

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
Tuesday
March 30, 1999

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

Prayer by Chaplain Scott Dow of the Augusta Mental Health Institute.

CHAPLAIN DOW: Please join me in the spirit of prayer. God of light and love, we bow humbly and quietly in Your presence during this, the already busyness of our day. And we lift our prayers of thanksgiving for Your consistent oversight of our services as lawmakers for the State of Maine. As we look within, help us to be benevolent in our aims. Help us to be courageous in our resolve. Help us to be wise in our decisions. And during this Holy season, as we look around us at the beauty of creation, may the light of the sun rising higher in our sky symbolize for us the light of liberation from our bondage, the light of liberation from mortality, the light of liberation from the darkness of the tomb. Amen.

Pledge of Allegiance led by Senator John W. Benoit of Franklin County.

Doctor of the day, Robert Anthony, M.D. of Bangor.

Reading of the Journal of Thursday, March 25, 1999.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Providing Recourse and Protection to Vendors Receiving Bad Checks"

H.P. 1426 L.D. 2049

Bill "An Act Relative to Insurance Compliance Self-audit"

H.P. 1435 L.D. 2058

Bill "An Act to Establish the Maine Single-payor Health Care Plan and to Restructure the State Tax System"

H.P. 1436 L.D. 2059

Come 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 Amend the Regulation of Dentists Regarding the Use of Anesthesia"

H.P. 1434 L.D. 2057

Bill "An Act to License Home Building Contractors"

H.P. 1437 L.D. 2060

Come 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 Permit the Establishment of the Kennebec Valley Center for Arts Education"

H.P. 1427 L.D. 2050

Bill "An Act to Reimburse Program Costs to School Districts at 100% of Actual Cost"

H.P. 1430 L.D. 2053

Bill "An Act to Extend New Teachers' Probationary Periods"

H.P. 1431 L.D. 2054

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 to Prohibit the Use of Juveniles in a Tobacco Enforcement Action"

H.P. 1429 L.D. 2052

Comes 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 Clarify the Immunity of Law Enforcement Officers in Enforcing Protective Orders"

H.P. 1428 L.D. 2051

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

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

Bill "An Act to Enhance Harness Racing in the State"
H.P. 1438 L.D. 2061

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

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

Bill "An Act to Require Fishing Boats Rather than Individuals to Be Licensed for Salt Water Commercial Ventures"
H.P. 1439 L.D. 2062

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

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

Bill "An Act to Amend the Laws Governing Secession"
H.P. 1433 L.D. 2056

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

Bill "An Act to Eliminate the Sales Tax on Fuel Oil Used for Plant and Animal Husbandry"
H.P. 1425 L.D. 2048

Bill "An Act to Eliminate the Sales Tax on Labor for Installing Telephone, Telegraph and Related Equipment"
H.P. 1432 L.D. 2055

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

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

Joint Resolution

The following Joint Resolution: H.P. 1440

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES SECRETARY OF TRANSPORTATION TO INCLUDE U.S. ROUTE 2 IN MAINE, NEW HAMPSHIRE AND VERMONT AND U.S. ROUTE 9 IN MAINE AS BORDER CORRIDOR HIGHWAYS

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 United States Secretary of Transportation as follows:

WHEREAS, recent authorization of the Transportation Equity Act of the 21st Century, referred to in this resolution as "TEA-21," provides funding for the coordinated planning, design and construction of corridors of national significance, economic growth and international or interregional trade during federal fiscal years 1999-2003 under Sections 1118 and 1119 of TEA-21; and

WHEREAS, using specified considerations, allocation of funding may be made to transportation corridors identified in Section 1150(c) of TEA-21's predecessor, ISTEA, and to other designated border transportation corridors; and

WHEREAS, the Coordinated Border Infrastructure Program has been established to improve the safe and efficient movement of people and goods at or across the United States and Canadian borders and United States and Mexican borders; and

WHEREAS, U.S. Route 9, originating in Calais, Maine, connects with U.S. Route 2 in Bangor, which traverses laterally through the northernmost parts of Maine, New Hampshire and Vermont, and directly provides key connectivity to the Canadian provinces of New Brunswick and Quebec at Maine and Vermont as a de facto east-west highway connector; and

WHEREAS, U.S. Route 2 and U.S. Route 9 in Maine also serve as major longitudinal connectors for northern New England to the rest of the nation through their connection with interstate highways I-89, I-91 and I-93 in Vermont and I-95 in Maine and are designated as the primary east-west corridor by the states of Maine, New Hampshire and Vermont; and

WHEREAS, the future economic viability of northern New England through its trading and tourism relationship with the national interstate system, Quebec and the Maritime Provinces is contingent upon the upgrading and maintenance of the U.S. Route 2 and the U.S. Route 9 transportation corridor link; now, therefore, be it

RESOLVED: That We, your Memorialists, request the United States Secretary of Transportation to expeditiously authorize the inclusion of U.S. Route 2 through the states of Maine, New Hampshire and Vermont, and Route 9 in Maine as designated border corridor highways under the auspices of Sections 1118 and 1119 of the Transportation Equity Act of the 21st Century; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Secretary of Transportation and to each Member of the Maine Congressional Delegation.

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

READ.

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

ORDERS OF THE DAY

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

Bill "An Act to Enhance Harness Racing in the State"
H.P. 1438 L.D. 2061

Tabled - March 30, 1999, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

(In House, March 25, 1999, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.)

On motion by Senator **PINGREE** of Knox, **TABLED** Unassigned, pending **REFERENCE**.

COMMUNICATIONS

The Following Communication: S.C. 151

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

March 24, 1999

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

Dear Secretary O'Brien:

Pursuant to my authority under 38 MRSA §1453, I have re-appointed the following Senators to the Advisory Commission on Radioactive Waste and Decommissioning:

Senator Richard Carey of Kennebec
Senator Sharon Treat of Kennebec
Senator Norman Ferguson of Oxford

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

Sincerely,

S/Mark W. Lawrence
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 152

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

March 24, 1999

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

Dear Secretary O'Brien:

Pursuant to my authority under 22 MRSA §3739, I have re-appointed Senator Susan Longley of Waldo to the Child Care Advisory Council.

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.

The Following Communication: S.C. 153

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

March 29, 1999

The Honorable Mark W. Lawrence
President of the Senate of Maine
119th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Robert W. Spear of Nobleboro, for appointment as the Commissioner of the Department of Agriculture.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

| | | | |
|------|-----------------|----|--|
| YEAS | Senators | 2 | Nutting of Androscoggin, Kilkelly of Lincoln |
| | Representatives | 10 | Pieh of Bremen, Carr of Lincoln, Cowger of Hallowell, Cross of Dover-Foxcroft, Foster of Gray, Gagne of Buckfield, Gillis of Danforth, Gooley of Farmington, Volenik of Brooklin, Watson of Farmingdale |

NAYS 0

ABSENT 1 Sen. Kieffer of Aroostook

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Robert W. Spear of Nobleboro, for appointment as the Commissioner of the Department of Agriculture be confirmed.

Signed,

S/John M. Nutting
Senate Chair

S/Wendy Pieh
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#49)

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, HARRIMAN, KILKELLY, KONTOS, LIBBY, LONGLEY, MACKINNON, MICHAUD, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: KIEFFER, LAFOUNTAIN, MILLS, PENDLETON

No Senator having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being absent, and none being less than two-thirds of the Membership present it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Robert W. Spear** of Nobleboro, for appointment as the Commissioner of the Department of Agriculture was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber the Commissioner of the Department of Agriculture, Robert Spear, and his wife, Janet. Would they please rise and receive the greetings of the Senate.

Off Record Remarks

SENATE PAPERS

Bill "An Act to Update the Statutes and Provide for the Basic Needs of the Maine Conservation Corps"

S.P. 735 L.D. 2085

Sponsored by Senator KILKELLY of Lincoln.
Cosponsored by Representative McKEE of Wayne and Senators: CASSIDY of Washington, CATHCART of Penobscot, MICHAUD of Penobscot, NUTTING of Androscoggin, PARADIS of Aroostook, RUHLIN of Penobscot, Representatives: COWGER of Hallowell, PIEH of Bremen.

Bill "An Act to Preserve the State's Farm Economy and Heritage"

S.P. 736 L.D. 2086

Sponsored by Senator PINGREE of Knox.

Bill "An Act to Clarify the Equine Activity Law"

S.P. 749 L.D. 2108

Sponsored by Senator KILKELLY of Lincoln.
Cosponsored by Representative PIEH of Bremen and Senators: BENNETT of Oxford, NUTTING of Androscoggin, SMALL of Sagadahoc, Representatives: COWGER of Hallowell, GREEN of Monmouth, HONEY of Boothbay, McKEE of Wayne, SHIAH of Bowdoinham.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent down for concurrence.

Bill "An Act to Improve the State Budgeting Process"

S.P. 729 L.D. 2079

Sponsored by Senator MICHAUD of Penobscot.

Bill "An Act to Appropriate \$125,000 for the Fort Knox Visitor Center" (EMERGENCY)

S.P. 744 L.D. 2103

Sponsored by Senator RUHLIN of Penobscot.
Cosponsored by Senators: HARRIMAN of Cumberland, LONGLEY of Waldo, Representatives: DUGAY of Cherryfield, LINDAHL of Northport, PERKINS of Penobscot, POVICH of Ellsworth, ROSEN of Bucksport, WESTON of Montville.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,500,000 to Construct Water Pollution Control Facilities and Make Other Environmental Improvements"

S.P. 748 L.D. 2107

Sponsored by Senator MICHAUD of Penobscot. (GOVERNOR'S BILL)
Cosponsored by Representative MARTIN of Eagle Lake and Senator: TREAT of Kennebec, Representatives: DUPLESSIE of Westbrook, KNEELAND of Easton.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act to Improve the Maine Economy Through Small Businesses"

S.P. 746 L.D. 2105

Sponsored by Senator PINGREE of Knox.
Cosponsored by Speaker ROWE of Portland and President LAWRENCE of York, Senator RAND of Cumberland, Representatives: DUGAY of Cherryfield, SAXL of Portland, SHIAH of Bowdoinham.

REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent down for concurrence.

Bill "An Act to Provide Public School Choice"

S.P. 730 L.D. 2080

Sponsored by Senator LIBBY of York.

Bill "An Act Regarding Out-of-District Placement"

S.P. 733 L.D. 2083

Sponsored by Senator FERGUSON of Oxford.
Cosponsored by Representative GAGNE of Buckfield and Senator: RAND of Cumberland.

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

Sent down for concurrence.

Bill "An Act Allowing Increased Flexibility of Swing Beds"

S.P. 728 L.D. 2078

Sponsored by Senator GOLDTHWAIT of Hancock.
Cosponsored by Representative VOLENIK of Brooklin.

Bill "An Act to Reduce the Cost of Prescription Drugs to Residents of the State"

S.P. 732 L.D. 2082

Sponsored by Senator PARADIS of Aroostook. (GOVERNOR'S BILL)

Cosponsored by Representative LOVETT of Scarborough and Senators: BENOIT of Franklin, BERUBE of Androscoggin, Representatives: BRAGDON of Bangor, FULLER of Manchester, KANE of Saco, KNEELAND of Easton, QUINT of Portland, TWOMEY of Biddeford.

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

Sent down for concurrence.

Bill "An Act to Revise Certain Provisions of the Fish and Wildlife Laws" (EMERGENCY)

S.P. 738 L.D. 2088

Sponsored by Senator KILKELLY of Lincoln.
Cosponsored by Representative CLARK of Millinocket and Senator: KIEFFER of Aroostook, Representatives: DUNLAP of Old Town, TRAHAN of Waldoboro, TRUE of Fryeburg.
Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act to Allow Workers' Compensation Board Advocates to Prioritize and Decline Cases"

S.P. 741 L.D. 2100

Sponsored by Senator DOUGLASS of Androscoggin. (GOVERNOR'S BILL)
Cosponsored by Representative MacDOUGALL of North Berwick and Senators: GOLDTHWAIT of Hancock, HARRIMAN of Cumberland, KILKELLY of Lincoln, NUTTING of Androscoggin, Representatives: MAYO of Bath, RICHARDSON of Brunswick.

Bill "An Act to Provide Equity for Unemployment Compensation"
S.P. 745 L.D. 2104

Sponsored by Senator KILKELLY of Lincoln.
Cosponsored by Representative RINES of Wiscasset and
Senators: DAGGETT of Kennebec, President LAWRENCE of
York, TREAT of Kennebec, Representatives: DUPLESSIE of
Westbrook, PIEH of Bremen, SAXL of Portland, TWOMEY of
Biddeford.

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

Sent down for concurrence.

Bill "An Act to Reduce the Release of Mercury into the
Environment from Consumer Products"
S.P. 734 L.D. 2084

Sponsored by Senator TREAT of Kennebec.
Cosponsored by Representative SAVAGE of Buxton and
Senators: CATHCART of Penobscot, LIBBY of York, MICHAUD
of Penobscot, Representatives: BULL of Freeport, COWGER of
Hallowell, DUPLESSIE of Westbrook, MARTIN of Eagle Lake,
TWOMEY of Biddeford.

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

Sent down for concurrence.

Bill "An Act to Establish the Public Resources and Information for
Maine Foundation"
S.P. 737 L.D. 2087

Sponsored by Senator KONTOS of Cumberland.
Cosponsored by Representative WATSON of Farmingdale and
President LAWRENCE of York, Senator PINGREE of Knox,
Representatives: GREEN of Monmouth, McKEE of Wayne,
MURPHY of Kennebunk, O'BRIEN of Augusta, POWERS of
Rockport, TESSIER of Fairfield.

Bill "An Act to Allow Nonprofit Corporations to Retain Small
Levels of Profits Realized on State Contracts"
S.P. 747 L.D. 2106

Sponsored by Senator MILLS of Somerset.

REFERRED to the Committee on **STATE AND LOCAL
GOVERNMENT** and ordered printed.

Sent down for concurrence.

Bill "An Act to Enhance the Maine State College Savings
Program"
S.P. 742 L.D. 2101

Sponsored by Senator PINGREE of Knox.

Cosponsored by President LAWRENCE of York, Senators:
RAND of Cumberland, RUHLIN of Penobscot, Representatives:
DUGAY of Cherryfield, SAXL of Portland, SHIAH of Bowdoinham.

Bill "An Act to Exempt from Use Tax Merchandise that is Donated
to a Nonprofit Organization"

S.P. 743 L.D. 2102

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

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

Sent down for concurrence.

Bill "An Act to Make Commercial Vehicle Weight Limits
Consistent with Federal Law"
S.P. 731 L.D. 2081

Sponsored by President LAWRENCE of York.
Cosponsored by Representative WHEELER of Eliot and Senator:
MacKINNON of York, Representatives: ANDREWS of York,
COLLINS of Wells, LEMONT of Kittery, MURPHY of Berwick.
Submitted by the Department of Transportation pursuant to Joint
Rule 204.

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

Sent down for concurrence.

Bill "An Act to Authorize Department of Transportation Bond
Issues in the Amount of \$56,616,000 to Match Available Federal
Funds for Improvements to Highways and Bridges, Airports and
State-owned Ferry Facilities; Development of Rail Corridors and
Marine Infrastructure; and Replacement of Public Transportation
Fleets Statewide"
S.P. 740 L.D. 2089

Sponsored by Senator O'GARA of Cumberland. (GOVERNOR'S
BILL)
Cosponsored by Representative TOWNSEND of Portland and
Senators: CASSIDY of Washington, HARRIMAN of Cumberland,
MICHAUD of Penobscot, Representatives: JABAR of Waterville,
KNEELAND of Easton, LINDAHL of Northport.

Committee on **TRANSPORTATION** suggested and ordered
printed.

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

Sent down for concurrence.

ORDERS

Joint Resolutions

On motion by Senator RAND of Cumberland (Cosponsored by Speaker ROWE of Portland and Senator DAGGETT of Kennebec, Senator LaFOUNTAIN of York, Senator RUHLIN of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214) , the following Joint Resolution: S.P. 739

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO REVERSE ITS DECISION TO DENY SHELTER PLUS CARE PROGRAM FUNDS

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 Honorable Andrew Cuomo, Secretary of the Department of Housing and Urban Development, as follows:

WHEREAS, recent United States Department of Housing and Urban Development grant application awards appear to disregard the crucial housing needs of homeless people in rural states such as Maine; and

WHEREAS, overall scoring criteria on the department's continuum-of-care housing applications should better reflect the geographic diversity and financial capacity of the states; and

WHEREAS, the system for distributing important funding to the homeless population of the states should use block grants instead of competitive grants; and

WHEREAS, though we in the State of Maine do appreciate the recent decision of the Department of Housing and Urban Development to fund homeless projects in the city of Portland, Maine, we continue to be concerned about the lack of funding for our Shelter Plus Care Program, which serves Maine's neediest citizens by providing an important safety net throughout the State; now, therefore, be it

RESOLVED: That We, your Memorialists, encourage the United States Department of Housing and Urban Development to reverse its decision to deny the Shelter Plus Care Program funds to the State of Maine, and we urge the department to institute policy changes that will distribute funds through a block grant process; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Andrew Cuomo, Secretary of the United States Department of Housing and Urban Development and to each Member of the Maine Congressional Delegation.

READ and ADOPTED.

Sent down for concurrence.

On motion by Senator PINGREE of Knox, under unanimous consent on behalf of President LAWRENCE of York (Cosponsored by Senators 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. 750

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; each Member of the Maine Congressional Delegation; and the American Legion, Department of Maine.

READ and ADOPTED.

Sent down for concurrence.

Off Record Remarks

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Establish Minimum Criteria for Siting Community Living Arrangements"

H.P. 809 L.D. 1132

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 **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Enhance Tourism Promotion and Provide Additional State Revenue"

H.P. 914 L.D. 1292

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 **CRIMINAL JUSTICE** on Bill "An Act to Amend the Law Regarding the Evaluation of Juvenile Sex Offenders"

H.P. 571 L.D. 811

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 **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Change the Way Nursery License Fees Are Established"

H.P. 537 L.D. 744

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-75)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-75)**.

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

READ ONCE.

Committee Amendment "A" (H-75) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Resolve, to Study Current Regulations Imposed on Small Businesses to Require Greater Efficiency

H.P. 99 L.D. 112

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-79)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-79)**.

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

READ ONCE.

Committee Amendment "A" (H-79) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Update and Amend the Maine Pharmacy Act"

H.P. 434 L.D. 576

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-80)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-80)**.

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

Committee Amendment "A" (H-80) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Create a Seamless Treatment Plan for the Adult Offender with Substance Abuse Problems" (EMERGENCY)

H.P. 621 L.D. 861

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-82)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-82)**.

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

READ ONCE.

Committee Amendment "A" (H-82) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Laws Governing the Hancock County Budget Process"

H.P. 323 L.D. 439

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-69)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-69)**.

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

READ ONCE.

Committee Amendment "A" (H-69) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Reduce the Amount of Paperwork Required for Transactions Involving the Sale of Wood"

H.P. 709 L.D. 976

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

Signed:

Senators:

NUTTING of Androscoggin
KIEFFER of Aroostook
KILKELLY of Lincoln

Representatives:

COWGER of Hallowell
CARR of Lincoln
VOLENIK of Brooklin
PIEH of Bremen
WATSON of Farmingdale
GAGNE of Buckfield

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

Signed:

Representatives:

FOSTER of Gray
GOOLEY of Farmington
GILLIS of Danforth
CROSS of Dover-Foxcroft

Comes from the House with the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-64)**.

Reports **READ.**

Senator **NUTTING** of Androscoggin 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** of the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE.**

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Ensure the Quality and Safety of Child Care"

H.P. 938 L.D. 1315

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

Signed:

Senator:

PARADIS of Aroostook

Representatives:

KANE of Saco
BROOKS of Winterport
FULLER of Manchester
QUINT of Portland
DUGAY of Cherryfield
WILLIAMS of Orono

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-68)**.

Signed:

Senators:

BERUBE of Androscoggin
MITCHELL of Penobscot

Representatives:

BRAGDON of Bangor
SNOWE-MELLO of Poland
SHIELDS of Auburn

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

Reports **READ**.

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Relating to the Registration Requirements of the Military Selective Service Act"

H.P. 168 L.D. 230

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-67)**.

Signed:

Senator:

FERGUSON of Oxford

Representatives:

CHIZMAR of Lisbon
MAYO of Bath
TUTTLE of Sanford
HEIDRICH of Oxford
McKENNEY of Cumberland
GAGNE of Buckfield

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

Signed:

Senators:

DAGGETT of Kennebec
CAREY of Kennebec

Representatives:

LABRECQUE of Gorham
PERKINS of Penobscot
FISHER of Brewer

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-67)**.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Fund Mandates Enacted Solely for an Individual's Safety

H.P. 136 L.D. 198

Reported that the same **Ought Not 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
KASPRZAK of Newport
JODREY of Bethel
RICHARDSON of Greenville

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-70).**

Signed:

Representative:

GERRY of Auburn

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

Reports **READ**.

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

Senate

Change of Committee

Senator **KONTOS** for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Require Licensing Fees of Tobacco Products Manufacturers"
S.P. 412 L.D. 1201

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

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

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

Ought to Pass

Senator **MICHAUD** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate \$50,000 for the Muskie Memorial Committee in Rumford"
S.P. 35 L.D. 45

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Senator **BERUBE** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Amend and Improve the Education Laws"

S.P. 508 L.D. 1509

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Senator **DAGGETT** for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Prevent Minors from Acquiring Beer-making or Wine- making Equipment"

S.P. 376 L.D. 1077

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Senator **CAREY** for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Increase the Contingency Reserve Fund Percentage for Consumer-owned Electric Utilities"

S.P. 496 L.D. 1481

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator **KILKELLY** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Consolidate and Improve Agricultural Market Research and New Technology Grants in the Department of Agriculture, Food and Rural Resources to Encourage Economic Development of Maine Farms and Food Processors"

S.P. 316 L.D. 950

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

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

READ ONCE.

Committee Amendment "A" (S-41) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator CATHCART for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Resolve, to Preserve the Temporary Assistance to Needy Families Block Grant Funds Reserved for Future Use (EMERGENCY)

S.P. 396 L.D. 1187

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

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

READ ONCE.

Committee Amendment "A" (S-40) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator LONGLEY for the Committee on **JUDICIARY** on Bill "An Act to Remove Certain Records Concerning Minors From the Definition of "Public Records"

S.P. 301 L.D. 874

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-39).**

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

READ ONCE.

Committee Amendment "A" (S-39) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator LONGLEY for the Committee on **JUDICIARY** on Bill "An Act to Clarify Certain Liens"

S.P. 313 L.D. 947

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

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

READ ONCE.

Committee Amendment "A" (S-38) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator FERGUSON for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Require Legislative Review of Rules Regarding Campaign Report Filing Forms"

S.P. 383 L.D. 1162

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

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

READ ONCE.

Committee Amendment "A" (S-44) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator GOLDTHWAIT for the Committee on **MARINE RESOURCES** on Bill "An Act to Provide for Additional Management Measures of the Scallop Industry"

S.P. 130 L.D. 327

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-48).**

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

READ ONCE.

Committee Amendment "A" (S-48) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator RUHLIN for the Committee on **TAXATION** on Bill "An Act to Ameliorate Penalties for Late Filing of Municipal Tax Returns"

S.P. 198 L.D. 587

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-49).**

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

READ ONCE.

Committee Amendment "A" (S-49) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator RUHLIN for the Committee on **TAXATION** on Bill "An Act to Allow Certain Companies' Operations that Started in 1996 to Qualify for Employment Tax Increment Financing Treatment" S.P. 208 L.D. 597

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-50).**

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

READ ONCE.

Committee Amendment "A" (S-50) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator CAREY for the Committee on **UTILITIES AND ENERGY** on Resolve, to Create a Task Force to Study Ways to Improve and Streamline the Regulation of Water Utilities (EMERGENCY) S.P. 261 L.D. 756

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-45).**

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

READ ONCE.

Committee Amendment "A" (S-45) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator CAREY for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Enhanced 9-1-1 Laws" (EMERGENCY)

S.P. 419 L.D. 1208

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-47).**

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

READ ONCE.

Committee Amendment "A" (S-47) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator CAREY for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the Tenants Harbor Standard Water District" (EMERGENCY)

S.P. 428 L.D. 1265

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-46).**

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

READ ONCE.

Committee Amendment "A" (S-46) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide State Funding for the Wells National Estuarine Research Reserve" S.P. 68 L.D. 171

Reported that the same be **REFERRED** to the Joint Select Committee on **RESEARCH AND DEVELOPMENT** and the Committee on **MARINE RESOURCES**.

Signed:

Senators:

MICHAUD of Penobscot
CATHCART of Penobscot
HARRIMAN of Cumberland

Representatives:

TOWNSEND of Portland
STEVENS of Orono
BERRY of Livermore
MAILHOT of Lewiston
POWERS of Rockport
KNEELAND of Easton
WINSOR of Norway
TESSIER of Fairfield

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

Signed:

Representatives:

BRUNO of Raymond
NASS of Acton

Reports **READ**.

On motion by Senator **MICHAUD** of Penobscot, the Majority Report **ACCEPTED** and the Bill **REFERRED** to the Joint Select Committee on **RESEARCH AND DEVELOPMENT** and the Committee on **MARINE RESOURCES**.

Sent down for concurrence.

Divided Report

7 members of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Restrict Circulators of Initiated Petitions from Being within 250 Feet of Voting Places"
S.P. 117 L.D. 314

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-42)**.

Signed:

Senators:

CAREY of Kennebec
FERGUSON of Oxford

Representatives:

LABRECQUE of Gorham
MAYO of Bath
HEIDRICH of Oxford
McKENNEY of Cumberland
GAGNE of Buckfield

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

Signed:

Senator:

DAGGETT of Kennebec

Representatives:

CHIZMAR of Lisbon
TUTTLE of Sanford
FISHER of Brewer

1 member of the same Committee on the same subject reported in Report "C" that the same **"Ought to Pass as Amended by Committee Amendment "B" (S-43)**.

Signed:

Representative:

PERKINS of Penobscot

Reports **READ**.

Senator **DAGGETT** of Kennebec moved the Senate **ACCEPT** Report "B", **OUGHT NOT TO PASS**.

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

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Make Uniform Hours for Agency Liquor Stores"

S.P. 293 L.D. 865

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

Signed:

Senators:

DAGGETT of Kennebec
CAREY of Kennebec
FERGUSON of Oxford

Representatives:

CHIZMAR of Lisbon
MAYO of Bath
PERKINS of Penobscot
TUTTLE of Sanford
HEIDRICH of Oxford
McKENNEY of Cumberland
GAGNE of Buckfield
FISHER of Brewer

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

Signed:

Representative:

LABRECQUE of Gorham

Reports **READ**.

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

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the Gallery students from Monmouth. They are the Monmouth Academy Drama Players who won the 1999 Regional One Act Play Competition for District 2. Mark McDonald of Monmouth Academy who won the 1997-1998 State Class D Wrestling Championship for the 103 lb division. The Monmouth Academy Academic Decathlon Team who captured 59 individual metals and the 1999 State Championship. Members of the Monmouth Academy Girls Basketball Team who have a two year record of 41-3 and who won the 1998-1999 Class D Western Maine Championship and East-West Conference Championship. As well as the Monmouth Cheerleaders, winners of the Class D State Championship. They are all the guests of the Senator from Kennebec, Senator Treat. Would they please rise and receive the greetings from the Senate.

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

Senator **TREAT:** Thank you very much Mr. President. Men and women of the Senate, it's a great honor to meet today, to actually be the Senator who gets to represent these fine youths. Monmouth is a very small school, yet here you can see it has tremendous distinction. Here we have a school that excels not only in academics, winning the State Decathlon Championship, not only in athletics with a Class D championship for the Girls

Basketball Team in the Western Division, as well as the State Championship, two years running for the Cheerleaders, but also artistically. They are the winners, as the President announced, of the Regional One Act competition for a play. I can just tell you it's a wonderful school to represent. There's always a lot of things going on over there. You have a wonderful feeling when you're there in the hallways of just a lot of activities, interests and school spirit. I think that comes out here today and I hope you'll join me in wishing them good luck for the rest of the year, considering this perhaps Monmouth Academy Day at the Legislature.

SECOND READERS

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

House

- Bill "An Act to Clarify the Probate Code Regarding Durable Financial Powers of Attorney" H.P. 442 L.D. 605
- Bill "An Act Concerning Minors' Consent for Services" H.P. 492 L.D. 699
- Bill "An Act to Increase Adoptions" H.P. 515 L.D. 722
- Bill "An Act to Clarify the Laws Governing Service of Protection from Abuse Orders in Court" (EMERGENCY) H.P. 798 L.D. 1121

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

House As Amended

- Resolve, Establishing a Commission to Study High-speed Chases (EMERGENCY) H.P. 194 L.D. 272 (C "A" H-63)
- Bill "An Act to Establish the Maine Communities in the New Century Program" H.P. 467 L.D. 630 (C "A" H-66)

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

Senate As Amended

- 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 (C "A" S-34)

- Bill "An Act to Increase the Penalties for Violation of Lobster Conservation Laws" S.P. 285 L.D. 803 (C "A" S-33)
- 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 (C "A" S-31)
- Bill "An Act to Clarify the Authority of the Maine Milk Commission" (EMERGENCY) S.P. 451 L.D. 1326 (C "A" S-32)

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

Sent down for concurrence.

ENACTORS

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

Emergency Measure

- An Act to Amend the Mexico Water District Charter H.P. 50 L.D. 64 (C "A" H-60)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 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.

Emergency Measure

- An Act to Amend the Charter of the Mars Hill Utility District H.P. 96 L.D. 109 (C "A" H-59)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 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.

Emergency Measure

An Act Relating to the Protection of Maine Consumers in the Telecommunications Market

H.P. 428 L.D. 570
(C "A" H-56)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 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.

Acts

An Act Regarding Hunting Implements

H.P. 286 L.D. 394

An Act to Amend the Lien Enforcement Procedure for the Topsham Sewer District

H.P. 409 L.D. 551
(C "A" H-58)

An Act to Repeal the Chemical Substance Identification Law

H.P. 432 L.D. 574
(C "A" H-53)

An Act to Transfer Responsibilities of the Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities to the Statewide Independent Living Council

H.P. 642 L.D. 892

An Act to Protect Citizens from the Detrimental Effects of Tobacco

H.P. 951 L.D. 1349

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

Resolves

Resolve, to Permit the Maine Warden Service to Return a Donated All-terrain Vehicle to the Donor

H.P. 349 L.D. 465

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

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (3/25/99) Assigned matter:

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

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

Tabled - March 25, 1999, by Senator **PINGREE** of Knox.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-29)**

(In Senate, March 25, 1999, **READ A SECOND TIME.**)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-29).

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

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

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

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

Off Record Remarks

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

Off Record Remarks

On motion by Senator **RAND** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Fulfill the Requirements of the Electric Restructuring Act" (EMERGENCY)

H.P. 1393 L.D. 1998

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-112)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-112)**.

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

READ ONCE.

Committee Amendment "A" (H-112) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME AND PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Ensure the Quality and Safety of Child Care"

H.P. 938 L.D. 1315

Majority - **Ought to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-68)** (5 members)

Tabled - March 30, 1999, by Senator **RAND** of Cumberland.

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence

(In House, March 25, 1999, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, March 30, 1999, Reports **READ**.)

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

Senator **MITCHELL:** Thank you Mr. President. Men and women of the Senate, I rise today to ask you to please vote against the Ought to Pass motion that's on the floor so that you may join us in voting for the Ought to Pass as Amended by the Committee Amendment 'A', and I would like to explain the reasons for this.

The reason is that we're not against the Start Me Right Program. We also addressed another Bill of which was the home visitation in which we voted to Pass that Bill. Which is the start of a very well organized program that's been worked in Waldo County and some of the other counties successfully. The problem that we have with this Bill is, that there is a lot of money and positions, 10 positions to be added, and there's no program other than the fact that we have a waiting list in some of the counties, but there's no plan of accountability or how this money going to be spent and the cost over four years is going to be 40 million dollars. I feel that unless we could take the time to come back adding a lesser amount of money to this Bill that as it stands I feel with what we are doing in other areas of Health and Human Services to address child care and the Start Me Right program, that we're looking across the table at several things that we need to be doing in education with increasing the GPA. We only have \$125 million to make that happen and your looking at \$8 million that's going to increase to \$9 million the second year on this program. And over 4 years it's going to go to \$40 million and we don't know exactly where the money is going to be utilized. Other than that there will be an RFP. The answer was RFPs will be put out and people will be coming in as resources to handle the additional children that can't be handled now. How is that going to happen? What is the plan for accountability? What is the extent of the waiting list at this particular point? I feel that we can't really justify pouring this kind of money into a plan. Why not start with the Head Start Program which does have a defined purpose and does come up with a plan to expand on a full day and for a year-round basis. That is going to help our children from age 0 to 5. I would ask your support in voting against the motion as this Bill is presently presented so that we can vote for the Ought to Pass as Amended Minority Report. Thank you very much.

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

Senator **PARADIS:** Thank you Mr. President. Men and women of the Senate, it is a pleasure for me to rise today to ask your support for this Bill. Our hearing was conducted at the Civic Center because of the large number of people who came to speak on it. We literally had hundreds and hundreds of people in the room. We moved the hearing pretty fast. We got a lot of people that were able to testify from all professions and all walks of life. One of the statements that was made repeatedly was that you're funding every acute care bed. We guarantee, and I'll say this again this year before this is over, we guarantee an acute care bed for every child in Maine. We guarantee a jail bed for every child in Maine. We know now from all the brain research how to prevent this kind of expensive service. In the Health and Human Services Committee we felt very, impotent. Very unable to deal with the 30% of the State of Maine's budget that our Committee represents because we're always paying the bills for very, very sick kids. This is one little step in the right direction. Responding to what we heard out there, that there is, very little infrastructure in the state. This is one step in this deliberation. It's going to move on to another Body and whatever they decide

to do in terms of when they put all the Bills together and make decisions and choices. This is letting this process go on. We are looking for solutions. We have not been very good at finding solutions. This is a major, major piece. The United Way tells us that 30 to 40% of our children are presently in child care settings that are not necessarily helpful, healthy, or safe. We need to address this situation in whatever combinations of funds. We do know that Head Start works. But Head Start takes in older children. We're talking about newborns. We have 13,000 of them every year. This is about a drop in the bucket. I urge your support for this very important piece of legislation. Thank you.

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

Senator LONGLEY: Thank you Mr. President and colleagues in this Senate. A wonderful old friend who was in the US Senate when she was in her 80's often said, I feel like giving a speech today. So she'd give a speech. I have to say when I was taking a hike on Sunday, I decided I felt like giving a speech today too. I'll appreciate your listening and giving me your time.

Basically Maine's quality of life can be vastly improved for next generations if we begin with quality care. And I invite you all to hop aboard this historic train. I can promise you it can be the one issue that unifies us this Session and for all our years to come. Start Me Right is a balanced three pronged package that involves bipartisan, public and private sector teamwork approach. The three prongs are like three legs of a stool with the child sitting atop the stool. The three legs, all of which are equally important and require a balanced approach, include; first the child in the home, secondly the child in child care, and thirdly the child in the community. Now I'd like to give you a quick course on brain development. It's very much a situation of nature and nurture, not one of the other which we've often heard debated. The kind of nourishment and care a child receives affects not only the wiring of their brain, but also the qualities of her and his experiences well beyond their first years.

Many parents and caregivers have understood intuitively that every day interactions, cuddling, singing, etc, they all matter. Now there is technological proof from neuro scientists that tender loving care, TLC, helps that child. Those billions of neurons they're born with need to be connected and when they're connected, hopefully in a positive way, with TLC we make that child agile for life. As I said, a new baby arrives with a 100 billion independent neurons. They multiply to trillions of independent, unconnected neurons in the first few years. The child's job is to connect these as much as possible and the connections are called synapses. They form the networking and the wiring for life. Positive interactions with caring adults stimulate a child's brain profoundly causing synapses to grow and existing connections to be strengthened. Those synapses in a child's brain tend to become permanent fixtures. If a child receives little stimulation early on, synapses will not sprout or develop and the brain will make far fewer connections. We see some of that in our high GPA costs. A child's experiences can be good or bad. As for stress, those children who are highly stressed, a child responds to stress with a steroid hormone called cortisol. High levels of cortisol cause the death of brain cells and reduction in connections between the cells in certain areas in the brain. Research in adults who have experienced intense activation of this stress system show shrinkage of certain brain regions important to learning and memory. In short, a child's early

experiences are more decisive than we intuitively estimated before now.

On an up note, nature has provided a way of buffering the negative effects of these stress systems in the brain. Strong attachments between children, their parents, and their caregivers help counter all the negative effects. Studies measuring the levels of cortisol in children's saliva show that those who received warm responsive care were able to turn off this stress sensitive response more quickly and efficiently. Early experiences, whether positive or negative, heavily influence brain development. My point is everyone's brain development is equal to economic development. In this state we're constantly looking for our economic edge, our competitive edge to compete with other states. If we show ourselves to be a family friendly business state by nurturing that early brain development and by showing everyone in this world that we care about kids, it contributes in the short term and the long term to our economic development. That basically in the short term parents can show up to work a little less worried about their children, knowing they're in good care and their brains get developed to the point where those kids, when they get out of high school, become much more agile. There's a study in this area called High Scope Perry Preschool Study. It comes from the 1970's where 126 at risk children were put into a quality care environment in the early years and their progress was monitored through first grade, through sixth grade, through twelfth grade and beyond. And guess what folks. They started school more ready. Those 126 at risk kids, as compared to the control group that didn't get quality care, did better grade wise 1-12. They got into trouble less often, in terms of juvenile justice issues in the teen years. They tended to go on to school after high school. Their aspirations were higher and they tend to make more money and have a higher quality of living now. This is the study that tracks 126 kids from the 1970's. It's a study done by people who are thought to be very credible. As Sergeant Friday on Dragnet used to say, the facts, ma'am, just the facts. I'll try to get to the facts. The number of children in Maine are 300,000 plus. The number of children needing reliable care is about 70,000. The number of slots available, if the parents can afford it, that are both licensed and inspected is 40,000. That means we have about 18,000-25,000 kids, who knows where they are. We heard about one of those kids last summer. That shaken baby out of Old Orchard Beach. An illegal operation. No one there to help that kid. That kid's now dead. Number of families receiving subsidies are 8,000. The subsidies are anywhere from \$15 to \$25 in my district for \$90 a week care. It doesn't cover the cost. The parents are doing the best they can with what little money they have and we've managed to get a little money in there. The bulk of the money in LD 1315 goes to those kids and those parents getting help paying for those slots so they can get quality care. Quality care means they are better able to function in all of their lives in those critically important years. The average wage of a child care worker is \$6.79. The average wage of the average Mainer is \$9.63. A full \$3.00 less. In my district, in my county there was a front page article a few months ago saying we pay our child care workers less than we pay our dog shelter workers. That's a major statement. We can do better, especially in this state. We've asked anyone why they live in Maine? It's because it's a great place to raise kids. Basically the number one issue I hear in terms of why people choose to live, and stay, and work in Maine, it's because of the kids. I want our policies to reflect that we really care about our kids. Skipping through, I'll basically end by saying I invite you to join us today to vote for this Bill. We

know it will get whittled down with time, but it's an evenly balanced package; the child in the home, the child in child care, and the child in the community. Today we're dealing with LD 1315, the child in child care. We need help. We've neglected this area. This area employs as many as Bath Iron Works, over 6,000 people. It puts millions into the economy. Brain development is economic development. It's an area where we need help. There are huge dividends to be gained by our investment and I encourage you all to join us in starting Maine right. Thank you very much for listening.

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

Senator **HARRIMAN:** Thank you very much Mr. President. Good afternoon ladies and gentlemen of the Senate. I'm just wondering, as I've read over this Bill and I've talked to people who have advocated for it's Passage. It's certainly easy to understand why you'd want to vote for this. This is about kids and their future and their development. I just want to make sure that I understand that this Bill, which I understand is also part of several more that are heading our way, has been as carefully thought out as they need to be. It appears to me and I think my good friend from Penobscot, Senator Mitchell, eluded that this Bill will create 10 new positions within the state budget to administer the social services that are going to be purchased. So I guess I'm wondering if anyone can share with me whether the priorities that we've established with this initiative are in the right order. More specifically it seems to me we've heard a lot about the need for parents to be first teachers of our children. I certainly support and endorse that concept. Therefore it seems to me that we may want to take a second look at our priorities as it relates to whether or not we are making it easy for parents to stay home and nurture their children, whether it's a husband or a wife. Therefore, I'm curious to know if the tax package that would make it easier for parents to stay at home was considered? And if so, why it's not before us today? Second, it seems to me that we'd want to make sure that parents can have the highest quality daycare available and for them to choose where that can be best delivered. I would ask if anyone can address the notion of creating incentives from a tax point of view for daycare expenses. Lastly, if this Bill is one of several that are going to grow in the budget, I'm told, perhaps as much as \$40 million a year, it's incumbent upon us to craft a budget responsibly. And I'm wondering if there are suggestions here in the Chamber as to where that funding ought to come from. As you are perhaps aware, the Governor's budget that is before us has spent all of the money that's been projected. So this program, certainly worthy, needs to take the place of some other and I would welcome your guidance on that as well. Thank you Mr. President.

THE PRESIDENT: The Senator from Cumberland, Senator Harriman poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Arostook, Senator Paradis.

Senator **PARADIS:** Thank you Mr. President. Men and women of the Senate. The Health and Human Services Committee has met daily, I think except for 2 days out of the Session. Since we showed up here we've been in that Committee room every day. I can assure the Senators that our distinguished Committee members have been religious about attending hearings, listening

to the debates, working very, very hard to craft the best legislation possible. Is it perfect? I doubt if it's perfect. I stated very specifically that this legislation, if it were to pass in the Senate, would be going on to the next group to be reviewed. In terms of where are we getting the money? Where are we getting all the money to pay all the corrections, all the incredible number of programs that we are funding now when the children show up broken? More and more as the good Chief Justice Watham reminded us, his table is getting filled with many of our children that are getting hopelessly broken. This is a very important piece, in terms of the new bodies that we never like to discuss ever hiring anybody. Part of it is the licensing. If we are asking primary unit services to make sure that our children are in housing situations at child care that are appropriate and safe, we need to provide some bodies to get out. It's a huge, huge state, geographically large. Again, the next Committee of jurisdiction can review these issues. Thank you very much, I urge your support.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate, I rise in opposition of the pending motion and want to share with you briefly the reasons why. Sometimes you can define something by saying what it isn't. I am not opposed to the Start Me Right Program and I noticed there are citizens of the State of Maine present with us today who are displaying the logo. They have the right to be here to express themselves. I fight for that right. That's part of our procedure. It's important. I'm not opposed to the new programs that are in this Bill. Toddler and preschool child care, school age child care, subsidies and so forth. Judy and I provided for our three children those very programs at Mrs. Densmore's School down here where the Department of Transportation building is now located.

I want someone to stand in this Chamber today, please, and tell me why we would vote for these new programs at a time when the State of Maine is not paying it's current bills. I want to share with you the frustration of one of the towns in my district and I think the folks here, Start Me Right supporters, ought to hear this. The town of Madrid has a Bill before this Legislature to deorganize the town. Created in 1835, staying together through wars and depression. Now a Bill before this Legislature to break up the town, go deorganized, lose control over schools and roads, and everything else. Why? Because the State of Maine has not been paying it's bills. It's a tragedy. And why is the State not paying it's bills? Because of legislation like this. We know until last Session, the Legislature did not pay it's full share of Tree Growth. Madrid, the town deorganized will vote in November, it's a tragedy. It's 80% of the Tree Growth. It's important then that the State pay it's bills in Tree Growth. Until last Session the State did not pay it's bills. General Purpose Aid, the town struggles with the amount of money the town is paying Madrid. We know the State pays 44% of it's obligation, when by law it should pay 55%. Why in the world before new programs are created and paid for like this, don't we pay our bills? Why? It's so frustrating. This is my third Senate term. It's so frustrating to come here and see this kind of spending at a time when the Legislature and the State are not paying their bills. Somebody, please stand in this Chamber now and tell me how we're going to pay for these new programs and pay our bills that are outstanding. Thank you Mr. President.

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

Senator **GOLDTHWAIT:** Thank you Mr. President. I'm not able to answer the question posed and if someone is inclined to do that I would defer to them. Otherwise I will proceed. Thank you ladies and gentlemen of the Senate. This is one of the more difficult decisions that I see for myself in this legislative Session. I'm struggling to come to grips with a couple of different aspects of this proposal that I want to share with you and hope that subsequent debate will help me to make up my mind on this very important Bill. I certainly agree with the comments that have been made about it's value. These are definitely programs that are essential to children in the state of Maine and somehow we always manage to find the money when it comes down to a crisis, as in the correction system. But we're never able to field the money up front at the preventive end and that's quite unfortunate. The fiscal impact of this Bill is such that I've been trying to look at the constellation of Start Me Right Bills, all of which I believe have fiscal notes, and tried to make some decisions about where I thought we should put our financial fire power. To acknowledge that this Bill may be a stretch financially for us but that the next Committee to which it is assigned will sort that out seems to me to be an abdication of our responsibility to make those decisions. Perhaps I'm looking at it from the perspective of having once done the very home visits to very young children that are referred to in some of these Bills. I have a different perspective on it. I happen to feel that even among this group of very worthwhile programs we will need to set priorities and with all due respect to the Committee on Appropriations, which I have always admired for the very difficult job it does and does extremely well, their primary responsibility is the bottom line of a balanced budget. I believe that the priorities should be made prior to these Bills arrival there. If we have made responsible decisions about those priorities, I at least am able to passionately defend those in the Committee which will be setting the spending priorities. To take a Bill with a fiscal impact of this magnitude and send it along would leave me rather reluctant to support subsequent Bills that may be coming in front of us. I have selected at least one of those as a significant priority for me and so I'm now trying to weigh my responsibility toward supporting a Bill with an unreachable financial goal, versus supporting a Bill or Bills which I think should come from the first tier, the highest priority programs for children. There is a program with which I was familiar in Maine and this saga started about three years ago and dragged on for an awfully long time in which they were providing an award winning program for home visitation to Maine children who were aged 0, from right after birth, to 1 year old. Because of the rather strange and arcane way in which our Medicaid restrictions are written, this program couldn't receive reimbursement. Even though they were being called on by other states as a mentor in terms of this type of program, we were not able to fund them. Sadly that program has been significantly diminished. So as I look to the range of possible services we might provide for children in Maine, I have to set my own priorities. I have to assess the information we have about child development and think about all of those necessary things which are the most essential, which ones will make the most difference and that's what I'm weighing as I think about this Bill. I appreciate your attention.

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

Senator **RUHLIN:** Thank you Mr. President. I have heard some eloquent support for this measure today. I don't rise to speak on that. Ladies and gentlemen of the Senate, a question was asked and I do want to respond to that question. I think so far the debate is on whether or not we're going to make a decision to make a wise and humane investment in our future and create a positive quality of life impact on our future citizens. Well, it's obvious how I feel about it. That's not what I'm here for. The good gentleman from Franklin County did ask whether or not we were paying our bills. I would point out to the Senator, on the record, that Tree Growth was fully funded for the first time in nearly a decade in the 118th Legislature. A proposal has been, a bipartisan effort, unanimously recommended by the Taxation Committee that went through and I believe had great support of the Senate in the 118th. Also in the 118th the recommendations were unanimous in the Taxation Committee. We spent over \$100 million getting rid of unpaid bills and gimmicks that were created on necessity, but I'm not going to debate that point. We have made some meaningful steps to pay down our debts. I would also for the record state that I do not feel, frankly, that those debts have been fully paid yet. It depends on what column you want to put them in. We still have some gimmicks left and we still have some unpaid bills. In my estimation, they're unpaid bills. However, it is important that the record reflect the full effort and faith in the immediately previous Legislature to eliminate the great extent of that debt and to fully fund growth and to recommend unanimously full funding for the 119th. Thank you.

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

Senator **MILLS:** Mr. President and men and women of the Senate, I too am troubled by the presentation of this Bill and the dollar figures that are attached to each of the categories that are contained in LD 1315 and note there's some concern that it passed through the Health and Human Services Committee apparently without any amendment, change, alteration or reflection of the expertise that I understand is available on that Committee. My concern about the process is that it has the appearance of simply delegating their review responsibilities to the Committee on Appropriations in hopes that we here will simply ratify the Bill without in depth examination on the floor.

Among the questions that I have are these, I'm familiar with a number of these programs and I'm aware that there are a substantial flow of both Federal and State money in each of them currently. I don't know from my own knowledge whether the Federal money that is coming into these programs is sufficient to meet the need, but I am aware that in recent years the influx of money for child care into the State of Maine has been phenomenal. There have been great strides made in improving the subsidy programs that we have available to parents who have need of child care in order to go to work. In looking at the numbers here, it's very difficult for me to understand why one particular dollar amount over another may have been chosen for each of the categories identified. I have no personal information about the extent to which these programs are currently funded and why there is a short fall, if there is. It seems to that this Bill raises perhaps more questions than it answers in it's current form. There are many other social needs in our state that aren't being met. General Purpose Aid to Education, primarily among them but also medical needs, not only of children but of some of our senior citizens and even people who are not senior citizens

but who simply do not have the money to buy pharmaceutical care to keep themselves alive. I'm aware of so many personal and social needs that are not being met. I don't understand how this particular program meets the challenge of some of the other needs that I perceive that are just as great, if not greater than the ones that are represented by this Bill. For that reason I will be voting against the pending motion.

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

Senator **LONGLEY:** Colleagues of the Senate, starting with the most recent and working back, in terms of questions that have been aired. I disagree with the fact that there has been millions more given to child care from the Federal authorities. To be honest there have been such severe cuts in other areas that the on balance increase is less than \$2 million. I say that for the good Senator from Somerset. For the Senator from Cumberland, he had raised three points; the home piece, he said for those parents that are home, well on the Federal level there is a credit now for those parents. Maybe everyone in many of our families have had the luxury of being home. The fact of the matter is for children under 6, roughly 6 out of 10 of both parents have to work. 6 out of 10. As the kids hit age 6 up to age 12, it becomes 3 out of every 4 parents, both have to work. So the fact of the matter in reality is that Ozzie and Harriet now send both Ozzie and Harriet to work. The third piece with helping families in the home, that's the first prong, the home visit piece. Before us today is the second prong. The child when the parents have to go to work. The child in child care. We are very much addressing the home piece.

The Senator from Cumberland also brought up the tax incentive piece. That's the third prong, the child in the community. That is on course too in a very strong way. The last point is where do we turn for the money? I'd like to first say that another piece of this is a children's budget for complete accountability. It's not a passed Bill yet but basically we're saying we will brave the scrutiny to make sure the early money, this preventive money, this money we know gives us \$7 of help for every \$1 of money we invest. We're willing to be scrutinized with performance measures and more throughout. In five years we still have 127 kids per 1,000 in Maine schools that need Special Ed, our brain development theories aren't working. In which case we need to reassess our early up front preventive investments. I simply rose to answer questions. Thank you.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate, just a brief response if I may to the good Senator from Penobscot, Senator Ruhlén. He is of course right and, as I noted as well, the State did at the last Session, for the first time in a long time pay it's share of Tree Growth. What we are talking about here is \$18 million over a 2 year period. I want to remind you of what happened at the last Session and those who were here for the Start Me Right Program, in support of it, have got to hear this as well. Running for this third Senate term I met many of our senior citizens who were pleading with me when I came down here this time to put in a Bill that would give them some relief in their drug expenses. Many of our senior citizens now must choose between diet and drugs, life sustaining drugs, and I think that's a tragedy. At the last Session a Bill sponsored by

Representative Brooks would have made more seniors eligible on a basis for this program. What did we do instead? We made no more seniors eligible than were eligible, but we added seven more medical conditions to the list, raising it to twelve. That was a positive thing to do. We did nothing to make more seniors eligible. There was a Bill costing \$2 million that we turned down, that would have made more seniors eligible. On a basis to come within the program for drug assistance, now 20% is paid by those who are eligible for the cost of drugs. I have many constituents, and you do too, elderly who have earned their stripes. All they're asking is some relief against high drug expenses. I propose to work for that. There are many Bills before us, I have one of them, to set up some kind of sliding scale basis to make seniors eligible for some help. Those who have incomes just over the line, the cut off, they can't get a dime's worth of help in their drugs. Making a choice between diet and drugs. It's a tragedy. What are we doing? New programs for the youth. It's positive. Everything here is positive. I join Senator Longley in everything she's saying about what this does in a positive way. But for heaven's sake let's pay our bills in the programs that we have first, and then if we have enough money I'll be the first to vote for something like this. Education 44%, instead of 55%. Isn't it better to comply with the law and have us pay our bill the way the very law reads on the books that we passed. Continue paying our Tree Growth, pay for the drug program for the elderly. Maybe they can pay 30% or 40%. They have more income than those on the 20% basis. There's money needed for the elderly. When we pay our bills for existing programs, Mr. President, then we can take up new spending like this. Thank you.

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

Senator **BENNETT:** Thank you Mr. President. Fellow Senators, I think this debate I've been hearing today has been remarkable and notable for the good spirit with which it's offered. Also, because the issues that I've been hearing are not issues about the merits of these various spending ideas. The questions that have been raised have all been about priorities and budgeting and how we're going to meet the panoply of issues and demands that our constituents are asking us for. The good Senator from Aroostook, Senator Paradis, suggested in her remarks that the Committee worked hard and crafted the best Bill possible. With all deference I wish that I had faith in that conclusion. I look at this Bill and it is an Ought to Pass Report. There's no Amendment here. What it tells me is this Bill was passed the way that it came to the Committee. That the Committee process didn't work effectively. Maybe it was just a good idea just the way it was. I have yet to see a Bill, which spends \$17 or \$18 million in a new program, get enacted into law just the way it was presented. So my faith is shaken a bit that this Bill is the best that it could be. The good Senator from Waldo, Senator Longley, began her remarks about synapses and for me there is important connective tissue that is missing from this Bill. It's the tissue between the resources, the money and the outcome, the better developed children, stronger families. This Bill in my view, as drafted and as passed by the Majority Report, is overly reliant on the Department of Human Services. It sort of waves a wand and says create some rules to spend some money. I don't think that's good enough. Not when we're creating a new program. Not in these times when we have competing demands as we've heard on the floor today. I think we owe it to our constituents, if we think this is a good idea to tell them exactly who's going to

benefit. The need I've heard is 26,000 families or children, I'm not sure which, with a price tag of up to \$40 million, I think per year. I may be wrong on that. If that's the case, how am I going to choose the people who are going to benefit from this directly? This as I understand it only funds 2,000 families or children, I'm not sure which. How are we going to address that central question of who's going to benefit and who going to be left behind until we have more money. Those are the sorts of issues that I think the Committee should address because I've served on the Appropriation Committee and I've been down there and listened to hundreds of good ideas. I think in my service in two years down there in the 118th Legislature I heard of only two ideas which I thought were completely without merit. I won't get into those today. They're all good ideas, but we have to set priorities and I don't think this Bill as drafted does that. It doesn't even address the priorities. Not the external priorities of should we be doing this versus something else. How are we going to set the priorities that this Bill demands us to set? Again we wave the wand and tell the hard working people, the Department of Human Services that they're going to figure that out. I don't think that's good enough.

I just want to make one other point and that is, as we talk about priorities and we talk about the other unmet needs, it occurred to me that Head Start has been shown to work, it does start kids right. It does give them a head start. A couple of studies that I'm familiar with show that in the course of events the advantage which Head Start kids get is an advantage lost or at least obliterated by the fourth grade. Why is that? I think it is because in part we lack the attention and we lack the follow up necessary to make the best of these programs. We're already spending money in areas, General Purpose Aid. We're all in this building saying, Republicans and Democrats alike, we don't spend enough on General Purpose Aid. If we're going to start kids right let's make sure what's going to follow that healthy start is going to be continued in the commitments that we're already supposedly making. For those reasons I'll be voting against the pending motion. Frankly I'd like to see this Bill go back to the Committee of jurisdiction and be considered. I don't think it's fair to take this Bill down to the Appropriations Committee in its current form because they don't have the time, they don't have the expertise to fine-tune it the way it needs to become a better Bill. They can pass judgment as they will on the amount of money, but I think this will suffer if this Bill makes it to the Appropriations Committee. It will suffer because of the lack of prioritization and the lack of detail in this document. I think the programs that this outlines will, therefore, get less funding than they would if this Bill were better built, better drafted, better developed. For those reasons I'll be opposing the pending motion and I thank you for your time.

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

Senator PINGREE: Thank you Mr. President. Men and women of the Senate, we've had a lot of discussion this morning and I will try to be brief in my comments. I just wanted to speak to a few issues. I actually think that this is a very good Bill and I'm particularly comfortable voting for this Bill and very happy that we are now taking up this issue before us. I think the Sponsor did a good job. I think the Committee majority members did a great job with it and I think the coalition of people who have been working on this issue for a long time have done a great job putting this before us. I am not one of the people who thinks this is a new

program. In fact we've been involved in child care as a state for a very long time through AFDC and TANF. I also think that any of us who are parents, or have neighbors who are parents or grandparents or anything else, know that child care is not exactly new. In fact struggling with child care is something that families do all the time in this state and it's a very big issue about maintaining a quality workforce. This tremendous issue about child development, as you've already heard from much eloquent testimony about this morning, I think this is a very critical issue in front of us.

One other thing I want to talk about briefly is the process here. I think we have an excellent process. I think Bills come out of Committee, we talk about the fiscal impact, but we also talk about the merit, and this Bill has merit. I am very confident that when this Bill is in front of the Appropriations Committee, even though I don't always like what they do in front of their Committee, they will be very judicious with the Bill and they will make sure we spend no more than we afford. We ourselves will also do that again, when this Bill comes back to us, if it does, in the budget. We will make the final decision about how to spend our resources and what our priorities are. I want to say that all of us bring issues before the Legislature. All of our Committees bring issues before the Legislature. We advocate for the things we care about and we present each other what we think would be the best plan. The very best plan for child care is what we see in front of us. It's the fiscal note we see in front of us. Drug cost for senior citizens was brought up today by the good Senator from Franklin, Senator Benoit, and I certainly support his concerns and I've been very interested in this issue for a long time. When I proposed for my special Committee last year that we look into spending more on that, I actually brought a Bill with a fiscal note of \$7 million before this body that we approved. It went to Appropriations and it came out with \$2 million. It's not unusual for that to happen. I think we as Committee members and as Sponsors of the Bill advocate for exactly what we think the program needs and we count on the process for doing some of the trimming and prioritizing that will happen when people have every issue in front of them on the table. I'm very comfortable supporting this today and I'm very comfortable with the process that will occur if this Bill passes and urge all of you to vote in favor of the Majority Report.

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

Senator CASSIDY: Thank you Mr. President. Men and women of the Senate, I'll be brief also because I know that just a few of us speaking now are between you and probably lunch somewhere. One of the concerns I have is I went through this Bill and listened to the debate this morning and talked about it earlier in the day. I agree that we do have a process in logistics that we currently use to provide assistance to folks in child care and all those sorts of things that we need. And I must tell you that often times as I travel through my district, I know child care is a real big issue with the folks back in my area as well. The thing that stuck out to me in this particular Bill was I don't understand through the logistics and process that we have why we need to add 10 more folks to the payroll. If you look at the fiscal note it's over \$300,000 the first year, almost \$400,000 the second year. I would rather take that \$800,000 or \$900,000 and it will just increase and increase as time goes on, and put it directly to the folks who are assisting with their child care. I just know that we have tons of folks working in the Department now. I know that's

probably the largest part of our State budget we've heard that on the floor before and I can't imagine that we need to add another 10 folks to do this job and to hand out the money as presented in the Bill. I think also that you know over the years when you start looking at trying to make cuts throughout the State departments it's really, really tough to decide and bite the bullet. Usually we always end up doing it through attrition or something. I hate to see us go down that road. If we're going to spend money I'd rather see us put it directly to the folks that really need it and not hiring a lot more people. Lastly I too will not be supporting this and hope that we can move on and move the Minority Report. Thank you Mr. President.

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

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today because I want to also give my two cents on this Bill which I think has a lot of merit to it. However, I'm afraid that what we're doing if we follow the good Senator from Knox, Senator Pingree's lead is that we're raising false expectations for a lot of people in the state of Maine. We all ran for election with grand ideas on how we can improve the lot of people, and the children in particular, of the state of Maine. I think sometimes we lose our focus because we want to do so much. I know all of you have received letters from school boards across the state of Maine saying to us, you legislators owe us \$150 million that you promised and you've never paid us. That's a big chunk of money. I think if we could focus on that commitment now that we do have some surplus money and make sure that our schools get the money that they need so that when these young people get to our schools that we don't drop the ball with them. So I'd like to make a plea today for us to focus on where we can best spend our money and as Senators do our job of prioritizing within our own minds because I think just sending every good idea down to Appropriations is not fair to that Committee. It doesn't give Appropriations a real insight into how this Body feels as to where they should be setting priorities. So I would plead with you to oppose the pending motion so that we can go on and support the Minority Report which does appropriate some funds for a program we all know works. That's Head Start and Head Start does give kids a head start. Let's make sure as the good Senator from Oxford, Senator Bennett, says when these students do get a good start and get to our schools that the money is there to provide for continued education through their public school years. Thank you Mr. President.

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

Senator **DOUGLASS:** Mr. President. Women and men of the Senate, I've tried to be quiet. I will be, I hope, only one minute. I know we want to eat. This is an important aspect of life in Maine, caring for our children. I myself found that the daycare that I was using many years ago closed because it could no longer afford to function at rates that were affordable for the parents that were going there. That was a place called A Child's Place in Auburn. It was a wonderful, wonderful daycare. It had peeling paint but the staff provided that tender loving care. They held children in their arms as they left and I had one of those children who cried every day when I left him. When that facility closed there was really no alternative for me. I think it's important to recognize that

in order to get child care onto the State's radar screen, we need to have a function that the State performs, not simply Head Start, that is going to have some desirable spin off effect. If some people in Maine are lucky enough to qualify for whatever funding does finally come out of Appropriations for this Bill that will help to keep certain child care centers or home care functioning and it will thereby help other parents to find that child care. I think it's important that we recognize this has not been even one of our unprioritized subjects so far. We have simply neglected it. It's time for us to make sure that we say this is something we want to try to put into our budget. I'll call it our family budget and let Appropriations do their work to decide what is advisable for this particular need. It's very basic. It's the start of life. Children are in care now that is not good care. That's one of the reasons that there are a lot of special education needs out there. We need to make sure that we make a statement and say it's time. Put this on our radar screen and establish it as one of many competing priorities, never the less, a priority.

THE PRESIDENT: The Chair recognizes the Senator from Arrostook, Senator Paradis. Who having spoken twice on this issue requests unanimous consent of the Senate to address the Senate a third time. Is this the pleasure of the Senate? It's a vote. The Senator may proceed.

Senator **PARADIS:** Thank you Mr. President. Men and women of the Senate, I do hesitate to rise a third time, however, I have to apologize with every fiber in my being for having been under the mistaken illusion that if this legislation passes it will find it's way to the Appropriations Table. I just was always under the illusion that they took Bills and they worked them. I don't know where I got that impression but it would be very, very easy for a lot of us to walk away from this. Apparently we have walked away from it forever. We're dead last in New England in terms of the money we spend in child care. If this Bill all of a sudden looks a lot for just trying to build some type of child care infrastructure in the state, that's one of the reasons, because we have repeatedly walked away. It is pay now, or pay later. We can find every reason in the world to vote for or against, but it is pay now or pay later. That message was made very, very clear, when these hundreds of people testified. Parents admitted that they were using our care beds at thousands and thousands of dollars as adolescents and then of course they're probably going to go into our adult mental health system. We know that children commit the crimes between 3 and 6 and Maine is not safe from that, it happens here too. So that these people speaking to us made their case. Our Committee worked on it quite diligently. I've offered over the years to people, my fellow legislators to come and observe the process that we follow. I assume that when people didn't show up it was because they were busy. The work was being done. We also have been bringing major speakers from all over the country to speak to us about brain development, to have a bottom line on these things. This is not a stab in the dark. It's not an art. We've made as much of a science of it, as possible. This is a drop in the bucket. It's sending a message out there that this Legislature wants to put an end to the inappropriate use of State dollars and put it up front where it counts. That's the bottom line on this. Let us not lose the big picture. This is about prevention. It's about getting the children in the beginning, not the end. Merci beaucoup.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Longley. Who having spoken two times on this issue requests unanimous consent to address the Senate a third time. Is this the pleasure of the Senate? It's a vote. The Senator may proceed.

Senator **LONGLEY:** Thank you Mr. President. Just the facts. There's 60,000 to 70,000 kids in both legal and illegal care in Maine. Presently we help under 10,000 of them, well under 10,000. 30,000 need help. This Bill makes an attempt to help those 30,000. They live in your district. They live in mine. As one person said if the children are not taken care of, whatever else we do won't matter much. Thank you.

The Chair ordered a Division. 17 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **RAND** of Cumberland, to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

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 to Fulfill the Requirements of the Electric Restructuring Act

H.P. 1393 L.D. 1998
(C "A" H-112)

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.

On motion by Senator **PINGREE** of Knox, **ADJOURNED**, until Wednesday, March 31, 1999, at 10:00 in the morning.