

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Nineteenth Legislature  
State of Maine

Volume 1

First Regular Session  
December 2, 1998 to May 4, 1999

Pages 1 - 746

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

In Senate Chamber  
Tuesday  
April 13, 1999

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

Prayer by Reverend Russ Peppe of the Bath United Methodist Church in Bath.

**REVEREND PEPPE:** Let us Pray. Merciful God as we stand at the start of a new day, so equip us for our duties here that we might fulfill them to Your Glory, and not be ashamed when evening comes. Cast from us any rank of heart, or of smallness of mind that we may lay hold of all opportunities now before us to serve Your people well, and as we gather here in the comfort of domestic tranquillity, keep us mindful of its fragile beauty in this troubled world that we might here exercise our responsibilities dutifully, constantly, and happily, and all for Your name sake. Amen.

Pledge of Allegiance led by Senator Mary Cathcart of Penobscot County.

Doctor of the day, David Belyea, M.D., Falmouth.

Reading of the Journal of Thursday, April 8, 1999.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act to Expand the Number of Lights Firefighters May Use on Their Motor Vehicles" H.P. 38 L.D. 52

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-84)** (2 members)

In House, March 31, 1999, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-84)**.

In Senate, April 5, 1999, the Majority **OUGHT NOT TO PASS** Report. **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

On motion by Senator **RAND** of Cumberland, the Senate **ADHERED**.

**Non-Concurrent Matter**

Bill "An Act to Reimburse Androscoggin County for Shortfalls in State Reimbursement for Jail Costs" H.P. 1511 L.D. 2159

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

In House, April 7, 1999, **REFERRED** to the Committee on **CRIMINAL JUSTICE**.

In Senate, April 7, 1999, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

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

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

**Joint Order**

The following Joint Order: H.P. 1524

WHEREAS, the Maine Indian Claims Settlement Act of 1980 recognized Maine's Native American Tribes as Sovereign Nations; and

WHEREAS, the Legislature finds that there is a need to address the issue of recognition of the tribal government representatives of Maine's Native Sovereign Nations in the Legislature; and

WHEREAS, the Legislature finds that there is a need to conduct a study to review the involvement of Native American tribes in state legislatures throughout the United States and other countries; now, therefore, be it

ORDERED, the Senate concurring, that the Committee to Address the Recognition of the tribal government representatives of Maine's Native Sovereign Nations in the Legislature is established as follows.

1. Committee established. The Committee to Address the Recognition of the Tribal Government Representatives of Maine's Native Sovereign Nations in the Legislature, referred to in this order as the "committee," is established.

2. Membership. The committee consists of 8 members as follows.

A. The President of the Senate shall appoint 3 members from the Senate, one of whom must be a member of the minority party.

B. The Speaker of the House of Representatives shall appoint 3 members from the House of Representatives, one of whom must be a member of the minority party.

C. The Representative of the Penobscot Nation to the Legislature.

D. The Representative of the Passamaquoddy Tribe to the Legislature.

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

4. Appointments; convening committee. All appointments must be made no later than 30 days following the effective date of this order. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. Within 15 days after all members have been appointed, the chairs shall call and convene the first meeting of the committee. The committee may meet as often as necessary, at the call of the chairs.

5. Duties. The committee shall conduct a study to address the issue of recognition of the tribal government representatives of Maine's Native Sovereign Nations in the Legislature. In conducting the study, the committee shall review:

A. The current participation and responsibilities that Native American representatives have in the legislative process throughout the nation and other countries;

B. The rules concerning such participation contained in the House Rules, Senate Rules and Joint Rules of the 119th Legislature; and

C. With input from the office of the Attorney General and tribal attorneys, the possible constitutional issues arising from such representation as well as the issues that may arise from the Maine Indian Claims Settlement Act of 1980.

The study must address the issues of voting rights and the sponsorship of legislation and may include other relevant issues.

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

7. Compensation. Members of the committee are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and

other necessary expenses for attendance at meetings of the committee.

8. Report. The committee shall submit a report along with any recommended legislation and any recommended changes to the House Rules, Senate Rules and Joint Rules to the Joint Standing Committee on Judiciary and the Legislative Council by December 1, 1999. Following receipt of the report, the Joint Standing Committee on Judiciary may introduce legislation to the Second Regular Session of the 119th Legislature. If the committee requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

9. Committee budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget.

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

**READ.**

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

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## COMMUNICATIONS

The Following Communication: S.P. 781

### 119<sup>TH</sup> MAINE LEGISLATURE

April 12, 1999

Senator John Nutting  
Representative Wendy Pieh  
Chairpersons  
Joint Standing Committee on Agriculture, Conservation and Forestry  
119<sup>th</sup> Legislature  
Augusta, Maine 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor Angus S. King, Jr. has nominated Dr. Carol A. Eckert of Windsor for reappointment and Vaughn Holyoke of Brewer for appointment as members of the Board of Pesticides Control.

Pursuant to Title 22, M.R.S.A., §1471-B, these nominations will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence  
President of the Senate

S/G. Steven Rowe  
Speaker of the House

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

Sent down for concurrence.

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The Following Communication: S.C. 171

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

March 31, 1999

Honorable Mark W. Lawrence, President of the Senate  
Honorable G. Steven Rowe, Speaker of the House  
119th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 294 An Act Requiring That the Director of the Bureau of Parks and Lands Appoint the Executive Director of the Allagash Wilderness Waterway
- L.D. 1183 An Act to Increase Harness Racing Opportunities

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John M. Nutting  
Senate Chair

S/Rep. Wendy Pieh  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 172

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS**

March 31, 1999

Honorable Mark W. Lawrence, President of the Senate  
Honorable G. Steven Rowe, Speaker of the House  
119th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 121 An Act to Require the State to Fully Fund Out-of-district Placement of Special Education Students
- L.D. 152 An Act to Enhance Economic Development in Hancock County
- L.D. 190 An Act to Designate the Allagash Wilderness Waterway as a Separate Program for Budgeting Purposes
- L.D. 214 An Act to Provide Funds for the Repair of Schools
- L.D. 389 An Act to Achieve Equity in Transportation Funding
- L.D. 475 An Act to Promote Adult Education
- L.D. 487 An Act to Strengthen Child Abuse Prevention in Maine
- L.D. 585 An Act to Appropriate \$4,000,000 for School-based Health Clinics
- L.D. 674 An Act to Support Community Radio
- L.D. 690 An Act to Appropriate Funds for Staff Development to Meet the Learning Results Standards
- L.D. 848 An Act to Implement the Recommendations of the Coastal Quality Improvement Council
- L.D. 882 An Act to Require Live Answering of Department of Human Services Hot Lines
- L.D. 1024 An Act to Revise the Purpose and Authority of the Long-term Care Steering Committee
- L.D. 1037 An Act to Protect Children from Internet Predators
- L.D. 1118 An Act to Enhance the Drug Testing Law
- L.D. 1234 An Act to Establish the Maine School Technology Fund
- L.D. 1408 An Act to Increase Reimbursement for Hands-on Care to Nursing Home Residents
- L.D. 1412 An Act to Fund the Special Educational Adjustment
- L.D. 1461 An Act to Improve the Efficiency of State Government by Increasing Flexibility in Staffing Patterns

- L.D. 1548 An Act to Increase Reimbursement for Home Health Care Services
- L.D. 1573 An Act to Implement Training for School Counselors at the Maine Youth Center and Upgrade Pay Classifications
- L.D. 1599 An Act to Allow Philip Wolley to Receive Certain Legal Costs from the State
- L.D. 1641 An Act to Provide Financial Support for Teachers Seeking National Board Certification

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Michael H. Michaud                      S/Rep. Elizabeth Townsend  
Senate Chair    House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

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The Following Communication:      S.C. 173

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON BANKING AND INSURANCE**

March 31, 1999

Honorable Mark W. Lawrence, President of the Senate  
Honorable G. Steven Rowe, Speaker of the House  
119th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Banking and Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1119 An Act to Ensure that Emergency Mental Health Services are a Covered Benefit
- L.D. 1197 An Act to Encourage the Acquisition of Long-term Care Insurance
- L.D. 1476 An Act to Conform Maine Law to Federal Law Regarding Long-term Care Insurance for Tax Purposes
- L.D. 1527 An Act to Provide Equity in Reimbursement for Health Care Providers
- L.D. 1677 An Act to Enhance the Integrity of Processing Insurance Claims Relating to Motor Vehicle Glass

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Lloyd P. LaFountain III                      S/Rep. Jane W. Saxl  
Senate Chair    House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

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The Following Communication:      S.C. 174

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON BUSINESS AND ECONOMIC  
DEVELOPMENT**

March 31, 1999

Honorable Mark W. Lawrence, President of the Senate  
Honorable G. Steven Rowe, Speaker of the House  
119th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Business and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 75 An Act to Create Licensing Requirements for Pipefitters
- L.D. 1070 An Act to Expand the Bottle Law to Include Certain Beverage Containers
- L.D. 1186 An Act Regarding the Circumstances under Which a Physician May Be Disciplined
- L.D. 1676 An Act to License Installers of Septic Systems (BY REQUEST)

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Carol A. Kontos                                      S/Rep. Gary O'Neal  
Senate Chair    House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 175

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE**

March 31, 1999

Honorable Mark W. Lawrence, President of the Senate  
Honorable G. Steven Rowe, Speaker of the House  
119th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 436 An Act to Establish an Appeal Process for Concealed Firearms Permit Applications and to Grant Reciprocity to Other States
- L.D. 839 An Act to Ensure Proper Identification of Nonresident Concealed Firearms Permit Applicants
- L.D. 1260 An Act to Offer Reciprocity Concerning Concealed Firearms Permits
- L.D. 1433 An Act to Repeal the Requirement That a Person Have a Permit to Carry a Concealed Weapon

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Robert E. Murray, Jr.      S/Rep. Edward J. Povich  
Senate Chair                              House Chair

**READ and with accompanying papers ORDERED PLACED ON FILE.**

The Following Communication: S.C. 176

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 31, 1999

Honorable Mark W. Lawrence, President of the Senate  
Honorable G. Steven Rowe, Speaker of the House  
119th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 719 Resolve, Regarding Legislative Review of Chapter 64: Rules Relating to the Maine School Facilities Program and School Revolving Renovation Fund, Major Substantive Rules of the Department of Education
- L.D. 826 An Act Concerning Student Medication
- L.D. 1056 An Act to Clarify Conflicts of Interest Regarding Local School Board Members
- L.D. 1215 An Act Regarding the Eligibility of a Citizen to Serve as a School Board Member (BY REQUEST)
- L.D. 1373 An Act to Require the Coordination of School Calendars
- L.D. 1397 An Act to Promote School Achievement
- L.D. 1468 An Act to Eliminate the Licensing Requirements for Certain School Administrators
- L.D. 1568 An Act to Require Parenting Skills to be Taught as Part of the High School Course of Instruction
- L.D. 1609 An Act to Create Greater Equity in Representation Among Municipalities Belonging to School Administrative Districts and Ensure That All School Referendum Votes Are Preceded by a Public Hearing

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Georgette B. Berube      S/Rep. Michael F. Brennan  
Senate Chair                              House Chair

**READ and with accompanying papers ORDERED PLACED ON FILE.**

The Following Communication: S.C. 177

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON HEATH AND HUMAN SERVICES**

March 31, 1999

Honorable Mark W. Lawrence, President of the Senate  
Honorable G. Steven Rowe, Speaker of the House  
119th Maine Legislature  
State House  
Augusta, Maine 04333

**ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON JUDICIARY**

March 31, 1999

Honorable Mark W. Lawrence, President of the Senate  
Honorable G. Steven Rowe, Speaker of the House  
119th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 453 An Act to Prohibit the Department of Human Services from Closing Adolescent Cases before 18 Years of Age
- L.D. 515 An Act to Provide Additional Health Care Options to Disabled Persons and the Elderly
- L.D. 1393 An Act Concerning Due Process Regarding Certified Nursing Assistants
- L.D. 1478 Resolve, to Require the Department of Mental Health, Mental Retardation and Substance Abuse Services to Contract for the Operation of a Stabilization Facility
- L.D. 1508 Resolve, to Establish a Task Force to Determine the Effectiveness and Quality of Care of In-home Care Services
- L.D. 1515 An Act to Prohibit Certain Practices in the Advertising and Sale of Tobacco Products
- L.D. 1551 An Act to Provide a Method of Compensation for Personal Injuries Caused by Side-stream Tobacco Smoke (BY REQUEST)
- L.D. 1585 An Act to Prohibit Self-service Tobacco Displays
- L.D. 1613 An Act to Provide a Definition of Cigarette for Retail Purposes
- L.D. 1760 Resolve, to Create the Commission to Study the Provision of Mental Health Services to the Elderly

- L.D. 303 An Act to Amend the Uniform Unclaimed Property Act
- L.D. 794 An Act to Ensure That Child Support Obligations are Met
- L.D. 860 An Act to Limit the Adverse Possession Laws
- L.D. 942 An Act to Establish the Juvenile Division of the District Court
- L.D. 1031 An Act to Require that Child Support Benefits Designated Children (BY REQUEST)
- L.D. 1058 An Act to Provide for Geographic Distribution of Funds for Civil Legal Services
- L.D. 1284 An Act Regarding Test Results Used in Determining Paternity
- L.D. 1371 An Act Regarding the Collection of Child Support by Custodial Parents
- L.D. 1405 An Act to Allow for a Citizen's Petition for a Grand Jury
- L.D. 1411 An Act Regarding Counseling in Divorce and Separation
- L.D. 1514 An Act to Amend the Filing Requirements to Perfect a Purchase Money Security Interest in Consumer Goods
- L.D. 1670 An Act to Amend the Conservation Easement Laws
- L.D. 1792 An Act Relating to the Admissibility of Medical Records and Reports

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

Sincerely,

S/Sen. Judy Paradis  
Senate Chair

S/Rep. Thomas J. Kane  
House Chair

S/Sen. Susan W. Longley  
Senate Chair

S/Rep. Richard H. Thompson  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 178

**STATE OF MAINE**



**READ and with accompanying papers ORDERED PLACED ON FILE.**

The Following Communication: S.C. 179

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

March 31, 1999

Honorable Mark W. Lawrence, President of the Senate  
Honorable G. Steven Rowe, Speaker of the House  
119th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 431 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Prohibit Fees for Activity Related to the Election Process
- L.D. 1042 An Act to Require Liability Insurance for Sellers of Liquor Consumed on the Premises

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Beverly C. Daggett Senate Chair S/Rep. John L. Tuttle, Jr. House Chair

**READ and with accompanying papers ORDERED PLACED ON FILE.**

The Following Communication: S.C. 180

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON MARINE RESOURCES**

March 31, 1999

Honorable Mark W. Lawrence, President of the Senate  
Honorable G. Steven Rowe, Speaker of the House  
119th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- S.P. 613 JOINT ORDER-Relative to Establishing the Commission to Review Municipal Shellfish Conservation Programs
- L.D. 522 An Act to Regulate the Harvesting of Rockweed and Seaweed in Maine Waters
- L.D. 1485 An Act Regarding Aquaculture Leases in Salt Pond in Hancock County
- L.D. 1581 An Act to Revise the Laws Regarding Shellfish

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Jill M. Goldthwait Senate Chair S/Rep. David Etnier House Chair

**READ and with accompanying papers ORDERED PLACED ON FILE.**

The Following Communication: S.C. 181

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON NATURAL RESOURCES**

March 31, 1999

Honorable Mark W. Lawrence, President of the Senate  
Honorable G. Steven Rowe, Speaker of the House  
119th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 141 An Act to Amend the Diesel-powered Motor Vehicle Emission Opacity Testing Program
- L.D. 1355 An Act to Prohibit a Municipality from Being Penalized by the State for Lacking a Comprehensive Plan
- L.D. 1394 An Act to Limit the Idling Time for Diesel Motor Vehicles
- L.D. 1395 Resolve, Establishing a Commission to Study the Future Use and Reclamation of Number One Pond in Sanford

- L.D. 1455 An Act Regarding the Spreading of Sludge
- L.D. 1536 Resolve, to Direct the Land and Water Resources Council to Develop a Report and Proposed Actions to Control Dioxin Emissions and Discharges
- L.D. 1643 An Act to Remove Certain Wetland Sites Requirements for Proposed Developments within the Jurisdiction of the Maine Land Use Regulation Commission

- L.D. 752 An Act to Require the Secretary of State to Supply Municipalities with Preprinted, Postage-prepaid Post Cards to be Used when a Voter Moves
- L.D. 815 An Act to Require Counties to be Reimbursed for Medical Expenses Incurred by Prisoners from Other Jurisdictions
- L.D. 1107 An Act to Prohibit Municipalities from Imposing Licensing Standards for Businesses and Occupations

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action

Sincerely,

Sincerely,

S/Sen. Sharon Anglin Treat  
Senate Chair

S/Rep. John L. Martin  
House Chair

S/Sen. Peggy A. Pendleton  
Senate Chair

S/Rep. Douglas J. Ahearne  
House Chair

**READ and with accompanying papers ORDERED PLACED ON FILE.**

**READ and with accompanying papers ORDERED PLACED ON FILE.**

The Following Communication: S.C. 182

The Following Communication: S.C. 183

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON TAXATION**

March 31, 1999

March 31, 1999

Honorable Mark W. Lawrence, President of the Senate  
Honorable G. Steven Rowe, Speaker of the House  
119th Maine Legislature  
State House  
Augusta, Maine 04333

Honorable Mark W. Lawrence, President of the Senate  
Honorable G. Steven Rowe, Speaker of the House  
119th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 98 An Act to Observe Daylight Savings Time Year-round
- L.D. 245 An Act to Abolish Kennebec County as a Legal Entity
- L.D. 648 An Act Related to Legislator Intervention in Actions Before a State Agency or Authority
- L.D. 715 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide 4-year Terms for Members of the Senate and the House of Representatives

- L.D. 18 An Act to Exempt from the State Sales Tax Adult Incontinence Undergarments
- L.D. 372 An Act to Roll Back All Sales Tax to 5%
- L.D. 418 An Act to Reduce the Meals and Lodging Tax to the Same Rate as the State Sales Tax
- L.D. 458 An Act to Ensure Fair Taxation of Insurance and Securities Sales
- L.D. 572 An Act to Amend the Veterans' Property Tax Exemption
- L.D. 609 An Act to Repeal All State Taxes on Phone Service

- L.D. 633 An Act to Amend the Distribution of Revenue Sharing
- L.D. 680 An Act to Cut the Gasoline Tax by 5 Cents Per Gallon
- L.D. 753 An Act to Amend the Homestead Exemption to Include Homeowners' Cooperatives
- L.D. 832 An Act to Reduce the Sales Tax and Review All Tax-exempt Entities
- L.D. 841 An Act to Exempt All Business Equipment from Property Tax
- L.D. 858 An Act to Increase Eligibility for the Elderly Low-cost Drug Program
- L.D. 1141 An Act to Provide Fairness for Nondrinkers in Restaurants
- L.D. 1174 An Act to Revise the Business Equipment Property Tax Reimbursement Program
- L.D. 1196 An Act to Clarify the Amount of Meals and Lodging Tax Applicable When an Establishment Has Take-out and On-premise Food
- L.D. 1247 An Act to Extend the Homestead Tax Exemption to the Passamaquoddy and Penobscot Communities
- L.D. 1271 An Act to Ensure the Proper Taxation of Low-energy Fuels
- L.D. 1300 An Act Exempting from the Sales Tax the Value of a Trade-in Vehicle When the Trade-in Is Sold Privately
- L.D. 1365 An Act to Amend the Procedures under the So-called Circuit Breaker Program (BY REQUEST)
- L.D. 1388 An Act to Amend the Sales and Use Tax Law Regarding the Food Service and Lodging Industries
- L.D. 1410 An Act Clarifying the Tax Treatment of Prepaid Calling Arrangements
- L.D. 1426 An Act to Reform the Property Tax Laws for Certain Exempt Properties
- L.D. 1442 An Act to Provide a State Income Tax Credit for Individual Contributions Made to Maine Charitable Organizations

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Richard P. Ruhlman  
Senate Chair

S/Rep. Kenneth T. Gagnon  
House Chair

**READ and with accompanying papers ORDERED PLACED ON FILE.**

The Following Communication: S.C. 184

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON TRANSPORTATION**

March 31, 1999

Honorable Mark W. Lawrence, President of the Senate  
Honorable G. Steven Rowe, Speaker of the House  
119th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 197 An Act to Promote Business and Economic Development by Helping Sign Manufacturers in Maine
- L.D. 247 Resolve, to Improve Access to the Maine Turnpike
- L.D. 509 An Act to Promote Highway Safety
- L.D. 590 An Act to Remove Tolls from Roads North of Portland
- L.D. 657 An Act to Require the Revocation of the Registration of an Uninsured Motor Vehicle
- L.D. 998 An Act to Preserve and Improve Public Access to Inland and Coastal Waters
- L.D. 1040 An Act to Allow all Fines Collected by the Maine Court System as a Result of Evasion of Fare Laws to be Transferred to the Maine Turnpike Authority
- L.D. 1163 An Act to Amend the Laws Concerning Suspension or Revocation of Driver's Licenses for Failure to File a Report
- L.D. 1184 An Act to Amend the Inspection Process for Motor Vehicles That Fail Inspection
- L.D. 1381 An Act to Make the Use of Halogen Lights on Motor Vehicles Illegal
- L.D. 1462 An Act to Establish a Pilot Program to Allow Private Driving School Instructors to Conduct Driver Operation Examinations

L.D. 1491 An Act to Improve Access to Driver Education

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. William B. O'Gara  
Senate Chair

S/Rep. Joseph M. Jabar, Sr.  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 185

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON UTILITIES AND ENERGY**

March 31, 1999

Honorable Mark W. Lawrence, President of the Senate  
Honorable G. Steven Rowe, Speaker of the House  
119th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 471 An Act to Repeal the Public Utilities Commission's Authority to Issue Certificates of Public Convenience and Necessity for Electric Transmission

L.D. 1430 An Act to Ensure the Protection of Ratepayers' Interests in the New England Power Pool

L.D. 1480 An Act Relating to Electric Utility Rate Design

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Richard J. Carey  
Senate Chair

S/Rep. Thomas M. Davidson  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

**SENATE PAPERS**

Bill "An Act to Reestablish the Maine Meat Inspection Act"  
S.P. 780 L.D. 2190

Sponsored by Senator KILKELLY of Lincoln.  
Cosponsored by Representative PIEH of Bremen and Senators: DAVIS of Piscataquis, GOLDTHWAIT of Hancock, KIEFFER of Aroostook, LONGLEY of Waldo, MICHAUD of Penobscot, NUTTING of Androscoggin, Representatives: KNEELAND of Easton, POVICH of Ellsworth.

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

Sent down for concurrence.

Bill "An Act to Establish the Maine Tobacco Endowment Fund Using Tobacco Settlement Funds"

S.P. 782 L.D. 2191

Sponsored by Senator AMERO of Cumberland.  
Cosponsored by Representative CIANCHETTE of South Portland and Senators: HARRIMAN of Cumberland, LIBBY of York, MILLS of Somerset, Representatives: BUMPS of China, LEMONT of Kittery, SAVAGE of Union, SCHNEIDER of Durham, SHOREY of Calais.

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

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

On motion by Senator MICHAUD of Penobscot, **REFERRED** to the Committees on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act to Require the Spouse of a Member of the Maine State Retirement System to Receive the Member's Death Benefits"

S.P. 778 L.D. 2177

Sponsored by Senator HARRIMAN of Cumberland.  
Cosponsored by Senator: AMERO of Cumberland, Representative: TOWNSEND of Portland.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act to Prohibit State Government from Using Automated Telephone Answering Equipment During Business Hours" (EMERGENCY)

S.P. 777 L.D. 2176

Sponsored by Senator KIEFFER of Aroostook. Cosponsored by Representative MAYO of Bath and Senators: BENNETT of Oxford, GOLDTHWAIT of Hancock, MICHAUD of Penobscot, NUTTING of Androscoggin, Representatives: CAMERON of Rumford, MURPHY of Kennebunk, SAXL of Portland, TRUE of Fryeburg. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

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Bill "An Act to Amend the Maine Residents Property Tax Program" (EMERGENCY)

S.P. 776 L.D. 2175

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.

---

**ORDERS**

**Joint Order**

On motion by Senator BENNETT of Oxford, the following Joint Order: S.P. 779

**ORDERED**, the House concurring, that S.P. 427, L.D. 1264, Bill, "An Act to Ensure Freedom of Speech and Association on Campus" and all its accompanying papers be recalled from the legislative files to the Senate.

**READ.**

Pursuant to Joint Rule 404 a Division was had. 23 Members of the Senate having voted in the affirmative, and 1 Senator having voted in the negative, and 23 being more than two-thirds of those present and voting, **PASSED**.

Sent down for concurrence.

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

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**REPORTS OF COMMITTEES**

**House**

**Change of Committee**

The Joint Select Committee on **RESEARCH AND DEVELOPMENT** and the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Strengthen Maine's Research and Development Capacity in Renewable Energy Resources" H.P. 1152 L.D. 1649

Reported that the same be **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

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

**REFERRED** to the Committee on **UTILITIES AND ENERGY**, in concurrence.

---

**Ought to Pass**

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Reestablish the Municipal Boundary between Pownal and Durham"

H.P. 650 L.D. 900

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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Increase the Appropriation to the Saco River Corridor Commission"

H.P. 155 L.D. 217

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-160)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-160)**.

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

**READ ONCE.**

Committee Amendment "A" (H-160) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Increase State Funding for the Purchase of School Buses"

H.P. 522 L.D. 729

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-157).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-157).**

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

**READ ONCE.**

Committee Amendment "A" (H-157) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Promote the Cranberry Industry and to Encourage Cultivation of Cranberries in the State"

H.P. 587 L.D. 827

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-156).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-156).**

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

**READ ONCE.**

Committee Amendment "A" (H-156) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Funding for the Advisory Commission on Women Veterans"

H.P. 732 L.D. 1022

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-158).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-158).**

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

**READ ONCE.**

Committee Amendment "A" (H-158) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

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

**PAPERS FROM THE HOUSE**

**Joint Order**

Expression of Legislative Sentiment recognizing:

The Marshwood Junior High School Basketball Team, who won the 1999 S.Y.A.A. Junior High School Basketball Championship, and in extending our congratulations to them;  
HLS 226

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

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

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the Chamber members of the Marshwood Junior High School Basketball Team. They are Pierce Cote, Tom Noel, Jason Royce, Eric Hussey, Ryan Garland, Ben Goodwin, Nick Brown, Cory Ramsdell, Richie Higgins, Kevin Jackson, Mark Pollack, and John McAllen. They are here with their manager, Kevin Hoyt; statisticians Kasey Leavitt, Meaghan Buckley, and Lauren Tanner; coach Lee Petrie; ballboys C.J. Demers, Steve Noel; cameraman Peter Marshall; and parents Bill Petrie, Linda Petrie, Ernest Pariseau, Wendy Cote, Dave Brown, Lauren Brown, Jordan Brown, and Ida Brown. Would they please rise and receive the greetings of the Senate.

---

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Additional Funding for the Maine Indian Tribal-State Commission"

H.P. 944 L.D. 1341

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-161)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-161)**.

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

**READ ONCE.**

Committee Amendment "A" (H-161) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Ensure Funding for a Replacement Correctional Facility in Washington County"

H.P. 65 L.D. 78

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-150)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-150)**.

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

**READ ONCE.**

Committee Amendment "A" (H-150) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Increase the Sanctions for Criminal Mischief Within a Correctional Facility"

H.P. 341 L.D. 457

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-149)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-149)**.

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

**READ ONCE.**

Committee Amendment "A" (H-149) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Prohibit the Surveillance of the Interior of Dressing Rooms"

H.P. 415 L.D. 557

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-155)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-155)**.

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

**READ ONCE.**

Committee Amendment "A" (H-155) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

Off Record Remarks

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The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Give the Commissioner of Public Safety Law Enforcement Powers"

H.P. 477 L.D. 684

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-154)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-154)**.

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

**READ ONCE.**

Committee Amendment "A" (H-154) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Assist the Department of Public Safety in Implementing the Requirements of Fingerprint-based Background Checks" (EMERGENCY)

H.P. 534 L.D. 741

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-152)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-152)**.

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

**READ ONCE.**

Committee Amendment "A" (H-152) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Provide for Resident State Police Officers for Municipalities Without a Police Force"

H.P. 863 L.D. 1220

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-153)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-153)**.

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

**READ ONCE.**

Committee Amendment "A" (H-153) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

The Committee on **CRIMINAL JUSTICE** on Resolve, to Establish a Police Cadet Program for the State Police

H.P. 988 L.D. 1386

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-151)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-151)**.

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

**READ ONCE.**

Committee Amendment "A" (H-151) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

The Committee on **MARINE RESOURCES** on Bill "An Act Concerning the Method of Taking of Soft Shell Clams"

H.P. 513 L.D. 720

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-159)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-159)**.

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

**READ ONCE.**

Committee Amendment "A" (H-159) **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 Regarding Reporting Requirements for the Maine Health and Higher Educational Facilities Authority"

H.P. 261 L.D. 365

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-162)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-162)**.

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

**READ ONCE.**

Committee Amendment "A" (H-162) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

#### Divided Report

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Resolve, Regarding Legislative Review of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1, Major Substantive Rules of the Department of Professional and Financial Regulation (EMERGENCY)

H.P. 20 L.D. 30

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-96)**.



Signed:

Senators:

KONTOS of Cumberland  
LONGLEY of Waldo  
MacKINNON of York

Representatives:

O'NEAL of Limestone  
TRIPP of Topsham  
USHER of Westbrook  
BOLDUC of Auburn  
MARVIN of Cape Elizabeth  
BOWLES of Sanford  
CLOUGH of Scarborough

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-97).**

Signed:

Representatives:

MENDROS of Lewiston  
SHOREY of Calais

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-97)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-97) AS AMENDED BY HOUSE AMENDMENT "A" (H-195)** thereto.

Reports **READ.**

Senator **KONTOS** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-96)** Report, in **NON-CONCURRENCE.**

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending motion by Senator **KONTOS** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-96)** Report, in **NON-CONCURRENCE.**

---

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Require Courts to Reimburse Jurors for Parking Expenses"  
H.P. 490 L.D. 697

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-133).**

Signed:

Senators:

LONGLEY of Waldo  
TREAT of Kennebec  
BENOIT of Franklin

Representatives:

THOMPSON of Naples  
BULL of Freeport  
LaVERDIERE of Wilton  
JACOBS of Turner  
NORBERT of Portland  
MITCHELL of Vassalboro  
WATERHOUSE of Bridgton  
SCHNEIDER of Durham

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

Signed:

Representatives:

MADORE of Augusta  
PLOWMAN of Hampden

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-133).**

Reports **READ.**

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

**READ ONCE.**

Committee Amendment "A" (H-133) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

**Divided Report**

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Ensure Safety in the Sale of Shellfish"  
H.P. 792 L.D. 1115

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

Signed:

Senators:

GOLDTHWAIT of Hancock  
PENDLETON of Cumberland  
MacKINNON of York

Representatives:

ETNIER of Harpswell  
STANWOOD of Southwest Harbor  
HONEY of Boothbay  
LEMONT of Kittery

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

Signed:

Representatives:

USHER of Westbrook  
VOLENIK of Brooklin  
PINKHAM of Lamoine  
PIEH of Bremen  
BAGLEY of Machias  
McNEIL of Rockland

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

Reports **READ**.

Senator **GOLDTHWAIT** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **GOLDTHWAIT** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**.

---

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Authorizing County Commissioners to Enact Noise and Animal Control Ordinances in Unorganized Territories"

H.P. 108 L.D. 139

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-145)**.

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  
GERRY of Auburn

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

Signed:

Representative:

RICHARDSON of Greenville

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-145)**.

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (H-145) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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Off Record Remarks

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a Referendum for a People's Veto to Be Held at a Primary or General Election

H.P. 166 L.D. 228

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-71)**.

Signed:

Senators:

PENDLETON of Cumberland  
GOLDTHWAIT of Hancock

Representatives:

BAGLEY of Machias  
RINES of Wiscasset  
McDONOUGH of Portland  
TWOMEY of Biddeford  
RICHARDSON of Greenville

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

Signed:

Senator:

DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska  
BUMPS of China  
KASPRZAK of Newport  
JODREY of Bethel  
GERRY of Auburn

Comes from the House with the Bill and accompanying papers  
**INDEFINITELY POSTPONED.**

Reports **READ.**

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

---

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL**  
**GOVERNMENT** on Bill "An Act to Require the Legislature to  
Examine Executive Orders for Violations of Separation of  
Powers"

H.P. 464 L.D. 627

Reported that the same **Ought to Pass as Amended by**  
**Committee Amendment "A" (H-143).**

Signed:

Senator:

DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska  
RINES of Wiscasset  
BUMPS of China  
KASPRZAK of Newport  
JODREY of Bethel  
RICHARDSON of Greenville  
GERRY of Auburn

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

Signed:

Senators:

PENDLETON of Cumberland  
GOLDTHWAIT of Hancock

Representatives:

TWOMEY of Biddeford  
BAGLEY of Machias  
McDONOUGH of Portland

Comes from the House with the Majority **OUGHT TO PASS AS**  
**AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED**  
**TO BE ENGROSSED AS AMENDED BY COMMITTEE**  
**AMENDMENT "A" (H-143).**

Reports **READ.**

Senator **PENDLETON** of Cumberland 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.**

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to  
Provide a State Income Tax Check-off for Contributions to the  
Maine Veterans' Memorial Cemetery"

H.P. 60 L.D. 73

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

Signed:

Senators:

RUHLIN of Penobscot  
DAGGETT of Kennebec  
MILLS of Somerset

Representatives:

GAGNON of Waterville  
LEMOINE of Old Orchard Beach  
CIANCHETTE of South Portland  
STANLEY of Medway  
GREEN of Monmouth  
MURPHY of Berwick  
COLWELL of Gardiner

The Minority of the same Committee on the same subject  
reported that the same **Ought to Pass as Amended by**  
**Committee Amendment "A" (H-167).**

Signed:

Representatives:

LEMONT of Kittery  
DAVIDSON of Brunswick  
BUCK of Yarmouth

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

Reports **READ.**

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

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

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Exempt Pension and Retirement Benefits from the Maine Income Tax"

H.P. 115 L.D. 146

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

Signed:

Senators:

RUHLIN of Penobscot  
DAGGETT of Kennebec  
MILLS of Somerset

Representatives:

GAGNON of Waterville  
GREEN of Monmouth  
DAVIDSON of Brunswick  
COLWELL of Gardiner  
STANLEY of Medway  
LEMOINE of Old Orchard Beach  
MURPHY of Berwick  
BUCK of Yarmouth

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-166)**.

Signed:

Representatives:

LEMONT of Kittery  
CIANCHETTE of South Portland

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-166)**.

Reports **READ**.

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

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

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Increase the Property Tax Exemptions for a Parsonage"

H.P. 150 L.D. 212

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

Signed:

Senators:

RUHLIN of Penobscot  
DAGGETT of Kennebec  
MILLS of Somerset

Representatives:

DAVIDSON of Brunswick  
COLWELL of Gardiner  
STANLEY of Medway  
LEMOINE of Old Orchard Beach

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-140)**.

Signed:

Representatives:

GAGNON of Waterville  
GREEN of Monmouth  
LEMONT of Kittery  
MURPHY of Berwick  
BUCK of Yarmouth  
CIANCHETTE of South Portland

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-140)**.

Reports **READ**.

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

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

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Allow a One-time Double Exemption for Income Tax Filers Who Adopt a Dependent Child"

H.P. 295 L.D. 403

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-141)**.

Signed:

Senator:

RUHLIN of Penobscot

Representatives:

GAGNON of Waterville  
GREEN of Monmouth  
DAVIDSON of Brunswick  
COLWELL of Gardiner  
STANLEY of Medway  
LEMOINE of Old Orchard Beach

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

Signed:

Senators:

DAGGETT of Kennebec  
MILLS of Somerset

Representatives:

LEMONT of Kittery  
MURPHY of Berwick  
CIANCHETTE of South Portland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-141)**.

Reports **READ**.

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

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

---

**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Require Reflectors on the Front of Utility Trailers" H.P. 673 L.D. 929

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-148)**.

Signed:

Senators:

O'GARA of Cumberland  
CASSIDY of Washington

Representatives:

FISHER of Brewer  
COLLINS of Wells  
SANBORN of Alton  
CAMERON of Rumford  
JABAR of Waterville  
BOUFFARD of Lewiston

SAVAGE of Union  
WHEELER of Bridgewater

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

Signed:

Representatives:

LINDAHL of Northport  
WHEELER of Eliot

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-148)**.

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (H-148) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Require the State to Reimburse Licensed Vehicle Inspection Stations for Unused Inspection Stickers" H.P. 698 L.D. 965

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-147)**.

Signed:

Senators:

O'GARA of Cumberland  
CASSIDY of Washington

Representatives:

FISHER of Brewer  
COLLINS of Wells  
JABAR of Waterville  
SAVAGE of Union  
WHEELER of Bridgewater

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

Signed:

Representatives:

SANBORN of Alton  
CAMERON of Rumford  
WHEELER of Eliot  
LINDAHL of Northport  
BOUFFARD of Lewiston

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-147)**.

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (H-147) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

**Senate**

**Ought to Pass As Amended**

Senator **MICHAUD** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Increase Long-term Health Care Options"

S.P. 446 L.D. 1321

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

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

**READ ONCE**.

Committee Amendment "A" (S-75) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

Senator **KONTOS** for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Real Estate Brokerage Law"

S.P. 382 L.D. 1083

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-77)**.

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

**READ ONCE**.

Committee Amendment "A" (S-77) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

Senator **PARADIS** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Adjust the Alternative Funding Mechanism for the Maine Public Drinking Water Commission"  
S.P. 234 L.D. 656

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-74)**.

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

**READ ONCE**.

Committee Amendment "A" (S-74) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

Senator **RUHLIN** for the Committee on **TAXATION** on Bill "An Act to Encourage Contributions to Family Development Account Reserve Funds"

S.P. 186 L.D. 579

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-84)**.

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

**READ ONCE**.

Committee Amendment "A" (S-84) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

Senator **O'GARA** for the Committee on **TRANSPORTATION** on Bill "An Act to Simplify the Process of Claiming Abandoned Vehicles"

S.P. 375 L.D. 1076

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-76)**.

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

**READ ONCE**.

Committee Amendment "A" (S-76) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Restore Funding for Continuing Education for Teachers"

S.P. 477 L.D. 1415

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

Signed:

Senators:

BERUBE of Androscoggin  
MURRAY of Penobscot  
SMALL of Sagadahoc

Representatives:

BRENNAN of Portland  
RICHARD of Madison  
WATSON of Farmingdale  
BAKER of Bangor  
STEDMAN of Hartland  
BELANGER of Caribou  
ANDREWS of York  
WESTON of Montville

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

Signed:

Representatives:

DESMOND of Mapleton  
SKOGLUND of St. George

Reports **READ**.

Senator **BERUBE** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

---

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Improve the Accountability of the Maine Children's Trust and to Explicitly Include High-quality Child Care as an Integral Part of its Mission"

S.P. 390 L.D. 1169

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-72)**.

Signed:

Senators:

PARADIS of Aroostook  
BERUBE of Androscoggin

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 "B" (S-73)**.

Signed:

Senator:

MITCHELL of Penobscot

Representatives:

BRAGDON of Bangor  
SNOWE-MELLO of Poland  
SHIELDS of Auburn

Reports **READ**.

Senator **PARADIS** of Aroostook moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

---

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Repeal the Sales Tax on Horses"

S.P. 22 L.D. 6

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-83)**.

Signed:

Senators:

RUHLIN of Penobscot  
DAGGETT of Kennebec  
MILLS of Somerset

Representatives:

GREEN of Monmouth  
COLWELL of Gardiner  
STANLEY of Medway  
LEMONT of Kittery  
MURPHY of Berwick  
BUCK of Yarmouth  
CIANCHETTE of South Portland

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

Signed:

Representatives:  
GAGNON of Waterville  
DAVIDSON of Brunswick  
LEMOINE of Old Orchard Beach

Reports **READ**.

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

---

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Exempt Food and Lodging Property from the Business Equipment Tax Reimbursement Program"

S.P. 80 L.D. 183

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

Signed:

Senators:  
RUHLIN of Penobscot  
DAGGETT of Kennebec

Representatives:  
GAGNON of Waterville  
GREEN of Monmouth  
DAVIDSON of Brunswick  
COLWELL of Gardiner  
STANLEY of Medway  
LEMOINE of Old Orchard Beach  
LEMONT of Kittery  
MURPHY of Berwick  
BUCK of Yarmouth  
CIANCHETTE of South Portland

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

Signed:

Senator:  
MILLS of Somerset

Reports **READ**.

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

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

---

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Exempt Retail Store Property from the Business Equipment Tax Reimbursement Program"

S.P. 81 L.D. 184

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

Signed:

Senator:  
RUHLIN of Penobscot

Representatives:  
GAGNON of Waterville  
GREEN of Monmouth  
DAVIDSON of Brunswick  
COLWELL of Gardiner  
STANLEY of Medway  
LEMOINE of Old Orchard Beach  
LEMONT of Kittery  
MURPHY of Berwick  
BUCK of Yarmouth  
CIANCHETTE of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-80)**.

Signed:

Senators:  
DAGGETT of Kennebec  
MILLS of Somerset

Reports **READ**.

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

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

---

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Exempt Articles of Clothing Costing Less than \$200 from the Sales Tax"

S.P. 89 L.D. 192

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

Signed:

Senators:  
RUHLIN of Penobscot  
DAGGETT of Kennebec  
MILLS of Somerset



Representatives:

GAGNON of Waterville  
GREEN of Monmouth  
DAVIDSON of Brunswick  
COLWELL of Gardiner  
STANLEY of Medway  
LEMOINE of Old Orchard Beach

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-78)**.

Signed:

Representatives:

LEMONT of Kittery  
MURPHY of Berwick  
BUCK of Yarmouth  
CIANCHETTE of South Portland

Reports **READ**.

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

Sent down for concurrence.

---

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Eliminate the Sales Tax on Textbooks"

S.P. 90 L.D. 193

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

Signed:

Senators:

RUHLIN of Penobscot  
DAGGETT of Kennebec

Representatives:

GAGNON of Waterville  
GREEN of Monmouth  
DAVIDSON of Brunswick  
COLWELL of Gardiner  
STANLEY of Medway  
LEMOINE of Old Orchard Beach  
LEMONT of Kittery  
MURPHY of Berwick  
BUCK of Yarmouth

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-79)**.

Signed:

Senator:

MILLS of Somerset

Representative:

CIANCHETTE of South Portland

Reports **READ**.

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

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

---

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Exclude Retail Stores from Participation in Tax Increment Financing Districts"

S.P. 120 L.D. 317

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

Signed:

Senators:

RUHLIN of Penobscot  
DAGGETT of Kennebec

Representatives:

GAGNON of Waterville  
DAVIDSON of Brunswick  
STANLEY of Medway  
LEMOINE of Old Orchard Beach  
LEMONT of Kittery  
MURPHY of Berwick  
BUCK of Yarmouth  
CIANCHETTE of South Portland

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

Signed:

Senator:

MILLS of Somerset

Representatives:

GREEN of Monmouth  
COLWELL of Gardiner

Reports **READ**.

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

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

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Allow Counties to Retain a Larger Share of the Real Estate Transfer Tax"

S.P. 121 L.D. 318

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

Signed:

Senators:

RUHLIN of Penobscot  
DAGGETT of Kennebec

Representatives:

GAGNON of Waterville  
GREEN of Monmouth  
DAVIDSON of Brunswick  
COLWELL of Gardiner  
STANLEY of Medway  
LEMOINE of Old Orchard Beach  
LEMONT of Kittery  
MURPHY of Berwick  
BUCK of Yarmouth  
CIANCHETTE of South Portland

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

Signed:

Senator:

MILLS of Somerset

Reports **READ.**

Senator **RUHLIN** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-82)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-82)** Report.

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Include Property in a Tax Increment Financing District Approved after October 1, 1999 in a Municipality's State Valuation for Purposes of Education Funding"

S.P. 143 L.D. 412

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

Signed:

Senators:

RUHLIN of Penobscot  
DAGGETT of Kennebec

Representatives:

GAGNON of Waterville  
GREEN of Monmouth  
DAVIDSON of Brunswick  
COLWELL of Gardiner  
STANLEY of Medway  
LEMOINE of Old Orchard Beach  
LEMONT of Kittery  
MURPHY of Berwick  
BUCK of Yarmouth  
CIANCHETTE of South Portland

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

Signed:

Senator:

MILLS of Somerset

Reports **READ.**

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

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

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**SECOND READERS**

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

**House**

Bill "An Act to Clarify Minimum Size Standards for Marine Species under Aquaculture"

H.P. 793 L.D. 1116

Bill "An Act to Encourage Payment of Certain Workers' Compensation Premiums Owed to a Previous Insurer"

H.P. 1099 L.D. 1546

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

---

**House As Amended**

Bill "An Act to Make Confidential Certain Information Collected from Maine Farmers and Agricultural Business"

H.P. 536 L.D. 743

(H "A" H-164 to C "A" H-129)

Bill "An Act to Increase the Frequency With Which Message Boards May Change Their Message"

H.P. 585 L.D. 825  
(C "A" H-125)

Bill "An Act to Change the Application of the Durable Financial Power of Attorney Provisions"

H.P. 721 L.D. 1011  
(C "A" H-138)

Bill "An Act to Allow Police Officers to Prosecute Their Own Traffic Infractions in District Court"

H.P. 814 L.D. 1137  
(C "A" H-136)

Resolve, to Create the Task Force to Explore Alternative Payment Mechanisms for Dental Health Care

H.P. 918 L.D. 1296  
(C "A" H-146)

Bill "An Act to Provide Pre-judgment and Post-judgment Interest in Small Claims Actions"

H.P. 977 L.D. 1375  
(C "A" H-137)

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

Bill "An Act to Create a Senior Lobster and Crab Fishing License"  
H.P. 1006 L.D. 1417  
(C "A" H-128)

**READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED, in NON-CONCURRENCE.**

Sent down for concurrence.

**Senate**

Bill "An Act to Allow Military Personnel Home on Leave to Purchase a Hunting or Fishing License for \$10"

S.P. 464 L.D. 1403

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

Sent down for concurrence.

Bill "An Act to Enhance Equity Under the Maine Milk Pool Laws"  
S.P. 489 L.D. 1474

**READ A SECOND TIME.**

On motion by Senator **KILKELLY** of Lincoln, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED.**

**Senate As Amended**

Bill "An Act to Amend the Laws Pertaining to Juvenile Hunters"  
S.P. 83 L.D. 186  
(C "A" S-71)

Bill "An Act to Enhance the Marketing and Promotion Capabilities of the Department of Inland Fisheries and Wildlife"  
S.P. 138 L.D. 374  
(C "A" S-70)

Bill "An Act to Increase Access to Primary Health Care in Rural Maine" (EMERGENCY)  
S.P. 202 L.D. 591  
(C "A" S-66)

Bill "An Act to Continue Restorative Justice" (EMERGENCY)  
S.P. 374 L.D. 1075  
(C "A" S-69)

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

Sent down for concurrence.

Bill "An Act to Improve the Collection of Restitution"  
S.P. 268 L.D. 761  
(C "A" S-67)

**READ A SECOND TIME.**

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

**ENACTORS**

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

**Mandate**

An Act to Require Public Hearings for School Administrative District Referenda

H.P. 461 L.D. 624  
(C "A" H-87)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, 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.

**Mandate**

An Act to Extend the Penobscot County Budget Committee

H.P. 667 L.D. 923  
(C "A" H-88)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, 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.

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**Pursuant to Constitution  
Public Land**

Resolve, to Transfer Land in Edmunds

H.P. 656 L.D. 912  
(C "A" H-89)

In accordance with the provisions of Article IX, Section 23 of the Constitution, this requires the affirmative vote of two-thirds of the entire elected Membership of the Senate, 29 Senators having voted in the affirmative and no Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Acts**

An Act to Further Decriminalize Operating an Unregistered Vehicle

H.P. 165 L.D. 227  
(C "A" H-83)

An Act to Amend the Radon Registration Act

H.P. 514 L.D. 721  
(C "A" H-91)

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)

An Act to Increase the Penalties for Violation of Lobster Conservation Laws

S.P. 285 L.D. 803  
(C "A" S-33)

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)

An Act to Modify the State's Safe Drinking Water Laws

H.P. 802 L.D. 1125  
(C "A" H-92)

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

---

An Act to Exempt Persons 70 Years of Age and Older From Paying the Fee for Commercial Shellfish Licenses

H.P. 279 L.D. 387  
(C "A" H-90)

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

---

An Act to Amend the Laws Governing the Hancock County Budget Process

H.P. 323 L.D. 439  
(C "A" H-69)

On motion by Senator **RUHLIN** of Penobscot, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

---

An Act to Establish the Position of School Nurse Consultant

H.P. 676 L.D. 932  
(C "A" H-85)

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

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**RECALLED FROM LEGISLATIVE FILES**

Bill "An Act to Clarify the Voting Rights of Persons Residing in Certain Sanitary Districts" (EMERGENCY)

S.P. 187 L.D. 580

**RECALLED** pursuant to Joint Order (S.P. 766), in concurrence.

(In Senate, March 23, 1999, pursuant to Joint Rule 310.3, **PLACED IN THE LEGISLATIVE FILES.**)

On motion by Senator **GOLDTHWAIT** of Hancock, Bill and accompanying papers **RECOMMITTED** to the Committee on **UTILITIES AND ENERGY**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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**Off Record Remarks**

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

**SENATE PAPERS**

Bill "An Act Regarding Doing Business with Burma"  
S.P. 783 L.D. 2194

Sponsored by Senator CATHCART of Penobscot.

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

On motion by Senator **RAND** of Cumberland, **REFERRED** to the Committee on **LABOR**.

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

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass**

Senator **MURRAY** for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Amend the Maine Criminal Code Regarding Improper Gifts"

S.P. 617 L.D. 1782

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

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

**READ ONCE**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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Senator **GOLDTHWAIT** for the Committee on **MARINE RESOURCES** on Resolve, to Study the Changes in Lobster Morbidity and Mortality (EMERGENCY)

S.P. 501 L.D. 1502

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

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

**READ ONCE**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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**Ought to Pass As Amended**

Senator **PARADIS** for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Amend the Requirements for Alcohol and Drug Treatment Programs

S.P. 295 L.D. 867

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-88)**.

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

**READ ONCE**.

Committee Amendment "A" (S-88) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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Senator **PARADIS** for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Establish the Commission to Study Children in Need of Services (EMERGENCY)

S.P. 643 L.D. 1825

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-87)**.

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

**READ ONCE**.

Committee Amendment "A" (S-87) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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Senator **RUHLIN** for the Committee on **TAXATION** on Bill "An Act to Eliminate Sales Tax on Electricity Used in Agriculture and Aquaculture"

S.P. 23 L.D. 4

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-85)**.

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

**READ ONCE**.

Committee Amendment "A" (S-85) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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Senator **MITCHELL** for the Committee on **UTILITIES AND ENERGY** on Resolve, to Ensure Proper Funding of the Public Utilities Commission (EMERGENCY)

S.P. 192 L.D. 581

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-90)**.

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

**READ ONCE**.

Committee Amendment "A" (S-90) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

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Senator MITCHELL for the Committee on **UTILITIES AND ENERGY** on Bill "An Act Regarding the Unbundling of Natural Gas Services"

S.P. 239 L.D. 661

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-92)**.

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

**READ ONCE.**

Committee Amendment "A" (S-92) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

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Senator CAREY for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Expand the Basic Service Calling Area in Certain Rural Areas"

S.P. 405 L.D. 1194

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-91)**.

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

**READ ONCE.**

Committee Amendment "A" (S-91) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

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Senator CAREY for the Committee on **UTILITIES AND ENERGY** on Bill "An Act Relating to Utilities and Affiliated Interests"

S.P. 439 L.D. 1276

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-89)**.

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

**READ ONCE.**

Committee Amendment "A" (S-89) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

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

**PAPERS FROM THE HOUSE**

**House Papers**

Resolve, to Address Liquidation Harvesting  
H.P. 1526 L.D. 2179

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

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

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Resolve, to Help Homeless Young People Returning to Home or Safe Living Situations

H.P. 1528 L.D. 2181

Bill "An Act to Promote Workplace Safety"  
H.P. 1532 L.D. 2185

Resolve, to Implement the Study and Report on the Problems of Homeless Youth

H.P. 1534 L.D. 2187

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

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

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Bill "An Act to Amend the Act to Implement the Maine Indian Claims Settlement Concerning the Houlton Band of Maliseet Indians"

H.P. 1525 L.D. 2178

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

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

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Bill "An Act to Improve Air Quality through Market Incentives for the Purchase of Cleaner Vehicles"

H.P. 1529 L.D. 2182

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

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

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Bill "An Act to Authorize York County to Hold Bond Referenda for New County Facilities"

H.P. 1533 L.D. 2186

Bill "An Act to Prohibit Law Suits by Municipalities Against Firearm or Ammunition Manufacturers" (EMERGENCY)

H.P. 1537 L.D. 2192

Come 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.

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Bill "An Act to Promote Participation in the Maine Residents Property Tax Program"

H.P. 1527 L.D. 2180

Bill "An Act to Exempt from the Sales Tax Feminine Hygiene Products"

H.P. 1531 L.D. 2184

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

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

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Bill "An Act to Allow the Fort Kent Utility District to be Dissolved and Combined With the Town of Fort Kent" (EMERGENCY)

H.P. 1538 L.D. 2193

Come from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

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

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**Pursuant to Statutes  
Department of Human Services**

The **Department of Human Services**, pursuant to Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Certain Sections of Chapter II, Section 67, Nursing Facility Services, of Chapter 101: Maine Medical Assistance Manual, a Major Substantive Rule of the Department of Human Services (EMERGENCY)

H.P. 1535 L.D. 2188

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Come from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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**Pursuant to Statutes  
Department of Human Services**

The **Department of Human Services**, pursuant to Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 231: Rules Relating to Drinking Water, a Major Substantive Rule of the Department of Human Services (EMERGENCY)

H.P. 1536 L.D. 2189

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Come from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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**Pursuant to Statutes  
Commission on Governmental Ethics and Election Practices**

The **Commission on Governmental Ethics and Election Practices**, pursuant to Maine Revised Statutes, Title 1, section 1007 asked leave to report that the accompanying Bill "An Act to Clarify Provisions of the Laws Administered by the Commission on Governmental Ethics and Election Practices"

H.P. 1530 L.D. 2183

Be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Come from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

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**ORDERS OF THE DAY**

**Unfinished Business**

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

The Chair laid before the Senate the following Tabled and Later (4/5/99) Assigned matter:

HOUSE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Funds for Acquisitions for the Maine State Library and for Library Resource Sharing" (EMERGENCY)

H.P. 374 L.D. 499

Majority - **Ought to Pass** (8 members)

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

Tabled - April 5, 1999, by Senator **MICHAUD** of Penobscot.

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

(In House, March 31, 1999, Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, April 5, 1999, Reports **READ**.)

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

**READ ONCE.**

**TOMORROW ASSIGNED FOR SECOND READING.**

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

SENATE REPORT - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Clarify the Laws Regarding Fund Raising During the Legislative Session" (EMERGENCY)

S.P. 575 L.D. 1655

Report - **Ought to Pass**

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

Pending - **ACCEPTANCE OF THE REPORT**

(In Senate, March 23, 1999, Report **READ** and **ACCEPTED**. **READ ONCE**. Subsequently, on motion by Senator **AMERO** of Cumberland, **RECONSIDERED ACCEPTANCE** of the Report.)

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

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, this Bill, LD 1655, attempts to clarify a Bill that was passed just last Session which prohibits solicitation of campaign contributions during Session. I think that this Bill does a lot more than just clarify the Bill we passed last Session. It makes it clear that Legislators can attend functions in which fundraising will be taking place by political parties. That part of the clarification does make a lot of sense, but it goes beyond just clarifying the ability of Legislators to participate in fundraising events. It allows the names of Legislators to be used to entice people to come to these fundraising events. Because of that, I think it really does gut the intention of the whole Bill that was passed last Session, which tried to clarify that while we are in Session we should not be in any way identified with lobbyists and others who have Bills before us and whose monies may at least have the perception to the public that they are trying to influence our vote. By allowing Legislator's names to be lent to fundraising events, I think, sends a message to lobbyists that you may want to attend this event and pay money, otherwise you may be receiving some repercussion when votes that you care about come before the Senate or the House. For this reason I hope that you will vote against the pending motion. If clarification is needed then another piece of legislation, or an Amendment, be proposed to allow for that clarification which says Legislators may attend events. I don't want to see us allowing Legislator's names to be used to entice people to come to these events. Thank you Mr. President.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#51)**

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

**NAYS:** Senators: ABROMSON, AMERO, BENNETT, CASSIDY, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL

**ABSENT:** Senators: BENOIT, DOUGLASS, PINGREE, SMALL



18 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 4 Senators being absent, the **OUGHT TO PASS** Report was **ACCEPTED**.

**READ ONCE.**

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Chair laid before the Senate the following Tabled and Later (3/30/99) Assigned matter:

HOUSE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-67)** (7 members)

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

Tabled - March 30, 1999, by Senator **DAGGETT** of Kennebec.

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

(In House, March 25, 1999, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-67).**)

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

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

Senator **DAGGETT:** Thank you Mr. President. Men and women of the Senate, I hope that you will take a close look at the Report in front of you and Accept the Minority Ought Not to Pass Report. What the Bill asks is that the State add a state penalty for the failure to register for Selective Service. Currently there is a Federal penalty for failure to register. It was my feeling, as well as several other members of the Committee, that the Federal penalty is sufficient. This is a Federal law. Registration for Selective Service and the Federal penalty is appropriate. The State Penalty that would be added to this Bill would be disallowance of State loans for higher education and disallowance for State jobs if you fail to register. Many of us felt that this was simply overly punitive and unnecessary. There also has been some sentiment expressed even at the Federal level regarding the questionable retention of the Selective Service System. I believe that there was distributed a statement from Senator George Mitchell regarding the Selective Service. It ends with saying, in this era, I believe an annual investment of \$25 million in the Selective Service is no longer essential. There has been quite a lot of ambivalence even at the Federal level. I would encourage you to go with the Ought Not to Pass Report. I think this is a piece of legislation that Maine can live without. Thank you.

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

Senator **FERGUSON:** I thank you very much Mr. President. Ladies and gentlemen of the Senate, I hope you will join me and vote against the Minority Report, so that we can go on and Accept the Majority Report. This Act actually brings the State of Maine into compliance with the Federal law. The Act requires that a student must be in compliance with the US Military Selective Service Act. You must be a male 18 years and older. If you are, you are required to sign up for Selective Service. This Bill applies to post secondary education. It involves loans, grants, scholarships and other financial assistance for post secondary or higher education supported by State revenue. The Act does not apply to a matriculated student's first semester. If you believe that males who are 18 years or older should sign up for Selective Service and you want to make State loans and scholarships on the same basis as Federal loans and scholarships, please join me and defeat the pending motion so we can go on and Adopt the Majority Report of the Committee. Thank you very much for your consideration. Mr. President, I would request a division.

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

Senator **GOLDTHWAIT:** Thank you Mr. President. Ladies and gentlemen of the Senate, this Bill caught my attention because of the number of contacts I had regarding it. I was unaware of the Bill as it made its way through the process until I got a stack of letters. Every single contact I received was in opposition to this Bill. They were not form letters or printed postcards, they were individual letters written to me by my constituents. It seems to me that significant penalties now in place in the Federal system are adequate, and I noted, with some interest, the presumably rhetorical inquiry of one of my constituents who, in a letter said, will we be looking at foreign policy next at the State level? Yes, we probably will, but in this case I would urge your support for the pending Ought Not to Pass motion. Not because I think that 18 year olds should be permitted to ignore the law on registration. I think 18 year olds, and any other age male or female, should be obeying the laws of our State and Country. However, I think this is redundant in its effort and I would urge your support for the Ought Not to Pass motion.

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

Senator **NUTTING:** Thank you Mr. President, permission to pose a question.

**THE PRESIDENT:** The Senator may pose his question.

Senator **NUTTING:** From the earlier debate the good Senator from Oxford seemed to state to me, that the Majority Report brought us in compliance with Federal law. Is it Federal law that we need to pass this Bill? I wondered if the good Senator could elaborate on that. Thank you.

**THE PRESIDENT:** The Senator from Androscoggin, Senator Nutting poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON**: Thank you very much Mr. President. I will attempt to answer the question of the good Senator from Androscoggin, Senator Nutting. It is my understanding that this is not currently covered by State statute and it does not go any further than the Federal requirements. It would impact State funds as they apply to student loans, grants, and so forth. Hopefully that will answer the good Senator's question.

On motion by Senator **BENNETT** of Oxford, Reports **READ**.

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

Senator **DAGGETT**: Thank you very much Mr. President. Men and women of the Senate, just as a point of clarification, it's my understanding that there's no Federal requirement that states pass this law. It does not bring us into compliance, it makes State law somewhat mirror Federal law. I do not believe there is a requirement. Currently we have forms for our student loans. We ask people if they are registered for Selective Service. There is a reminder for students. Generally there is a feeling that perhaps 18 to 26 year olds may have to be reminded, as opposed to adding an additional State statute. When the Bill was first heard and the Committee had a work session, the original vote was a unanimous Ought Not to Pass Report. After that, there came some discussion within the Committee and a request for Reconsideration that somehow, in my opinion, related the support of this Bill to being Pro-American. Being very strong supporters of the United States, there became some linkages between service in the military and support of this legislation. Personally I did not see it that way. My husband is a veteran. I have a son who serves in the Navy at this time and I don't have any problem with military service. I do believe that it is appropriate to have a strong military. I did not make this linkage. I believe that there were those on the Committee that did and there was some very emotional discussion during several work sessions and the Committee vote changed and you have the Report that is now in front of you. I believe that this mirrors Federal law. It does not bring us into compliance with Federal law, because there is no Federal mandate that we pass it. Thank you.

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

Senator **CASSIDY**: Thank you Mr. President. Men and women of the Senate, I also received some requests and information on this issue a few weeks ago. I asked one of the Financial Aid Officers at the Technical College what the current law is and how does this effect what's going on presently. Under the Federal law if a young man does not register for the Draft and they are aware of that, the Federal law prohibits that person from receiving Federal aid. In fact, this just mirrors Federal Law. This doesn't do anything except say we agree with the Federal Law. We have this law in Maine. If a person applies for financial aid and hasn't registered, and the folks are aware of that, they are prohibited to give that student a loan. I think that this a redundant Bill as well. The other statistics that one of my constituents sent me, and I did not verify this, but this gentlemen claimed that 97% of the young men do register for the Draft and I think no matter what we do, we're never going to get 100%. If those folks decide to go to a post secondary school they're going to run into some problems. I

think this is a redundant Bill and I don't really see why we need to do it. Thank you.

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

Senator **RAND**: Thank you Mr. President. The good Senator from Washington, Senator Cassidy answered one of my questions, but I would like to pose a question through the Chair.

**THE PRESIDENT**: The Senator may pose her question.

Senator **RAND**: Thank you Mr. President. How would this new State law be enforced and who has jurisdiction, the State or Federal Government?

**THE PRESIDENT**: The Senator from Cumberland, Senator Rand poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Oxford, Senator Ferguson

Senator **FERGUSON**: Thank you very much Mr. President. I hope this is the last time today that I have to get on my feet in regards to this piece of legislation. Although I think it's important, I don't think it's the most important thing we're going to be discussing in the halls. In regards to the good Senator from Cumberland, Senator Rand's question, I believe the forms now have a check off and the Registrars at the College and the financial aid people, I believe, would be making sure these students were in compliance. In regards to the good Senator from Kennebec, Senator Daggett's remarks, I do think the debate in the Committee did get a little emotional, but I don't I think there's anything wrong with being pro-American. There are quite a few veterans on the Committee that felt quite strong about it and, quite frankly, after we brought it back for Reconsideration I did change my views. There's certainly nothing wrong with adopting this piece of legislation. There would be very few people, in my judgment, that would be affected by it as the good Senator from Washington, Senator Cassidy, said. He checked with the Registrar and financial aid person and about 97% of the people are in compliance with it. In my opinion, if you are getting taxpayer dollars you should be in compliance with the laws of the United States. Hopefully these laws, if we adopt this, will make our laws parallel to the Federal laws. I hope you would, members of the Body, defeat the pending motion and go along and Accept the Majority Report. Thank you Mr. President.

At the request of Senator **FERGUSON** of Oxford a Division was had. 22 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator **DAGGETT** of Kennebec to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (3/30/99) Assigned matter:

SENATE REPORTS - from 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

Report "A" - Ought to Pass as Amended by Committee Amendment "A" (S-42) (7 members)

Report "B" - Ought Not to Pass (4 members)

Report "C" - Ought to Pass as Amended by Committee Amendment "B" (S-43) (1 member)

Tabled - March 30, 1999, by Senator **DAGGETT** of Kennebec.

Pending - motion by same Senator to **ACCEPT** Report "B", **OUGHT NOT TO PASS** (In Senate, March 30, 1999, Reports **READ**.)

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

Senator **KIEFFER:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm here today to speak to you on behalf of L.D. 314. I am in support of Report 'A' and I would ask you to vote against the pending motion. Times change and people change and we have to get accustomed to those changes. However, things don't always change for the best. Not too long ago the citizen initiative process, as provided for in the Constitution, seemed to be a very solemn occasion. Today it seems to me that we've turned it into a circus. The collection of signatures at the polls, while convenient for the circulators, can be very inconvenient for the officials conducting the election, and intrusive for the voters. Signature collection at the polls creates overcrowding, confusion and political debate, all of which are at odds with an orderly and fair election process. My first concern is for the Maine voters. While in the process of exercising their right to vote they deserve a polling place that, I believe, is free of any political interference. The very nature of signature collection is inherently political. Consider that it's a circulator's job to collect the signatures to support the placement of an initiative onto the ballot. Therefore, the circulator must explain and, more accurately, persuade an individual to sign a petition. Unfortunately in order to accomplish the task of getting as many signatures as possible, that persuasion takes on many forms. Including omission of fact, oversimplification of the issue, and obviously presenting a one-sided view, to downright misrepresentation. In nearly every case, understanding the often complex issues and implications concerning a referendum takes a certain amount of time and study for consideration. It's unreasonable to expect that a voter who more often than not is being confronted with the proposed referendum for the first time can consume the contents of that proposal while at the polls. All too often the circulator, whether paid or a volunteer, really has very little supporting information or even enough knowledge to answer questions accurately about that initiative.

I do, in fact, support the initiative process. It's one of the many checks and balances that we have built into our system of government. The citizen process is intended to be difficult because it a mechanism to enable a citizen to enact the law that failed to gain enough support in the Legislature. Recently, however, in many cases the referendum route has become the

easy road to getting a law in the books. Because the minimum number of signatures has been reduced to a relatively low 42,102. Along with the ability to collect signatures at the polls, I think Maine could quickly become a laboratory for any special interest group in the country, to test their legislative ideas. That can create a lot of overcrowding, confusion, politicking at the polls and potentially expensive and harmful legislation. There is no Constitutional requirement that we allow signature collection at the polls, furthermore, many voters (*Because of technical difficulties this portion was not recorded.*) prohibit any political activity at the polls. Gathering support for a referendum initiative remains an inconsistency in the law. The Secretary of State has even stated as much, and I have distributed a letter drafted by him sometime ago which clearly indicates his position on this issue. We should enact this LD to preserve the polling place as a sanctuary for the people of Maine to fulfill their duty as citizens. They should be able to vote in a place free of even a hint of any type of coercion. In summary, I would ask that you vote against the pending motion so that we could go on and vote for Report 'A' Ought to Pass as Amended. Thank you Mr. President.

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

Senator **LIBBY:** Mr. President, men and women of the Senate, I rise today to oppose my good friend from Aroostook, Senator Kieffer. I do so with great fervor because I believe this particular Bill is intended to take away some of the rights that we have as individuals to express our beliefs and our opinions on ballot questions. I would urge this Body to think long, hard, and very carefully about restricting that kind of access. I think it's very important to think about when you go to the polls and somebody approaches you and says please sign this form so I can get my question on the ballot. Are you really voting on an issue? Do you really need to fully understand it? I say no.

The time that you need to fully understand these issues is the time when you actually vote on the issue itself. I'm not saying you shouldn't be fully informed when you sign your name to something. What I am saying is that this is a request to put something on the ballot. How many of us in this Chamber have gone to folks and said, as we collected signatures for our own nomination to an elected post, I'd really appreciate it if you would sign my nomination form. That doesn't mean you have to vote for me. It doesn't mean you have to believe in any of the principles that I believe in. You can make that decision when you go behind the curtain and cast your ballot. I feel strongly that people at the Town Hall, or the City Hall who are responsible for maintaining the polling place and the integrity of the place, can continue to do so without this unnecessary law. I would urge you to go ahead and vote in favor of the pending motion. Thank you.

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

Senator **CAREY:** Thank you Mr. President. I sponsored this Bill two years ago and I've seen no improvement in the way balloting is done in my home town of Waterville, Maine. We have had people harassed. But more importantly we had a warden in several of the wards, who simply was not doing his job. I think that the law is quite clear. The voter has to go unimpeded to give his name, pick up his ballot, go into the polls and then on the way out they're supposed to be getting petitions signed. In Waterville, apparently, the process is reversed. The voter comes in, is

already coerced, or even at his or her own pleasure, signed a petition, then takes up the voting. I find in the nine towns that I represent about half of them are doing it the same way. Somewhere along the line, we have to get them out of the polls. I don't care if it's another room within the building, but there certainly has to be some changes. It's obvious that the wardens don't know their job. Thank you Mr. President.

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

Senator **DAGGETT:** Thank you very much Mr. President. Men and women of the Senate, I've had the good fortune to serve on the Legal Affairs Committee a number of times and this is a perennial issue. It comes before us all the time. We've dealt with it on a regular basis and we seem to be moving in a direction where there are more concerns today about petition gatherers and how this process is actually working. I think we've seen a lot more activity during the past few years and that's caused more attention to be drawn to this process. I will tell you that I've never supported preventing petition gatherers from the polling place, and I still do not support preventing them from being there. I think the polling place is a political place. It's a place of political activity. It's a place where people go who are interested in the democratic process. It's a place where people go see their neighbors, see their friends and think about things that are political. They address things that are important to us. Who they want to represent them. How they want issues to be decided. It's not a place where voters should be intimidated and afraid to go. For that reason we have very strict laws that have to do with the conduct of behavior in and around polling places. If those laws regarding the behavior around polling places are not being obeyed there are remedies. If there are those who are not interested in seeking those remedies then that's an additional problem. Today wardens are in charge of polling places. They have the right to remove petitioners if their behavior is inappropriate. Today inaccuracies can occur when people are describing what a petition does, whether they are in the polling place or outside the polling place. I have a concern for all the citizens of the state of Maine. I have a concern that they have access to petitions. I have a concern that they have the opportunity to make the choice. I have a concern that democracy does not thrive when we attempt to squelch a certain group. I believe that democracy thrives when we engage those people who are on our side and we are able to convince them of our side. The more people in the process the better. However, we have to go to get them in the process, and it's up to us who are elected officials and who are concerned about state policy, to get those people involved. An educated, intelligent citizen is the best citizen there is. I suggest to you, that is the answer to this problem. Motivated, encouraged and engaged citizens. Not citizens prohibited from being in places where they can engage people. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#52)**

**YEAS:** Senators: BENNETT, CATHCART, DAGGETT, DAVIS, GOLDTHWAIT, LIBBY, MILLS, MURRAY, NUTTING, PENDLETON, RAND, TREAT, THE PRESIDENT - MARK W. LAWRENCE

**NAYS:** Senators: ABROMSON, AMERO, BERUBE, CAREY, CASSIDY, FERGUSON, HARRIMAN, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MITCHELL, O'GARA, PARADIS, RUHLIN, SMALL

**ABSENT:** Senators: BENOIT, DOUGLASS, PINGREE

13 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **DAGGETT** of Kennebec to **ACCEPT** Report "**B**", **OUGHT NOT TO PASS, FAILED.**

On motion by Senator **CAREY** of Kennebec, Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-42), ACCEPTED.**

**READ ONCE.**

Committee Amendment "A" (S-42) **READ** and **ADOPTED.**

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Chair laid before the Senate the following Tabled and Later (3/31/99) Assigned matter:

Bill "An Act to Ensure the Quality and Safety of Child Care"  
H.P. 938 L.D. 1315

Tabled - March 31, 1999, by Senator **RAND** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED**, in concurrence

(In House, March 30, 1999, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**)

(In Senate, March 31, 1999, **READ A SECOND TIME.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

Senator **BERUBE** of Androscoggin who would have voted **NAY** requested and received leave of the Senate to pair her vote with Senator **PINGREE** of Knox who would have voted **YEA.**

**ROLL CALL (#53)**

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

**NAYS:** Senators: ABROMSON, AMERO, BENNETT, CASSIDY, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, LIBBY, MICHAUD, MILLS, MITCHELL, NUTTING, SMALL

**ABSENT:** Senators: BENOIT, DOUGLASS

**PAIRED:** Senators: BERUBE, PINGREE

16 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators having paired their votes and 2 Senators being absent, the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

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The Chair laid before the Senate the following Tabled and Later (4/5/99) Assigned matter:

HOUSE REPORT - from the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Name the State Office Building the Burton M. Cross Building

H.P. 172 L.D. 250

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-117)**

Tabled - April 5, 1999, by Senator **RAND** of Cumberland.

Pending - **ACCEPTANCE OF THE REPORT**

(In House, March 31, 1999, Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-117)**.)

(In Senate, April 5, 1999, Report **READ**.)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#54)**

**YEAS:** Senators: ABROMSON, AMERO, BENNETT, BERUBE, CASSIDY, CATHCART, DAGGETT, DAVIS, FERGUSON, GOLDTHWAIT, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY,

MACKINNON, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PENDLETON, SMALL, TREAT

**NAYS:** Senators: CAREY, HARRIMAN, LONGLEY, MICHAUD, RAND, RUHLIN, THE PRESIDENT - MARK W. LAWRENCE

**ABSENT:** Senators: BENOIT, DOUGLASS, PARADIS, PINGREE

24 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 4 Senators being absent, the **OUGHT TO PASS AS AMENDED** Report, **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-117) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Chair laid before the Senate the following matter Tabled pending a Ruling of the Chair:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Require Legislative Approval to Lease Land to the Federal Government"

H.P. 275 L.D. 383

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-35)** (12 members)

Minority - **Ought Not to Pass** (1 member)

Tabled - March 24, 1999.

Pending - **RULING OF THE CHAIR**

(In House, March 18, 1999, Bill and accompanying papers **RULED NOT PROPERLY BEFORE THE BODY**.)

(In Senate, March 24, 1999, Senator **PINGREE** of Knox inquired if the Bill and accompanying papers were **PROPERLY BEFORE THE BODY**.)

**THE CHAIR MADE THE FOLLOWING RULING:**

The Chair has considered the question as to the propriety of L.D. 383.

L.D. 383 attempts to require the approval of two-thirds of the members of the Senate in order to lease public lands to the Federal government.

The Chair finds that L.D. 383 attempts to establish the proceedings of the Senate in statute and is thus not properly before the Senate.

Article IV, Part Third, Section 4 of the Maine Constitution reads in part "Each House may determine the rules of its own proceedings." The working principle upon which the Chair must rely is provided by interpreting the constitutional phrase, "Each House may determine the rules of its own proceedings," in conjunction with the parliamentary manual, "Mason's Manual of Legislative Procedure (1989 ed.) (hereinafter Mason's) at section 3, part 4. The principle may fairly be summarized:

Each house may determine:

- a) the rules of the proceedings of the body in ordinary legislative matters:  
  
and
- b) the propriety and effect of any action taken by the body in:
  - i) the exercise of any power:
  - ii) the transaction of any business; or
  - iii) the performance of any duty conferred upon it by the constitution.

The rules of the proceedings of the Senate in ordinary legislative matters are implicated by L.D. 383 to the extent that it would require a two-thirds vote of approval from the Senate as a prerequisite for the leasing of State lands to the Federal government.

Moreover, the Senate cannot by its own act require a two-thirds vote to take an action when the Maine Constitution requires only a majority vote. Mason's discusses two-thirds votes in section 512. The parts of section 512 relevant to this ruling are parts 6 and 10:

6. A deliberative body cannot by its own act or rule require a two-thirds vote to take any action where the constitution or controlling authority requires only a majority vote. To require a two-thirds vote, for example, to take any action would be to give to any number more than one-third of the members the power to defeat the action and amount to a delegation of the powers of the body to a minority.

10. Since it is a fundamental principle of parliamentary law that the deliberative will and judgment of the majority shall prevail in the decision of such questions as can properly come before the legislative body, the requirement of a two-thirds vote is exceptional. Such a vote is not required except in the particular cases in which it is prescribed by a controlling authority.  
See also Mason's Sec. 51, pt. 6.

Mason's also provides at section 50, under the heading "Majority Control":

6. the power that establishes a public body can require the vote of more than a majority to take certain actions, but unless more than a majority vote is clearly required a majority vote can take any action which the body has the power to take.

The Senate is established by the Maine Constitution and, in its internal affairs, is constrained only by the Maine Constitution. See Mason's Sec. 19, pt. 3 and Sec. 22, pt. 3. It is instructive to note that the Maine Constitution does require two-thirds approval for certain actions.

For example, the Constitution does require two-thirds approval: to pass emergency measures, Me. Const., art. IV, pt. 3, sec. 16; to impose state mandates on municipalities, Me. Const., art. IX, sec. 21; to propose a general obligation bond issue question to the voters, Me. Const., art. IX, sec. 14; to propose a constitutional amendment to the voters, Me. Const., art. 10, sec. 4; to call for a constitutional convention, Me. Const., art. IV, pt. 3, sec. 15; to enact a reapportionment plan, Me. Const., art. IV, pt. 1, sec. 3; and to override the governor's veto, Me. Const., art. IV, pt. 3, sec. 2; among others.

The Chair is aware that the Maine Constitution does require at Article 9, Section 23:

State park land, public lots or other real estate held by the State for conservation or recreation purposes and designated by legislation implementing this section may not be reduced or its uses substantially altered except on the vote of two-thirds of all the members elected to each House.

The propriety of L.D. 383 under the Maine Constitution depends on the meaning of the phrase "[State land]...may not be reduced." Clearly, the State's interest in land is reduced when it grants leasehold interests to the Federal government, though the size of the land is not reduced. The Secretary of State published a pamphlet entitled Maine Citizen's Guide to the Referendum Election for November 2, 1993, the election at which the people of Maine adopted this constitutional amendment. The official pamphlet includes a section called "Intent and Content" for the questions. It reads, in relevant part:

This proposed constitutional amendment would enable the legislature to specify that certain parcels of land owned by the State for conservation or recreation purposes may not be reduced *in size* or substantially altered as to use without the prior approval of two-thirds of the members of each House. (my italics)

Therefore, the Chair finds that the State transfer of leases falls outside the Constitutional provisions requiring two-thirds votes to transfer other interests in land. To summarize, since L.D. 383 proposes to change from a majority to a super-majority the requisite vote necessary for the Senate to take action, it attempts to establish proceedings of the Senate in statute. It is therefore the ruling of the Chair that L.D. 383 is not properly before the Senate.

The Chair **RULED** the Bill and accompanying papers **NOT PROPERLY BEFORE THE BODY**

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Senator **CATHCART** of Penobscot was granted unanimous consent to address the Senate off the Record.

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

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

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Off Record Remarks

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On motion by Senator **RAND** of Cumberland, **ADJOURNED**, until Wednesday, April 14, 1999, at 10:00 in the morning.