

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 25, 1999

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

Prayer by Reverend Dr. Linwood Welch of the Littlefield Memorial Baptist Church in Rockland.

REVEREND WELCH: Let us pray. Heavenly Father, as we come before You this morning we are reminded of the words from Your Holy Bible that we are to pray for all of those who are in authority over us. And so, Father, it is a privilege and a responsibility to be here, to pray for our Maine Senate and I do, Father. I ask that You will be with them as they deliberate today, as they discuss issues and amendments. We pray, Heavenly Father, that they would have Your mind, that they might do what would be right and best for the citizens of our state and for our country. We thank You, Our Father, for the many others who are represented here. We especially think of our young people, Father, and we think of those from the Lewiston basketball team and from Mt. Blue, Father. We thank You for their accomplishments and we praise You for them. Our Father, we would be remiss if we didn't think of the things that are going on over in Yugoslavia. So, Father, we would pray for our pilots today and for all others who are in harm's way. We give all of this to You, Father, praying with faith in the name of Jesus Christ Our Lord and Savior. Amen.

Doctor of the day, Peter Mason, D.O., of Bath.

Reading of the Journal of Wednesday, March 24, 1999.

Out of order and under suspension of the Rules, on motion by Senator PINGREE of Knox, the following Joint Order:
S.P. 721

ORDERED, the House concurring, that when the House stands Adjourned it does so until Tuesday, March 30, 1999 at 9 o'clock in the morning and when the Senate stands Adjourned it does so until Tuesday, March 30, 1999, at 10 o'clock in the morning.

READ and PASSED.

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

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

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a Fixed Number of Signatures on Initiative Referenda Petitions
S.P. 219 L.D. 641

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

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

In Senate, March 17, 1999, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Comes from the House with the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

House Papers

Bill "An Act to Amend the Right of Entry Clauses"
H.P. 1363 L.D. 1961

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **JUDICIARY**.

On motion by Senator PINGREE of Knox, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

Bill "An Act to Update and Amend the Preferred Provider Arrangement Act"
H.P. 1422 L.D. 2029

Comes from the House, **REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed.

REFERRED to the Committee on **BANKING AND INSURANCE** and ordered printed, in concurrence

Bill "An Act to Regulate Unused Property Markets"
H.P. 1418 L.D. 2025

Comes from the House, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence

Bill "An Act to Remove the Statute of Limitations for Unlawful Sexual Contact and Sexual Abuse of Minors"
H.P. 1412 L.D. 2019

Bill "An Act to Establish the Commission to Propose an Alternative Process for the Payment of Forensic Examinations for Sexual Assault Victims"
H.P. 1414 L.D. 2021

Come from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE** and ordered printed, in concurrence

Bill "An Act to Make Certain Provisions for Exceptional Students Consistent with Federal Laws and Regulations"
H.P. 1419 L.D. 2026

Bill "An Act to Enable the Formation of Public Charter Schools"
H.P. 1420 L.D. 2027

Come from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence

Bill "An Act Pertaining to the Management of Atlantic Salmon"
H.P. 1421 L.D. 2028

Comes from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence

Bill "An Act to Improve the Marketability of Real Estate Titles"
H.P. 1415 L.D. 2022

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

REFERRED to the Committee on **JUDICIARY** and ordered printed, in concurrence

Resolve, Directing the Bureau of Liquor Enforcement to License an Agency Liquor Store in the City of Caribou
H.P. 1413 L.D. 2020

Comes from the House, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed, in concurrence

Bill "An Act to Authorize a Local Option Tax on Wages Earned in a Municipality"
H.P. 1416 L.D. 2023

Bill "An Act to Establish the Local Option Tax on Liquor, Meals and Lodging"
H.P. 1417 L.D. 2024

Come from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** and ordered printed, in concurrence

**Pursuant to Resolve
Maine Indian Tribal-State Commission**

Report of the **Maine Indian Tribal-State Commission** pursuant to Resolve 1997, chapter 45, section 3, asked leave to report that the accompanying Bill "An Act to Implement Recommendations of the Maine Indian Tribal-State Commission Relating to Tribal Land Use Regulation"

H.P. 1423 L.D. 2030

Be **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED**, and the Resolve **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218, in concurrence.

**Pursuant to Statutes
Criminal Law Advisory Commission**

Report of the **Criminal Law Advisory Commission**, pursuant to Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act to Amend the Laws Relating to Issuance of a Warrant in the Name of the District Court"

H.P. 1424 L.D. 2031

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED**, and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218, in concurrence.

Joint Resolution

The following Joint Resolution: H.P. 1373

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF
THE UNITED STATES AND THE CONGRESS OF THE UNITED
STATES TO RATIFY THE UNITED NATIONS CONVENTION
ON THE RIGHTS OF THE CHILD**

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

WHEREAS, children's rights require special protection and continuous improvement all over the world, as well as calling for the development and education of children in conditions of peace and security; and

WHEREAS, the United Nations has proclaimed that the period of childhood is entitled to special care and assistance; and

WHEREAS, the child should grow up in a family environment with happiness, love and understanding; and

WHEREAS, the child should be fully prepared to live the life of an individual in society; and

WHEREAS, the child should be brought up with dignity in a spirit of peace, tolerance, freedom, equality and solidarity; and

WHEREAS, in all countries of the world, there are children living in exceptionally difficult conditions; and

WHEREAS, it is important to have international cooperation in order to improve the living conditions of children in every country, in particular in the developing countries; and

WHEREAS, the United Nations Convention on the Rights of the Child has broken all records as the most widely ratified human rights treaty in history; and

WHEREAS, the convention is the most rapidly and widely adopted human rights treaty in history with 191 States Parties; and

WHEREAS, only 2 countries have not ratified this agreement, Somalia and the United States; and

WHEREAS, the uniqueness of the treaty is that it is the first legally binding international instrument to incorporate the full range of children's human rights, which include civil and political rights as well as their economic, social and cultural rights, thus giving all rights equal emphasis; now, therefore, be it

RESOLVED: That We, your Memorialists, request the President of the United States and the United States Congress to ratify the United Nations Convention on the Rights of the Child; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives of the United States; the United Nations Secretary-General Kofi Annan; each Member of the Maine Congressional Delegation; the Speaker of the House or the equivalent officer in the 49 other states; and the President of the Senate or the equivalent officer in the 49 other states.

Comes from the House, **READ** and **ADOPTED**.

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 150

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

March 22, 1999

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

Pursuant to my authority under 7 MRSA §125 (G), I have reappointed Senator Marge Kilkelly of Lincoln to the Board of Agriculture.

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

Sincerely,

S/Mark W. Lawrence
President of the Senate

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Clarify Underinsured Motor Vehicle Coverage"
S.P. 723 L.D. 2043

Sponsored by Senator LaFOUNTAIN of York.
Cosponsored by Representative SAXL of Bangor and
Representatives: O'NEIL of Saco, SULLIVAN of Biddeford.

REFERRED to the Committee on **BANKING AND INSURANCE**
and ordered printed.

Sent down for concurrence.

Bill "An Act to Amend the Powers of Hospital Administrative
District No. 1"
S.P. 726 L.D. 2046

Sponsored by Senator CATHCART of Penobscot.
Cosponsored by Senator MICHAUD of Penobscot,
Representatives: CARR of Lincoln, GILLIS of Danforth, JOY of
Crystal, STANLEY of Medway.

Bill "An Act to Amend the Lead Poisoning Control Act"
S.P. 727 L.D. 2047

Sponsored by Senator LONGLEY of Waldo.
Cosponsored by Representative COLWELL of Gardiner.
Submitted by the Department of Human Services pursuant to
Joint Rule 204.

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

Sent down for concurrence.

Resolve, to Establish the Citizens' Advisory Committee to Secure
the Future of Maine's Wildlife and Fish
S.P. 725 L.D. 2045

Sponsored by Senator KILKELLY of Lincoln.
Cosponsored by Representative DUNLAP of Old Town and
Senators: BENNETT of Oxford, KIEFFER of Aroostook,
MICHAUD of Penobscot, Representatives: BERRY of Livermore,
CAMERON of Rumford, CLARK of Millinocket, PERKINS of
Penobscot, TRAHAN of Waldoboro.

REFERRED to the Committee on **INLAND FISHERIES AND
WILDLIFE** and ordered printed.

Sent down for concurrence.

Bill "An Act to Amend the Charter of the Pleasant River Standard
Water District"
S.P. 724 L.D. 2044

Sponsored by Senator CASSIDY of Washington.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 205.

REFERRED to the Committee on **UTILITIES AND ENERGY** and
ordered printed.

Sent down for concurrence.

ORDERS

Joint Order

Expressions of Legislative Sentiment recognizing:

The following members of the Mt. Blue High School Girls
Basketball Team, who won the 1999 State Class A Basketball
Championship: Rachel Yates, Brandy Sloan, Kristy Kiernan,
Kiley Maguire, Heather Ernest, Megan Woodcock, Michel Vining,
Amanda James, Andrea Tuttle, Amber Alexander and Wendy
Rollins; Assistant Coaches Stella McLean, Rachael Austin, Jon
Berry and Staci Pinkham; Manager Susan Hastings and Head
Coach Chandler Woodcock. We extend our congratulations and
best wishes to them on this achievement;

SLS 83

Sponsored by Senator BENOIT of Franklin.
Cosponsored by Representative GOOLEY of Farmington,
Representative LaVERDIERE of Wilton, Representative
SAMSON of Jay.

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

Senator **BENOIT:** Thank you Mr. President. May it please the
Senate, my guests today in the Chamber are the team members,
the Manager, Assistant Coaches, and Head Coach of the Mt.
Blue Girls Basketball Team. In honor of Coach Chandler
Woodcock, I'm wearing a bow tie and I'm doing that because as
the girls played game after game and moved towards the
championship game, bow ties sprouted in School District 9 and
the Farmington area. They showed up at games, they showed
up in town, in recognition for the achievement of an adult, Coach
Woodcock, and his ability to work in a positive way with these
young people. I'm wearing my bow tie today and I notice there
are other bow ties as well in the Chamber in recognition of that
fact. It wasn't an easy thing to do, Mr. President, because I had
intended to wear this tie this week (holding up a colorful tie). It
wasn't easy for me to put this to one side in favor of a black bow
tie, but I've done it. Anyone who attended the Class A Girls

Basketball Championship game between Mt. Blue and the Lewiston Blue Devil team, which I'm proud to say are with us as well in the Chamber today here with their coaches and staff. Those who were there at the game and those who watched the game on TV saw a super duper game. A scrappy contest, well played, well coached on both sides. The Mt. Blue Cougars were third in Eastern Maine. The Lewiston Blue Devils had an undefeated season. 21 wins is nothing to sneeze at. They were well coached, they played well. Yes, Mt. Blue won but in my view there were no losers on the basketball court that evening. I've seen some of the Lewiston team members last week when Senator Berube, the Senator from Androscoggin, had some guests here, Lewiston students, and as well today. I've told them and the Mt. Blue Cougar's can know as well that the quality of their win is reflected by the high quality of the team they played. I'd like to give you an example of something that's kind of stayed with me in my life. When I was in high school at Eliot High School in York County I made the cross country team, the Sneakers Running Team. We had a meet over in Epping, New Hampshire, in November. I can see it now, I'm in shorts and a T-shirt and it's spitting snow. In that race I came in third, first for Eliot but I was third. The best I could do. I felt sorry for myself until I found out later that Epping, New Hampshire, High School that year was the Class A State Champs. What did that mean to me? It meant that the quality of my third place had some value. The value was given to me by the opposite team. I think that is something we can take from athletics. I think that's the wonderful thing about competition. Our young people can get character out of it. Mr. President, before I read a poem that I have for this occasion, a personal note, if I may. We have with us today Stella McLean who is an Assistant Coach on the staff there at Mt. Blue. Stella McLean and I go back a number of years. Her son, Allen, and my son, Dave, were the closest of friends at high school at Mt. Blue, graduating together and they would later go on to be best man at each others weddings. Stella, I'm pleased that you're here today, taking part in this important occasion, and I think you will agree with me that we did pretty well with our couch potatoes. They have cropped out well. Mr. President, I know we have a busy schedule today but I have a prop if I may, a Mt. Blue Cougar hat, to attire myself with as I read this poem which I hope will show respect to both Mt. Blue and to the Lewiston team as well.

Play The Game and Have Some Fun

They started the season, his words in their head,
 what was it Coach Woodcock has said?
 Play the game and have some fun
 from jump ball to the final gun.
 And that's what they did game after game
 little knowing they'd soon play for fame.
 Near the end of the season Coach Woodcock said
 "Make the East champ game and I'll shave my head".
 Well, they did and he did,
 scissors in his hair by each team kid.
 They won the East, they got a plaque,
 it meant they'd be coming back.
 They returned to Bangor, Lewiston to play.
 It was state-wide Gold Ball championship day.
 Lewiston was there for a very good reason,
 coached well, played hard a 21-zip season.
 Cougars started the game with words in their head,
 What was it Coach Woodcock had said?

Play the game and have some fun,
 from jump ball to the final gun.
 They played the game, they played with heart,
 played as a team, each one did her part.
 When officials fired the final gun
 Mt. Blue was on top, 72 - 61.
 From jump ball to the final gun,
 they played the game, they had some fun.
 From start to finish they did not fold,
 that's the reason they brought home the gold.

Thank you, Mr. President.

PASSED

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber members of the Mt. Blue High School Girls Basketball team and their coach. Would they please rise and receive the greetings of the Senate. The Chair is also pleased to recognize in the Gallery family, parents and friends of the Mt. Blue High School Girls Basketball team. Would they please rise and receive the greetings of the Senate.

Sent down for concurrence.

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

Joint Order

The following members of the Lewiston High School Girls Basketball Team: Rianca Belcher, Chantal St. Laurent, Amanda Baillargeon, Beth Forrest, Lynn Girouard, Sarah Methvin, Valerie Dumais, Renee Mercier, Kristi Royer, Lakeesha Holloman, Brooke Crowley, Jodi Auger, Amy Lemieux and Hilary Foster; Head Coach Michael McGraw and Assistant Coaches Mike Child and Melissa Jipson, runners-up in the State Class A Basketball Championship. We extend our congratulations to them on this accomplishment;

HLS 122

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

Senator BERUBE: Thank you, Mr. President and ladies and gentlemen of this Chamber. Earlier this week we were fortunate in having the Hockey High School champions of Maine visiting us, St. Dominic's High School of Lewiston. Today we are again fortunate in having another championship team, the girls basketball team of Lewiston High School. They are a young team, which tells me that next year they will be visiting us again, next time as State Champs. We in turn will be wearing blue bow ties. As you can see, Maine has lots and lots and lots of fine young people. We've seen them here today. Lewiston and Mt. Blue have many of them and I think it augurs well for the future of the State of Maine. Thank you all young people.

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

Senator **LONGLEY**: Thank you, Mr. President and men and women of the Senate. As an alumni of Lewiston High School I'd just like to say to you and to the people you met in the finals, that Winston Churchill had an expression and the expression was "play the game for more than you have to lose and you will learn the game" which means basically gamble all you have and in the process you'll learn more as a result. Obviously it had to have a been a huge loss but know that out of hard defeats come great victories and best of luck in the future. Thank you.

PASSED in concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the Chamber members of the Lewiston High School girls basketball team and their coaches. Would they please rise and receive the greetings of the Senate.

Joint Resolution

On motion by Senator **PINGREE** of Knox, under unanimous consent on behalf of President **LAWRENCE** of York (Cosponsored by Senator **CAREY** of Kennebec, Senator **FERGUSON** of Oxford, Representative **CLARK** of Millinocket, Representative **MAILHOT** of Lewiston, Representative **TRIPP** of Topsham) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214), the following Joint Resolution: S.P. 722

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT A WORLD WAR II MEMORIAL

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

WHEREAS, in 1987, United States Representative Marcy Kaptur, at the suggestion of World War II veteran Roger Durbin, introduced legislation to establish a memorial to honor all who served in the Armed Forces of the United States during World War II and the entire nation's contribution to the war effort. The legislation failed, but the interest in having a memorial gained patriotic support and subsequent legislation prevailed; and

WHEREAS, federal Public Law 103-32 authorizing a World War II Memorial in the District of Columbia or its environs was signed into law on May 25, 1993; and

WHEREAS, the Memorial Advisory Board was created to advise the American Battle Monuments Commission in site selection and design and to promote donations to support the memorial construction; and

WHEREAS, a memorial design by Freidrich St. Florian at the site of the historic Rainbow Pool on the National Mall was approved; and

WHEREAS, former Senator Bob Dole and Frederick W. Smith, CEO, Federal Express, were named as National Co-chairmen of the World War II Memorial Campaign; and

WHEREAS, news of the World War II Memorial is currently being spread throughout the country, to every city, town, church, synagogue, mosque, business, civic group, veterans' organization and every other organization that comprises a part of our American culture; now, therefore, be it

RESOLVED: That We, your Memorialists, request the President of the United States and the United States Congress to offer support in obtaining the necessary financial resources to help the World War II Memorial take its rightful place in history; and be it further

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

READ.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending motion by President **LAWRENCE** of York to **ADOPT**.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Improve Access to Education for Parents as Scholars Program Participants"

H.P. 1115 L.D. 1574

Reported that the same be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

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

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

Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act to Clarify the Probate Code Regarding Durable Financial Powers of Attorney" H.P. 442 L.D. 605

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

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **JUDICIARY** on Bill "An Act Concerning Minors' Consent for Services"

H.P. 492 L.D. 699

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

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **JUDICIARY** on Bill "An Act to Increase Adoptions"

H.P. 515 L.D. 722

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

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **JUDICIARY** on Bill "An Act to Clarify the Laws Governing Service of Protection from Abuse Orders in Court" (EMERGENCY)

H.P. 798 L.D. 1121

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.

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE** on Resolve, Establishing a Commission to Study High-speed Chases (EMERGENCY)

H.P. 194 L.D. 272

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-63)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-63)**.

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

READ ONCE.

Committee Amendment "A" (H-63) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Establish the Maine Communities in the New Century Program"

H.P. 467 L.D. 630

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-66)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-66)**.

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

READ ONCE.

Committee Amendment "A" (H-66) **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 Require Insurers to Disclose Insurance Data to Schools and Municipalities"

H.P. 352 L.D. 468

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

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:

JONES of Pittsfield
RICHARDSON of Brunswick
NUTTING of Oakland
DUDLEY of Portland
O'NEIL of Saco
SAXL of Bangor
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**.

Signed:

Representative:

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 **BANKING AND INSURANCE** on Bill "An Act to Increase Consumer Confidence in Insurance Companies"

H.P. 459 L.D. 622

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

Signed:

Senators:

LaFOUNTAIN of York
ABROMSON of Cumberland

Representatives:

JONES of Pittsfield
RICHARDSON of Brunswick
NUTTING of Oakland
O'NEIL of Saco
SAXL of Bangor
SULLIVAN of Biddeford
PERRY of Bangor
GLYNN of South Portland
MAYO of Bath

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

Signed:

Senator:

DOUGLASS of Androscoggin

Representative:

DUDLEY of Portland

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

Reports **READ**.

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

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

On motion by Senator **RAND** of Cumberland, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered. Subsequently the same Senator requested and received leave of the Senate to withdraw her motion for a Roll Call.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending the motion by Senator **LAFOUNTAIN** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Criminalize the Negligent or Purposeful Transmission of HIV"

H.P. 149 L.D. 211

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

Signed:

Senators:

MURRAY of Penobscot
DAVIS of Piscataquis

Representatives:

POVICH of Ellsworth
FRECHETTE of Biddeford
CHIZMAR of Lisbon
QUINT of Portland
PEAVEY of Woolwich
O'BRIEN of Augusta
TOBIN of Dexter
SHERMAN of Hodgdon

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

Signed:

Representative:

McALEVEY of Waterboro

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

Reports **READ**.

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

At the request of Senator **HARRIMAN** of Cumberland a Division was had. 26 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by Senator **MURRAY** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Senate

Ought to Pass As Amended

Senator **NUTTING** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Clarify the Authority of the Maine Milk Commission" (EMERGENCY)
S.P. 451 L.D. 1326

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-32)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-32) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator **PARADIS** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Increase Fines for Long-term Care Facilities that Fail to Provide Quality Care to Residents"
S.P. 361 L.D. 1065

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-31)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-31) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator **GOLDTHWAIT** for the Committee on **MARINE RESOURCES** on Bill "An Act to Increase the Penalties for Violation of Lobster Conservation Laws"

S.P. 285 L.D. 803

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-33)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-33) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Permit Local Control and Funding of An Educational Building in Accordance With a Municipal Charter"

S.P. 280 L.D. 798

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-34)**.

Signed:

Senators:

BERUBE of Androscoggin
MURRAY of Penobscot
SMALL of Sagadahoc

Representatives:

BRENNAN of Portland
RICHARD of Madison
DESMOND of Mapleton
SKOGLUND of St. George
WATSON of Farmingdale
BAKER of Bangor
STEDMAN of Hartland
BELANGER of Caribou
WESTON of Montville

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

Signed:

Representative:

ANDREWS of York

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-34) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Pete Pedersen, 1999 Maine Teacher of the Year. He is a math teacher at Vinalhaven High School. Pete is also a tenth generation Maine islander, originally from Peaks Island in Portland. He is the guest of the Senator from Knox, Senator Pingree. Would he please rise and receive the greetings of the Senate.

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

Senator PINGREE: Thank you Mr. President. Women and men of the Senate, this is truly a day for recognizing some of our heroes and I'm not sure I can do it as eloquently as my colleagues but I just wanted to add a little bit about one of my heroes and a truly wonderful teacher, Pete Pedersen from Vinalhaven. He is here today because we are recognizing the 23 nominees for Maine's Teacher of the Year 2000 and he will be speaking this afternoon to that group who, one of them, will join him in this great honor.

I just want to say a little bit about this recognition. Pete has been a math teacher on Vinalhaven for 23 years and I have to say that being a teacher on an island is not easy, just like being a teacher in many of Maine's small towns. When you live on an island and you teach school you can't commute home to the next town at the end of the day. In fact, you're stuck there every day and when you go to the store or when you go to the gas station or you go down to buy lobsters at the wharf, everybody has something to say to you about how you teach school, how you corrected their son's or daughter's last paper, and about how they think that you could do it. I think all of the teachers who dedicate themselves to teaching on islands have our great respect and appreciation. Pete is certainly one. Pete is not only known as a wonderful teacher but he is known as a real outstanding member of our community. He is involved in a tremendous number of community activities. Cooks breakfast at the church every Sunday morning, has a card party at his house every Friday night for some of the senior women who love to spend time with him, and is also the keeper of seven or eight stray cats who he takes care of and is known for giving them good care.

For Pete to receive this honor as Teacher of the Year is an honor that is truly well deserved. Not only is he an excellent math teacher, he has also led the math team for many years. And since 1991 they have been the winners of the math competition in their region in the state of Maine and since 1993 have been nationally recognized. He's brought the team to places as far afield as Hawaii, Alaska, Florida, Louisiana and Ohio. He often makes sure that the kids make enough money to take a trip while they're gone and for these kids who have grown up on an island of 1,200 people and many of whom never traveled as far as Boston, this has been a truly wonderful experience. I just have to say in closing that Pete truly is a wonderful teacher, one of those rare teachers who has an excellent rapport with his students, who is trusted by them as a personal friend as well as a great teacher. In the math team and

what he's done with them, he's truly shown kids that there are possibilities that they never imagined possible and opened their eyes to places that they never thought they could visit. So I thank you all for recognizing him today. I thank Pete for his great work on behalf of our island communities and know that we all appreciate him very much.

Off Record Remarks

SECOND READERS

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

House

Bill "An Act to Protect Citizens from the Detrimental Effects of Tobacco"

H.P. 951 L.D. 1349

READ A SECOND TIME.

On motion by Senator **HARRIMAN** of Cumberland, Senate Amendment "A" (S-35) **READ**.

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 present to you today Senate Amendment "A" that will eliminate the exemption for smoking in hotel lounges, Class A lounges, Class A restaurants, and lounges and taverns. I do so because yesterday we learned through an overwhelming vote in this body as well as in the other that workplace safety includes second hand tobacco smoke. The message we sent through that vote was that this is one of our most menacing workplace problems. If we care enough about the workers who are working in Class A restaurants than I say to you we ought to care about the people who are working in hotels, lounges, bars, and taverns. This Amendment will affirm to those people who work in these environments that we care just as much about them as we do about people who work in restaurants. So I hope that you will join me in supporting the pending motion so that we can improve the workplace for everyone who works in this industry. Thank you, Mr. President.

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

Senator PARADIS: Thank you Mr. President. Men and women of the Senate, I dealt with this issue yesterday, but happy to repeat it today. We have been doing the smoking ban in incremental stages. This is what we have accomplished this year and we would like to keep the Bill as it is. We are very well aware of the issues of smoking in this state and the tremendous cost to the taxpayers of taking care of people who are very ill at this time with cancer. It's a huge cost to the State of Maine and

so I urge defeat of this motion to leave the Bill as it stands.
Thank you.

The Chair ordered a Division.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#44)

YEAS: Senators: **ABROMSON, BENNETT, HARRIMAN, KIEFFER, LIBBY, MITCHELL, NUTTING**

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

EXCUSED: Senator: **CATHCART**

7 Senators having voted in the affirmative and 27 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **HARRIMAN** of Cumberland to **ADOPT** Senate Amendment "A" (S-35), **FAILED**.

On motion by Senator **HARRIMAN** of Cumberland, Senate Amendment "B" (S-36) **READ**.

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

Senator **HARRIMAN:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, I offer to you Senate Amendment "B" to LD 1349. As it is obvious from our last vote that this is really not an issue about workplace safety but rather, as my good friend from Aroostook, Senator **Paradis**, has indicated that this is something we're going to do incrementally. That we're going to address this problem in the workplace a little bit at a time and I presume that means that at some future date we'll be back to address the issues that the Amendment I had before you that Failed tried to address today. With that vote, Mr. President, it now is clear that what we are doing is we are creating an environment where many of the people who are in your district and in fact in mine, who operate facilities are going to be put at a disadvantage. Let me explain to you why. Currently if you are a Class A restaurant you pay an \$800 license fee and the legislation that passed here yesterday would prohibit smoking in that environment. If you are licensed as a lounge, you pay a \$2,100 fee for this license and as of the vote that we've taken today you will be able to smoke. You can also have another license that is a restaurant/lounge. That fee is \$1,500. There are 184 of these licenses around the state who are both a restaurant and a lounge. As a result of the vote that has been taken, those businesses will now have to make a choice. Let me just share with you one example of the facilities in my district and I know there are many in yours as well. One of them is named Joshua's Tavern. The other is known as Benzoni's Brick Oven Pizza. Both operate a small

family business on Main Street in Brunswick. Now that this legislation has passed, they are going to have to make a choice. If they want to operate as a lounge where they can allow smoking, they will have to say no to all of their Bowden College student clientele who are under age 21 because they are not allowed in lounges. If they say well we're going to operate as a restaurant, not as a lounge therefore no smoking will be allowed, their smoking customers will now have an open invitation to go to one of their competitors down the street, creating an unlevel and unfair playing field. What's ironic, at least to me and hopefully to you as well, is that both restaurants and lounges serve food. A so-called limited menu is allowed in taverns and lounges which enables them to serve alcohol as well as food and by your vote enables them to allow smoking, which is unfair. What I propose in Amendment "B" is that anyone who holds a license as of March 1, 1999 who holds a license as a restaurant/lounge maintains the exemption that you have created for lounges and taverns and lets the customers and the small business owners decide how to operate their own business. If as my good friend from Aroostook, Senator **Paradis**, indicates we will incrementally come back and address taverns and lounges, then we can address this issue as well. But in the meantime let's keep it fair for all of the businesses who are serving alcohol and a limited menu. This Amendment does that and I hope you will join me in supporting it. I thank you very much, Mr. President.

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

Senator **PARADIS:** Thank you, Mr. President and men and women of the Senate. None of us can presume what the 120th Legislature is going to be doing, what Bills they will be proposing. I urge you to defeat this Amendment. Thank you.

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

Senator **DOUGLASS:** Mr. President, reading this Amendment it is clear that it establishes a grandfather clause to certain restaurants that have certain types of licenses as of a certain date. That would create an unequal playing field, in fact, because what would happen is then you're creating an incentive against new business. Small business is the life blood of our economy in Maine. Restaurants are part of that economy. We must do what we can to make sure that the playing field is level. This establishes a grandfather clause for those businesses in a certain category and that is not the way we should be doing business. I will vote against it.

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

Senator **HARRIMAN:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, it is the small business person that I'm standing up for today. I'm standing up for the Siatras family and the Kyle family and many others who have invested their hard earned money, they put their net worth on the line to borrow money to operate a business within the scope of the law that in this case involved putting in expensive ventilation equipment to comply with the law to meet the needs of their customers. Without this Amendment, we're going to put these businesses, and their capital at risk, for the investments they made under our laws, and we're going to invite their customers to go somewhere else. It seems to me that this Amendment says to them we respect the fact that you've made this investment. We respect the fact that your competitors are going to be allowed to have customers who are allowed to smoke while yours can't. This gives them an opportunity

to continue to run their business without an unfair competitive disadvantage as we move forward, apparently in future Sessions, to rid all workplaces of tobacco smoke. Thank you, Mr. President.

The Chair ordered a Division.

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#45)

YEAS: Senators: CAREY, CASSIDY, HARRIMAN, KIEFFER, KILKELLY, KONTOS, LIBBY, MICHAUD, MITCHELL

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, LAFOUNTAIN, LONGLEY, MACKINNON, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

EXCUSED: Senator: CATHCART

9 Senators having voted in the affirmative and 25 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **HARRIMAN** of Cumberland to **ADOPT** Senate Amendment "B" (S-36), **FAILED**.

On motion by Senator **HARRIMAN** of Cumberland, Senate Amendment "C" (S-37) **READ**.

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

Senator **HARRIMAN:** Thank you very much, Mr. President. I thank you very much fellow colleagues, men and women of the Senate, for indulging me here this morning. Senate Amendment "C" clarifies, at least what I've heard from the Director of the Bureau of Health and from Health and Human Service Committee members. It says that in a separate room used in a facility that provides food for private functions that the exemption for non-smoking would apply to that private facility. Thank you, Mr. President.

Senator **MILLS** of Somerset requested a Division.

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

Senator **PARADIS:** I just want to urge people to vote against this Amendment. Thank you.

At the request of Senator **MILLS** of Somerset a Division was had. 9 Senators having voted in the affirmative and 24 Senators having voted in the negative, with 1 Senator being absent, and 1 Senator being

excused, the motion by Senator **MILLS** of Somerset to **ADOPT** Senate Amendment "C" (S-37), **FAILED**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#46)

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CAREY, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: CASSIDY, DAGGETT, HARRIMAN, KIEFFER, KILKELLY, O'GARA

EXCUSED: Senator: CATHCART

28 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being excused, the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

Senate As Amended

Bill "An Act to Establish the Chesuncook Soil Series as the Official State Soil"

S.P. 203 L.D. 592
(C "A" S-29)

READ A SECOND TIME.

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

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 (3/10/99) Assigned matter:

Bill "An Act to Authorize a Local Option Tax on Wages Earned in a Municipality"

S.P. 637 L.D. 1804

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

Pending - **REFERENCE**

(Committee on **TAXATION** suggested and ordered printed.)

On motion by Senator **PINGREE** of Knox, Bill and accompanying papers **INDEFINITELY POSTPONED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/11/99) Assigned matter:

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

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

Pending - **ADOPTION**, in concurrence

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

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

On motion by Senator **AMERO** of Cumberland, Senate Amendment "A" (S-28) **READ**.

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

Senator **AMERO:** Thank you, Mr. President. As many of you may remember, we did discuss a Joint Resolution memorializing Congress to pass one particular Prescription Drug Act. It is one of several Prescription Drug Acts being considered by the United States Congress. This particular act happens to be sponsored by Congressman Allen of Maine. However we are not privy as a Maine Senate to the details of that particular act nor are we privy to the details of the other Prescription Drug Acts that are being considered in the US Senate and the US Congress. I feel that as the Maine Senate we have plenty of our own Bills to consider and until we examine all or unless we want to examine all of the Bills of this type that are before the US Congress, that we should not be urging Congress to vote for one particular act. So I have proposed an Amendment which would eliminate any reference to a particular act but would put the Maine Legislature on record as encouraging the US Congress and US Senate to act on an issue which is very important to all of us and an issue that is, in a very bi-partisan manner, being addressed in our own state. That is that we find more readily affordable and accessible means of providing prescription drugs for our elderly. So with that I would move Adoption of this Senate Amendment. Thank you, Mr. President.

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

Senator **PINGREE:** Thank you Mr. President. Men and women of the Senate, I rise to differ with my colleague from Cumberland, Senator Amero. I think that all of us are actually privy to the details of this piece of legislation. It's available on Congressman Allen's website. I know I've procured a copy of the Bill and read it myself and feel very confident that it's the kind of Bill that would help senior citizens in Maine a great deal. There are, as far as I understand, only two Bills in front of Congress right now, there are not several Bills in front of Congress. One would change the Medicare rules to make sure that Medicare covered all prescription drugs, which I would be strongly in favor of. I'm just afraid that it won't pass during this legislative session of Congress because there are so many other demands on the budget this time that I think the price tag of that may be too great.

This Bill, as I just passed out on a fact sheet to explain a little bit better to you, has been brought about because there has been widespread price discrimination throughout the country for seniors buying prescription drugs. All of us have heard many times the stories of seniors who have to choose between paying their oil bills, buying food, or paying the cost of prescription drugs. Price discrimination is a serious problem with older Americans and this Bill would help to counter it. It would allow pharmacies to purchase prescription drugs for Medicare beneficiaries at lower prices and would be a direct benefit to seniors. It has many co-sponsors and I think it's something that all of us can feel very comfortable standing behind. I do want to draw your attention to this Amendment. It strikes out not only reference to this piece of legislation but it strikes out two other paragraphs which I think convey the feelings that certainly I have experienced as one who's been an active participant in this issue throughout the state. One of the paragraphs that would be gone says whereas older Americans who are often on fixed and limited incomes pay on the average nearly double the price for prescription drugs that the favored customers of the pharmaceutical companies pay and whereas now there is before Congress legislation that would address this inequity by protecting the elderly from drug price discrimination and making prescription drugs available to Medicare beneficiaries at substantially reduced prices. Both of them are paragraphs which I feel very comfortable supporting as I do this Resolution. I'm well aware that Joint Resolutions to Congress do not necessarily change their minds, do not necessarily bring about the action that we hope, but I think that this is a symbolic act for us. It says that we stand behind lowering the prices of prescription drugs for seniors and it is one more way that we can help to influence Congressional policy as a legislature in Maine. I hope that you will all support the Joint Resolution and vote against this Amendment, which I believe takes away the intent of the Joint Resolution and does not allow us the opportunity to give a strong message to Congress that we believe seniors should be able to afford the cost of prescription drugs. When the votes are taken, I request the Yeas and Nays.

On motion by Senator **PINGREE** of Knox, 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 Oxford, Senator Bennett.

Senator **BENNETT:** Thank you Mr. President. Fellow members of the Senate, as if we don't have enough Bills of our own to deal with, we're now debating Bills before the US Congress. In my

opinion, if we're going to be doing that, if we're going to get into the thick of debates on Capitol Hill in Washington DC, we ought to do it right. Therefore, I move that this Resolution be Referred to the Joint Standing Committee on Health and Human Services where it can be properly debated instead of taking up our precious time on the floor of the Senate. Have some consideration of it. Consider the way it should be worded and then we can bring it back. Thank you.

Senator **BENNETT** of Oxford moved to **REFER** to the Committee on **HEALTH AND HUMAN SERVICES**.

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

Senator **PINGREE:** Thank you, Mr. President. I heard what the good Senator from Oxford, Senator Bennett, said and I feel sort of along with his same argument that Committees are busy this Session. We have a tremendous number of Bills. Joint Resolutions to Congress are just what they are. What you see is what you get. I hope people will be in support of this and can support it on its merits based on the facts that I've given you. I certainly feel very comfortable sending my message to Congress as is and don't want to burden the Committee who has already dealt with many of these issues and is dealing with them in their own way. I don't want to burden them with further workloads. I hope you vote against the pending motion to Refer to Committee, vote against the Amendment and vote for the Joint Resolution so we can give Congress a strong message that we support lower cost prescription drugs for senior citizens.

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

Senator **BENNETT:** Thank you Mr. President. Fellow members of the Senate, we cannot have it both ways, either this is an important measure and deserves inspection and evaluation through the legislative process or it's not. In my view, if it is as has been suggested, an important contribution to the Federal debate, then we ought not just to take the word of one member of this Body or of several members of this Body. We ought to have the legislative process as its been devised and worked so well for so many decades work. So therefore I ask for the Yeas and Nays.

On motion by Senator **BENNETT** of Oxford, 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 Kennebec, Senator Carey.

Senator **CAREY:** Thank you, Mr. President. I would like to pose a question if I might.

THE PRESIDENT: The Senator may pose his question.

Senator **CAREY:** Thank you, Mr. President. I just listened to the Majority Leader and am I to assume that we will not be having any more new Bills coming in?

THE PRESIDENT: The Chair would answer that that is not in the control of any member of this Body.

The pending question before the Senate is the motion by the Senator from Oxford, Senator Bennett, to **REFER** this Joint Resolution to the Committee on **HEALTH AND HUMAN SERVICES**. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#47)

YEAS: Senators: **ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL**

NAYS: Senators: **BERUBE, DAGGETT, DOUGLASS, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE**

ABSENT: Senator: **MICHAUD**

EXCUSED: Senator: **CATHCART**

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, and 1 Senator being excused, the motion by Senator **BENNETT** of Oxford to **REFER** to the Committee on **HEALTH AND HUMAN SERVICES, FAILED**.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Amero, to **ADOPT** Senate Amendment "A" (S-28). Is the Senate ready for the question?

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator **SMALL:** Thank you Mr. President. Men and women of the Senate, I just wanted to rise today to let you know why I will be voting against this. A number of the reasons were already stated by my good colleagues in the back row here but I find this troubling. In the years that I've been here I don't recall only having an opportunity to see one Bill that is presented and then having an up or down vote on that one Bill. It's my understanding that there are a number of initiatives that deal with this very serious and very crucial problem going on before Congress. If we are indeed going to start legislating our will to Congress or presenting our legislative will, I think it's only fair that we have an opportunity to review all the Bills that Congress is looking at because, indeed, we may be short changing our senior citizens. This may not be the best Bill. This Bill may not go as far as other Bills. This Bill may be more costly than other Bills. I, for one, would like to see what all the Bills are that are being considered before I cast my vote for any one Bill. I just don't think it makes any sort of sense to only vote for one Bill. I understand that it

does come from our home Congressman and I think it's a good thing that he is down there fighting for this. But, if he does not have the best Bill I'm not going to lend my support for his legislation over something else that may in fact serve my residents and my constituents better. So for that reason, until we have an opportunity to see what all the competing measures are and have a fact sheet on all the measures, not just one, I simply cannot support one piece of legislation over another. That's why I will be voting Nay. Thank you.

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

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I am concerned about the way the votes are going so far on this particular issue because I don't think that this is a partisan issue. I don't think there's a person in this Chamber that doesn't care about finding a more affordable way of providing prescription drugs to all of our citizens but particularly to our senior citizens. That's why I brought forward this Amendment because it is a bi-partisan approach to asking Congress to solve the problem. Remember that a special commission has been working now for well over a year on addressing Medicare issues and how to better provide access to prescription drugs for our senior citizens. They've been working on it for well over a year. They've come up with a Divided Report. It's not an easy subject. There may be a very good approach that all of our Congressmen and Senators in Washington working together may come up with. A solution that they all can support. That's why I ask you to consider seriously sending a message to Congress that we in Maine care about this issue and we want you to work together the way we're working together here in the state of Maine to do the best we can to reduce the cost of prescription drugs. So I would urge your support of this Amendment. Thank you, Mr. President.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#48)

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, KILKELLY, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL

NAYS: Senators: BERUBE, DAGGETT, DOUGLASS, GOLDTHWAIT, KONTOS, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

EXCUSED: Senator: CATHCART

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **AMERO** of Cumberland to **ADOPT** Senate Amendment "A" (S-28), **FAILED**.

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

Senator **AMERO:** I request a Roll Call. I also request that when this Joint Resolution is sent to Congress that a record of the Roll Call be sent along with it.

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

Senator **LIBBY:** Thank you Mr. President. I must apologize to the Body. I was not aware that the Bill had been printed. I had heard a lot about it in the media and I guess I'm a little bit concerned because I haven't read all of the details of Congressman Allen's Bill. I know I've also been a little bit lax this morning because I have not logged onto his website either. I would like the time to read the Bill before I vote on this and I respectfully request to the Majority party that this issue be Tabled until I have an opportunity to read the Federal Bill. Thank you.

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

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

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (3/23/99) Assigned matter:

Bill "An Act Regarding Property Tax Liens" S.P. 696 L.D. 1971

Tabled - March 23, 1999, by Senator **RAND** of Cumberland.

Pending - **REFERENCE**

(Committee on **JUDICIARY** suggested and ordered printed.)

On motion by Senator **LONGLEY** of Waldo, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/23/99) Assigned matter:

An Act to Prohibit the Negotiation of Severance Pay Lower than the State Minimum

S.P. 156 L.D. 476
(S "A" S-17)

Tabled - March 23, 1999, by Senator **AMERO** of Cumberland.

Pending - **ENACTMENT**

(In Senate, March 9, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-17).**)

(In House, March 18, 1999, **PASSED TO BE ENACTED.**)

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

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

HOUSE REPORTS - from the Committee on **BANKING AND INSURANCE** on Bill "An Act to Increase Consumer Confidence in Insurance Companies"

H.P. 459 L.D. 622

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

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

Tabled - March 25, 1999, by Senator **BENNETT** of Oxford.

Pending - motion by Senator **LAFOUNTAIN** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

(In House, March 24, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**)

(In Senate, March 25, 1999, Reports **READ.**)

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

Senator **BENOIT** of Franklin was granted unanimous consent to address the Senate off the Record.

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

Senator **KILKELLY** of Lincoln was granted unanimous consent to address the Senate off the Record.

Senator **DAVIS** of Piscataquis 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.

On motion by Senator **PINGREE** of Knox, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, March 30, 1999, at 10:00 in the morning.