levels that they had in their previous budget. How would we deal with that? I would suggest to you that, if in the very unlikely circumstance that it appears or occurs that the signatures are collected, it would be far better for this Legislature to reconvene, to look at the budget, to make some adjustments, to pass an Interim Budget with the required number of votes, on an emergency basis, to take care of the issues of this state and to do so in a proactive way, looking at the needs of this community, of this state, and allocating the appropriate amount of funds necessary to operate it. That would be more responsible, as opposed to going on to automatic pilot on a budget established two years ago under a whole different set of circumstances. I suspect that there are some who think that this is a solution, but there are a variety of flaws in this particular action, I think, that will, ultimately, get us in worse fiscal condition rather than in better condition. There are better resolutions by acting in a thoughtful and responsible way, by considered action of elected Legislators as opposed to a prescribed formula that doesn't meet our current needs. I would hope that you support the motion Ought Not to Pass.

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

Senator **HARRIMAN:** Thank you Mr. President and good afternoon, men and women of the Senate. I hope that you will

join me in supporting my good friend from Oxford, Senator Bennett, on this motion. For this piece of legislation is not meant to be, although it appears from the debate that is taking place, a partisan discussion. This is an opportunity for us, the elected people who represent the people of Maine, to do what is right and it is apparent that there are a group of citizens, in the State of Maine now, who are exercising their freedoms, their constitutionally guaranteed rights, to overturn the recently enacted budget, and that is as it should be, if they choose to take that route. Senator Bennett from Oxford is simply saying, in my view, "Let's take out some free insurance while we're still in session and we still have the opportunity to act." And if the rights of these citizens, to petition their government, are successful then we have in place a solution. Granted, at least temporary, but it is an assurance to the very people that my good friend from Androscoggin, Senator Cleveland, is saying, we need to assure that our school systems, for example, have funding at levels that they have come to expect. I would submit that if the People's Veto is successful, at least for a short period of time, they would have no money. And so what I view this as, is an opportunity to assure that a reasonable level of government services, based on our last biennial funding, would continue until we can come in to session and do as my good friend from Androscoggin, Senator Cleveland, has suggested. Fashion a budget that will meet the needs of the citizens and the rights of the petitioners. So, I ask you to take a fresh look at this. This is not a partisan issue. This is a responsible measure for us to live up to the expectations of the people who sent us here. Thank you Mr. President.

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

Senator **BENNETT:** Thank you Mr. President. I rise only to respond to one of the several points made by my friend from Androscoggin, Senator Cleveland. And that is the question of the Legislature calling itself, or the Governor calling us, back into session, whichever way it would occur in the event of some success on the part of the petitioners, who are affecting the People's Veto. Please keep in mind that if that call was in July, the Legislature will have done nothing affirmatively to ensure that we could pay our staff or open the doors to this building without a budget in place to do so. I think that is very unfortunate and highly unnecessary. We ought, as the good Senator from Cumberland, Senator Harriman, has just pointed out, to provide ourselves some insurance against that eventuality. And what the arguments boil down to, to me, is that what we're being asked by rejecting this bill is to do one of two things. Either engage in a very high stakes game of Chicken with the petitioners, which may mean that we're without a budget or we rely on the Executive, and some ill-defined, and in my knowledge, poorly precedented ability by the Executive, to run our government based on some levels that he and his staff determine. I think it's much preferable for this Legislature to not engage in the game of Chicken, not rely on the Executive Branch, and do the responsible thing. I urge you to vote against the pending motion. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President. For those who didn't have the pleasure of being here in 1991 when we went through this exercise of shutting down the state, I would remind you that the Appropriations Committee met, the Legislature met

and had all of the staff resources necessary at that time to do that. It was certainly deemed that the Support Staff at that time was a central function of government to make it continue to operate and meet the people's business and I am sure, and God forbid that we would have to face that situation, that we would have all the resources necessary in early July or late June or whenever we felt we needed to come back, if sufficient signatures were gathered for us to act in a thoughtful and constructive way at putting together a budget that would meet the needs of the people of Maine in a very short order in ways that didn't have unintended consequences, because we're just simply saying, "Despite the needs that exist today, despite the contracts and commitments that existed today, despite the actions taken by local officials in their budgets and the consequences that would occur to them if we didn't meet their expectations, that we would just go by a prescribed formula from two years ago," but rather, we would sit down and, I'm sure, fashion a budget that would meet those needs in the interim. I would hope that one of the illustrations of this debate, and that one of the unanimous positions of this body would be, would be to reinforce on the people of the State of Maine that signing a petition to veto the budget is bad fiscal policy. It is irresponsible and would have enormous damaging results on the people of Maine and I have not heard anyone in this chamber say otherwise, and therefore, I would hope that the effect of this debate is to reinforce the ill-advised efforts of those who wish to veto the budget of the State of Maine as an appropriate action in this state. And I welcome and support that unanimous support.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

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

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

**ABSENT:** Senator: PINGREE

**EXCUSED:** Senator: GOLDTHWAIT

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **MICHAUD** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act to Permit Whitewater Rafting Guides to Be Paid at a Daily Rather Than an Hourly Rate" S.P. 362 L.D. 1221

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass** (2 members)

Tabled - May 20, 1997, by Senator **CATHCART** of Penobscot.

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

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

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

Sent down for concurrence.

Senator **SMALL** of Sagadahoc requested and received leave of the Senate that elected members and appointed staff be allowed to remove their jackets for the remainder of the Session.

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

Bill "An Act to Place Conditions on the Investment of Municipal Funds in Mutual Funds" S.P. 433 L.D. 1379 (C "A" S-264)

Tabled - May 20, 1997, by Senator **RAND** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED, AS AMENDED**

(In Senate, May 20, 1997, **READ A SECOND TIME**.)

Which was **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

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:

**House**

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1997 (Emergency) H.P. 1330 L.D. 1880

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

**House As Amended**

Bill "An Act to Require the Department of Labor to Ensure That Housing Provided as an Incident of Employment by Agricultural Employers Meets Minimum Standards of Habitability" H.P. 446 L.D. 596 (C "A" H-484)

Bill "An Act Regarding Firearms Proficiency Testing for Private Investigators" H.P. 867 L.D. 1184 (C "A" H-511)

Bill "An Act to Preserve the Solvency of the Unemployment Compensation Fund" H.P. 1236 L.D. 1753 (C "A" H-502)

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

**Senate**

Bill "An Act to Expand the Monitoring of the Conversations of Prisoners" S.P. 364 L.D. 1223 (C "A" S-277)

Bill "An Act to Amend the Laws Relating to State Agency Clients" S.P. 377 L.D. 1236 (C "A" S-266)

Bill "An Act to Permit the Sale of Used License Plates" S.P. 411 L.D. 1332 (C "A" S-268)

Bill "An Act to Assist the Law Enforcement Community in Locating Missing Children" S.P. 553 L.D. 1679 (C "A" S-276)

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

Sent down for concurrence.

Resolve, to Foster Economic Growth through the Recognition and Development of Maine's Franco-American Resource (Emergency) S.P. 519 L.D. 1603 (C "A" S-275)

Which was **READ A SECOND TIME**.

On motion by Senator **MURRAY** of Penobscot, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-275).

On further motion by same Senator, Senate Amendment "A" (S-283) to Committee Amendment "A" (S-275) **READ** and **ADOPTED**.

Committee Amendment "A" (S-275) As Amended by Senate Amendment "A" (S-283) thereto, **ADOPTED**.

Which was **PASSED TO BE ENGROSSED, As Amended.**

Sent down for concurrence.

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

**ENACTORS**

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

An Act Concerning Theft of Rental Property  
S.P. 59 L.D. 169  
(C "A" S-228)

An Act to Implement the Recommendations of the Task Force on Production and Issuance of Registration Plates  
H.P. 207 L.D. 260  
(C "A" H-364)

An Act to Amend the Laws Regarding Fees Charged in the Elver Fishery  
H.P. 251 L.D. 315  
(C "A" H-457)

An Act to Require the Purchaser of Tobacco Products to Produce Suitable Identification  
S.P. 133 L.D. 412  
(S "A" S-157 to C "A" S-132)

An Act to Allow Child Support for Juveniles Committed to the Maine Youth Center  
H.P. 547 L.D. 738  
(C "A" H-467)

An Act to Conform the Provisions of the Maine Business Corporation Act Regarding Derivative Proceedings to the Provisions of the Revised Model Business Corporation Act  
S.P. 285 L.D. 893  
(C "A" S-201)

An Act to Simplify the Filing of Claims in Probate Estates  
H.P. 755 L.D. 1032

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

An Act Concerning the Requirement That Employers Garnish the Wages of Their Employees Who Owe Child Support  
H.P. 849 L.D. 1154  
(C "A" H-466)

An Act to Reduce Insurance Premiums by Discouraging Insurance Fraud  
H.P. 969 L.D. 1349  
(C "A" H-446)

An Act Allowing Appellate Review by an Aggrieved Contemnor  
H.P. 1058 L.D. 1490

An Act to Enable Victims to Benefit from the Profits from Crimes  
H.P. 1064 L.D. 1502

An Act to Amend the Professional Service Corporation Act As It Relates to Eye Care Providers  
H.P. 1301 L.D. 1844  
(C "A" H-437)

An Act Authorizing the Bureau of Insurance to Release Aggregate Ratios of Consumer Complaints to the Public  
S.P. 657 L.D. 1879

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

An Act to Create an Historic Preservation Tax Credit  
S.P. 126 L.D. 405  
(C "A" S-139; H "A" H-372)

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

An Act to Amend the Waste Management Laws Regarding Landfill Closure  
H.P. 351 L.D. 474  
(C "A" H-459)

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

An Act to Provide Additional Operating Funds for Homeless Shelters  
H.P. 660 L.D. 913  
(C "A" H-409)

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

An Act to Amend Child Protective Laws  
H.P. 858 L.D. 1163  
(H "A" H-456 to C "A" H-344)

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

An Act to Create a Family Division within the State's District Court  
H.P. 896 L.D. 1213  
(C "A" H-347)



At the request of Senator **BENNETT** of Oxford a Division was had. 20 Senators having voted in the affirmative and 8 Senators having voted in the negative, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

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

**Emergency**

An Act to Provide Funding for Mental Retardation Day Services for Nonclass Members H.P. 1285 L.D. 1830

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

**Resolve**

Resolve, Directing the Commissioner of Education to Establish Plans for an Alternative School Calendar H.P. 1275 L.D. 1805 (C "A" H-461)

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

**Emergency Resolve**

Resolve, to Establish the Commission to Examine Rate Setting and the Financing of Long-term Care Facilities H.P. 486 L.D. 657 (H "A" H-458 to C "A" H-301)

On motion by Senator **CLEVELAND** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**.

**Emergency Resolve**

Resolve, Authorizing the Town of Southwest Harbor to Refinance Certain Temporary Bond Anticipation Notes Issued for Its Water Project S.P. 619 L.D. 1822

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with no Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

The Committee on **LABOR** on Bill "An Act to Exempt Contract Dance Instructors from the Unemployment Tax" H.P. 24 L.D. 49

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-483)**.

Comes from the House with the Report **READ** and **ADOPTED**. Committee Amendment "A" (H-483) **READ** and **INDEFINITELY POSTPONED**. House Amendment "A" (H-525) **READ** and **ADOPTED**. The Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-525)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-483) **READ** and **ADOPTED**, in **NON-CONCURRENCE**.

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

**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to More Equitably Distribute General Purpose Aid to Schools Based on Property Values" H.P. 1042 L.D. 1459

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

Signed:

Senators:

PENDLETON of Cumberland  
SMALL of Sagadahoc

Representatives:

RICHARD of Madison  
BRENNAN of Portland  
DESMOND of Mapleton  
SKOGLUND of St. George  
WATSON of Farmingdale  
BAKER of Bangor  
BARTH, JR. of Bethel  
MCELROY of Unity  
STEDMAN of Hartland  
BELANGER of Caribou

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-560).**

Signed:

Senator:

CATHCART of Penobscot

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

Which Reports were **READ**.

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

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**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Concerning the Calculation of the State's Share of School Funding" H.P. 1180 L.D. 1671

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

Signed:

Senators:

**PENDLETON** of Cumberland  
**CATHCART** of Penobscot  
**SMALL** of Sagadahoc

Representatives:

**RICHARD** of Madison  
**BRENNAN** of Portland  
**DESMOND** of Mapleton  
**WATSON** of Farmingdale  
**BAKER** of Bangor  
**BARTH, JR.** of Bethel  
**MCELROY** of Unity  
**STEDMAN** of Hartland  
**BELANGER** of Caribou

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-558).**

Signed:

Representative:

**SKOGLUND** of St. George

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

Which Reports were **READ**.

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

**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, to Promote School Choice by Establishing a Voucher Program H.P. 1189 L.D. 1688

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

Signed:

Senators:

**PENDLETON** of Cumberland  
**CATHCART** of Penobscot  
**SMALL** of Sagadahoc

Representatives:

**RICHARD** of Madison  
**BRENNAN** of Portland  
**DESMOND** of Mapleton  
**SKOGLUND** of St. George  
**WATSON** of Farmingdale  
**BAKER** of Bangor  
**MCELROY** of Unity  
**STEDMAN** of Hartland  
**BELANGER** of Caribou

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-559).**

Signed:

Representative:

**BARTH, JR.** of Bethel

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

Which Reports were **READ**.

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

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**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Provide Early Childhood Education Opportunities" H.P. 1195 L.D. 1695

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

Signed:

Senators:

**PENDLETON** of Cumberland  
**SMALL** of Sagadahoc

Representatives:

RICHARD of Madison  
BRENNAN of Portland  
DESMOND of Mapleton  
SKOGLUND of St. George  
WATSON of Farmingdale  
BARTH, JR. of Bethel  
MCELROY of Unity  
STEDMAN of Hartland  
BELANGER of Caribou

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-561)**.

Signed:

Senator:

CATHCART of Penobscot

Representative:

BAKER of Bangor

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

Which Reports were **READ**.

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

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**Divided Report**

The Majority of the Committee on **LABOR** on Resolve, Directing the Department of Labor to Transfer Appropriate Functions and Positions to the Office that Houses the Fort Kent Employment Security Office (Emergency) H.P. 1300 L.D. 1843

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

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  
PENDLETON, JR. of Scarborough  
TREADWELL of Carmel

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

Signed:

Representative:

JOYCE of Biddeford

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

Which Reports were **READ**.

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

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**Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Repeal the Requirement That Race Tracks Be Assigned Certain Race Dates" H.P. 202 L.D. 255

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

Signed:

Senators:

DAGGETT of Kennebec  
CAREY of Kennebec

Representatives:

LABRECQUE of Gorham  
CHIZMAR of Lisbon  
GAGNE of Buckfield  
FISHER of Brewer  
TUTTLE, JR. of Sanford

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

Signed:

Senator:

FERGUSON, JR. of Oxford

Representatives:

BELANGER of Wallagrass  
TRUE of Fryeburg  
BIGL of Bucksport  
GAMACHE of Lewiston  
TESSIER of Fairfield

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-539)**.

Which Reports were **READ**.

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

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Expand Access to Maine's Technical Colleges"  
H.P. 263 L.D. 327  
(C "A" H-348)

In Senate, May 14, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-348)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-348) AS AMENDED BY HOUSE AMENDMENT "A" (H-564)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **RAND** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

**Non-concurrent Matter**

Bill "An Act to Expand Recycling through Reduced Burning"  
H.P. 703 L.D. 967  
(C "A" H-392)

In Senate, May 13, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-392)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-392) AS AMENDED BY HOUSE AMENDMENT "A" (H-555)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **RAND** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

**Non-concurrent Matter**

Resolve, Directing the Department of Environmental Protection to Study and Make Recommendations on the Establishment of a Motor Vehicle Inspection and Maintenance Program to Meet the Requirements of the Federal Clean Air Act (Emergency)  
H.P. 1174 L.D. 1651  
(C "A" H-391)

In Senate, May 13, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-391)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-391) AND HOUSE AMENDMENT "A" (H-566)** in **NON-CONCURRENCE**.

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

Senator **LIBBY** of York 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 PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Treat.

Senator **TREAT:** Thank you Mr. President, men and women of the Senate. I hope that you will recede and concur on this motion which concerns a unanimous committee report, merely, to have the Department of Environmental Protection look at the issue of automobile testing. I realize, and we all realize, in the Natural Resources Committee that this has been an issue of great contention in the past. For that reason, when the Department of Environmental Protection proposed to come forward with a bill that simply gave to them the authority to put together a different kind of program on automobile testing, no one from our Committee would even agree to sponsor that legislation and instead the legislation got rewritten into a resolve. The resolve directs the Department of Environmental Protection to look at this issue, to come back with two completely different plans that would be presented to the Committee that would look at both a testing program in southern Maine and one that looked at a statewide testing program. It gives, to the Committee, the authority to decide whether or not to go forward on any testing program or either of the programs proposed by the Department of Environmental Protection. It is a fact that some limited testing program is currently being required by the Environmental Protection Agency and the Clean Air Act, but we believe it should be the Committee's responsibility to sort through all of the issues and come up with a proposal or no plan, if that's what we think is best, after we look at a complete study of the issue. This does not put into place any particular plan or any plan at all. It gives to the Committee and to the Legislature future authority to do something on this issue if we so choose. I think it's a reasonable measure and I urge you to support the recede and concur motion.

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

Senator **LIBBY:** Thank you Mr. President, men and women of the Senate. A lot of people know by now, or at least some do, that I've spoken to about this issue, that I'm a strong supporter of low emission vehicles, zero emission vehicles. I think, you know, that's the direction that this state needs to move and I think the people of Maine have already spoken on this issue. When it comes to car testing for emissions, the people of Maine have said to us in no uncertain terms that this is not to be discussed. We're not going to have emissions testing. Why plan for it? Why give yourself authority to pass something in the future when the people in Maine have stood up and said, "Now look, at some point we're going to have to tell the federal government, 'You're

not going to ram this down our throats." And this is exactly what happened. I mean, people's political careers have gone down the tube over this very issue and I think everybody in this body knows that. It's very important, I think, that we set a direction and I'd be all for this bill if it were something that talked about planning for some kind of alternative fuel vehicle or some approach that is different from that, but not for car testing. Not for car testing. Not now. Not in the future. It's very clear from the policy that has come from the Governor's office that this is not the approach that the people of Maine want to take. The Chief Executive ran on this. The people of Maine spoke. It was a major issue that got me into the Legislature in 1992 and I'm not about to sit around now and watch us put together more reports and spend a lot of money and waste it. I'm hoping that the members of the Senate will support me on this. I know you understand the issue because we've been through it. Thank you very much.

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

Senator **TREAT:** Thank you Mr. President, men and women of the Senate. I know that this is an issue that carries with it political ramifications, and I would just suggest to you that we are here to do something that is appropriate and responsible and proper policy and not be overconcerned with what voters may think when they see the words "Car Testing." Personally, I feel comfortable with explaining my vote on this and I think you should, too. As I mentioned already, this is a unanimous committee report. It came from the same Chief Executive who ran on this issue several years ago. We are in the unfortunate situation where we do not have 100% control over everything that we do. We are, in fact, required to do certain things by the federal government. It seems to me, far better for the Natural Resources Committee in this Legislature to look at this issue after there has been some study of how this might happen, or what the consequences would be if it doesn't. Just for the Senate's information, there's no suggestion that there would be any repeat of the proposal or the actual program that was put into place a couple of years ago which, as you may recall, involves centralized testing with a very invasive procedure that involved putting cars up on racks and basically freaked people out, to be colloquial here. This is a very different proposal. The idea would be something possibly in local inspection places. It would be a very low level kind of test. It is one of the many things that we have to look at as part of our compliance with the Clean Air Act. To not pass this resolve simply ties the hands of the state. To pass it does not set us in any particular direction but merely gives us the opportunity to look at the issue carefully and thoughtfully and I do urge your support of the pending motion.

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

Senator **HARRIMAN:** Thank you Mr. President, ladies and gentlemen of the Senate. Make no mistake about it, this is yet another attempt by the federal government to force us, once again, into an emissions testing program that can prove no measurable results for Maine citizens' air. In fact, as I understand it, the EPA will require, under federal law, require us to have some form of emissions testing program for automobiles within the next year, I believe. And if we do not implement some form of car testing, they will impose federal sanctions. Pure and

simple, that's what this is about. This is where it's headed and I won't be part of it. Thank you Mr. President.

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

Senator **BENOIT:** Thank you Mr. President, may it please the Senate. Senator Treat from Kennebec has indicated that she would be willing to explain her vote on this measure to her constituents. Of course, when you follow your constituents' agenda, you don't have to explain anything to them. They've explained it to you and that's where I come from on this issue. My constituents have explained this to me until, I guess, I'm blue in the face from hearing it and, to me, this is an easy one. We've been through this before. Let's not go through it again. Thank you.

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

Senator **BUTLAND:** Thank you Mr. President, ladies and gentlemen of the Senate. It appears that we're talking about two issues here today and they're not necessarily mutually exclusive, but there is a very weak connection. I took this legislation home one weekend and I spent most of the weekend looking at it to try to understand and see where this obligates some legislature, either us or the 119th, to a particular course of action, and I certainly couldn't find it. The EPA and the Chief Executive of the State of Maine appear to be intent on imposing another car inspection program upon the people of a certain county in the State of Maine. I certainly wouldn't be supporting that. But what this bill does is, it proposes a study to look at the issue so that when that legislature that makes the decision, makes the decision based on accurate information, and I certainly don't have a problem with that. I wouldn't go so far as to say that I would never vote for a car test in the future, but I would, at least, want my fellow colleagues in the House and the Senate to have all of the information that they possibly could, to make an informed decision and that is what this is about today. If you feel that voting for a study of the issue obligates you to vote for whatever plan is adopted next year or the year after, don't vote for this. Plain and simple. But if you think, as I do, that that legislature that's going to make the decision should have the best information, I don't see where you should be afraid of voting for the recede and concur motion. Thank you.

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

Senator **LIBBY:** Thank you Mr. President, men and women of the Senate. I guess if that were the case, referring to the good Senator from Cumberland, Senator Butland's, testimony, I want to just say that, first of all, I respect any attempt to plan but, I guess, my idea of a plan would be, let's plan some kind of an approach to how we're going to handle saying no to the federal government, because that's exactly what we should do on this case and this study doesn't look at that. This study looks at planning how we're going to comply with the federal government, and we are not going to comply with the federal government on this issue. There are other ways to achieve clean air. We're all going to work together to do that. This is not the way the people of Maine have spoken. Thank you.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

YEAS: Senators: AMERO, BENNETT, BUTLAND, CATHCART, CLEVELAND, DAGGETT, JENKINS, KIEFFER, LAFOUNTAIN, LONGLEY, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, RAND, RUHLIN, TREAT

NAYS: Senators: ABROMSON, BENOIT, CAREY, CASSIDY, FERGUSON, HALL, HARRIMAN, KILKELLY, LIBBY, MACKINNON, SMALL, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senator: PINGREE

EXCUSED: Senator: GOLDTHWAIT

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **RAND** of Cumberland to **RECEDE** and **CONCUR, PREVAILED**.

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

**ENACTORS**

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

An Act to Provide Equal Political Rights for Employees  
H.P. 740 L.D. 1004  
(C "A" H-429)

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

An Act to Amend the Liquor Laws  
H.P. 204 L.D. 257  
(C "A" H-428)

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

**Emergency**

An Act to Increase the Effectiveness of the Maine Blueberry Commission  
H.P. 1169 L.D. 1646  
(C "A" H-444)

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

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:

**House As Amended**

Bill "An Act to Permit Forest Fire Wardens and Forest Rangers to Carry Weapons" H.P. 472 L.D. 643  
(H "B" H-489 to C "A" H-395)

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

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

**ORDERS**

**Joint Orders**

On motion by Senator **PARADIS** of Aroostook, the following Joint Order: S.P. 661

**ORDERED**, the House concurring, that the Joint Standing Committee on Health and Human Services report out legislation regarding welfare reform to the Senate.

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

Sent down for concurrence.

**ORDERS OF THE DAY**

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

**SENATE REPORTS** - from the Committee on **TRANSPORTATION** on Bill "An Act to Amend the Motor Vehicle Laws Concerning Inspection Stations" S.P. 541 L.D. 1660

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-269)** (2 members)

Tabled - May 20, 1997, by Senator **RAND** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

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

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

Sent down for concurrence.

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

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

Bill "An Act to Ensure Ethical Conduct in the Office of Treasurer of State"  
S.P. 225 L.D. 794  
(C "A" S-221)

Tabled - May 20, 1997, by Senator **RAND** of Cumberland.

Pending - motion by same Senator to **RECEDE** and **CONCUR** (Division Requested)

(In Senate, May 15, 1997, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-221).**)

(In House, May 16, 1997, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.)

Senator **RAND** of Cumberland requested and received leave of the Senate to withdraw her motion to **RECEDE** and **CONCUR**.

On further motion by same Senator, the Senate **ADHERED**.

Sent down for concurrence.

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Off Record Remarks

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

**SENATE REPORTS** - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Ensure Funding for Snowmobile Law Enforcement Activities" (Emergency)  
S.P. 193 L.D. 611

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-270)** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-271)** (3 members)

Tabled - May 20, 1997, Senator **RAND** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

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

Senator **KILKELLY** of Lincoln moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-271)** Report.

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. This particular L.D., you've heard about before. It has to do with the nonresident snowmobile registration increase that we passed a couple of years ago. I'm sure you all heard from your constituents and friends from out of state of the drastic increase and obviously, as you all remember, the reason for that was so that we would have more money to fix up our snowmobile trails and for increased enforcement on those trails by the Maine Warden Service. Well, all went fine. By statute, half was supposed to go into the trails and half into the increased enforcement. Along the way, the first \$28,000 got spent somewhere else and didn't go into increased enforcement. Then there was another \$14,000, making a total of \$42,000. There was a lot said about this. We worked this with the Department and the Governor's office. There was a promise made that it indeed would be spent for that. It should have been. They were sorry it hadn't been but apparently, through tracking of finances and so on and so forth, it wasn't possible. So, the intent for this money to go where it was raised to go, this bill, L.D. 611, did two things. It allowed the \$42,000 that should have been spent earlier to be spent and recovered from the Department's Carrying Account. The money, the \$42,000, has already been spent. They did spend it this year. This bill will reimburse the Warden Service out of the Department's Carrying Account for that expenditure. I'm going to urge you to vote against the pending motion which is the Minority report so that we can go on to pass the Majority report. The only difference between the two is the Majority report sets up a special accounting fund within the Department of Fish and Wildlife so that as this money continually comes in, they will have that money earmarked specially, in a special account, to be spent specifically for increased law enforcement on our snowmobile trails. This is the only way we can do it. They promised us for two winters they'd do it and didn't do it. They said, "because of accounting procedures, it couldn't be done." The Majority report sets up that accounting procedure so it will be done every year from now on. The money will be raised and spent where it was, by law, meant to go. The Minority report does not set up that account. We could be back here in two years and fighting about the same issue again. The money could just disappear, be spent for anything else. Promises don't fill it in state government. It has to be in black and white where nobody can do anything but what it's earmarked to do. So, I encourage you to please vote against the present motion so we can pass the Majority report. 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. I would urge you to support the Minority report. The Minority report does, in fact, take the \$42,000 from the Carrying Account and put it into the department in order to pay for these enforcement services. And as the good Senator prior to me spoke, it does not set up a special account and it doesn't do that for a couple of reasons. We have spent a great deal of time in the Inland Fisheries and Wildlife Committee looking at ways that we can streamline how things get done and looking at ways to reduce administrative costs. I would suggest to you that one way to increase administrative costs is to set up additional small pots of money, additional small accounts for every single item that people are concerned about. We could have a separate account for a particular enforcement on a

particular lake. We could have a separate account for a particular hunting enforcement in a particular county because there's been a problem. We could have separate accounts for every single activity in the Department of Inland Fish and Wildlife and that, in fact, costs money. It costs money administratively and that's money that is being paid for by hunters and fishermen in this state, and that money that they're paying ought to be going for the most streamlined and the most lean administrative structure that we can provide reasonably. As the previous speaker noted, this enforcement has, in fact, been done. The enforcement has happened. It's happened and there was an expenditure of \$42,000 and the Minority report merely provides that money. And I guess the question that I would have is, as long as the service is being provided, the enforcement is being provided, why does it make sense to set up a separate account to track a particular pocket of money, money from non-resident registration of snowmobiles and require the paper trail necessary to track that from the registration to its expenditure over and over, and over again, because it does cost money to do that? The service is being provided. The money is being collected and as long as that's happening, I would suggest to you that we do not, in fact, need a separate account in order to accomplish it, because it's being accomplished. So I would urge you to support the minority report and thank you.

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

Senator **PARADIS:** Thank you Mr. President, men and women of the Senate. Indeed, the money was spent, because for the first time in the ten years that I've been in the legislature, I was in contact with the Game Wardens Service like never before. They set up an incredible publicity campaign, letting people know what they were going to do. They had road checks, trail checks. I got some phone calls from irate citizens, but they were not irate very long because they knew that we were doing something very, very good. Indeed the Inland Fisheries and Wildlife people had finally gotten the message and at one point it was going so well that we were getting phone calls from all over the country trying to ask us what we were doing that was making such a difference. So again, I urge your support for the Minority report. I think it's time to say thank you for a job well done. There was a message sent from here and it was heard and much safety resulted from that activity.

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

Senator **RUHLIN:** Thank you Mr. President, Senators of Maine. The Minority report, on this particular bill, is an attempt to assure that our hard earned tax money in the State of Maine is spent for what this legislature has decided is proper for that money to be spent. We don't want it to be spent for red tape. We don't want it to be spent to create a new fund. We don't want it to be spent to dedicate some new portion of revenue. We want our money to go, and be effectively spent, in trying to solve a problem. I fully understand the good Senator from Piscataquis. I understand his concerns and his frustrations. We raised \$42,000. We had to go chasing after it to see to it that it got spent right and correctly. That's fine. We can do that. I think that they've all learned a lesson and it'll all be done in the future. That does not create any reason at all for us to build upon bureaucracy by making a new dedicated fund, one of many more

hundreds of dedicated funds. Let us look at the Minority report as an honest, sincere and effective manner of addressing the problem we've set about addressing and that is doing adequate safety checks in our snowmobile program. I hope you'll vote for the Minority report. Thank you.

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

Senator **KIEFFER:** Thank you Mr. President, ladies and gentlemen of the Senate. During the 117th Legislature, I served on the Inland Fisheries and Wildlife Committee and this all was initiated during that period of time. At that time we, in conjunction with the department and the Governor's Office, took a lot of static over increasing the non-resident snowmobile fees by a substantial amount. The reason for those fees was clear. The non-residents provided no volunteer labor. They provided no tax basis in helping with our snowmobile trails and in return for the higher registration fees, we allowed them to buy snowmobiles within the State of Maine without the payment of a sales tax as a business incentive for our many snowmobile dealers. When the non-residents were notified of the substantial increase in fees obviously there were a lot of complaints. There were complaints to the department. There were complaints to us as members of the committee and there were many complaints to the Governor's Office. At the end of the first year when this plan was supposed to be implemented, and at the first meeting of the Snowmobile Safety Task Force, which I served on, lo and behold, it was brought to our attention that not one single dollar of these non-resident snowmobile fees were spent in the manner that they were designed to be spent for. The department merely absorbed this money, obviously to pay their overhead because they were running at some \$800,000 deficit spending. I have a letter in my hand dated September 26, 1996 and it is addressed to myself as the Majority Leader in the Senate at that time and to the Honorable Paul Jacques, House Majority Leader. I don't know if there's any need of reading it to you but it is the result of an agreement that was reached down in the office of Sue Bell regarding this matter as to how these funds would be dedicated and made available for future use. This letter, and I have the original signed letter, here in my hand, is signed by Ray B. Owen, Jr., Commissioner IFW and John R. Nicholas, State Budget Officer, DAFS. This, in fact, sets forth the manner that these monies will be set aside and that they will be available to be used for snowmobile trail safety and maintenance in the future. Now, if we're not going to comply with what we agreed to do with these non-resident people, then the next step is to repeal that non-resident fee increase. This is the kind of reason that people totally distrust government. Our word's no good. And that's exactly what's happened in this case. Our word's no good. We're not doing what we told the non-residents we were going to do. I grant you, this money was spent in the manner that it was proposed during this past year, but there's absolutely no guarantee, under the Minority report here, that this money will be available in future years. Under the Majority report, the money is specifically earmarked for the purposes that we promised these non-residents that it would be used for and it's just that simple. Is our word any good or not? Thank you Mr. President.

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



Senator **CAREY**: Thank you Mr. President. I will be supporting the Majority report because I would like to bring some sense of responsibility to the most fiscally irresponsible agency in state government.

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

Senator **KILKELLY**: Thank you Mr. President, men and women of the Senate. In response to the good Senator from Kennebec, Senator Carey, I would just like to point out, once again, that certainly there have been a number and fairly consistent fiscal issues within the Department of Inland Fish and Wildlife and I do believe that many of those issues rest as much here as they do with the department because of the willingness of this legislature to treat the hunting and fishing license fees of the men and women of this state as if it were a separate General Fund. Money that was available for search and rescue, money that was available for snowmobile enforcement, money available for boating enforcement, money available for lots of things that had little or nothing to do with fish and game issues, and that is the reason that we've had a number of problems within this department, financially. One of the things that we have spent a great deal of time on in our committee is looking at ways that we can assure that each and every program that is being administered by the Department of Inland Fish and Wildlife pays for itself. Whether it's collecting taxes, excise taxes on boats and ATV's and snowmobiles for the Department of Taxation, Taxation now will be paying that administrative cost. Whether it's collecting money for DOC, they will be paying that administrative cost. Search and Rescue now has a separate line item and we have legislation that will assure that we will be looking at that in the future as well, for non-fishing and hunting activities. What we are attempting to do is to streamline the administrative structure within that department to assure that the money that's being collected for whatever purpose is spent as close to that purpose as we possibly can. As you've heard, even from the good Senator from Aroostook, Senator Kieffer, the work is now being done. The enforcement is happening. The message has been sent and the message has been heard. The Minority report is an adjunct to the letter that the Senator from Aroostook referred to. That letter requires an appropriation from this legislature for money to come from the Carrying Account into the department in order to assure that that \$42,000, in fact, is repaid, the \$42,000 that has, in fact, been spent on additional enforcement for snowmobiles. Based on the agreement that was made, based on the letter that was sent, that's what the Minority report does. What the Majority report does is increase state bureaucracy. It increases red tape, it increases state government at a time when we all talk about wanting a lean administration, lean state government. We want things to get done. We don't want people chasing paper trails. This Majority report would, in fact, create a paper trail, a very long paper trail that would be fairly convoluted and cost money, money that's being paid by hunters and fishermen in this state for their licenses, not even necessarily money that's being paid by snowmobilers. So, I would urge you to support the Minority report so that we can have less red tape in government and have a less convoluted process in order to assure that the money that's being collected can go for its purpose and not go to just create more paperwork. Thank you.

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

Senator **CAREY**: Thank you Mr. President. I keep hearing about this, let's not have a paper trail and it comes, interestingly enough, from the very agency that doesn't have a paper trail, that will never have a paper trail because, somehow or other, this body seems to have defeated the idea that they should be held accountable for monthly reports. You may end up learning, three months down the road, that they've spent an entire year's budget.

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

Senator **HALL**: Thank you Mr. President, ladies and gentlemen. I am very concerned about this department. As you remember the discussion the other day, I told you the last report I got, a week and a half ago now, that they're \$300,000 short between now and June 30<sup>th</sup> and they're not going to make that up. They are not going to make that up. They aren't making any attempt to make that up in the last month and a half here. I'm going to be surprised if that's all they're short by the end of June. That \$300,000 has got to come out of this same Carrying Account. Now I'm going to tell you, there's a bottom in that Carrying Account and the fingers are getting awfully close to it. They keep taking money out of it and it's going to be empty. Now, this is a department that hasn't been willing to make any cuts. In the budget for the next two years they will make some cuts, because we saw fit to ensure that they did. I'm just afraid that we're not going to make them make enough cuts. Now, they're either going to come back to you and ask for a large increase in the price of fishing licenses and hunting licenses or somebody's got to get the ax out and it won't be pretty. So far we've been able to not have to lay off real people at this point, but it's not going to continue and this is a problem. I don't know. This money, this \$42,000, should have been spent two winters ago or \$28,000 of it should have been and never was. If there's nothing set up here for a paper trail, who knows, the Commissioner, whoever he might be in ten years from now, he's not going to look back and see what the 118th Legislature did and there probably will be nobody there then that's there now, so there's no guarantee unless there is a paper trail. Now there was an awful lot said about the last couple of winters, that twelve people have been killed on our snowmobile trails. And as the Senator from Aroostook, Senator Paradis, said, "Boy, they were out there. They were doing the job this winter." Well, they should have been doing the job two winters before. The money was made available by the Legislature and it didn't get spent. I don't know the outcome of that. We'll never know. Would that have meant we'd have had ten fatalities instead of twelve? I don't know. There's no way of knowing for sure. We equaled the amount this year but we had more snowmobilers out there. We had more snow on the ground. There was more activity. It's hard to measure. But let's make a paper trail and let's make sure that the money is spent where it's earmarked to be spent. Thank you.

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

Senator **KIEFFER**: Thank you Mr. President, ladies and gentlemen of the Senate. This department has operated at a deficit for the past three years of anywhere from \$300,000 to over \$900,000 with absolutely no accountability. This Minority report merely takes this money which we have promised the non-residents would be used for safety and trail enforcement and

amendment "B" merely throws that money back into the great big slush fund over there at the department. There's absolutely nothing involved other than in the Majority report that makes them accountable and I think it's sad if we can't do that. Thank you, Mr. President.

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

Senator **RUHLIN:** Thank you Mr. President. Yes, we've covered, plowed, I guess would be a better word for it, quite a bit of ground here on this issue. I think we're forgetting what the issue is all about. I'll go back and remind you that all government, all good government, is interdependent. We have a Legislative Branch that has established a Joint Standing Committee to oversee, has responsibility to oversee, the department that is going to administer these funds. That's their responsibility. That's their responsibility to us as a legislature, collectively. It's their responsibility under the oath that they took. We don't need to have dedicated funds. We don't need to have all these special little boxes to put this money, and a box to put that money in, so that nobody can touch it. What we need is the fulfillment of the responsibilities of a proactive and caring government that's going to carry on its oversight the way that it should. If we have that, then we can proceed to spend our money, our hard earned tax money, in an effective manner, in a manner that does not require special accounts and special accounting and take three accountants to trace, you know, to follow after. Let's keep in mind that report "B" which is the report before us, simply says that the department will spend the \$42,000 to do what it's actually what it's been doing. Period. Simple, effective, efficient. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

**YEAS:** Senators: CATHCART, CLEVELAND,  
DAGGETT, JENKINS, KILKELLY,  
LAFOUNTAIN, LONGLEY, MICHAUD,  
MURRAY, NUTTING, PARADIS, PENDLETON,  
RAND, RUHLIN, TREAT, THE PRESIDENT -  
MARK W. LAWRENCE

**NAYS:** Senators: ABROMSON, AMERO, BENNETT,  
BENOIT, BUTLAND, CAREY, CASSIDY,  
FERGUSON, HALL, HARRIMAN, KIEFFER,  
LIBBY, MACKINNON, MILLS, MITCHELL,  
O'GARA, SMALL

**ABSENT:** Senator: PINGREE

**EXCUSED:** Senator: GOLDTHWAIT

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **KILKELLY** of Lincoln to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-271)** Report, **FAILED**.

On motion by Senator **HALL** of Piscataquis, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-270)** Report **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-270) **READ** and **ADOPTED**.

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

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:

**House As Amended**

Bill "An Act to Increase the Period of Probation for Sex Offenders" H.P. 49 L.D. 74 (C "A" H-517)

Bill "An Act to Create a Repeat Offender Provision Addressing Crimes of Violence against Persons" H.P. 229 L.D. 293 (C "A" H-554)

Bill "An Act to Continue the Vendor's Tax for One Year by Delaying the Repeal Date" H.P. 244 L.D. 308 (C "A" H-520)

Resolve, to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Unemployment Compensation H.P. 268 L.D. 332 (C "A" H-549)

Bill "An Act to Strengthen the Laws Concerning Resisting Arrest" H.P. 443 L.D. 593 (C "A" H-553)

Bill "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1998 and June 30, 1999" (Emergency) H.P. 455 L.D. 618 (C "A" H-515)

Bill "An Act to Return a Portion of Fines Resulting from Violations of Motor Vehicle Laws to Law Enforcement Agencies" H.P. 623 L.D. 848 (C "A" H-516)

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Bill "An Act Regarding Terminal Rental Adjustment Clauses  
Vehicle Leasing" H.P. 646 L.D. 899  
(C "A" H-530)

Bill "An Act to Allow Persons 15 Years of Age or Older to  
Work at Games of Skill" H.P. 648 L.D. 901  
(C "A" H-518)

Bill "An Act to Ensure Consistency Between State and  
Federal Special Education Requirements" H.P. 842 L.D. 1147  
(C "A" H-543)

Bill "An Act to Implement the Recommendations of the Task  
Force on Tribal-State Relations" H.P. 926 L.D. 1269  
(C "A" H-531)

Bill "An Act to Require Mandatory Testing of Persons Who  
Assault Police Officers" H.P. 1017 L.D. 1409  
(C "A" H-532)

Resolve, to Establish a Committee to Review the Asbestos  
Hazard Emergency Response Act H.P. 1030 L.D. 1447  
(C "A" H-544)

Bill "An Act to Place a Moratorium on Construction and  
Development in Southern Maine and to Provide for Equal  
Economic Opportunity for All Regions of the State" (Emergency)  
H.P. 1035 L.D. 1452  
(C "A" H-504)

Bill "An Act to Provide Subrogation Equity"  
H.P. 1036 L.D. 1453  
(C "A" H-524)

Bill "An Act to Amend the Law to Be Consistent with the  
Organizational Structure of the Department of Corrections and for  
Other Purposes" H.P. 1050 L.D. 1467  
(C "A" H-513)

Bill "An Act to Eliminate the Use of Time-out Boxes"  
H.P. 1099 L.D. 1542  
(C "A" H-541)

Bill "An Act to Outlaw the Sale of Code Grabbers in the State"  
H.P. 1105 L.D. 1548  
(C "A" H-552)

Bill "An Act to Ensure Stable Funding of Pollution Abatement  
Programs Administered by the Department of Environmental  
Protection" H.P. 1123 L.D. 1579  
(C "A" H-545)

Bill "An Act to Conform the State Revolving Loan Fund for  
Drinking Water with the 1996 Amendments to the Federal Safe  
Drinking Water Act" (Emergency) H.P. 1215 L.D. 1715  
(C "A" H-522)

Bill "An Act to Promote Higher Education" (Emergency)  
H.P. 1223 L.D. 1735  
(C "A" H-542)

Bill "An Act Regarding Illegal Transportation of Drugs by a  
Minor" H.P. 1262 L.D. 1789  
(C "A" H-514)

Bill "An Act to Bring the State into Conformity with the  
Firearms Provisions of the Violence against Women Provisions  
of the Federal Violent Crime Control Act" H.P. 1264 L.D. 1791  
(C "A" H-529)

Bill "An Act to Provide Licensing for Micropigmentation  
Practitioners" H.P. 1270 L.D. 1796  
(C "A" H-507)

Resolve, to Establish the Task Force to Study Strategies to  
Support Parents as Children's First Teachers  
H.P. 1287 L.D. 1832  
(C "A" H-540)

Bill "An Act to Amend the Laws Regarding Legal Notices"  
H.P. 1302 L.D. 1845  
(C "A" H-519)

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

Bill "An Act to Amend the Tax against Certain Casual Sales"  
H.P. 671 L.D. 923  
(C "A" H-547)

Which was **READ A SECOND TIME**.

On motion by Senator **MURRAY** of Penobscot, the Senate  
**RECONSIDERED** whereby it **ADOPTED** Committee Amendment  
"A" (H-547).

On further motion by same Senator, Senate Amendment "A"  
(S-285) to Committee Amendment "A" (H-547) **READ** and  
**ADOPTED**.

Committee Amendment "A" (H-547) As Amended by Senate  
Amendment "A" (S-285) thereto, **ADOPTED** in  
**NON-CONCURRENCE**.

Which was **PASSED TO BE ENGROSSED, AS AMENDED  
BY COMMITTEE AMENDMENT "A" (H-547) AS AMENDED BY  
SENATE AMENDMENT "A" (S-285)** thereto, in **NON-  
CONCURRENCE**.

Sent down for concurrence.

Bill "An Act to Create a Universal Bank Charter"  
H.P. 1319 L.D. 1869  
(C "A" H-523)

Which was **READ A SECOND TIME**.

On motion by Senator **MURRAY** of Penobscot, Senate  
Amendment "A" (S-284) **READ** and **ADOPTED**.

Which was **PASSED TO BE ENGROSSED, AS AMENDED BY COMMITTEE AMENDMENT "A" (H-523) AND SENATE AMENDMENT "A" (S-284) in NON-CONCURRENCE.**

Sent down for concurrence.

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

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

Off Record Remarks

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

Off Record Remarks

On motion by Senator **RAND** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

#### 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 Provide for Binding Arbitration for County Employees with Respect to Monetary Issues" H.P. 1031 L.D. 1448

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-500)** (4 members)

Tabled - May 20, 1997, Senator **CATHCART** of Penobscot.

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

(In House, May 19, 1997, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

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

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 Remove the Disqualification for Unemployment Insurance Benefits for Claimants Who Are Locked Out by an Employer" H.P. 1222 L.D. 1734

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-501)** (9 members)

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

Tabled - May 20, 1997, by Senator **CATHCART** of Penobscot.

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House May 19, 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-501)**.)

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-501) **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:

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Decrease Infectious Disease Transmission" H.P. 287 L.D. 351

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-468)** (11 members)

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

Tabled - May 20, 1997, by Senator **AMERO** of Cumberland.

Pending - motion by Senator **LONGLEY** of Waldo to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, May 19, 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-468)**.)

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

At the request of Senator **AMERO** of Cumberland a Division was had. 22 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **LONGLEY** of Waldo to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-468)** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-468) **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:

**HOUSE REPORTS** - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Allow an Appeal Concerning the Date to Determine Age for Kindergarten"  
H.P. 1007 L.D. 1399

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-562)** (4 members)

Tabled - May 20, 1997, by Senator **RAND** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 20, 1997, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

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

Senator **PENDLETON:** Thank you Mr. President, men and women of the Senate. This bill appears to make a lot of sense. It's "An Act to Allow Appeal Concerning the Date to Determine Age for Kindergarten." However, we had to even change the title in our amendment so there's an amendment that better reflects what the bill is trying to do. The title that we finally had to change to is "An Act to Allow an Exception Concerning the Date to Determine Age for Kindergarten" and what the amendment basically does is, it says that a parent can request in writing, parent or guardian, for a person who will be at least five years of age by November 15th of the school year may enroll in kindergarten if the school administrative unit determines that that person is ready for kindergarten. And what would happen is the school would have to use their current screening mechanism in order to determine whether that child is ready for kindergarten or not. Also in the amendment, the school administrative unit's screening mechanism is final and what we did find, we struggled with this bill because we tried to accommodate what was being

asked of us in the concern of the person that introduced the bill to us, but we found, every time we went in one direction, some kind of a block that we couldn't move forward. We found out that right now any person age five can enter the first grade in the State of Maine. They can't always enter kindergarten at that certain age, but they can enter first grade, which means if a young child is excelling and the parent would like to see them go ahead in school, they could send that child to preschool or some other school arrangement instead of kindergarten and then allow that child to go into the first grade at age five. We heard over and over again that it's an individual thing for young children as they're entering the school system as far as age and development. The other thing I might mention, and the reason that I voted on the Majority Ought Not to Pass report, there were two other reasons, one is that we have a bill that we carried over that will study Early Childhood Development, and we hope that this issue will be looked at again. The other reason that I chose to vote against this particular piece of legislation is because it does, it asks for the school to do the assessment for the readiness and what it does is, it represents a state mandate pursuant to our Constitution and the local cost to the local units is something that just could not be determined and could not be given to us at the time. So that's the reason that I voted against this piece of legislation. It's not that I'm against changing the date, it's just that we ran into just too many complications to move forward. Thank you.

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

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

**HOUSE REPORTS** - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Laws Relating to Notaries Public"  
H.P. 1094 L.D. 1537

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-498)** (10 members)

Report "B" - **Ought Not to Pass** (1 member)

Report "C" - **Ought to Pass as Amended by Committee Amendment "B" (H-499)** (1 member)

Tabled - May 20, 1997, by Senator **NUTTING** of Androscoggin.

Pending - motion by same Senator to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-498)**, in concurrence

(In House, May 19, 1997, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-498)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-498)**.)

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

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

Senator **HALL:** Thank you Mr. President. I'd like to pose a question through the Chair, if I may, to anyone who would like to answer.

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

Senator **HALL:** My question is this. This amendment on this bill calls for a permanently bound book and my question is, who's going to furnish this book? Is the state going to furnish this, the Secretary of State, or what's going to happen?

**THE PRESIDENT:** The Senator from Piscataquis, Senator Hall, poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you Mr. President. This permanently bound book, which could be actually any book that you purchased in a store, would be purchased and maintained by the Notary Publics themselves. This was a bill that the Notary Public Association of Maine brought before the State and Local Government Committee. They had voted, they said, amongst their membership unanimously that they wanted to make this change to increase the professionalism of their group and this is represented by the Ought to Pass as amended by Committee Amendment "A" report. Thank you.

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

Senator **LIBBY:** Thank you, Mr. President, women and men of the Senate. I promised myself that I would never say this but I'm about to do it anyway. "If it ain't broke, don't fix it". The only reason I bring that up is because there is an organization that did come and speak in favor, but all notaries in the State of Maine, I think, if you polled them, you'd certainly find out that there's a whole lot of them out there that aren't in favor and one happens to be the Senator from Piscataquis, Senator Hall, who is a notary, and I think it's important that we pay attention to those who are in the field. We'll just tell the notaries out there, "You're going to have to go buy a book, keep a log, exact the whole thing and then at the end of it all, you've got to turn it over to the state," and we don't need to do that. I think we're better off leaving this alone, so I hope you'll join me in defeating this motion.

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

Senator **HALL:** Thank you Mr. President. Thank you for the answer to my question and it was about what I expected, that it was going to cost me some more money. Indeed, I am a notary and the reason I am is because I'm in the real estate business and it does come in handy with my real estate transactions. Also, local people come into my office, they come to my home and ask me to witness signatures for many various type of documents and I don't mind doing it. I don't charge anything to do it and that's probably my fault and that's why so many people come. Right now I do record, I do try to record all of my transactions and basically, I do it for reference if I should ever be

called to court or whatever to verify my signature or whatever, then I could surely say, "Yes, that is my signature, but I signed this document at such and such a time and place," but that's as far as it goes. I don't have to turn this in. The only time that I have to really show this or whatever if I give up my commission as a notary then I have to return this to the Secretary of State. Well, I really don't understand why it makes any difference whether it's in a bound book or if it's on the back of an envelope, for an example. I am a little more efficient than that, but to have notaries scattered throughout our communities is definitely a benefit to our constituents and in some areas they are kind of hard to find. The more of them that we have, the easier it is for the people who, from time to time, need to get a document witnessed, their signature witnessed. I'm just afraid that if you pass this, it's just another roadblock and some of them may say, "Well look, I'm not going to go out and spend five, ten dollars, whatever this book's going to cost, depending. Gee, I notice now I've got to keep a few more lines on it here. I've got to keep this." You know, I just think it's unnecessary. Maybe some people want it. I can't imagine why but I'm surely going to be voting against the pending motion and will encourage you to do so also. Thank you.

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

Senator **BENOIT:** Thank you Mr. President, may it please the Senate. The good Senator from York, Senator Libby, has, I guess, made a good faith effort to quote an adage, a postulate that I have been using this session. I'd like to respectfully make a correction of that for the record. Senator Libby, it's not, "If it ain't broke, don't fix it." It reads, "If it ain't broke, fix something else." That's the way it should really read and I did want to correct the record on that. Thank you.

At the request of Senator **LIBBY** of York a Division was had. 11 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-498)**, in concurrence, **FAILED**.

On motion by Senator **LIBBY** of York, the Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Bill "An Act to Define the Projects That Public Works Departments May Undertake Without Procuring the Services of a Registered Professional Engineer" S.P. 244 L.D. 813

Tabled - May 20, 1997, by Senator **CASSIDY** of Washington.

Pending - **ADOPTION OF SENATE AMENDMENT "A" (S-214) TO COMMITTEE AMENDMENT "A" (S-243)**

(In House, May 20, 1997, **PASSED TO BE ENACTED.**)

(In Senate, May 20, 1997, on motion by Senator **BUTLAND** of Cumberland, Under Suspension of the Rules the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED, As Amended**. Under suspension of the Rules, **RECONSIDERED** whereby Committee Amendment "A" (S-214) was **ADOPTED**. Subsequently, on further motion by same Senator, Senate Amendment "A" (S-243) to Committee Amendment "A" (S-214) **READ**.)

On motion by Senator **CASSIDY** of Washington, Senate Amendment "A" (S-243) to Committee Amendment "A" (S-214) **INDEFINITELY POSTPONED**.

Committee Amendment "A" (S-214) **ADOPTED**, in concurrence.

Which was **PASSED TO BE ENGROSSED, AS AMENDED**, in concurrence.

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

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

**COMMITTEE REPORTS**

**Senate**

**Ought to Pass As Amended**

Senator **PARADIS** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Establish Guidelines for Putting Certain Social Service Contracts out to Bid"  
S.P. 597 L.D. 1776

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-282)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-282) **READ** and **ADOPTED**.

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

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Senator **KILKELLY** for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Revise Certain Provisions of Fish and Wildlife Laws" (Emergency)  
S.P. 520 L.D. 1604

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-281)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-281) **READ** and **ADOPTED**.

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

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

**ENACTORS**

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

An Act to Amend the Laws Regulating Occupational Therapy Practice  
H.P. 1151 L.D. 1616  
(C "A" H-282)

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

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**Emergency**

An Act to Provide Reimbursement to Spouses Serving as Personal Care Attendants  
H.P. 626 L.D. 851  
(C "A" H-455)

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

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**Senate at Ease**

Senate called to order by the President.

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**Off Record Remarks**

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On motion by Senator **RAND** of Cumberland, **ADJOURNED** until Wednesday, May 21, 1997, at 9:00 in the morning.