

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Nineteenth Legislature
State of Maine

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STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Thursday
March 11, 1999

Senate called to order by President Mark W. Lawrence of York County.

Prayer by Father Michael Seavey of St. Andrews Catholic Church in Augusta.

FATHER SEAVEY: Let us pray. Lord God, You have promised to be with us and to assist us with the burdens that we carry in life. These Legislators before You have been chosen and sent by Your people to serve and care for the common good. May they know Your presence and the burden of this responsibility. May Your wisdom and inspiration be seen as Your solace and encouragement for them. As we stand on the dawn of a new century and millennium, may You inspire them with a vision that seeks a unity flowing from the creative energies of Your spirit and a binding force that serves the dignity and sacredness of all of our citizens in this state. May they know the strength of Your love, the challenge of Your call, and the peace of Your consolation. May they count among their greatest achievements their efforts to serve the poorest among us and may their words and actions bring healing to any divisions, justice to any inequality, and hope to any despairing of the future. May they embrace this graced opportunity for Your glory and the good of all. Amen.

Doctors of the day, Ira Stockwell, D.O., Westbrook, Elizabeth Stockwell, D.O., Kennebunkport, George Stockwell, D.O., Buxton, Richard Stockwell, D.O., Kennebunkport.

Reading of the Journal of Wednesday, March 10, 1999.

Out of order and under suspension of the Rules, on motion by Senator PINGREE of Knox, the following Joint Order: S.P. 645

ORDERED, the House concurring, that when the House and Senate Adjourn they do so until Tuesday, March 16, 1999, at 10 o'clock in the morning.

READ and PASSED.

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

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Renew Maine's Economy" S.P. 569 L.D. 1636

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

In Senate, March 4, 1999, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

Comes from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act to Release Estate Tax Liens on Certain Real Estate" H.P. 161 L.D. 223

In Senate, March 2, 1999, **PASSED TO BE ENGROSSED**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-54)**, in **NON-CONCURRENCE**.

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

House Papers

Resolve, to Encourage Access and Quality Care for People with Alzheimer's Disease in Residential Care Facilities H.P. 1253 L.D. 1807

Bill "An Act to Increase Access to Cub Care for Children" H.P. 1255 L.D. 1809

Come from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

Bill "An Act to Amend the Definition of Lender Under the Uncontrolled Hazardous Substance Sites Law"
H.P. 1254 L.D. 1808

Comes from the House, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **NATURAL RESOURCES** and ordered printed, in concurrence.

SENATE PAPERS

Bill "An Act to Improve the Quality of Child Care"
S.P. 648 L.D. 1828

Sponsored by President LAWRENCE of York.
Cosponsored by Representative BERRY of Livermore and Senators: LONGLEY of Waldo, PARADIS of Aroostook.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

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

Bill "An Act to Adjust and Modify the School Funding Formula"
S.P. 646 L.D. 1826

Sponsored by Senator RUHLIN of Penobscot.
Cosponsored by Representative FISHER of Brewer and Senator: DAGGETT of Kennebec, Representatives: BELANGER of Caribou, DUNLAP of Old Town, LaVERDIERE of Wilton, MARTIN of Eagle Lake, STANLEY of Medway.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Resolve, to Establish the Commission to Study Children in Need of Services (EMERGENCY)
S.P. 643 L.D. 1825

Sponsored by President LAWRENCE of York.
Cosponsored by Senators: BERUBE of Androscoggin, LONGLEY of Waldo, MILLS of Somerset, MITCHELL of Penobscot, Representatives: KANE of Saco, MADORE of Augusta, POVICH of Ellsworth, WATSON of Farmingdale.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act to Establish a Permit for the Marine Shrimp Fishery"
S.P. 649 L.D. 1829

Sponsored by Senator GOLDTHWAIT of Hancock.
Cosponsored by Representative HONEY of Boothbay and Representatives: BAGLEY of Machias, STANWOOD of Southwest Harbor, USHER of Westbrook.
Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

REFERRED to the Committee on **MARINE RESOURCES** and ordered printed.

Sent down for concurrence.

Bill "An Act to Increase Accessibility to the Department of Environmental Protection Clean-up Funds for Businesses"
S.P. 641 L.D. 1823

Sponsored by Senator KILKELLY of Lincoln.
Cosponsored by Representative HONEY of Boothbay and Senators: DAGGETT of Kennebec, KONTOS of Cumberland, MITCHELL of Penobscot, Representatives: COWGER of Hallowell, O'NEAL of Limestone.

Committee on **NATURAL RESOURCES** suggested and ordered printed.

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

Bill "An Act to Establish the North Atlantic Cold Water Observatory"
S.P. 647 L.D. 1827

Sponsored by President LAWRENCE of York.
Cosponsored by Senators: GOLDTHWAIT of Hancock, KONTOS of Cumberland, MacKINNON of York, Representatives: ETNIER of Harpswell, HONEY of Boothbay, McNEIL of Rockland, STANWOOD of Southwest Harbor.

Joint Select Committee on **RESEARCH AND DEVELOPMENT** suggested and ordered printed.

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

Bill "An Act to Encourage Equity Equivalent Loans or Investments in Community Development Financial Institutions"
S.P. 642 L.D. 1824

Sponsored by Senator HARRIMAN of Cumberland.
Cosponsored by Senator: LONGLEY of Waldo, Representative: CIANCHETTE of South Portland.

REFERRED to the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

ORDERS

Joint Order

On motion by Senator KILKELLY of Lincoln (Cosponsored by Representative GAGNON of Waterville and President LAWRENCE of York, Senator PINGREE of Knox, Senator RAND of Cumberland, Representative HONEY of Boothbay, Representative KANE of Saco, Representative O'NEIL of Saco, Representative PIEH of Bremen, Representative POWERS of Rockport), the following Joint Order: S.P. 640

ORDERED, the House concurring, that the Joint Select Committee to Study 3rd-party Payments to Health Care Providers is established as follows.

1. Committee established. The Joint Select Committee to Study 3rd-party Payments to Health Care Providers, referred to in this order as the "committee," is established.

2. Membership. The committee consists of 7 members appointed as follows:

A. The President of the Senate shall appoint 4 members from the Senate who serve either on the Joint Standing Committee on Health and Human Services or the Joint Standing Committee on Banking and Insurance; and

B. The Speaker of the House of Representatives shall appoint 3 members from the House of Representatives who serve either on the Joint Standing Committee on Health and Human Services or the Joint Standing Committee on Banking and Insurance.

3. Chairs. The first Senate member named is the Senate chair and the first House member named is the House chair.

4. Appointments; convening date. All appointments must be made no later than 30 days following the effective date of this order. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the chairs of the committee shall call and convene the first meeting of the committee no later than October 1, 1999.

5. Duties. The committee shall study the problem of delays in payments by health insurance companies to health care providers and the cash-flow problems this creates for providers. The committee also shall study how other states have addressed the problem.

6. Staff. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission.

7. Compensation. Committee members are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at meetings

of the committee. The Executive Director of the Legislative Council shall administer the committee's budget.

8. Report. The committee shall submit its report, together with any recommended implementing legislation, to the Second Regular Session of the 119th Legislature no later than January 1, 2000. The Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Banking and Insurance may report out legislation during the Second Regular Session of the 119th Legislature regarding 3rd-party payments to health care providers. If the committee requires an extension of time to complete its report, it may apply to the Legislative Council, which may grant an extension.

READ.

On motion by Senator KILKELLY of Lincoln, **TABLED** until Later in Today's Session, pending motion by same Senator to **PASS**.

Joint Resolution

On motion by Senator HARRIMAN of Cumberland (Cosponsored by Senator AMERO of Cumberland, Senator BENNETT of Oxford, Representative: CIANCHETTE of South Portland), the following Joint Resolution: S.P. 644

**JOINT RESOLUTION TO DECLARE A
MAINE FITNESS WEEKEND**

WHEREAS, only 5% to 10% of our population exercises on a regular basis, and there exists a high incidence of obesity and cancer in Maine as our lives have become more sedentary; and

WHEREAS, our teenagers have the dubious distinction of having the highest per capita rate of tobacco use in the nation, and obesity in our teens runs a high rate of 25% to 35% of the teenager population with no indication of a reversal of this trend; and

WHEREAS, Maine follows the national percentages quite closely regarding the 3 leading causes of death: heart disease, cancer and diabetes, which are all closely linked to diet and exercise; and

WHEREAS, scientific studies have verified that heart disease, cancer and some forms of diabetes can be reduced, prevented or even eliminated by an active fitness lifestyle that includes proper nutrition, cardiovascular conditioning and muscle resistance training; and

WHEREAS, healthy activities, lifestyle and diet can reduce medical costs and contribute to a better way of life, which benefits everyone in the State; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the First Regular Session, on behalf of the people we represent, declare that there be a Maine Fitness Weekend each year, on the weekend before the Memorial Day weekend, dedicated to the pursuit of fitness for all people; and be it further

RESOLVED: That schools, businesses, municipalities and the media will all get involved with fitness activities and nutrition education by way of races, seminars, fitness walks and other family-friendly activities dedicated to the enhancement and education for a positive climate of health and fitness for all the people of the State of Maine.

READ.

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

Senator **HARRIMAN:** Thank you again, Mr. President. Good morning ladies and gentlemen of the Senate. I offer to you today the opportunity to support the Joint Resolution to declare a Physical Fitness Weekend in Maine for the weekend before Memorial Day. I offer this to you, hopefully, as an incentive not only for you to support, but to participate in what I hope will become an annual event to improve the health of all of Maine's citizens. It's alarming to me, and I suspect it will be to you, to learn that only 5 - 10% of our population exercises on a regular basis and as we all know our teenagers have the dubious distinction of having the highest per capita rate of tobacco use in the nation. We may not be aware that 25 - 35% of teenagers are obese. Studies have verified that heart disease, cancer, and some forms of diabetes can be reduced, prevented or even eliminated by an active fitness lifestyle that includes proper nutrition, cardiovascular conditioning, and muscle resistance training. So on behalf of the people of Maine I hope you will join me in declaring that we will have a Maine Physical Fitness Weekend each year on the weekend before Memorial Day dedicated to the pursuit of fitness. It is our hope that schools, businesses, municipalities, and the media will get involved with fitness activities and nutrition education by way of races, seminars, fitness walks, and other family-friendly activities dedicated to the enhancement and education for a positive climate of health and fitness for all of our people. I hope you will join me in supporting the Joint Resolution. I thank you very much, Mr. President.

ADOPTED.

Sent down for concurrence.

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

THE PRESIDENT: Today is a very special day for the Doctor of the Day Program because March 11th is Physicians Day at the Legislature which is hosted by the Maine Medical Association and the Maine Osteopathic Association. We have four Osteopathic physicians today serving as the Doctor of the Day. It is very unusual to have four doctors in one family practice practicing family medicine in the same state. Dr. Ira Stockwell has been practicing family medicine in Westbrook, Maine, for 27 years. He is board certified in family practice and geriatrics. He also serves as the Westbrook School physician and is on the faculty of the University of New England College of Osteopathic Medicine. With us today is Dr. Ira Stockwell's two sons and

daughter-in-law, who are also osteopathic physicians in Maine. All of whom graduated from Maine and New England's only osteopathic medical school, the University of New England College of Osteopathic Medicine. George Stockwell is board certified in family practice and practices at Stockwell Medical Associates in Westbrook. He serves as the Westbrook School Department's physician and is Medical Staff Chairman of the Westbrook Community Hospital. Robert Stockwell is board certified in family medicine and is the Acting Director of Medical Education at the University of New England College of Osteopathic Medicine and is a family practitioner at the University of New England's Health Center. Elizabeth Stockwell is board certified in family medicine and sub-specializes in women's health and is in family practice at the Medical Group in Kennebunk, Maine. Would they please rise and receive the greetings of the Senate.

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Provide Farm Cooperatives More Flexibility in Establishing Officers and Using Titles for Various Officers"

H.P. 770 L.D. 1093

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

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **TRANSPORTATION** on Resolve, to Name the Route 160 Bridge in Brownfield Spanning the Saco River the Charles E. Hill Bridge (EMERGENCY)

H.P. 551 L.D. 772

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

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Make Corrections to the Laws Governing the County Jail Prisoner Support and Community Corrections Fund"

H.P. 113 L.D. 144

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-40).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-40).**

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

READ ONCE.

Committee Amendment "A" (H-40) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing a Study of the Needs of the Elderly Population with Mental Retardation

H.P. 82 L.D. 95

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-38).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-38).**

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

READ ONCE.

Committee Amendment "A" (H-38) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Increase the Amount of Income That a Resident of a Nursing or Residential Care Facility Who Receives Medicaid May Retain"

H.P. 265 L.D. 369

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-41).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-41).**

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

READ ONCE.

Committee Amendment "A" (H-41) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **MARINE RESOURCES** on Bill "An Act to Provide Funding for the Beals Island Regional Shellfish Hatchery"

H.P. 579 L.D. 819

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-44).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-44).**

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

READ ONCE.

Committee Amendment "A" (H-44) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **TRANSPORTATION** on Bill "An Act Authorizing Permit-certified Police Dispatchers to Issue Temporary Permits to Operate Uninspected Vehicles"

H.P. 233 L.D. 337

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-42).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-42).**

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

READ ONCE.

Committee Amendment "A" (H-42) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Protect the Choice of Hospital Care for HMO Enrollees"

H.P. 24 L.D. 34

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

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:

SAXL of Bangor
JONES of Pittsfield
RICHARDSON of Brunswick
DUDLEY of Portland
O'NEIL of Saco
SULLIVAN of Biddeford
PERRY of Bangor
GLYNN of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-37)**.

Signed:

Representatives:

NUTTING of Oakland
MAYO of Bath

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

Reports **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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Ensure the Efficacy of Learning Results"

H.P. 659 L.D. 915

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

Signed:

Senators:

BERUBE of Androscoggin
MURRAY of Penobscot
SMALL of Sagadahoc

Representatives:

BRENNAN of Portland
RICHARD of Madison
WESTON of Montville
WATSON of Farmingdale
DESMOND of Mapleton
ANDREWS of York
BAKER of Bangor
BELANGER of Caribou

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

Signed:

Representatives:

STEDMAN of Hartland
SKOGLUND of St. George

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Provide the Right to a Jury Trial in Civil Actions for Violations of Constitutional Rights"

H.P. 273 L.D. 381

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

Signed:

Senators:

LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

Representatives:

BULL of Freeport
JACOBS of Turner
MITCHELL of Vassalboro
NORBERT of Portland
PLOWMAN of Hampden
MADORE of Augusta
SCHNEIDER of Durham

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-33)**.

Signed:

Divided Report

Representatives:

THOMPSON of Naples
LaVERDIERE of Wilton
WATERHOUSE of Bridgton

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Reinstate the Provision Allowing a Reduction in the Retail Seafood License Fee for Licenses Issued After September 30th"

H.P. 331 L.D. 447

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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-30)**.

Reports **READ**.

Signed:

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

Senators:

PENDLETON of Cumberland
MacKINNON of York

Divided Report

Representatives:

ETNIER of Harpswell
HONEY of Boothbay
LEMONT of Kittery
McNEIL of Rockland
STANWOOD of Southwest Harbor
USHER of Westbrook

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Withdraw from the Atlantic States Marine Fisheries Commission and the Atlantic States Marine Fisheries Compact" (EMERGENCY)

H.P. 114 L.D. 145

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

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

Signed:

Signed:

Senators:

GOLDTHWAIT of Hancock
PENDLETON of Cumberland
MacKINNON of York

Senator:

GOLDTHWAIT of Hancock

Representatives:

ETNIER of Harpswell
HONEY of Boothbay
LEMONT of Kittery
McNEIL of Rockland
PIEH of Bremen
STANWOOD of Southwest Harbor
USHER of Westbrook
VOLENIK of Brooklin

Representatives:

BAGLEY of Machias
PIEH of Bremen
PINKHAM of Lamoine
VOLENIK of Brooklin

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-29)**.

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-30)**.

Signed:

Reports **READ**.

Senator **GOLDTHWAIT** of Hancock moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

Representatives:

BAGLEY of Machias
PINKHAM of Lamoine

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

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

Reports **READ**.

Divided Report

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

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Designate Wintergreen as the State Herb"

H.P. 12 L.D. 22

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

Signed:

Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
RINES of Wiscasset
McDONOUGH of Portland
TWOMEY of Biddeford
BUMPS of China
JODREY of Bethel
RICHARDSON of Greenville
GERRY of Auburn

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

Signed:

Representative:

KASPRZAK of Newport

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

Reports **READ.**

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

READ ONCE

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Allow Review of Examination-related Issues in Executive Session"

H.P. 126 L.D. 157

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-25).**

Signed:

Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
McDONOUGH of Portland
BUMPS of China
RICHARDSON of Greenville
RINES of Wiscasset
JODREY of Bethel
GERRY of Auburn

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

Signed:

Representatives:

KASPRZAK of Newport
TWOMEY 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-25).**

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (H-25) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Require Voter Approval for Bonded Indebtedness of \$2,000,000 or More for Municipalities in Local and Regional Cooperation"

H.P. 313 L.D. 429

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

Signed:

Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock

Representatives:

AHEARNE of Madawaska
RINES of Wiscasset
McDONOUGH of Portland
TWOMEY of Biddeford
JODREY of Bethel
RICHARDSON of Greenville

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

Signed:

Senator:
DAVIS of Piscataquis

Representatives:
BAGLEY of Machias
BUMPS of China
KASPRZAK of Newport
GERRY of Auburn

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

Reports **READ**.

Senator **PENDLETON** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

SECOND READERS

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

House

Bill "An Act to Form a New Local Education Agency" (EMERGENCY)
H.P. 532 L.D. 739

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

Off Record Remarks

House As Amended

Resolve, Regarding Legislative Review of Chapter 15: Fees, Section 15.8: Inspection Fees-Tramway, a Major Substantive Rule of the Board of Elevator and Tramway Safety (EMERGENCY)

H.P. 19 L.D. 29
(C "A" H-31)

Resolve, Regarding Legislative Review of Chapter 8: Fees, Section 1: A Major Substantive Rule of the Board of Veterinary Medicine (EMERGENCY)

H.P. 21 L.D. 31
(C "A" H-32)

Bill "An Act to Clarify the Criteria for Renewal of Agency Liquor Store Licenses"

H.P. 263 L.D. 367
(C "A" H-27)

Bill "An Act to Ensure That All Students With Disabilities Exit School Ready for Employment or Postsecondary Education"

H.P. 291 L.D. 399
(C "A" H-26)

Resolve, to Create a Study Group to Prepare Pharmaceutical Guidelines for Geriatric Residents in Long-term Care Settings

H.P. 326 L.D. 442
(C "A" H-24)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Senate As Amended

Bill "An Act to Increase the Amount of State Contribution to Out-of-district Placements"

S.P. 96 L.D. 235
(C "A" S-21)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

Off Record Remarks

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (3/4/99) Assigned matter:

Bill "An Act to Ensure that Tobacco Settlement Funds Are Used for Health Purposes"

H.P. 1154 L.D. 1651

Tabled - March 4, 1999, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

(In House, March 3, 1999, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.)

On motion by Senator **PINGREE** of Knox, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/4/99) Assigned matter:

Bill "An Act to Ensure That Funds from Maine's Medicaid Settlement with Tobacco Product Manufacturers are used to Expand Access to Health Care for Maine People"
S.P. 586 L.D. 1666

Tabled - March 4, 1999, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

(Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.)

On motion by Senator **PINGREE** of Knox, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/4/99) Assigned matter:

JOINT RESOLUTION - relative to Memorializing Congress to Pass the Prescription Drug Fairness For Seniors Act
H.P. 1157

Tabled - March 4, 1999, by Senator **PINGREE** of Knox.

Pending - **ADOPTION**, in concurrence

(In House, March 3, 1999, **READ** and **ADOPTED**.)

(In Senate, March 4, 1999, **READ**.)

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

Senator **AMERO:** Thank you, Mr. President and ladies and gentlemen of the Senate. I rise today to speak about this Resolution which would memorialize Congress to vote for one particular piece of legislation which we, as a state Senate, have not discussed, have not seen, and really don't know the ramifications of. I would like to suggest that our Legislature has been working in a very bi-partisan way to address the real needs of access to affordable prescription drugs in our state. I would like to see us join in a bi-partisan way to urge Congress to do the

same. In a quick look at the several bills in Congress right now dealing with this issue, there are at least 16 other bills before the United States Congress dealing with this issue. Also, there was appointed well over a year ago a bi-partisan Commission to look at Medicare issues and Medicare expansion issues. One of the major assignments to that taskforce has been to look at providing better access and more affordability for prescription drugs. That Commission is co-chaired by Senator Breaux, a Democrat from Louisiana, and Representative Thomas, a Republican. They are about to come up with their report. It is due out within the next few weeks. It promises to provide several, I think, outstanding suggestions as to how we could expand our coverage for prescription drugs. So I would like to ask this Legislature to consider working together on a Resolution that does not just point to one particular proposal before Congress at this time but that we do it in a bi-partisan way and send a message to Congress that we really do urge them to take action in a bi-partisan way on this particular subject. Thank you, Mr. President.

On motion by Senator **HARRIMAN** of Cumberland, **TABLED** until Later in Today's Session, pending **ADOPTION**, in concurrence.

The Chair laid before the Senate the following Tabled and Later (3/10/99) Assigned matter:

Bill "An Act to Provide Immunity to Enhanced 9-1-1 Developers and Providers"
H.P. 1185 L.D. 1695

Tabled - March 10, 1999, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

(In House, March 9, 1999, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.)

(In Senate, March 10, 1999, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence. Subsequently, on motion by Senator **PINGREE** of Knox, **RECONSIDERED**.)

On motion by Senator **PINGREE** of Knox, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed, 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 Increase Accessibility to the Department of Environmental Protection Clean-up Funds for Businesses"
S.P. 641 L.D. 1823

Tabled - March 11, 1999, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

(Committee on **NATURAL RESOURCES** suggested and ordered printed.)

REFERRED to the Committee on **NATURAL RESOURCES** and ordered printed.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senator **PINGREE** of Knox was granted unanimous consent to address the Senate off the Record.

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

Off Record Remarks

Senator **TREAT** of Kennebec was granted unanimous consent to address the Senate off the Record.

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

After Recess

Senate called to order by the President.

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

ENACTORS

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

Emergency Measure

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1999, June 30, 2000 and June 30, 2001

H.P. 455 L.D. 618
(H "D" H-51 to C "A" H-43)

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

Senator **MILLS:** Mr. President and men and women of the Senate, as we prepare for the Roll Call on this emergency budget measure, I wanted to say just a couple of things about one segment of the budget that represents about 37% of the total, and that is the segment of General Purpose Aid to Education and I might add teacher retirement to the extent that that may be viewed as a further element of state subsidy for K-12 education. There are many of us who have spent an enormous amount of time, I think beginning last June and up to the present time, attempting to comprehend how our school funding formula works. What is the mechanism by which this extraordinary amount of money is distributed. I just wanted to say two or three things. One is that it seems to us that the engine of this formula is something which is now called the per pupil guarantee. It is the setting of the per pupil guarantee, nowadays, that defines equity under the School Funding Formula. There are four essential elements but the one that most impacts students and teachers at the local level is the element called operating costs. About just shy of 70% of General Purpose Aid is distributed in the category of operating costs and it is our sense, my sense and the sense of others that I've been working with, that this element has been badly under-funded in years past, particularly the last 4 - 5 years and that the other segments of the formula have been soaking up perhaps more than their fair share. In any case, the most powerful segment of the School Funding Formula is a 3 digit number which presently stands at 6.06. It stands for the mill rate that the Department of Education is asked to apply to all of the property in the state that is subject to the property tax for the purposes of school funding. When this number is multiplied times all of the state valuation it generates something called the local share for operating costs. The higher the number, the more you add to that 3 digit number, the closer you are to defining something close to the actual costs of educating students. At the moment, the product of this number, yields in the education formula an assumed cost per pupil for operating costs of only about \$3,700. We know from statewide figures that the real cost across the state of turning the lights on in the buildings and hiring teachers and doing all of the basic and essential things to operating a school system, the real expenditures are up around \$4,500 - \$4,600 per pupil in the operating cost segment. Let's exclude out of this replacements. Let's exclude debt service. Exclude program costs which are in a category of their own. But look at the basic and fundamental elements of educating kids and the real cost is about \$4,500. We are distributing money based on the false assumption that the cost is only about \$3,600 - \$3,700. The impact of that is that the poorest school district in this state can receive in any given year, no more than something less than that \$3,700 figure to educate its pupils. Earlier I circulated an Amendment which I'm not introducing. It would have elevated that number. When we reach the issue of Part 2

later on this spring and when we are able to find, as I hope we will, another \$30 million or so or whatever to add to General Purpose Aid to Education. When we come to grips again with how much money we should be allocating to local school districts to educate children, we desperately need to revisit the numerals and the mechanics of this School Funding Formula so that the money is distributed in a way that will bring about a stronger sense of equity than we now have. I think if you look at the School Funding Formula carefully, as many of us have done in the last 6 months or so, you will arrive at only one conclusion, that it is not doing equity at the present time. That money is not fairly distributed and that we need to revisit this formula. The time to do it is when we have money to add to the formula so that districts that might otherwise lose will be held relatively harmless at the time when we make these essential adjustments. I think you will find in public hearings that will be before the Education Committee in the weeks that follow, widespread public testimony to support the view that the current formula is not doing its job. Thank you for entertaining me before lunch. I'm sorry to have held you up but I needed to say this at this time and I need to end by saying I think the Appropriations Committee has done a fine job of reconciling conflicting views over the amount to be allocated at this juncture to General Purpose Aid to Education. They have elevated GPA by only 1.42% over the preceding year and in the second year of the biennium have allocated it something in excess of 3% by way of increase. It would be my hope that we might add more money to it in Part 2 and in particular in the second year of the biennium add enough money to the General Purpose Aid that we might be able to make some significant structural changes to have the money as allocated among our school districts. Thank you very much.

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

Senator HARRIMAN: Thank you very much, Mr. President. Good morning ladies and gentlemen of the Senate. I hope that you will join me in supporting the Enactment of this legislation and before we do so I'd just like to offer a few general comments. I'd like to start by acknowledging the many people who have followed this appropriations process and have remarked that this budget is \$310 million more than the budget that will end on June 30, 1999. It's important to take a closer look at where that growth has occurred. For example, about \$120 million of that is the final phase-out of the so-called Hospital Sick Tax; \$40 million of spending has gone to the Homestead Exemption; \$70 million of it has gone to General Purpose Aid to Education; \$40 million of it to the Business Equipment Tax Rebate Program. Indeed 87% of the increase in the budget has gone to areas that have stimulated our economy and eased the property tax burden in the towns throughout our state. In the areas that have grown, it's been slight. The University system, including research and development; salary plan for our employees; our much needed focus on corrections and of course we have to pay off our bonds. So as we move forward I think we can do so with confidence that we've got our financial house in order. This budget reflects that and it was not without compromise on both sides. Many felt, at least in our caucus, that the Homestead Funding ought to go to General Purpose Aid. That did not happen. We're concerned about the rampant cost of technology, computers that are in this budget, and I suspect we will address that in Part 2. I could go on but I won't. More importantly than that, I think, is the message for Maine citizens here today and that is, to those of you who

have sent us here to solve problems and find solutions we hear you and we're acting on your wisdom. I'd like to take a moment to thank the leadership on both sides of the aisle for allowing us to do our job. I think you can be proud of the work that is before you here today. I most especially want to thank my new found friends, the Senator from Penobscot, Senator Cathcart, and the Senator from Penobscot, Senator Michaud, two of the finest people you could work with. Their leadership style, their willingness to think in new ways has enabled us to operate in the spirit of cooperation that I've not seen here in the 4 terms that I've had the honor of representing Senate District 23. So with that, I thank you very much, Mr. President, and I hope you will join me in Enacting this piece of legislation.

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

Senator RUHLIN: Thank you, Mr. President. Ladies and gentlemen of the Senate, I did want to make a few comments today and share those with you on the record as we get ready, I hope, to Enact this budget. I've had a chance to observe the Appropriations Committee and its labors this year. Very impressed, they worked in a very diligent, bi-partisan manner to bring us this document. I compliment them on their work. I do, however, have concerns and some disappointments. To a greater or lesser degree, every time we bring up a budget it becomes part of the process that we get into certain policy areas other than the pure appropriation process. That happens, it's the way our system is set up and I understand that. However I feel this year it was more to a greater degree than to a lesser degree and that disappointed me and disappointed, I know, the Tax Committee. Itself as a whole, I think you all got the message that we sent you yesterday. I hope you looked at it and read it. We have grave concerns about this document creating policies in areas outside where the policy committees would like to have the policy go. Not going through the public hearing process, the work session process, and the normal Legislative process to establish certain policy functions within the State of Maine. I think, however, those can be addressed in the Part 2. Recognizing that this is very carefully crafted, and I look at those people serving on that Committee and it's got to be the toughest job I think of any Committee in the building. I have great admiration for them. I know sometimes their options are kind of narrowed down as it gets down to the final presentation of the document. I understand that and have great empathy for them and also great respect for them. I also feel that I also need to state what is in fact happening and state my concerns on that. I hope that as we go forward now toward Part 2 of the budget that we can do so and give greater recognition to the policy committees that are established by this body, and the other body collectively, to in fact deal with the policies that are going to be inherent to our society. I hope that will be given greater consideration in Part 2 and that we also can continue the great level of bi-partisanship as we undertake that great work that is yet before us. With those comments, however, I assure you that I will be voting, I give my full support and urge everyone else to give their full support, to Enactment of this document. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY**: Thank you, Mr. President and men and women of the Senate. I'd just like to piggy-back on what the good Senator from Penobscot just said and my specific concern here is the Cigarette Tax money that we sold to the public. In fact using a football analogy, we had a huddle and were deciding that with this Cigarette Tax increase of a few years ago we were going to use it for smoking cessation. So, for 2 years we've gone with what we decided in that huddle and the huddle included more than just us, it included the whole state. So we're executing that play and suddenly this year we've decided with this Part 1 to do a sneak lateral pass over to another fund to get that smoking cessation money. I just think it's smart to stick with the play that we all agreed to. So I'd like to point that one out and thank you for listening.

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

Senator **MICHAUD**: Thank you, Mr. President, men and women of the Senate. First of all as far as the fund for the cigarettes, that was not done in this budget. That was done last year during the 118th Legislature when those funds were abolished and the money went into the General Fund. I can assure the good Senator Mills that the Committee on Appropriations and Financial Affairs was unanimously in support of increasing money for General Purpose Aid in the Part 2 Budget. You won't find any disagreement with us as far as that goes. I'd like to rise and hope that each and every one of you will support this budget. It is a unanimous budget. We've asked our staff to go back and do some historical perspective as far as how soon had a current service budget ever been enacted, and from their analysis this is the earliest that a Part 1 current services budget has been enacted in over 32 years. That has to be because the Committee truly did show a lot of bi-partisanship. There were areas of disagreement and we respectfully disagreed with one another but we were able to work those out. We were able to come to a unanimous report. I have to commend the good Senator from Penobscot, Senator Cathcart, and the good Senator from Cumberland, Senator Harriman, for their efforts because truly without their efforts and members of the House we would not have been able to have a unanimous report. There were people on both sides of the aisle at the beginning of the Session who said that we were contemplating on a majority budget. We proved them wrong. Not only on the supplemental budget, but also on the Part 1 Budget. And hopefully we'll prove them wrong on the Part 2 Budget. I think the Committee has worked extremely well this Session and I do want to thank Senator Harriman for his recommendation early in the year that the Appropriation Committee take time out away from this place to go and have a retreat to get to know each other on a more personal basis. I think that had a lot to do with the reason why we were able work out our differences when we came to the Part 1 Budget. We had a real good time together, and got to know each other as individuals. I want to thank Senator Harriman for his vision and foresight in recommending that to the Committee. I want to thank each and every one of you on the policy committees for your input in the process. Clearly we did not take a lot of the additional spending items that you had recommended, we felt that we wanted to get a current services budget all the way and additional spending we wanted to deal with in the Part 2 Budget when we will have a better idea of what the actual revenues will be and also have a better idea of what the policy and legislation that each one of you have. We can prioritize

those when we get to the Part 2 Budget. So I hope each and every one of you will join me in supporting this budget. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY**: Thank you, Mr. President and just quickly, just for clarity, I appreciate the explanation but I'd like to point out that at 10:20 on Thursday night what I heard happen in Appropriations, I was there, was that the upcoming Tobacco Tax, the tobacco settlement money, will be used to compensate the General Fund. Basically the cigarette tax increase money, which was initially to go to smoking cessation, evidently last year was transferred out of that smoking cessation cigarette tax money into the General Fund and now, once we get the first advance on the tobacco settlement money, that smoking cessation money will come out of that. I'm just seeing a change in our original intent and I applaud the Committee and I'm sorry to have to point to this one piece but thank you for listening.

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **MARINE RESOURCES** on Bill "An Act to Reinstate the Provision Allowing a Reduction in the Retail Seafood License Fee for Licenses Issued After September 30th"

H.P. 331 L.D. 447

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-30)** (8 members)

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

Tabled - March 11, 1999, by Senator **GOLDTHWAIT** of Hancock.

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

(In House, March 10, 1999, 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-30).**)

(In Senate, March 11, 1999, Reports **READ**.)

At the request of Senator **AMERO** of Cumberland a Division was had. 22 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **GOLDTHWAIT** of Hancock to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED.**

Sent down for 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 Require Voter Approval for Bonded Indebtedness of \$2,000,000 or More for Municipalities in Local and Regional Cooperation"
H.P. 313 L.D. 429

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

Minority - **Ought to Pass** (5 members)

Tabled - March 11, 1999, by Senator **PENDLETON** of Cumberland.

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE.**

(In House, March 10, 1999, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**)

(In Senate, March 11, 1999, Reports **READ.**)

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

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

Senator **DAVIS:** Thank you, Mr. President. I'd like to speak on this matter. As I understand this matter, towns, cities, whatever, get together and they form this Cooperation and the Directors of this Cooperation have the ability, as it is right now, to engage in indebtedness. I, as a practical matter, do not disagree with the fact that they may need indebtedness. However, I do disagree with the fact that they do not have to go back to the people in the referendum form. I don't have prepared remarks this morning and perhaps I should have but I will try to articulate myself, Mr. President, probably not as well as you do. Four times as Chairman of the SAD 4 school board, I went to the people. I'm not exactly sure of the language in the statute but I know that my name, my signature, was on the ballot every time and asked my school district and the six towns that are in it to spend millions of dollars in building new schools. I was never once afraid to ask the people. I went to the restaurants and the coffee shops, the Superintendent and myself, who until recently was the Deputy Commissioner of Education for our state, Ray Poulin. We held 40 or 50 meetings explaining our proposals and each time overwhelmingly it was approved. I see no difference in these

Cooperations that are formed and I see no reason why they can't perform the same thing. Thank you, Mr. President.

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

Senator **GOLDTHWAIT:** Thank you, Mr. President. I rise in support of the Ought Not to Pass motion on this Bill. All inter-local Cooperations, with which I am familiar, and I have no reason to believe there are any that don't operate this way, are formed by the consent of the authorities who participate in them so that when these are formed, for instance in my area we have a solid waste district, they are formed by virtue of literally years of discussion on the part of the parties concerned. In this case 6 or 7 municipalities. The principles, if you will, that regulate the function of that inter-local agreement are devised by those municipalities. Once those are all prepared, they go to the voters in the communities to decide whether their community will participate in that inter-local agreement and there is always, in my experience, a provision for a municipality to withdraw from such an inter-local agreement. My point is that the parties of these inter-local agreements have full control over the terms under which they create these compacts and if they wish to provide for a referendum vote for any bonded indebtedness they are certainly free to do so at that level. So the only case in which they would enter into these agreements with or without that authority would be at their own wishes. That is why I feel that this Bill is unnecessary. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#37)

YEAS: Senators: **ABROMSON, AMERO, BENOIT, BERUBE, CATHCART, DAGGETT, DOUGLASS, FERGUSON, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE**

NAYS: Senators: **CAREY, CASSIDY, DAVIS, KIEFFER**

ABSENT: Senators: **BENNETT, HARRIMAN**

EXCUSED: Senator: **LIBBY**

28 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 2 Senators being absent, and 1 Senator being excused, the motion by Senator **PENDLETON** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

On motion by Senator **PINGREE** of Knox, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, March 16, 1999, at 10:00 in the morning.