

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
Thursday
April 15, 1999

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

Prayer by Reverend Glenn Palmer of the Nativity Lutheran Church in Rockland.

REVEREND PALMER: Let us bow our heads in Prayer. Lord of life, loyalty and truth, we are reminded that You are God and we are not. You comfort us when we are humble and You humble us when we are too comfortable. We ask this morning that You be in this place and with these people as they serve You, their state and their neighbors. Move all Your people to love You first with all their hearts, all their souls, all their minds and all their strength. Lord in Your mercy may You hear all these prayers from all Your people. Amen

Doctor of the day, Craig Curtis, M.D., East Holden.

Reading of the Journal of Wednesday, April 14, 1999.

Out of order and under suspension of the Rules, on motion by Senator PINGREE of Knox, the following Joint Order:
S.P . 788

ORDERED, the House concurring, that when the House and Senate Adjourn they do so until Monday, April 26, 1999, at 9 o'clock in the morning.

READ and PASSED.

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

The Chair noted the absence of the Senator from Kennebec, Senator **DAGGETT**, the Senator from Piscataquis, Senator **DAVIS**, and the Senator from Lincoln, Senator **KILKELLY** and further excused the same Senators from today's Roll Call votes.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent 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)

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, April 13, 1999, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Senator **RAND** of Cumberland moved the Senate **ADHERE**.

Senator **BENNETT** of Oxford moved the Senate **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**.

The Chair ordered a Division.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#56)

YEAS: Senators: **ABROMSON, AMERO, BENNETT, CAREY, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MITCHELL, SMALL**

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

ABSENT: Senators: **BENOIT, DOUGLASS, MACKINNON**

EXCUSED: Senators: **DAGGETT, DAVIS, KILKELLY**

10 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 3 Senators being absent, and 3 Senators being excused, the motion by Senator **BENNETT** of Oxford to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE, FAILED**.

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

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **MARINE RESOURCES** on Bill "An Act to Create a Senior Lobster and Crab Fishing License"

H.P. 1006 L.D. 1417
(C "A" H-128)

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-128)** (6 members)

In House, April 5, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

In Senate, April 13, 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-128)**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

On motion by Senator **RAND** of Cumberland, the Senate **INSISTED** and **JOINED IN A COMMITTEE OF CONFERENCE**.
(See action later today.)

Non-Concurrent Matter

Resolve, to Create a Task Force to Study Ways to Improve and Streamline the Regulation of Water Utilities (EMERGENCY)

S.P. 261 L.D. 756
(C "A" S-45)

In Senate, March 31, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-45)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-45) AS AMENDED BY HOUSE AMENDMENT "A" (H-213)** thereto, in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act to Provide for Additional Management Measures of the Scallop Industry"

S.P. 130 L.D. 327
(C "A" S-48)

In Senate, March 31, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-48)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-48) AS AMENDED BY HOUSE AMENDMENT "A" (H-216)** thereto, in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act to Update and Amend the Maine Pharmacy Act"

H.P. 434 L.D. 576
(C "A" H-80)

In Senate, March 31, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-80)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-80) AND HOUSE AMENDMENT "A" (H-205)**, in **NON-CONCURRENCE**.

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

Off Record Remarks

SENATE PAPERS

Resolve, to Establish the John H. Reed-Kenneth M. Curtis Peace Fellowship

S.P. 789 L.D. 2201

Sponsored by Senator **BENNETT** of Oxford.
Cosponsored by Representative **HEIDRICH** of Oxford and Senators: **ABROMSON** of Cumberland, **AMERO** of Cumberland, President **LAWRENCE** of York, **RAND** of Cumberland, Representatives: **CAMPBELL** of Holden, Speaker **ROWE** of Portland, **SAXL** of Portland, **SHIAH** of Bowdoinham.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act Concerning the Regulation and Treatment of Time-shares"

H.P. 1333 L.D. 1916

Reported that the same be **REFERRED** to the Committee on **TAXATION**.

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

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

REFERRED to the Committee on **TAXATION**, in concurrence.

Ought to Pass

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1999 (EMERGENCY)

H.P. 1543 L.D. 2197

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 1158).

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **CRIMINAL JUSTICE** on Bill "An Act Addressing an Allegation of Prior Conviction When the Sentence Is Enhanced"

H.P. 950 L.D. 1347

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

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Broaden Victim Notification of Release of Defendant Placed in Institutional Confinement Following a Verdict of Not Criminally Responsible by Reason of Insanity"

H.P. 1160 L.D. 1671

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

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the Kennebec Sewer District" (EMERGENCY)

H.P. 1065 L.D. 1496

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 **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Licensing Provisions Under the Propane and Natural Gas Act"

H.P. 538 L.D. 745

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-201)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-201)**.

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

READ ONCE.

Committee Amendment "A" (H-201) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Give Citizens 70 Years of Age and Older Free Bear and Duck Hunters Stamps"

H.P. 171 L.D. 249

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-191).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-191).**

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

READ ONCE.

Committee Amendment "A" (H-191) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **TAXATION** on Bill "An Act to Establish a Lead Abatement Revolving Loan Fund and a Tax Credit for Day Care Facilities for Expenditures Required to Comply with the Lead Poisoning Control Act" (EMERGENCY)

H.P. 130 L.D. 161

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-202).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-202).**

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

READ ONCE.

Committee Amendment "A" (H-202) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **TRANSPORTATION** on Bill "An Act to Enact the Railroad Trespass Prevention Act"

H.P. 56 L.D. 70

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-199).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-199).**

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

READ ONCE.

Committee Amendment "A" (H-199) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **TRANSPORTATION** on Bill "An Act to Require New and Reconstructed Bridges to Provide for Safe Recreational Use"

H.P. 195 L.D. 273

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-198).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-198).**

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

READ ONCE.

Committee Amendment "A" (H-198) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Revise the Staffing and Resources of the Office of Public Advocate"

H.P. 1012 L.D. 1423

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-196).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-196).**

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

READ ONCE.

Committee Amendment "A" (H-196) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Grant the State Board of Education Authority to Appoint the Commissioner of Education"
H.P. 638 L.D. 888

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
DESMOND of Mapleton
SKOGLUND of St. George
BELANGER of Caribou
BAKER of Bangor
ANDREWS of York

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

Signed:

Representatives:

WESTON of Montville
STEDMAN of Hartland

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Increase the Amount Retained by Agents Who Sell Hunting and Fishing Licenses"
H.P. 237 L.D. 341

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

Signed:

Senators:

KILKELLY of Lincoln
RUHLIN of Penobscot

Representatives:

DUNLAP of Old Town
HONEY of Boothbay
TRUE of Fryeburg
BRYANT of Dixfield
COTE of Lewiston

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

Signed:

Senator:

KIEFFER of Aroostook

Representatives:

PERKINS of Penobscot
TRAHAN of Waldoboro
TRACY of Rome
CHICK of Lebanon
CLARK of Millinocket

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

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Regarding Juvenile Hunters"
H.P. 449 L.D. 612

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

Signed:

Senators:

KILKELLY of Lincoln
RUHLIN of Penobscot
KIEFFER of Aroostook

Representatives:

DUNLAP of Old Town
CHICK of Lebanon
HONEY of Boothbay
TRUE of Fryeburg
CLARK of Millinocket
BRYANT of Dixfield
COTE of Lewiston

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

Signed:

Representatives:

PERKINS of Penobscot
TRAHAN of Waldoboro
TRACY of Rome

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

Reports **READ**.

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Providing for a Vote of Confidence before a Judge Is Eligible for Reappointment"

H.P. 28 L.D. 37

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

Signed:

Senators:

LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

Representatives:

THOMPSON of Naples
BULL of Freeport
LaVERDIERE of Wilton
JACOBS of Turner
MITCHELL of Vassalboro
NORBERT of Portland
MADORE of Augusta
SCHNEIDER of Durham

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-132)**.

Signed:

Representatives:

PLOWMAN of Hampden
WATERHOUSE of Bridgton

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Provide Tax-exempt Status to Organizations That Teach Reading"

H.P. 271 L.D. 379

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

Signed:

Senators:

RUHLIN of Penobscot
MILLS of Somerset

Representatives:

DAVIDSON of Brunswick
COLWELL of Gardiner
STANLEY of Medway
LEMOINE of Old Orchard Beach
LEMONT of Kittery
MURPHY of Berwick
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" (H-142)**.

Signed:

Senator:

DAGGETT of Kennebec

Representatives:

GAGNON of Waterville
GREEN of Monmouth
BUCK of Yarmouth

Comes from the House with the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**.

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 **TRANSPORTATION** on Bill "An Act to Prohibit the Use of Hand-held Phones by Operators of Moving Motor Vehicles"

H.P. 68 L.D. 81

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

Signed:

Senators:

O'GARA of Cumberland
PARADIS of Aroostook
CASSIDY of Washington

Representatives:

FISHER of Brewer
COLLINS of Wells
SANBORN of Alton
CAMERON of Rumford
WHEELER of Eliot
LINDAHL of Northport
JABAR of Waterville
SAVAGE of Union
WHEELER of Bridgewater

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-179).**

Signed:

Representative:

BOUFFARD of Lewiston

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

Reports **READ.**

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Amend the Seat Belt Law Regarding the Enforcement of Penalties"

H.P. 869 L.D. 1226

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

Signed:

Senators:

O'GARA of Cumberland
PARADIS of Aroostook

Representatives:

FISHER of Brewer
COLLINS of Wells
SANBORN of Alton
CAMERON of Rumford
WHEELER of Eliot
LINDAHL of Northport
JABAR of Waterville
BOUFFARD of Lewiston
SAVAGE of Union

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-175).**

Signed:

Senator:

CASSIDY of Washington

Representative:

WHEELER of Bridgewater

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

Reports **READ.**

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

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the Mt. Blue Standard Water District"

H.P. 862 L.D. 1219

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

Signed:

Senators:

CAREY of Kennebec
KONTOS of Cumberland
MITCHELL of Penobscot

Representatives:

DAVIDSON of Brunswick
COLWELL of Gardiner
BRYANT of Dixfield
TRUE of Fryeburg
ROSEN of Bucksport
BERRY of Belmont
McGLOCKLIN of Embden
SAVAGE of Buxton

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-197).**

Signed:

Representatives:

LaVERDIERE of Wilton
DUNCAN of Presque Isle

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

Reports **READ**.

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

Senate

Ought to Pass As Amended

Senator LaFOUNTAIN for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Conform Maine's Consumer Credit Laws to Federal Law and Make Other Changes"
S.P. 546 L.D. 1608

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-101)**.

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

READ ONCE.

Committee Amendment "A" (S-101) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator O'GARA for the Committee on **TRANSPORTATION** on Bill "An Act to Amend Certain Aviation Laws"
S.P. 271 L.D. 764

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-97)**.

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

READ ONCE.

Committee Amendment "A" (S-97) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act Regarding the Taxation of Natural Gas in a Gas Pipeline"
S.P. 159 L.D. 479

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

Signed:

Senators:

RUHLIN of Penobscot
DAGGETT of Kennebec
MILLS of Somerset

Representatives:

GAGNON of Waterville
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:

Representative:

GREEN of Monmouth

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 **TRANSPORTATION** on Bill "An Act to Allow a Person to Erect One Advertising Sign"
S.P. 126 L.D. 323

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

Signed:

Senators:

O'GARA of Cumberland
PARADIS of Aroostook
CASSIDY of Washington

Representatives:

FISHER of Brewer
SANBORN of Alton
CAMERON of Rumford
WHEELER of Eliot
LINDAHL of Northport
JABAR of Waterville
BOUFFARD of Lewiston
SAVAGE of Union

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-98).**

Signed:

Representatives:
COLLINS of Wells
WHEELER of Bridgewater

Reports **READ.**

Senator **O'GARA** of Cumberland 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.

SECOND READERS

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

House

Bill "An Act to Require Legislative Review of Motor Vehicle Fuel Standards" (EMERGENCY)

H.P. 929 L.D. 1306

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

Bill "An Act to Ensure Safety in the Sale of Shellfish"

H.P. 792 L.D. 1115

READ A SECOND TIME.

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

House As Amended

Bill "An Act to Prohibit the Taking of Another Person's Legal Identification"

H.P. 162 L.D. 224
(C "A" H-183)

Resolve, Regarding Legislative Review of Chapter 125: Health Care Information that Directly Identifies an Individual, Major Substantive Rules of the Maine Health Data Organization (EMERGENCY)

H.P. 298 L.D. 406
(C "A" H-170)

Bill "An Act to Appropriate Funds for Conservation at the Local Level"

H.P. 406 L.D. 548
(C "A" H-173)

Bill "An Act to Change the Minimum Time for Issuing a Temporary Registered Gross Weight Increase from 2 Months to One Month"

H.P. 410 L.D. 552
(C "A" H-178)

Bill "An Act to Revise Maine's Trespass Laws"

H.P. 531 L.D. 738
(C "A" H-181)

Bill "An Act to Make Moving a Mobile Home with Unpaid Taxes Subject to a \$250 Forfeiture"

H.P. 553 L.D. 774
(C "A" H-177)

Bill "An Act to Allow the State Police to Accept Revenue for Providing Services to Municipalities and Counties"

H.P. 572 L.D. 812
(C "A" H-180)

Bill "An Act to Establish Thresholds for Delegated Purchasing Authorities and Requirements for Competitive Bidding"

H.P. 641 L.D. 891
(C "A" H-187)

Bill "An Act to Exempt the Requirement that All Municipal Taxes Be Paid in Advance of Moving a Mobile Home"

H.P. 776 L.D. 1099
(C "A" H-176)

Resolve, to Establish a Task Force to Study the Operation of and Support for the Board of Environmental Protection

H.P. 899 L.D. 1256
(C "A" H-169)

Bill "An Act to Amend the Law Regarding Conflict of Interest"

H.P. 956 L.D. 1354
(C "A" H-186)

Bill "An Act to Require That Both the Northern Maine Regional Juvenile Detention Facility and the Maine Youth Center Receive Detainees"

H.P. 984 L.D. 1382
(C "A" H-182)

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

Senate

Bill "An Act to Allow Assistants to Physicians to Perform Certain Tasks outside the Direct Supervision of the Physicians"

S.P. 127 L.D. 324

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

Sent down for concurrence.

Senate As Amended

Bill "An Act Concerning Municipal Public Library Trust Funds"
S.P. 255 L.D. 689
(C "A" S-93)

Bill "An Act to Recodify the Auctioneers Licensing Law"
S.P. 321 L.D. 955
(C "A" S-95)

RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Promote Historic and Scenic Preservation
S.P. 429 L.D. 1266
(C "A" S-96)

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

Sent down for concurrence.

ENACTORS

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

Act

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

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

ORDERS OF THE DAY

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

Resolve, to Create a Task Force to Study Ways to Improve and
Streamline the Regulation of Water Utilities (EMERGENCY)
S.P. 261 L.D. 756
(C "A" S-45)

Tabled - April 15, 1999, by Senator RAND of Cumberland

Pending - **FURTHER CONSIDERATION**

(In Senate, March 31, 1999, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-45).**)

(In House, April 14, 1999, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-45) AS**

**AMENDED BY HOUSE AMENDMENT "A" (H-213) thereto, in
NON-CONCURRENCE.)**

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

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

Bill "An Act to Provide for Additional Management Measures of
the Scallop Industry"
S.P. 130 L.D. 327
(C "A" S-48)

Tabled - April 15, 1999, by Senator RAND of Cumberland

Pending - **FURTHER CONSIDERATION**

(In Senate, March 31, 1999, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-48).**)

(In House, April 14, 1999, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-48) AS
AMENDED BY HOUSE AMENDMENT "A" (H-216) thereto, in
NON-CONCURRENCE.)**

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

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

Bill "An Act to Update and Amend the Maine Pharmacy Act"
H.P. 434 L.D. 576
(C "A" H-80)

Tabled - April 15, 1999, by Senator RAND of Cumberland

Pending - **FURTHER CONSIDERATION**

(In Senate, March 31, 1999, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-80), in
concurrence.)**

(In House, April 14, 1999, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-80) AND
HOUSE AMENDMENT "A" (H-205), in NON-CONCURRENCE.)**

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

The Chair laid before the Senate the following Tabled and Later
(4/13/99) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Increase the Property Tax Exemptions for a Parsonage"

H.P. 150 L.D. 212

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-140)** (6 members)

Tabled - April 13, 1999, by Senator **RUHLIN** of Penobscot.

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

(In House, April 8, 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-140).**)

(In Senate, April 13, 1999, Reports **READ.**)

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/13/99) Assigned matter:

SENATE REPORTS - from 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

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-81)** (1 member)

Tabled - April 13, 1999, by Senator **RUHLIN** of Penobscot.

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

(In Senate, April 13, 1999, Reports **READ.**)

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

Senator **MILLS:** Mr. President, men and women of the Senate. First of all I ask for a division on this issue and would like to speak briefly.

THE PRESIDENT: Senator may proceed.

Senator **MILLS:** We've had a number of Bills in the Taxation Committee dealing with the BETR program and with it's first

cousin the TIF program, which applies to municipalities. It is perhaps very difficult to consider anything by way of a comprehensive examination of these two programs. I think it is within our preview and within the realm of possibility to look at isolated pieces of these Tax Reimbursement Programs. There is some precedent for doing this in the sense that we already accomplished some of those missions. When the BETR program first came forward we discovered in a year or two that utilities could possibly take advantage of it. We made the judgment on the basis of tax policy that utilities and things that look like utilities like gas pipe lines and so forth, ought not to have the advantage of the BETR Program and we excluded them. We also went to some pains to exclude certain energy generating facilities from the BETR Program. As we went on we found that law firms, accounting firms, bookkeeping firms and general business offices were going down to the town office and filing forms to get their new computers exempted, their office equipment, their chairs and photocopiers exempted from personal property taxation. This Chamber and the other Chamber stepped back from that, took a look at that and decided that office equipment of all types regardless of who owns it ought to be excluded from this BETR reimbursement program.

The Bill that lies before you asks the question, should food and lodging facilities in the state be included within the program? It asks that question just that simply. I think the answer comes out very evidently when you consider who in this state is making use of the program and who is not. I have within my own family many restaurants and lodging facilities and I don't know of one of them who has had the capital to purchase brand new equipment and take advantage of this program. I doubt seriously that Moody's Diner on Route 1 has taken advantage of this program by buying all sorts of new equipment and then going down to the town office and getting their taxes rebated. I doubt very much if Helen's Restaurant in Machias has taken advantage of this opportunity. I can assure you, however, from having seen the lists that Burger King, MacDonalds, Pizza Hut, Taco Belle, Kentucky Fried Chicken all of the large, highly capitalized out-of-state and very wealthy franchised companies, some of them direct owned, some of them franchised, when they set up a new competitive fast food facility on a major highway in any of our communities, those people who hire accountants with green eye shades know full well how to exploit any tax program that we make available. And they have the capital with which to buy brand new equipment, put it into service and put it on diary for going down to the town office in the summer to make sure that they get every nickel back in subsidy for their operations. I have no quarrel with them. I have no quarrel with their competitiveness. I ask you, does it make good tax policy for us to be subsidizing these large, highly capitalized food chains in order for them to compete with and put out of business, our friends and neighbors who are running family owned businesses? It makes no sense to me and that's why the Bill is before you. Thank you.

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

Senator **RUHLIN:** Thank you Mr. President, ladies and gentlemen of the Senate. First of all I would like to share one thought with you, before I share a couple of other items. We may at times want to put a cable with a padlock lock on it across the bridge in Kittery. Tell all those national and multi-regional companies that we don't want them here. They're competing

against our small diners and our small tourism industries. You keep your money and also, by the way, you keep your jobs you provide and stay away. You might be competing against the people who are already here. The vibrancy of an economy is the infusion of new ideas and new opportunities. That's what the BETR, Business Equipment Tax Reimbursement Program, is all about. To encourage economic investment in the state of Maine. I might add in the last four years that BETR has been in place we've had more investment in our economic infrastructure than we have in all the previous 17 years before that. That's saying something. It says something when it includes, both segments of our economy.

Food and lodging, by the way, serve the tourism industry. A part of our largest economic practice in the state of Maine. This says we're going to allow the multi-national paper companies, if you will, to use BETR. We won't put the cable and the padlock on the bridge on them. Those people who are involved in tourism? Ah ha!

Now we won't look at this as a comprehensive matter. We'll look at this as singling out and discriminating against one branch of our economy. That's what we'll do, that's a great idea. I'm going to tell you how great of an idea it is. The Tax Committee had what we call a BETR day, Business Equipment Tax Reimbursement. We went down to room 113 and packed the room. Have everyone give their pros and cons, what they thought about BETR in the democratic process. During that hearing not one person other than the Sponsor spoke in favor of this proposal. There were many there, by the way, to speak against the proposal. Not one person spoke in favor of this proposal. To be fair though, we worked the Bill. I want to tell you twelve members say it's not a worthy proposal. Not only could we not find anybody at the hearing who thought it was a worthy proposal, other than the Sponsor, we could find nobody at the work session who found it a worthy proposal, except the Sponsor. So this is how this particular item on the Calendar today has come before you. I hope you will do the same thing that your Committee on Taxation did and give this an almost unanimous Ought Not to Pass. Thank you.

At the request of Senator **MILLS** of Somerset a Division was had. 15 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **RUHLIN** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (4/13/99) Assigned matter:

HOUSE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-96)** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-97)** (2 members)

Tabled - April 13, 1999, by Senator **RAND** of Cumberland.

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**

(In House, April 8, 1999, 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.)

(In Senate, April 13, 1999, Reports **READ**.)

Senator **AMERO** of Cumberland requested 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, I rise today because of a responsibility that I feel to mention a few issues before we take the vote on this Bill. I do so with apologies for having not been a more active participant in this issue earlier in the process, but simply was not able to fit that into my 28 hour days that we are all experiencing these days. A lot of the issues that come before this Body regarding healthcare practices are deemed to be turf issues. In fact probably a lot of them are. As a member of the Committee that passed the original Bill on licensing Naturopaths which I supported, I was aware that that was probably an underlying theme in this issue. However, I'm a Registered Nurse. A garden variety, shift working hospital Registered Nurse, not an Advanced Practice Nurse. I have no turf in common with Naturopathic Physicians, Allopathic Physicians, Osteopath Physicians, Advanced Practice Nurse or almost anyone else for that matter. I speak today not because I see this as a turf issue for me but I see this as a patient advocacy issue. As I said I was a supporter of the Bill to license Naturopathic Physicians, they have significant training. There are, I believe, about eleven providers in the state of Maine. I think it makes sense that they be licensed both to recognize their training and work as Naturopathic Physicians and also to protect the consumer so that there is a record of who is out there practicing and who isn't.

I would be urging the defeat of the pending motion because I would appreciate your support of Committee Amendment "B". I have no problem with the licensing of the providers. I do have a problem with the pharmaceutical formulary that has been proposed and is before you in Committee Amendment "A". I would like to speak briefly to just a few specifics there. One of the categories in this formulary is antibiotics. It is a very serious

problem in this country today that many of our very commonly used antibiotics are becoming resistant to the medications that we use. When penicillin first came on the scene it was called the miracle drug because people who used to die of what are now relatively minor illnesses could be successfully treated with penicillin. Unfortunately, our extremely liberal use of these medications are now causing many organisms to become resistant to them and they are losing their effectiveness. To classify another group of providers in prescribing those seems a bit counterproductive to me. The beauty of Naturopathy is that it treats patients without drugs. It has an excellent record of being very successful in doing so. It is a problem for me to think about authorizing another category of providers to begin writing prescriptions for these medications.

I circulated to your desks this morning a sheet from a book called Drug Facts, which is a fairly standard reference that we use in hospitals and is actually a reference designed for physicians. Just to give you an indication of the seriousness of the kinds of drugs that are on this list. This particular one is the Lincosamides and as you can see in the warning box, it states these agents can cause severe and possibly fatal colitis. Characterized by severe and persistent diarrhea, severe abdominal cramps and possibly the passage of the blood and mucus. Endoscopic examination may reveal pseudomembranous colitis. These are heavy duty drugs, these are not a natural substance, if you will. Although the formulary is designed to be based on natural substances or synthetically derived substances that are substantially the same, they are high powered medications and prescribing them in greater numbers to me is probably not the way we want to be going for any class of provider.

Under botanical medicines there is a group called zanthine derivatives that include things like amanophelin and theaopholin, very commonly used in the treatment of asthma. But again, very powerful medications. Their primary role is to relax the smooth muscle of the bronchia and the pulmonary system so that when you're having an asthma attack those airways expand and you're able to breath again. In conjunction with the extremely valuable service that those drugs provide, they also accelerate your heart rate, sometimes to a degree that can produce actual cardiac arrhythmia. Again, a very serious medication.

One of the medications on this list, although one of the providers said to me that this was not something they were seeking permission for but here it is, it's methyl testosterone, which we've all heard a great deal of from the sports world. It enhances athletic performance. Tiamcinalone, under hormones, is the hormone that is injected into the joints when you have certain problems. Again these things are fraught with not only benefits but also some very significant side effects.

I won't belabor the point in going into anymore pharmaceutical detail, of which I'm probably not qualified to do in any greater depth anyway. I will say that as important as it is that we not govern by horror story, it's also important that we not govern by success story. By that I mean, although I'm sure we will hear tales of very successful treatment by Naturopathic Physicians, I know they're out there, they are very credible and in fact people who get relief from any condition from a Naturopathic Physician are indeed fortunate to do so. I'm glad that we have these providers working in those areas. Anyone could come up with a horror story about the Nurse Practitioner who missed a diagnosis and was saved by a physician. The physician who missed a diagnosis who was saved by a nurse. The Naturopath who inappropriately prescribed something, the Naturopath who

made the right call after somebody had been treated twelve times by other practitioners. My point is simply to try to stay away from the anecdotal evidence regarding naturopathic success or the success in fact of any provider. Try to focus on exactly what the scope is. In my mind the scope of this formula goes beyond the original intent of those of us on the Committee who supported the Naturopathic Licensing Bill. I do support the licensing piece. It is provided for in another Committee Amendment. I do not support this formula as it is. There are some meds on there that are appropriate, others that I believe are not. I hope you will defeat the pending motion so that we can go on and Accept Minority Report "B". Thank you.

On motion by Senator **PINGREE** of Knox, **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**. (Division Requested)

The Chair laid before the Senate the following Tabled and Later (4/13/99) Assigned matter:

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Eliminate the Sales Tax on Textbooks"
S.P. 90 L.D. 193

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-79)** (2 members)

Tabled - April 13, 1999, by Senator **RUHLIN** of Penobscot.

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

(In Senate, April 13, 1999, Reports **READ**.)

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

Senator **BENNETT:** Thank you Mr. President. Fellow members of the Senate, I'd like to point out at the outset that this, unlike the previous tax Bill that we were addressing has two members of the Taxation Committee in support of this measure. Neither one of them is the Sponsor. The Sponsor stands before you here today. This is a modest proposal.

I will keep my remarks brief today and focus on three main points. The first point is that adopting this law, which would do just as it says, exempt the sale of text books from the sales tax. By passing this it would bring us in line with other states. It would help us promote education in a meaningful way and third, it would allow our retailers in the state of Maine to compete. Let me just briefly touch upon each of those points.

The first, this proposal is based on the current law in Massachusetts, which we all know has a lot of post secondary institutions. They don't charge tax on text books. I don't believe we should either. If you generally except the formulation that necessities should be exempted from tax and you also except the notion that education is a necessity and that post secondary

education is a necessity, in particular, then I think you have to agree with the other states including Massachusetts that have come to the conclusion that we should not be taxing the sale of text books.

Secondly, on the face of this is something we can do very simply to help our students, particularly our college students. Many students have a hard time meeting the needs of post secondary education. This is a modest way that we can help them do that and let people know that yes indeed we can do something with our tax policy to help our students and promote education.

Finally, as we all know many books in today's economy are being purchased not at the local store, but through online mechanisms. An area that's tremendously competitive and growing is the Internet sale of textbooks.

Textbooks are expensive, very expensive. Consequently sales tax charged upon them has a meaningful cost. It's not like a pulp fiction novel that may cost a few dollars and what's 5% or 5 1/2% on that? These are books that may cost \$80, \$100 or \$120 each. So that extra \$5 or \$6 can be very expensive on the margin. This proposal wouldn't cost a lot as a state, but it would help advance those three basic purposes. For that reason I encourage you to vote against the Ought Not to Pass Report so that we can Pass this important measure. Thank you very much.

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

Senator RUHLIN: Thank you Mr. President and Senators of Maine. You know on the surface of the Act to Eliminate Sales Tax on Textbooks, what could be more worthy?

We have dyslexia, we've got a proposal to eliminate tax for anything to do with dyslexia. We perhaps should have a proposal to exempt anything that has anything to do with children going to camp and buying camping gear. I have another idea, another worthy idea. Why not exempt clothing for the kids who have to go to school? There's what we call a sales tax system based on exemptions. We've already had too much of that in this state. The Tax Committee has looked at and continues to look at a comprehensive overhaul. I sometimes feel we're not going to be successful, but at least to look at it on a comprehensive basis of what will be exempt and what won't be exempt, rather than have \$900 million of existing sales tax exemptions. Think of it for a moment. We have more in sales tax exemptions than we collect in sales taxes.

I'm not particularly concerned what Massachusetts, Alaska or Hawaii does other than look at their system and see if we can learn anything from it. Our system needs improving. They can exempt textbooks all they want. They have other methods of taxing in Massachusetts. We need a system that's comprehensive. You can not say whoever comes into my room, they come in, they want to exempt dyslexia, let's exempt them today. The mothers who want to clothe the children to go back to school, they'll be in tomorrow. Let's exempt them tomorrow. The next day whoever comes in with a worthy cause, let's exempt them.

There are thousands of worthy causes out there. If you want a sales tax system by exemption this is the way to get it. You want a sales tax system that's comprehensive in it's approach and addresses the revenue needs of government that are oddly in stable fashion. The way you do it is by fashioning something comprehensive rather than pick a cherry here and pick a strawberry there.

As far as taxing online items. That is by the way going to be a major problem that some future Legislature is going to have to face. However, at this point in time as we sit here today getting ready for this vote, we are forbidden by Federal law to tax any online sales. I assure you if there are any taxes being placed on online purchases they contravene Federal law, which has said there will not be any tax imposed upon by any state in the nation, until the whole issue can be resolved.

So Mr. President, with those things in mind, what on the surface appears as a very worthy cause because there are thousands of other worthy causes and we can not include all of them at one time. I would ask that we show our strength to the Ought Not to Pass Report by having a Division.

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

Senator BENNETT: Thank you Mr. President. I didn't intend to stand again but I did want to clarify one of my points. I apparently didn't make it in an eloquent fashion. The final of my three points about the retail sales of online goods and it's relation to textbooks. I'm not proposing certainly that we should tax online sales. The fact is that they're not taxed. The fact is also that online sales are particularly prevalent in areas where the consumer either needs to buy the goods, and needs to buy it specifically as specified, or is able to purchase it more easily in that fashion.

On my desk right now I have a book which was required for a class I'm taking. It was a lot less expensive purchasing it online and that's the way I bought it. The problem with online sales in textbooks is that the textbooks are expensive and they're prescribed specifically. They are very easy to purchase online. We are going to see, and we have already seen, a lot of sales lost by our local retailers because of the specific tax that now exists on items, particularly textbooks. A tax that doesn't have to be paid if the consumer buys that item online.

I think that it underscores the importance of passing this particular exemption on these particular items. When the vote is taken I request the yeas and the nays.

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

Senator RAND: Thank you Mr. President. I'd like to pose a question through the Chair.

THE PRESIDENT: The Senator may pose her question.

Senator RAND: Thank you. When this particular issue was discussed in our caucus there was one issue that came up that I would like clarification on. We were told by some member, that one of the problems with this particular piece of legislation is that we do not have a clear legal definition of what a textbook is. If somebody could give me that clear definition so that the text would apply only to that particular type of book then I would be happy to hear it. Thank you.

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 Penobscot, Senator Ruhlin.

Senator **RUHLIN**: Thank you Mr. President. I would defer to anyone who has that answer. Seeing none I'd just like to respond. Yes there is that technical problem of defining a textbook. What is in fact a textbook? Is it a textbook in a credited course and so forth. That's not really what I wanted to address. There is that problem and you should be aware of it. What may be a textbook to some people is not clearly a textbook to others and who's going to define it?

I just wanted to speak for a moment about shopping habits. When you consider the cost of tuition for taking a class in something, hopefully worthwhile, and the cost of the textbook involved with that. Whether or not, we'll say just for the sake of this a \$40 textbook is a fairly inexpensive one frankly. I can go online and buy that book for \$40 and wait for a few days or I can go down to the bookstore and get it for \$42.20. \$2.20, you know if I'm there to learn something, I hope I'll learn something about my shopping habits in the process. To me there is no need to carry that beyond that point. \$2.20, if I don't pay that \$2.20, that's money that's not going to the State Treasury to support State Education which is what I'm trying to do in the first place, get educated. I just wanted to explain that to the Senate. Thank you Mr. President.

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

Senator **MILLS**: Mr. President and men and women of the Senate, in somewhat belated response to the question posed concerning textbooks. It's not at all unusual for the Tax Department to be saddled with the obligation of generating Rules which flush out the meaning of the very brief, necessarily brief, statutes that we pass. Textbook is a term in common parlance. I don't think they'll have any trouble with it. This is the Legislature that our predecessor Legislature asked them to define snack on a prior occasion. If they can define snack, they will find textbook a piece of cake. Thank you.

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

Senator **RUHLIN**: Thank you. Mr. President. I tried to push my light off, but I had to respond ladies and gentlemen of the Senate. If you see what's on that list of the definition of snacks you will understand my proposition too, that it is in fact almost impossible to ever define appropriately what is a textbook. I rest my case.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Ruhlin to Accept the Minority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#57)

YEAS: Senators: BERUBE, CAREY, GOLDTHWAIT, KONTOS, LAFOUNTAIN, LONGLEY, MICHAUD,

MURRAY, NUTTING, O'GARA, PARADIS, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, CASSIDY, CATHCART, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MILLS, MITCHELL, PENDLETON

ABSENT: Senators: BENOIT, DOUGLASS, MACKINNON

EXCUSED: Senators: DAGGETT, DAVIS, KILKELLY

17 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being absent, and 3 Senators being excused, the motion by Senator **RUHLIN** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/13/99) Assigned matter:

SENATE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-82)** (12 members)

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

Tabled - April 13, 1999, by Senator **RUHLIN** of Penobscot.

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

(In Senate, April 13, 1999, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (S-82) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

The Chair laid before the Senate the following Tabled and Later (4/13/99) Assigned matter:

SENATE REPORTS - from 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

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass** (1 member)

Tabled - April 13, 1999, by Senator **RUHLIN** of Penobscot.

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

(In Senate, April 13, 1999, Reports **READ**.)

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

Senator **MILLS:** Mr. President I rise to ask for a Division and ask to speak to the issue.

THE PRESIDENT: The Senator may proceed.

Senator **MILLS:** Mr. President and men and women of the Senate, this rather simple Bill asks you to address a single issue. As I understand current law, when a municipality votes to set up a TIF District, and thus shelter from property taxation a piece of development, a business, a factory, any kind of expansion of the tax base that will fall within the TIF District, there are several very substantial ways in which the municipal loss is subsidized or emulated. One of them is that the element of that tax base doesn't count against them for County tax purposes.

In another mode, the entity that is within the TIF District has the right to be reimbursed for its property taxes even though it never pays them to the municipality. Another way in which TIF Districts are promoted is by arguing to the municipality that you will still get the same school funding distribution even though your tax base in reality is growing or your potential for taxation is growing within the TIF District. You will still get from Augusta the same school funding subsidy, that you would have gotten before. So, where we have, in some of our more fortunate communities, a large substantial expansion of industrial or manufacturing activity, the municipality receives the very substantial benefit of that expansion, that receives the benefit of the jobs and the new money circulating in town.

The municipality that receives all of that industrial development benefit also gets to, in essence, tax the poor school districts in this state that should be getting the subsidy that is now flowing in to this now wealthier community, that is made wealthier by the industrial development within. I know this is convoluted, but the benefit that accrues to the wealthier districts from industrial development should not be subsidized at the expense of the poor districts who have to give up their allotted share of the school funding formula. That's my point and I would ask you to vote against the pending motion. Thank you.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending motion by Senator **RUHLIN** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report. (Division Requested)

The Chair laid before the Senate the following Tabled and Later (4/13/99) Assigned matter:

Bill "An Act to Improve the Collection of Restitution"

S.P. 268 L.D. 761
(C "A" S-67)

Tabled - April 13, 1999, by Senator **RAND** of Cumberland.

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

(In Senate, April 13, 1999, **READ A SECOND TIME**.)

On motion by Senator **MURRAY** of Penobscot, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-67).

On further motion by same Senator, Senate Amendment "A" (S-86) to Committee Amendment "A" (S-67) **READ**.

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

Senator **MURRAY:** Thank you Mr. President and men and women of the Senate. This Bill is a unanimous Committee Report from the Committee on Criminal Justice dealing with the mechanism that deals with collection and distribution of restitution. After the unanimous Committee Report left our Committee it was discovered that there were some problems with the Bill and an error that was developed with regard to the collection and distribution of restitution. The Senate Amendment is aimed at correcting both of those errors one dealing with the title of the position that would be involved in assisting in the restitution efforts. And the other in the method of how the restitution would be distributed. This Senate Amendment addresses those two issues and also has the unanimous endorsement of the Committee on Criminal Justice. I would hope you would join with me in supporting its Adoption.

Senate Amendment "A" (S-86) to Committee Amendment "A" (S-67) **ADOPTED**.

Committee Amendment "A" (S-67) as Amended by Senate Amendment "A" (S-86) thereto, **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/13/99) Assigned matter:

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

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

Tabled - April 13, 1999, by Senator **RUHLIN** of Penobscot.

Pending - **ENACTMENT**

(In Senate, March 31, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-69)**, in concurrence.)

(In House, April 8, 1999, **PASSED TO BE ENACTED.**)

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

The Chair laid before the Senate the following Tabled and Later (4/14/99) Assigned matter:

Bill "An Act to Include a Denturist on the Board of Dental Examiners"

S.P. 163 L.D. 483
(C "A" S-58)

Tabled - April 14, 1999, by Senator **RAND** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, April 7, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-58).**)

(In House, April 13, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-58) AS AMENDED BY HOUSE AMENDMENT "A" (H-163)** thereto, in **NON-CONCURRENCE.**)

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

The Chair laid before the Senate the following Tabled and Later (4/14/99) Assigned matter:

JOINT ORDER - relative to the Joint Standing Committee on Health and Human Services reporting out to the House legislation on long-term care.

H.P. 1539

Tabled - April 14, 1999, by Senator **RAND** of Cumberland.

Pending - **PASSAGE**, in concurrence

(In House, April 13, 1999, **READ** and **PASSED.**)

(In Senate, April 14, 1999, **READ.**)

On motion by Senator **PARADIS** of Aroostook, Senate Amendment "A" (S-100) **READ.**

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

Senator **PARADIS:** Thank you Mr. President and men and women of the Senate. We had a large Bill this year regarding

long-term care that was a result of a major task force. It was a little too weighty of an issue for us to tackle completely this Session. We're carrying over this Bill. There was a small section in there that we absolutely wanted. The reimbursement for the lowest paid nursing home employees, the CNAs.

It was tabled yesterday because we had it in plural and we needed it in singular. Thank you very much.

Senate Amendment "A" (S-100) **ADOPTED.**

PASSED AS AMENDED, in NON-CONCURRENCE.

Sent down for concurrence.

Off Record Remarks

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

Off Record Remarks

On motion by Senator **AMERO** of Cumberland, **RECESSED** until 12:15 in the afternoon.

After Recess

Senate called to order by the President.

With reference to the action of the Senate whereby it Insisted and Joined in a Committee of Conference on the disagreeing action of the two branches of the legislature on Bill "An Act Relating to the Registration Requirements of the Military Selective Service Act"

H.P. 168 L.D. 230

The Chair appointed as conferees on the part of the Senate the following:

Senator **KILKELLY** of Lincoln
Senator **PENDLETON** of Cumberland
Senator **MACKINNON** of York

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs"

H.P. 1546 L.D. 2202

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

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator CAREY for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Reduce the Cost to Ratepayers of Decommissioning and Nuclear Waste Storage at the Maine Yankee Nuclear Power Plant"

S.P. 468 L.D. 1407

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-102)**.

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

READ ONCE.

Committee Amendment "A" (S-102) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator MITCHELL for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the Waterville Sewerage District"

S.P. 632 L.D. 1797

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-103)**.

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

READ ONCE.

Committee Amendment "A" (S-103) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

ORDERS OF THE DAY

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

HOUSE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-96)** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-97)** (2 members)

Tabled - April 15, 1999, by Senator **PINGREE** of Knox.

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** (Division Requested)

(In House, April 8, 1999, 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.)

(In Senate, April 13, 1999, Reports **READ**.)

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

Senator **KONTOS:** Thank you Mr. President. Men and women of the Senate, you have before you, I think for the first time this Session, a Committee response to it's review of Substantive Rules. I have asked the Chamber staff to distribute to you a reminder from the OPLA office of how this procedure is designed to work before I talk to you about the content of the issue before you. You heard the Senator from Hancock, Senator Goldthwait speaking about matters in Chapter six, about prescriptive authority. Regrettably much of what the good Senator responded to at that time does not reflect the Amendment before you in Committee Amendment "A" the item she directed her remarks to were deleted from the list of prescriptive drugs that the Naturopathic Doctors could prescribe. What you have before you this afternoon is the result of rule making and because these were designated as Substantive Rules based on legislation passed nearly 3 years ago, those Substantive Rules come back to the Committee. It reminded me and many others on the Committee of the plight that we are in when we ask to review Substantive Rules, because these are extraordinarily technical as you heard this morning from the comments from Senator Goldthwait. The Committee of Jurisdiction does need to take the

recommendation of the technical members of the Committee that worked with the Department, in this case a professional regulation to determine how these Substantive Rules would be developed. When you look at what comes before you, you have information from Chapter 5 on standards for continuing professional education for Acupuncture and Naturopathic Doctors. There was no dispute about this particular section of the Substantive Rules. You have rules from Chapter 9 on fees. Where there was controversy was in Chapter 6 relating to prescriptive authority and collaborative relationships. You've seen a fair amount of information come before you, which is only a sampling. If we had opportunities to have props I would hold up a document that was three inches in width of the materials that came to the Committee regarding this issue. In the final assessment the members of the Committee, ten of them, who voted in favor of Committee amendment "A", looked at the formula that was developed through this rule making procedure, eliminated some, including the one mentioned earlier this morning, where there was disagreement. So that folks from the Maine Medical Association and the Osteopaths and the Pharmacists who are represented on the board that reviewed all these rules had some disagreement. We reviewed that again and ended up with a very limited list that we think is the prescriptive authority. I am not qualified to comment on those. Nor were other members of our Committee. We took the best information that came to us, we listened to what the Board of Professional Regulation told us. We listened to members of the Department and we had testimony on a number of occasions from people in these respective disciplines.

We have, through law, given the Naturopathic doctors the opportunity to be licensed. Three years ago this Legislature took action and made that happen. We are now looking at Substantive Rules. Before you, if that has been distributed, you see what our options are. They are not nearly the same options as what we have if it's a Bill. I suggest to you Committee Amendment "A", which limits the prescriptive authority in a very reasonable way based on all the testimony that came before us, is the right direction for this Legislature to take. As did nine of my colleagues on the Business and Economic Development Committee, the Minority Report asks you to send this prescriptive authority back to be studied once again, which will delay licensing. The Naturopathic doctors and the licensing statute have been given prescriptive authority. That is not the debate. The debate is the extent of that prescriptive authority. I suggest to you Committee Amendment "A" is a reasonable, responsible, deliberative response to our legislative authority in this case, which simply was to review Substantive Rules. If we do nothing ladies and gentlemen of the Senate, the Substantive Rules without Amendment will go into effect as they were proposed by the Department through the work of the board. I'm suggesting to you Committee Amendment "A" with some changes to what was given to us by the Department is a very responsible approach to this issue. With that I thank you Mr. President.

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

Senator **GOLDTHWAIT:** Thank you Mr. President. Ladies and gentlemen of the Senate, where was I when we were speaking last? I do appreciate the comments of the good Senator. I apologize for requesting the formula from the Committee rather than from any potentially bias source. I am sorry that there were meds that had been deleted that caused me to give you some

misinformation. I have a plan "B" and that is if the lincomycens had been eliminated unless I have searched the existing Amendments in front of us and the formula that I have that I believe is the latest one, I would be glad to be corrected again if I'm wrong but, I believe phedophelin is still on there. I did not distribute the sheet being concerned about trees in the state of Maine but, I will read you the adverse reactions from this medication, peristhesia, polyneuritis, paralytic illious, pirexia, lukopenia, thrombosibopenia, nausea, vomiting, diarrhea, abdominal pain, confusion, dizziness, stupor, convulsions, coma and death. The last five of those are probably a little more comprehensible than the first five. That is still in the formula as I understand it now. Tetreacyclines talk about leading to secondary infections and taking appropriate measures if super infection occurs. Super infection of the bowels by staflacaki may be life threatening. One of the adverse reactions that none of us would ever want to have is a black hairy tongue. Penicillin hypersensitivity, serious and occasionally fatal immediate hypersensitivity reactions have occurred and may occur with oral use. So I submit that my examples may not have been valid in terms of the specific drugs that remain on the formulary, there are still medications that in my mind exceed the intended scope of practice by the Committee that originally recommended this Bill, of which I was a member.

Also in my previous testimony I didn't mention IV therapy for hydration purposes. I'm having a hard time thinking of why one would be hydrating a patient. Someone who is dehydrated to the extent where they need intravenous dehydration is not a candidate in my mind for home or office therapy. I certainly don't mean to suggest by any of this that the Committee did not take a responsible approach to this issue, because knowing the men and women who serve on that Committee I am absolutely certain that they did. We are all limited when we are faced with scientific issues as I would be if someone would bring a Major Substantive Rule in regards to an endangered species. I am sure I would be a bit at sea as to how to handle that and how to evaluate information especially if it were conflicting. It is only because I have a background that gives me a little bit of insight into this issue that I really feel compelled to speak again against the scope of practice. I am not arguing about prescriptive authority, there are many meds in this formula that I think are perfectly appropriate. There are a few that I believe exceed that. I will hope that you will oppose the pending motion so that we can go on to Minority Report "B". Thank you.

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

Senator **PINGREE:** Thank you Mr. President. I know people need to get moving to their Committees and I will try to keep my testimony brief. I did want to speak on this issue. I felt very confident after hearing from the Committee members that the Naturopathic doctors who have been in this licensing process are in fact appropriately trained to do what they're asking to do under this particular stage of the licensing stage of this process. They all attend four years of school, post college and it's my understanding that they have 72 classroom hours in pharmacology, while nurse practitioners have only received 38 hours in pharmacology, yet we already allow them greater scope in prescribing prescription drugs. I was very grateful to hear the process that was gone through in these Rules. I feel that the board which voted unanimously to continuing this licensing

process did an excellent job and I'm very comfortable supporting it.

I also feel very compelled to tell a brief personal story about my own experience with naturopaths. My daughter, who is now 19 last year, took a year off between high school and college. During that process she traveled a little bit and went to Italy. She managed to get herself a tattoo on one of her toes. Which of course her mother wouldn't have recommended but since she was in Italy I wasn't there to supervise. She came home about six months later and went to the hospital to donate blood, which I was proud of her for doing. They sent back a letter and said we can't use your blood and we think you should see a doctor immediately. You have hepatitis C. She went to a doctor. She had some more tests and it was confirmed that she had hepatitis C probably from getting a tattoo when she was out of the country. Now hepatitis C is a disease that actually strikes four times as many people as HIV. We're just finding out that more and more people around the county have it either from blood transfusions, dirty needles or things such as tattoos without proper cleanliness. There is no cure right now for hepatitis C, except a liver transplant when it's far enough down the road that your liver no longer functions. In some cases interferon which is kind of like a course of chemotherapy that you can take for six months after your blood tests have become bad enough. You can imagine we were a little discouraged to find this out, we went to a wonderful doctor in Knox County who has 35 people with the disease. He said that her tests looked pretty good but in fact there was nothing he could do for her now until her blood tests got worse. This is an immune system disease and all she could do is do her best to fight this with her own immune system. 1% of the population would fight it off. He said I have nothing to offer you here until she gets worse. All I can say is that she should take good care of herself, she should never drink, because that would be an extra tax on her liver and we will hope that she does well.

She's been back twice for tests since then six months after that test and again six months later. So she's continuing to see what happens. You can imagine as her mother I said this is discouraging, the medical profession has nothing they can offer her right now, but I want to think of everything I can possibly do to make sure her immune system can fight this disease. She went to an acupuncturist and she also went to a naturopath and she came home with bags of horrible smelling stuff that she turned into tea and vitamins and other things and religiously went through the process for this first six months and then went back for her test and wouldn't you know her doctor said her immune system is doing extremely well, we're very impressed and perhaps she's one of those people who's fighting off this disease. Six months later she went back and he said she's doing really well. I'm very impressed to see this healthy young person who is fighting off a disease that frankly we have no treatment for.

That doesn't necessarily argue the case in this Bill and it doesn't necessarily say that a naturopath or their recommendations have been the answer or will be the answer in the long run to what my daughter and many other people have to fight when they find out they have hepatitis C. I bring up this story because I think it's important to talk about the people who are talking about licensing today as people who bring real skills to the profession of healing all of us. I worry that we're here today debating this, not necessarily because of one or another prescription drug because we're talking about turf and we're talking about medical practices that we believe can only be carried out by doctors and not other people. I just wanted to speak in support of the fact that we all deserve to see a variety of

medical practitioners and healers and we also deserve to have them appropriately licensed to provide the techniques that their able to help us with. Thank you very much.

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

Senator **HARRIMAN:** Thank you very much Mr. President. Good afternoon ladies and gentlemen of the Senate. Mr. President I have, perhaps to some extent, a little bit more experience with this piece of legislation than most of my colleagues and I rise today in hopes that you would join my good friend from Cumberland, Senator Kontos, in supporting the Majority Ought to Pass Report. I say that because this legislation was initiated in the Business and Economic Development Committee when I had the honor and privilege of Chairing that Committee. When this legislation first came before us I shared some of the concern and, yes, some skepticism as to whether this was a profession that was worthy of licensing. And as you may or may not be aware, in Maine we have what's called a Sunrise Review Process. Before any new license can be granted, it must go through what I would consider a very rigorous test to determine whether this particular group should be licensed and what public benefit would come from it and a number of other very stringent requirements just in order to be considered for licensure to the Legislature. This piece of legislation not only made it through that rigorous process, it also contained many provisions in it that the Committee added that I won't bore you with now. But, to sight just one, with respect to education, the law requires Maine to license only graduates of Naturopathic Medical Schools accredited by agencies recognized by the Federal government. These are four year postgraduate programs. They are not correspondence programs or other approved courses. These are the only folks in the state of Maine who are, under this law, allowed to be licensed. Once that was done we set up a Committee to prepare the Rules that are now here before you today. In it, it contains the boards perspective on prescriptive authority. I just want to say that the Report was unanimous that came before the Committee, unanimous. Even today it's a little frustrating for me to hear testimony in this Chamber and in the other Body that is inaccurate about the formulary and the prescriptive measures. I can assure you that this area has received far more scrutiny than any that I can remember. I can assure you that the Attorney General has deemed these Rules to meet the original statute that we adopted back in 1995. I suggest that it's now time to adopt these rules and join our colleagues on the Business and Economic Development Committee and complete this journey for the betterment of all. Thank you very much Mr. President.

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

Senator **MILLS:** Mr. President and men and women of the Senate, I intend to vote against the pending motion for one simple reason. The entire philosophy behind this branch of practice, behind this group was that the treatments that they would render would be in the nature of acupuncture, herbal medicine, nutritional counseling, biofeedback, water therapy, relaxation techniques, massage therapy and other elements of homeopathy. None of this, none of the modes of treatment that I had understood to be the essence of naturopathy involved a prescription of drugs that are restricted by our Federal

government and by the FDA. This whole idea that they have prescriptive authority or that they would have the authority to give somebody something that looks like a prescription that can be filled down at a pharmacy was what I thought completely abhorrent and inconsistent with their general approach and philosophy and the techniques that they brought to bare. I really fail to comprehend why they have solicited this authority from the Legislature. For that reason I will be voting against the pending motion.

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

Senator **PENDLETON:** Thank you Mr. President. Men and women of the Senate, I had planned to keep quiet on this issue because I'm beginning to think that someone slipped me one of the medications that the Senator from Hancock, Senator Goldthwait, was talking about that cause confusion. I am confused when Senator Kontos from Cumberland mentioned to us that there are different recommendations we can do with this Substantial Rule Making change. If you look on that list, number 3 says that the Legislature can authorize for Final Adoption of the Rule, with certain specific Amendments. If this Amendment before us fails we can go on to another Amendment that would allow us to take a better look at prescription authority. There's two issues that really haven't been discussed. One is the issue of malpractice insurance. Do Naturopathic doctors carry medical malpractice insurance and are they on staff of any institutions that do? If not and something goes wrong and negligence does occur, who is going to be responsible? Would it be the pharmacist who filled the prescription or the traditional doctor that is called in after a problem occurs. I hope that you will keep those ideas in your consideration and join with the good Senator from Hancock, Senator Goldthwait, and vote against the pending motion. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Kontos to Accept the Majority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#58)

YEAS: Senators: ABROMSON, AMERO, CATHCART, FERGUSON, HARRIMAN, KONTOS, LAFOUNTAIN, LONGLEY, MURRAY, NUTTING, O'GARA, PARADIS, PINGREE, RAND, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: BENNETT, BERUBE, CASSIDY, GOLDTHWAIT, KIEFFER, LIBBY, MICHAUD, MILLS, PENDLETON, RUHLIN

ABSENT: Senators: BENOIT, CAREY, DOUGLASS, MACKINNON, MITCHELL

EXCUSED: Senators: DAGGETT, DAVIS, KILKELLY

17 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 5 Senators being absent, and 3 Senators being excused, the 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, PREVAILED.**

READ ONCE.

Committee Amendment "A" (H-96) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **ADJOURNED,** pursuant to the Joint Order, until Monday, April 26, 1999, at 9:00 in the morning.