

# 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  
Monday  
April 26, 1999

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

Prayer by Father Gerard G. Gosselin of St. Johns Catholic Church in Bangor.

**FATHER GOSSSELIN:** Almighty and Eternal God, You have revealed Your glory to all people and nations. God of power and might, wisdom and justice, through Your authority is rightly administered, laws are enacted and judgment is decreed. We pray this day for Angus King, the Governor of this state, for the members of the Legislature, for Judges, elected civil officials and all others who are entrusted to guard our political welfare. May they be enabled by Your powerful protection to discharge their duties with honesty and ability. We likewise commend to Your mercy all the citizens of our state and country.

We are mindful of the citizens of Littleton, Colorado whose lives have been forever changed by the terrible events of this last week. We are also mindful of the men and women serving in our armed forces throughout the world, especially in Kosovo. May they be protected as they work for a speedy and just solution to the crisis that continues. Let the light of Your divine wisdom direct the deliberations of today's session of the Maine Senate and shine forth in all the proceedings. May every member seek to preserve peace, promote happiness, and continue to bring us the blessings of liberty and equality. May we be blessed in the knowledge and sanctified in the observance of Your holy law. May we be preserved in union and that peace which the world cannot give. And after enjoying the blessings of this life be admitted to those which are eternal. We pray to You, who are Lord and God, for ever and ever. Amen.

Pledge of Allegiance led by Senator Georgette Berube of Androscoggin County.

Reading of the Journal of Thursday, April 15, 1999.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

S.P. 18 L.D. 3  
(C "A" S-53)

**RECALLED** from the Engrossing Department pursuant to Joint Order (H.P. 1545), in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-53) AND HOUSE AMENDMENT "A" (H-220), in NON-CONCURRENCE.**

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

Non-Concurrent Matter

Bill "An Act to Amend the Provisions Relating to Executive Sessions in Connection with the Transaction of Public or Government Business"

S.P. 94 L.D. 233  
(S "A" S-65 to C "A" S-55)

In Senate, April 7, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-55) AS AMENDED BY SENATE AMENDMENT "A" (S-65) thereto.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-217), in NON-CONCURRENCE.**

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

Non-Concurrent Matter

HOUSE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-143)** (8 members)

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

In House, April 8, 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-143).**

In Senate, April 13, 1999, the Minority **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**.

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**Non-Concurrent Matter**

Bill "An Act to Clarify the Governance of Soil and Water Conservation Districts"

H.P. 882 L.D. 1239  
(C "A" H-111)

In Senate, April 7, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-111)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-230)**, in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

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

S.P. 782 L.D. 2191

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

In Senate, April 13, 1999, **REFERRED** to the Committees on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **HEALTH AND HUMAN SERVICES**.

Comes from the House, **REFERRED** to the Committees on **HEALTH AND HUMAN SERVICES** and **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

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

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**Joint Resolution**

The following Joint Resolution: H.P. 1547

**JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO LIMIT THE USES OF SOCIAL SECURITY ACCOUNT NUMBERS**

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

WHEREAS, as technology becomes more advanced, the privacy of the individual becomes increasingly difficult to protect; and

WHEREAS, Congress originally required social security account numbers for the proper administration of the Social Security Act; and

WHEREAS, Congress has provided that it is the policy of the United States for states and political subdivisions to use social security account numbers to establish identification for purposes of tax and welfare administration, motor vehicle registration and driver's licenses; and

WHEREAS, states, political subdivisions and private entities have increasingly required social security account numbers for purposes other than identification for tax and welfare administration, motor vehicle registration and drivers licenses; and

WHEREAS, the requirement to provide a social security account number for purposes other than receiving public assistance, paying social security taxes and receiving social security payments and refunds increase the potential for invasion of privacy; and

WHEREAS, the dissemination of an individual's social security account number for other than very limited purposes increases the likelihood that the number will be misused or disclosed to unauthorized 3rd parties and threatens the privacy of the individual; now, therefore, be it

**RESOLVED:** That We, your Memorialists, respectfully urge and request that the Congress of the United States enact legislation to limit the use of social security account numbers for only the purposes of receiving public assistance benefits, paying social security taxes and receiving social security payments and refunds; and be it further

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

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

**READ and ADOPTED**, in concurrence.

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**COMMUNICATIONS**

The Following Communication: S.P. 797

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

April 21, 1999

Senator Susan Longley  
Representative Richard Thompson  
Chairpersons  
Joint Standing Committee on Judiciary  
119<sup>th</sup> Legislature  
Augusta, Maine 04333

Dear Senator Longley and Representative Thompson:

Please be advised that Governor Angus S. King, Jr. has nominated the Honorable John V. Romei of Machias for reappointment as Maine District Court Judge designated as fulfilling the residency requirements for the Fourth District established in 4 M.R.S.A. §157.

Pursuant to Title 4, M.R.S.A., §157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence                      S/G. Steven Rowe  
President of the Senate                  Speaker of the House

**READ and REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

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The Following Communication:      S.P. 798

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

April 21, 1999

Senator Susan Longley  
Representative Richard Thompson  
Chairpersons  
Joint Standing Committee on Judiciary  
119<sup>th</sup> Legislature  
Augusta, Maine 04333

Dear Senator Longley and Representative Thompson:

Please be advised that Governor Angus S. King, Jr. has nominated the Honorable Andrew M. Mead of Bangor for reappointment as Superior Court Justice and the Honorable Paul L. Rudman of Veazie for reappointment as Maine Supreme Judicial Court Associate Justice.

Pursuant to Article V, Part 1, Section 8 of the Maine Constitution, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence                      S/G. Steven Rowe  
President of the Senate                  Speaker of the House

**READ and REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

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The Following Communication:      S.P. 799

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

April 23, 1999

Senator Georgette Berube  
Representative Michael Brennan  
Chairpersons  
Joint Standing Committee on Education and Cultural Affairs  
119<sup>th</sup> Legislature  
Augusta, Maine 04333

Dear Senator Berube and Representative Brennan:

Please be advised that Governor Angus S. King, Jr. has nominated Albert B. Glickman of Cape Elizabeth for reappointment and Edward A. Fox of Harborside and Barry D. McCrum of Mars Hill for appointment as members of the University of Maine Board of Trustees.

Pursuant to P & SL 1967, Chapter 229, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence                      S/G. Steven Rowe  
President of the Senate                  Speaker of the House

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

Sent down for concurrence.

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The Following Communication:      S.P. 800

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

April 23, 1999

Senator Neria Douglass  
Representative Pamela Hatch  
Chairpersons  
Joint Standing Committee on Labor  
119<sup>th</sup> Legislature  
Augusta, Maine 04333

Dear Senator Douglass and Representative Hatch:

Please be advised that Governor Angus S. King, Jr. has nominated Catherine R. Sullivan of Portland for appointment as a member of the Board of Trustees, Maine State Retirement System.

Pursuant to Title 5, M.R.S.A., §17102, this nomination will require review by the Joint Standing Committee on Labor 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 **LABOR**.

Sent down for concurrence.

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The Following Communication: S.P. 801

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

April 23, 1999

Senator Beverly Daggett  
Representative John Tuttle  
Chairpersons  
Joint Standing Committee on Legal and Veterans Affairs  
119<sup>th</sup> Legislature  
Augusta, Maine 04333

Dear Senator Daggett and Representative Tuttle:

Please be advised that Governor Angus S. King, Jr. has nominated Edwin W. Bowden of Camden and Orland G. McPherson of Eliot for reappointment as members of the State Liquor and Lottery Commission.

Pursuant to Title 5, M.R.S.A., §283-A, these nominations will require review by the Joint Standing Committee on Legal and Veterans Affairs 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 **LEGAL AND VETERANS AFFAIRS**.

Sent down for concurrence.

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The Following Communication: S.P. 802

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

April 23, 1999

Senator Sharon Treat  
Representative John Martin  
Chairpersons  
Joint Standing Committee on Natural Resources  
119<sup>th</sup> Legislature  
Augusta, Maine 04333

Dear Senator Treat and Representative Martin:

Please be advised that Governor Angus S. King, Jr. has nominated John D. Tewhey of Gorham and John F. Marsh of West Gardiner for reappointment and Ernest W. Hilton of Starks and Virginia N. Plummer of Turner for appointment as members of the Board of Environmental Protection.

Pursuant to Title 38, M.R.S.A., §341-A, these nominations will require review by the Joint Standing Committee on Natural Resources 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 **NATURAL RESOURCES**.

Sent down for concurrence.

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The Following Communication: S.P. 795

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

April 15, 1999

Mark W. Lawrence  
President of the Senate  
119<sup>th</sup> Legislature

G. Steven Rowe  
Speaker of the House  
119<sup>th</sup> Legislature

Dear President Lawrence and Speaker Rowe:

On April 15, 1999 two bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees as follows:

**Appropriations and Financial Affairs**

Bill "An Act to Appropriate Funds for the Welfare-to-work Program" (S.P. 790) (L.D. 2203) (Sponsored by Senator Paradis of Aroostook County).

**Labor**

Bill "An Act to Amend the Calculation of Service Credits Under the Maine State Retirement System Pertaining to the Comprehensive Education and Training Act of 1973 Employees" (S.P. 792) (L.D. 2204) (Sponsored by Senator Paradis of Aroostook County).

Sincerely,

S/Joy J. O'Brien  
Secretary of the Senate

S/Joseph W. Mayo  
Clerk of the House

**READ and ORDERED PLACED ON FILE.**

Sent down for concurrence.

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The Following Communication: S.P. 796

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

April 16, 1999

Mark W. Lawrence  
President of the Senate  
119<sup>th</sup> Legislature

G. Steven Rowe  
Speaker of the House  
119<sup>th</sup> Legislature

Dear President Lawrence and Speaker Rowe:

On April 16, 1999 a bill was received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 308.2, this bill was referred to the Joint Standing Committee as follows:

**Health and Human Services**

Resolve, Directing the Department of Human Services to Include Asset Depreciation with Respect to Commercial Fishing Vessels in Establishing Eligibility for the Cub Care Program. (S.P. 794) (L.D. 2209) (Sponsored by Senator Goldthwait of Hancock County).

Sincerely,

S/Joy J. O'Brien  
Secretary of the Senate

S/Joseph W. Mayo  
Clerk of the House

**READ and ORDERED PLACED ON FILE.**

Sent down for concurrence.

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The Following Communication: S.C. 188

**THE SENATE OF MAINE**

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

April 9, 1999

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

Dear Secretary O'Brien:

Please be advised that I have made the following appointments:

Judicial Compensation Commission; Pursuant to Public Laws of 1995, Chapter 451:  
Ival Cianchette of Cumberland

Regional Agriculture Committee; Pursuant to Maine Resolves of 1983, Chapter 46:  
Senator John M. Nutting of Androscoggin

Commission on Performance Budgeting:  
Senator Michael H. Michaud of Penobscot (Appropriations; Re-Appointment)  
Senator Philip E. Harriman of Cumberland (Appropriations)  
Senator Peggy A. Pendleton of Cumberland (State and Local Government)

Children's Mental Health Oversight Committee:  
Senator Judy Paradis of Aroostook (Health and Human Services; Reappointment)  
Senator Georgette Berube of Androscoggin (Education and Cultural Affairs)

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

Sincerely,

S/Mark W. Lawrence  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 192

**STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL  
SERVICES  
BUREAU OF THE BUDGET  
STATE HOUSE STATION 58  
AUGUSTA, MAINE 04333**

DATE: April 20, 1999

TO: Members of the 119<sup>th</sup> Maine Legislature  
James Clair, Director, Office of Fiscal and Program Review

FROM: S/John R. Nicholas, State Budget Officer

Public Law 1995, Chapter 591 requires each department and agency to submit to the Bureau of the Budget a list of any new laws, regulations or other requirements of the Federal Government that may require the State of Maine to comply with a new Federal mandate in FY99 or in the FY98-99 biennium. (New is defined as being any mandate for which the implementation date is September 30, 1998 or later).

We are pleased to disclose that no new mandates were reported.

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 191

**STATE COMPENSATION COMMISSION  
5 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

DATE: March 29, 1999

TO: Honorable Mark W. Lawrence, President of the Senate  
Honorable G. Steven Rowe, Speaker of the House

FROM: S/Ralph Leonard, Chair  
State Compensation Commission

On behalf of the State Compensation Commission, I am pleased to submit to you the first report of the commission. Since the members of the State Compensation Commission have had a relatively short preparation time to complete our first report we have decided that the most urgent needs would be addressed in this report. Those matters requiring a more detailed study will be included in the commission's next report on January 1, 2000.

The commission has met monthly since November 1998. During that time we met with former and current members of the State Legislature, legislative leadership and constitutional officers. Also, surveys were sent to former and current legislators to determine a statistical finding for pertinent questions concerning compensation that the commission deemed appropriate. The commission has spent considerable time at our monthly meetings discussing the comments from many individuals. The attendance at the commission's meetings and the participation in the questionnaire was outstanding and provided the commission with valuable testimony for our consideration. Finally, the commission held a public hearing on March 17, 1999 to provide an opportunity for public input.

After careful consideration, the commission recommends the following statutory changes:

1. Beginning in the 120<sup>th</sup> Maine State Legislature, increase legislative salaries from \$10,500 to \$15,750 for the 1<sup>st</sup> Regular Session and from \$7,500 to \$11,250 for the 2<sup>nd</sup> Regular Session;
2. Increase the annual constituent allowance for the Senate from \$1,000 to \$2,000 and from \$750 to \$1,500 for the House;

3. Decrease the vesting requirement for the Legislative Retirement system from 10 to 8 years.
4. Establish that the Attorney General's salary (\$83,470.40 current) will be the same as that paid to District Court Judges, currently established at \$90,000 for FY 1998-1999 with annual cost-of-living adjustments in subsequent years; and
5. Increase the annual salaries for both the State Treasurer and the Secretary of State (both currently at Range 88, Step 5, \$56,999) to no lower than Range 89, Step 5 which is currently \$60,777.

The State Compensation Commission will be meeting this summer and fall to prepare our next report which we will submit to you on January 1, 2000. We plan to examine the following topics:

1. the complicated area of medical benefits and how they relate to Medicare;
2. a more detailed look at the subject of constituent allowances and how legislators are coping with increasing constituent workloads;
3. the extra work required of committee chairmen;
4. a more detailed review of retirement benefits and how they relate to Social Security; and
5. a number of other areas of concern that were uncovered during the commission hearings.

Our statutory recommendations have been published as L.D. No. 2168, "An Act to Implement the Recommendations of the State Compensation Commission". We look forward to working with you and other members of the Legislature as you consider our recommendations. Please feel free to contact me or any other member of the commission with any questions that you might have.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Expressly Treat Voluntary Conduct as a Defense in the Maine Criminal Code"

H.P. 1267 L.D. 1821

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.**

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**Ought to Pass As Amended**

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to increase Access to Medicaid for People who Need Psychological Services

H.P. 447 L.D. 610

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-208).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-208).**

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

**READ ONCE.**

Committee Amendment "A" (H-208) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Lengthen the Screening Period for Long-term Care Assessments

H.P. 735 L.D. 1025

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-207).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-207).**

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

**READ ONCE.**

Committee Amendment "A" (H-207) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Redefine Hunting"

H.P. 285 L.D. 393

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-206).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-206).**

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

**READ ONCE.**

Committee Amendment "A" (H-206) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **NATURAL RESOURCES** on Bill "An Act to Allow Game Wardens to Approve Beaver Dam Removal"

H.P. 958 L.D. 1356

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-212).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-212).**

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

**READ ONCE.**

Committee Amendment "A" (H-212) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Conform State Law to Federal Nuclear Power Plant Requirements for Off-site Emergency Planning"

H.P. 924 L.D. 1301

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-209).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-209).**

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

**READ ONCE.**

Committee Amendment "A" (H-209) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Provide for the Collection of Storm Water in the City of Hallowell" H.P. 966 L.D. 1364

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-211)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-211)**.

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

**READ ONCE.**

Committee Amendment "A" (H-211) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **UTILITIES AND ENERGY** on Bill "An Act Concerning Liens Held by the Freeport Sewer District" H.P. 1085 L.D. 1532

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-210)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-210)**.  
Report **READ** and **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-210) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Repeal the Maine Criminal Justice Academy Certification Requirements for Sheriffs" H.P. 139 L.D. 201

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-184)**.

Signed:

Senators:  
MURRAY of Penobscot  
O'GARA of Cumberland  
DAVIS of Piscataquis

Representatives:

POVICH of Ellsworth  
FRECHETTE of Biddeford  
MUSE of South Portland  
CHIZMAR of Lisbon  
McALEVEY of Waterboro  
TOBIN of Dexter  
SHERMAN of Hodgdon

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-185)**.

Signed:

Representatives:

QUINT of Portland  
PEAVEY of Woolwich  
O'BRIEN of Augusta

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

Reports **READ**.

On motion by Senator **MURRAY** of Penobscot, Bill and accompanying papers, **COMMITTED** to the Committee on **CRIMINAL JUSTICE**, in concurrence.

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**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Establish a Standard Line-item Budget Format for All School Budgets" H.P. 1247 L.D. 1776

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

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

Signed:

Representative:  
ANDREWS of York

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.

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Allow Noncommercial Whitewater Rafting Clubs to Submit More than One Amended Membership List in Any Calendar Year"

H.P. 435 L.D. 577

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-192)**.

Signed:

Senators:  
KILKELLY of Lincoln  
RUHLIN of Penobscot

Representatives:  
PERKINS of Penobscot  
CHICK of Lebanon  
TRAHAN of Waldoboro  
HONEY of Boothbay  
DUNLAP of Old Town  
BRYANT of Dixfield  
TRACY of Rome  
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:  
TRUE of Fryeburg  
CLARK of Millinocket

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-192) AS AMENDED BY HOUSE AMENDMENT "A" (H-224)** thereto.

Reports **READ**.

Senator **KILKELLY** of Lincoln 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 **JUDICIARY** on Bill "An Act to Ensure Compliance with Court Orders Relating to Child Visitation"

H.P. 1057 L.D. 1488

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

Signed:

Senators:  
LONGLLEY of Waldo  
TREAT of Kennebec  
BENOIT of Franklin

Representatives:  
THOMPSON of Naples  
BULL of Freeport  
MITCHELL of Vassalboro  
NORBERT of Portland  
MADORE of Augusta

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

Signed:

Representatives:  
LaVERDIERE of Wilton  
JACOBS of Turner  
PLOWMAN of Hampden  
WATERHOUSE of Bridgton  
SCHNEIDER of Durham

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

Reports **READ**.

On motion by Senator **LONGLLEY** of Waldo, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.  
(See action later today.)

---

**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Employees of Public Higher Education Institutions Who Have Been Employed for Less than 6 Months"

H.P. 630 L.D. 880

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

Signed:

Senators:  
DOUGLASS of Androscoggin  
LaFOUNTAIN of York

Representatives:  
MUSE of South Portland  
GOODWIN of Pembroke  
FRECHETTE of Biddeford  
MATTHEWS of Winslow  
SAMSON of Jay  
HATCH of Skowhegan

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

Signed:

Senator:  
MILLS of Somerset

Representatives:  
DAVIS of Falmouth  
MacDOUGALL of North Berwick  
MACK of Standish  
TREADWELL of Carmel

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

Reports **READ**.

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

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

---

**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act to Require that Members of the Workers' Compensation Board be Subject to Review by the Joint Standing Committee on Labor"  
H.P. 953 L.D. 1351

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

Signed:

Senators:  
DOUGLASS of Androscoggin  
LaFOUNTAIN of York  
MILLS of Somerset

Representatives:  
MUSE of South Portland  
GOODWIN of Pembroke  
FRECHETTE of Biddeford  
MATTHEWS of Winslow  
SAMSON of Jay  
HATCH of Skowhegan

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

Signed:

Representatives:  
DAVIS of Falmouth  
MacDOUGALL of North Berwick  
MACK of Standish  
TREADWELL of Carmel

Comes from the House with the Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Reports **READ**.

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

---

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Provide for Citizen Participation in the Hancock County Budget"

H.P. 716 L.D. 1006

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-171)**.

Signed:

Senators:  
PENDLETON of Cumberland  
GOLDTHWAIT of Hancock  
DAVIS of Piscataquis

Representatives:

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

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

Signed:

Representatives:

RICHARDSON of Greenville  
KASPRZAK of Newport

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-171).**

Reports **READ.**

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

**READ ONCE.**

Committee Amendment "A" (H-171) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Include Marine Products on Roadside Signs" (**EMERGENCY**)

H.P. 247 L.D. 351

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-200).**

Signed:

Representatives:

FISHER of Brewer  
COLLINS of Wells  
SANBORN of Alton  
CAMERON of Rumford  
WHEELER of Eliot  
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:

Senators:

O'GARA of Cumberland  
PARADIS of Aroostook  
CASSIDY of Washington

Representatives:

LINDAHL of Northport  
JABAR of Waterville  
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-200).**

Reports **READ.**

Senator **O'GARA** 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.**

---

**Senate**

**Change of Committee**

Senator **PARADIS** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Require Licensing Fees of Tobacco Products Manufacturers"

S.P. 412 L.D. 1201

Reported that the same be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS.**

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

**REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS.**

Sent down for concurrence.

---

**Ought to Pass**

Senator **MICHAUD** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Improve the State Budgeting Process"

S.P. 729 L.D. 2079

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

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

**READ ONCE.**

**TOMORROW ASSIGNED FOR SECOND READING.**

---

Senator KONTOS for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Petroleum Market Share Act"

S.P. 592 L.D. 1716

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

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

**READ ONCE.**

**TOMORROW ASSIGNED FOR SECOND READING.**

---

Senator BERUBE for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Clarify the Laws Relating to Nonstate-funded School Construction Projects Approved by the Commissioner of Education that Replace Existing School Buildings"

S.P. 349 L.D. 1053

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

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

**READ ONCE.**

**TOMORROW ASSIGNED FOR SECOND READING.**

---

Senator FERGUSON for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Clarify Municipal Obligations to an Unlicensed Mobile Home Park"

S.P. 367 L.D. 1068

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

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

**READ ONCE.**

**TOMORROW ASSIGNED FOR SECOND READING.**

---

Senator DAGGETT for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Relate the State Liquor Tax to the Amount Transferred to the General Fund"

S.P. 372 L.D. 1073

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

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

**READ ONCE.**

**TOMORROW ASSIGNED FOR SECOND READING.**

---

Senator DAGGETT for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Clarify Landlord Access to Premises in Residential Tenancies"

S.P. 385 L.D. 1164

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

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

**READ ONCE.**

**TOMORROW ASSIGNED FOR SECOND READING.**

---

Senator FERGUSON for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Prevent Forgery, Alterations or Counterfeiting of Maine State Lottery Tickets"

S.P. 467 L.D. 1406

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

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

**READ ONCE.**

**TOMORROW ASSIGNED FOR SECOND READING.**

---

Senator O'GARA for the Committee on **TRANSPORTATION** on Bill "An Act to Make Commercial Vehicle Weight Limits Consistent with Federal Law"

S.P. 731 L.D. 2081

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

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

**READ ONCE.**

**TOMORROW ASSIGNED FOR SECOND READING.**

---

**Ought to Pass As Amended**

Senator NUTTING for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Simplify the Collection of Fees for the Maine Dairy Promotion Board and Maine Dairy Nutrition Council" (EMERGENCY)

S.P. 460 L.D. 1335

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-104).**

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

**READ ONCE**.

Committee Amendment "A" (S-104) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

---

Senator NUTTING for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Provide Labeling for Cider"

S.P. 705 L.D. 1980

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-119)**.

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

**READ ONCE**.

Committee Amendment "A" (S-119) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

---

Senator MICHAUD for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate \$125,000 for the Fort Knox Visitor Center" (EMERGENCY)

S.P. 744 L.D. 2103

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-115)**.

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

**READ ONCE**.

Committee Amendment "A" (S-115) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

---

Senator LaFOUNTAIN for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Clarify Basic Health Care Services to be Offered by Maine Health Maintenance Organizations" (EMERGENCY)

S.P. 584 L.D. 1664

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

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

**READ ONCE**.

Committee Amendment "A" (S-112) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

---

Senator LaFOUNTAIN for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Clarify the Definition and Licensure of Insurance Consultants, Financial Planners and Investment Advisors"

S.P. 639 L.D. 1806

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-111)**.

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

**READ ONCE**.

Committee Amendment "A" (S-111) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

---

Senator KONTOS for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend Maine's Payroll Processing Laws"

S.P. 297 L.D. 869

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-105)**.

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

**READ ONCE**.

Committee Amendment "A" (S-105) **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 Laws Regarding Professional Engineers"

S.P. 556 L.D. 1618

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-118)**.

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

**READ ONCE**.

Committee Amendment "A" (S-118) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

---

Senator GOLDTHWAIT for the Committee on **MARINE RESOURCES** on Bill "An Act to Provide for Management of the Harvest of Seaweed"

S.P. 392 L.D. 1171

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-114)**.

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

**READ ONCE**.

Committee Amendment "A" (S-114) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

---

Senator GOLDTHWAIT for the Committee on **MARINE RESOURCES** on Bill "An Act to Strengthen Enforcement of Lobster Trap Limits"

S.P. 452 L.D. 1327

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-113)**.

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

**READ ONCE**.

Committee Amendment "A" (S-113) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

---

Senator O'GARA for the Committee on **TRANSPORTATION** on Bill "An Act to Amend the Motor Vehicle Laws"

S.P. 317 L.D. 951

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-107)**.

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

**READ ONCE**.

Committee Amendment "A" (S-107) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

---

Senator CASSIDY for the Committee on **TRANSPORTATION** on Bill "An Act Regarding the Boundaries of State and State Aid Highways"

S.P. 570 L.D. 1637

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-108)**.

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

**READ ONCE**.

Committee Amendment "A" (S-108) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

---

Senator CASSIDY for the Committee on **TRANSPORTATION** on Bill "An Act to Make Supplemental Allocations from the Highway Fund and Other Funds for the Fiscal Year Ending June 30, 1999" (EMERGENCY)

S.P. 759 L.D. 2135

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-116)**.

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

**READ ONCE**.

Committee Amendment "A" (S-116) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

---

Senator CAREY for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Repeal Registration Requirements of Cable Television Franchise Agreements and the Filing of Wage Rates and Benefits"

S.P. 553 L.D. 1615

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-109)**.

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

**READ ONCE**.

Committee Amendment "A" (S-109) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

---

Senator CAREY for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the East Pittston Water District"

S.P. 600 L.D. 1723

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-110)**.

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

**READ ONCE**.

Committee Amendment "A" (S-110) **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 Amend the Definition of "Parent" in the Laws Governing Education"

S.P. 519 L.D. 1553

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

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

Signed:

Representative:

ANDREWS of York

Reports **READ.**

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

Sent down for concurrence.

---

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Joint Order - relative to Establishing the Task Force on Transportation Access, Air Pollution Reduction and Family Self-sufficiency

S.P. 612

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

Signed:

Senators:

PARADIS of Aroostook  
BERUBE of Androscoggin

Representatives:

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

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

Signed:

Senator:

MITCHELL of Penobscot

Representatives:

DUGAY of Cherryfield  
LOVETT of Scarborough  
BRAGDON of Bangor  
SNOWE-MELLO of Poland  
SHIELDS of Auburn

Reports **READ.**

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

---

**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Resolve, to Review Traffic Congestion Including Truck Traffic along the Route 1 York Corridor (EMERGENCY)

S.P. 571 L.D. 1638

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-117).**

Signed:

Senators:

PARADIS of Aroostook  
CASSIDY of Washington

Representatives:

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

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

Signed:

Senator:  
O'GARA of Cumberland

Representatives:  
LINDAHL of Northport  
BOUFFARD of Lewiston  
WHEELER of Bridgewater

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (S-117) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

---

On motion by Senator **RAND** of Cumberland, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE** on:

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Ensure Compliance with Court Orders Relating to Child Visitation"

H.P. 1057 L.D. 1488

Majority - **OUGHT NOT TO PASS** (8 members)

Minority - **OUGHT TO PASS** (5 members)

(In House, April 15, 1999, Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, April 26, 1999, Reports **READ**. On motion by Senator **LONGLEY** of Waldo, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.)

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

---

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

**ORDERS**

**Joint Resolution**

On motion by Senator **BENNETT** of Oxford (Cosponsored by Representative **HEIDRICH** of Oxford and Senator **ABROMSON** of Cumberland, Senator **AMERO** of Cumberland, President **LAWRENCE** of York, Representative **MURPHY** of Kennebunk, Speaker **ROWE** of Portland, Representative **SHIAH** of Bowdoinham), the following Joint Resolution:  
S.P. 793

**JOINT RESOLUTION COMMENDING SEEDS OF PEACE**

WHEREAS, Seeds of Peace is an extraordinary and unique effort that promotes understanding between warring peoples and tries to end bias and violence; and

WHEREAS, since 1993 Seeds of Peace has been bringing together teenagers from troubled parts of the world, such as the Middle East and Cyprus, at the Seeds of Peace International Camp in Otisfield, Maine; and

WHEREAS, the teenagers live, work and interact together in a camp setting, learning techniques in conflict management and how to settle differences peaceably and with respect for opposing viewpoints; and

WHEREAS, this work of peace is accomplished in the beautiful surroundings of rural Otisfield, Maine, with the timeless allure of woods, mountains and lakes; and

WHEREAS, more than 1,000 teenagers representing traditional enemies have attended the Seeds of Peace International Camp since its founding; and

WHEREAS, these teenagers have forged bonds and friendships with each other that span the differences between their peoples; and

WHEREAS, these teenagers go back to their homelands where they continue the work that was started at the Seeds of Peace International Camp; and

WHEREAS, Seeds of Peace has been endorsed by such world figures as President Clinton; Kofi Annan, the United Nations Secretary General; Yasser Arafat, the President of the Palestinian Authority; Shimon Peres and the late Yitzhak Rabin, former Prime Ministers of Israel; and Queen Noor and the late King Hussein of Jordan; and

WHEREAS, the lessons taught by Seeds of Peace are vital lessons not only for peace in the world but also peace with our neighbors and those of different races, ethnicity and backgrounds here in the United States and Maine; now, therefore, be it

RESOLVED: That We, your Memorialists, express our gratitude that the administrators of the Seeds of Peace International Camp have chosen rural Maine as the site of this extraordinary and unique program; and be it further

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature now assembled in the First Regular Session, take this occasion to recognize the Seeds of Peace initiative and to commend the Seeds of Peace International Camp, the camp's teenage participants and officials of the countries that have endorsed and supported the camp for the

success they have achieved together in promoting understanding and peace among hostile neighbors; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Seeds of Peace Board of Directors.

READ and ADOPTED.

Sent down for concurrence.

---

**SECOND READERS**

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

**House**

Bill "An Act Regarding Juvenile Hunters" H.P. 449 L.D. 612

Bill "An Act Addressing an Allegation of Prior Conviction When the Sentence Is Enhanced" H.P. 950 L.D. 1347

Bill "An Act to Amend the Charter of the Kennebunk Sewer District" (EMERGENCY) H.P. 1065 L.D. 1496

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

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1999 (EMERGENCY) H.P. 1543 L.D. 2197

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

---

**House As Amended**

Bill "An Act to Enact the Railroad Trespass Prevention Act" H.P. 56 L.D. 70 (C "A" H-199)

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 (C "A" H-202)

Bill "An Act to Give Citizens 70 Years of Age and Older Free Bear and Duck Hunters Stamps" H.P. 171 L.D. 249 (C "A" H-191)

Bill "An Act to Require New and Reconstructed Bridges to Provide for Safe Recreational Use" H.P. 195 L.D. 273 (C "A" H-198)

Bill "An Act to Amend the Licensing Provisions Under the Propane and Natural Gas Act" H.P. 538 L.D. 745 (C "A" H-201)

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

---

Bill "An Act to Revise the Staffing and Resources of the Office of Public Advocate" H.P. 1012 L.D. 1423 (C "A" H-196)

READ A SECOND TIME.

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

---

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 (C "A" H-96)

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

Sent down for concurrence.

---

**Senate As Amended**

Bill "An Act to Allow Counties to Retain a Larger Share of the Real Estate Transfer Tax" S.P. 121 L.D. 318 (C "A" S-82)

Bill "An Act to Amend Certain Aviation Laws" S.P. 271 L.D. 764 (C "A" S-97)

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 (C "A" S-102)

Bill "An Act to Conform Maine's Consumer Credit Laws to Federal Law and Make Other Changes"

S.P. 546 L.D. 1608  
(C "A" S-101)

Bill "An Act to Amend the Charter of the Waterville Sewerage District"

S.P. 632 L.D. 1797  
(C "A" S-103)

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

Sent down for concurrence.

**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 Amend the Crime of Theft by Deception to Include False Impressions as to Identity

S.P. 228 L.D. 650  
(C "A" S-60)

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

**ENACTORS**

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

**Acts**

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)

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

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

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

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

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

H.P. 793 L.D. 1116  
(See action later today.)

An Act to Update Insurance Financial Standards

S.P. 401 L.D. 1192  
(C "A" S-54)

An Act to Provide Post-judgment Interest in Small Claims Actions

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

An Act to Clarify the Definition of "Area of Operation" for Municipal Housing Authorities

S.P. 512 L.D. 1513

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

H.P. 1099 L.D. 1546

An Act to Expand Term Limits of Maine Employers' Mutual Insurance Company Directors

S.P. 540 L.D. 1602

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)

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

Senate at Ease.

Senate called to order by the President.

On motion by Senator **GOLDTHWAIT** of Hancock, the Senate **RECONSIDERED** whereby it **PASSED TO BE ENACTED** the following:

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

H.P. 793 L.D. 1116

(In Senate, April 13, 1999, **PASSED TO ENGROSSED**, in concurrence.)

(In House, April 15, 1999, **PASSED TO BE ENACTED**.)

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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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 (3/31/99) Assigned matter:

**JOINT RESOLUTION** - relative to Encouraging the Department of Education and Civic and Community Service Organizations to Implement and Teach the Eddie Eagle Elementary Gun Safety Education Program

H.P. 1374

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

Pending - **ADOPTION**, in concurrence

(In House, March 30, 1999, **READ** and **ADOPTED**.)

(In Senate, March 31, 1999, **READ**.)

**ADOPTED**, in concurrence.

---

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

Bill "An Act to Reimburse Androscoggin County for Shortfalls in State Reimbursement for Jail Costs"

H.P. 1511 L.D. 2159

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

Pending - **FURTHER CONSIDERATION**

(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**.)

(In House, April 8, 1999, that Body **ADHERED**.)

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

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

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

Tabled - April 13, 1999, by Senator **KILKELLY** of Lincoln.

Pending - **PASSAGE TO BE ENGROSSED**

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

On motion by Senator **KILKELLY** of Lincoln, Senate Amendment "A" (S-94) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Lincoln, Senator Kilkelly.

Senator **KILKELLY:** Thank you Mr. President. Men and women of the Senate, this is a technical Amendment which provides a start date for this process as well as an emergency preamble. Thank you.

Senate Amendment "A" (S-94) **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

---

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

**HOUSE REPORTS** - from the Committee on **BANKING AND INSURANCE** on Bill "An Act Regarding Civil Actions Involving Insurance Coverage"

H.P. 584 L.D. 824

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-189)** (4 members)

Tabled - April 14, 1999, by Senator **LAFOUNTAIN** of York.

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

(In House, April 13, 1999, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

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

---

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

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Allow Free Access to Waters Stocked With Fish by the State" H.P. 289 L.D. 397

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass** (3 members)

Tabled - April 14, 1999, by Senator **KILKELLY** of Lincoln.

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

(In House, April 13, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

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

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

After Recess

Senate called to order by the President.

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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:

#### COMMUNICATIONS

The Following Communication: H.P. 1552

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA, MAINE 04333

April 16, 1999

G. Steven Rowe  
Speaker of the House  
119th Legislature

Mark W. Lawrence  
President of the Senate  
119th Legislature

Dear Mr. Speaker and Mr. President:

On April 16, 1999, four bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on April 16, 1999, as follows:

#### Inland Fisheries and Wildlife

Bill "An Act to Implement an Atlantic Salmon Conservation Plan" (H.P. 1549) (L.D. 2206) (Presented by Representative **DUGAY** of Cherryfield) (Cosponsored by Representatives: **AHEARNE** of Madawaska, **DUNLAP** of Old Town, **GILLIS** of Danforth, **GOODWIN** of Pembroke, **NORBERT** of Portland, **SHOREY** of Calais, **WHEELER** of Eliot)

#### Taxation

Bill "An Act to Eliminate the Personal Property Tax and Make Other Changes in the Tax Laws" (H.P. 1550) (L.D. 2207) (Presented by Representative **GAGNON** of Waterville) (Cosponsored by Representative **LEMOINE** of Old Orchard Beach) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

#### Transportation

Bill "An Act to Require Legislative Approval of the Automation of 2 Drawbridges between Kittery and Portsmouth, New Hampshire" (H.P. 1548) (L.D. 2205) (Presented by Representative **WHEELER** of Eliot) (Cosponsored by President **LAWRENCE** of York and Representatives: **ANDREWS** of York, **LEMONT** of Kittery, **TUTTLE** of Sanford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

Bill "An Act to Remove Restrictions on Changeable Signs" (H.P. 1551) (L.D. 2208) (Presented by Representative **MacDOUGALL** of North Berwick) (Cosponsored by Senator **MacKINNON** of York and Representatives: **BOWLES** of Sanford, **MACK** of Standish, **MENDROS** of Lewiston, **O'NEAL** of Limestone, **O'NEIL** of Saco, **RICHARDSON** of Brunswick, Senators: **NUTTING** of Androscoggin, **PENDLETON** of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

Sincerely,

S/ Joseph W. Mayo  
Clerk of the House

S/Joy J. O'Brien  
Secretary of the Senate

Comes from the House, **READ** and **ORDERED PLACED ON FILE**.

**READ** and **ORDERED PLACED ON FILE**, in concurrence.

---

The Following Communication: H.P. 1556

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA, MAINE 04333**

April 20, 1999

G. Steven Rowe  
Speaker of the House  
119th Legislature

Mark W. Lawrence  
President of the Senate  
119th Legislature

Dear Mr. Speaker and Mr. President:

On April 20, 1999, three bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on April 20, 1999, as follows:

**Appropriations and Financial Affairs**

Bill "An Act to Encourage Expanded Use of Maine's Port Facilities" (H.P. 1553) (L.D. 2210) (Presented by Representative BROOKS of Winterport) (Cosponsored by Senator MILLS of Somerset and Representatives: JACOBS of Turner, RICHARDSON of Brunswick, ROSEN of Bucksport, SNOWE-MELLO of Poland, TREADWELL of Carmel, Senators: BERUBE of Androscoggin, CATHCART of Penobscot, PARADIS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205)

**Health and Human Services**

Bill "An Act to Revise Laws Regarding Persons with Mental Retardation" (H.P. 1555) (L.D. 2212) (Presented by Representative KANE of Saco) (Cosponsored by Senator RAND of Cumberland and Representatives: BERRY of Livermore, POWERS of Rockport, Senator: HARRIMAN of Cumberland. Submitted by the Department of Mental Health, Mental Retardation and Substance Abuse Services pursuant to Joint Rule 204)

**Taxation**

Resolve, to Modify the State Valuation for the Sappi Plant in the City of Westbrook (EMERGENCY) (H.P. 1554) (L.D. 2211) (Presented by Representative USHER of Westbrook) (Cosponsored by Senator O'GARA of Cumberland and Representatives: BRYANT of Dixfield, DUPLESSIE of Westbrook, Senator: LIBBY of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205)

Sincerely,

S/Joseph W. Mayo  
Clerk of the House

S/Joy J. O'Brien  
Secretary of the Senate

Comes from the House, **READ** and **ORDERED PLACED ON FILE**.

**READ** and **ORDERED PLACED ON FILE**, in concurrence.

---

The Following Communication: H.P. 1562

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA, MAINE 04333**

April 21, 1999

G. Steven Rowe  
Speaker of the House  
119th Legislature

Mark W. Lawrence  
President of the Senate  
119th Legislature

Dear Mr. Speaker and Mr. President:

On April 21, 1999, two bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on April 21, 1999, as follows:

**Business and Economic Development**

Bill "An Act to Create and Regulate the Profession of Legal Document Technician" (H.P. 1557) (L.D. 2213) (Presented by Representative STEDMAN of Hartland)

**Criminal Justice**

Bill "An Act to Reinstate the Death Penalty" (H.P. 1558) (L.D. 2214) (Presented by Representative PLOWMAN of Hampden) (Cosponsored by Senator CAREY of Kennebec and Representatives: ANDREWS of York, KASPRZAK of Newport, MacDOUGALL of North Berwick, MACK of Standish, SNOWE-MELLO of Poland, WATERHOUSE of Bridgton.)

Sincerely,

S/Joseph W. Mayo  
Clerk of the House

S/Joy J. O'Brien  
Secretary of the Senate

Comes from the House, **READ** and **ORDERED PLACED ON FILE**.

**READ** and **ORDERED PLACED ON FILE**, in concurrence.

---

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

**PAPERS FROM THE HOUSE**

**Joint Resolution**

The following Joint Resolution: H.P. 1559

**JOINT RESOLUTION COMMEMORATING  
1999 NATIONAL CRIME VICTIMS' RIGHTS WEEK**

WHEREAS, until recently, victims of crime received limited services for support and assistance and there were few laws on both federal and state levels regarding victims' rights; and

WHEREAS, this oversight has been remedied in the courts, in state houses and in communities where voices of victims are heard and valued for the vision of justice they provide; and

WHEREAS, there are now over 10,000 organizations nationwide that provide services and assistance to victims of crime and over 30,000 laws have been passed at the federal and state levels that define and protect victims' rights; and

WHEREAS, 32 states have constitutional amendments that offer a range of participatory rights for victims that results in public policy and increased services that support victims and communities that are hurt by crime; and

WHEREAS, Governor Angus King has proclaimed that April 25, 1999 to May 1, 1999 is Crime Victims' Rights in Maine Week, which corresponds to the National Crime Victims' Rights Week; and

WHEREAS, the theme of this designated week is "Victims' Voices: Silent No More" to remind us of the personal suffering caused by crime; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the First Regular Session, recognize victims of crime and those who serve them; and be it further

**RESOLVED:** That we encourage people throughout the State to salute the many efforts of crime victims and their advocates to make our communities safer and better places to live; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Corrections.

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

**READ** and **ADOPTED**, in concurrence.

---

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

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order: H.P. 1560

WHEREAS, the Legislature finds that it is important to the economic well-being of Maine citizens to examine the extent of existing regulation of telemarketing and to consider appropriate measures to combat telemarketing fraud; and

WHEREAS, the Department of the Attorney General is conducting a study of existing state laws and rules and federal laws and regulations that regulate telemarketing and will be reporting its findings and recommendations by December 31, 1999; now, therefore, be it

**ORDERED,** the Senate concurring, that the Joint Standing Committee on Utilities and Energy is authorized to report out to the House of Representatives in the Second Regular Session of the 119th Legislature legislation relating to telemarketing fraud.

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

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

---

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

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order: H.P. 1561

**ORDERED,** the Senate concurring, that the Joint Standing Committee on Agriculture, Conservation and Forestry is authorized to report out legislation to the House in the Second Regular Session of the 119th Legislature concerning the arming of forest rangers.

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

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

---



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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Increase the Late Fee for Licensing a Dog"

H.P. 475 L.D. 682

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.**

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The Committee on **TRANSPORTATION** on Bill "An Act Pertaining to Maturity Dates of Bonds of the Maine Turnpike Authority"

H.P. 511 L.D. 718

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.**

---

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding Municipal Firearm Discharge Ordinances"  
H.P. 981 L.D. 1379

Reported that the same **Ought to Pass As Amended** by **Committee Amendment "A" (H-221)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-221)**.

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

**READ ONCE.**

Committee Amendment "A" (H-221) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **TAXATION** on Bill "An Act to Extend the Maine Residents Property Tax Program to Persons Living in Subsidized Housing Who Receive Certain Disability Payments"  
H.P. 811 L.D. 1134

Reported that the same **Ought to Pass As Amended** by **Committee Amendment "A" (H-219)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-219)**.

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

**READ ONCE.**

Committee Amendment "A" (H-219) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

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

**ENACTORS**

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

**Emergency Measure**

An Act to Appropriate Funds for Acquisitions for the Maine State Library and for Library Resource Sharing  
H.P. 374 L.D. 499

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

**Emergency Measure**

An Act to Update and Amend the Maine Pharmacy Act  
H.P. 434 L.D. 576  
(C "A" H-80; H "A" H-205)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

**Emergency Measure**

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

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

---

**Emergency Measure**

An Act to Assist the Department of Public Safety in Implementing the Requirements of Fingerprint-based Background Checks  
H.P. 534 L.D. 741  
(C "A" H-152)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency Measure**

An Act to Promote the Cranberry Industry and to Encourage Cultivation of Cranberries in the State  
H.P. 587 L.D. 827  
(C "A" H-156)

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

---

**Emergency Measure**

An Act to Require Legislative Review of Motor Vehicle Fuel Standards  
H.P. 929 L.D. 1306

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

**Emergency Resolve**

Resolve, Regarding Legislative Review of Chapter 125: Health Care Information that Directly Identifies an Individual, Major Substantive Rules of the Maine Health Data Organization  
H.P. 298 L.D. 406  
(C "A" H-170)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency Resolve**

Resolve, to Create a Task Force to Study Ways to Improve and Streamline the Regulation of Water Utilities  
S.P. 261 L.D. 756  
(H "A" H-213 to C "A" S-45)

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

---

**Acts**

An Act Authorizing County Commissioners to Enact Animal Control Ordinances in Unorganized Territories  
H.P. 108 L.D. 139  
(C "A" H-145)

An Act to Allow Any-deer Permits to be Transferred to Junior Hunters and Hunters 65 Years of Age or Older  
S.P. 83 L.D. 186  
(C "A" S-71)

An Act to Amend the Laws Regarding Reporting Requirements for the Maine Health and Higher Educational Facilities Authority  
H.P. 261 L.D. 365  
(C "A" H-162)

An Act to Include a Denturist on the Board of Dental Examiners  
S.P. 163 L.D. 483  
(H "A" H-163 to C "A" S-58)

An Act to Prohibit Surveillance of Dressing Rooms, Bathrooms and Similar Places

H.P. 415 L.D. 557  
(C "A" H-155)

An Act to Allow for Continuing Law Enforcement Certification of the Commissioner of Public Safety and the Assistant to the Commissioner

H.P. 477 L.D. 684  
(C "A" H-154)

An Act Concerning the Method of Taking of Soft Shell Clams

H.P. 513 L.D. 720  
(C "A" H-159)

An Act to Revise Maine's Trespass Laws

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

An Act to Amend the Laws Pertaining to the Movement of a Mobile Home Over a Public Way and the Movement of Objects Requiring an Overlimit Movement Permit

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

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)

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

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

An Act to Reestablish the Municipal Boundary between Pownal and Durham

H.P. 650 L.D. 900

An Act to Require Reflective Material or Lamps on the Front of Utility Trailers

H.P. 673 L.D. 929  
(C "A" H-148)

An Act to Strengthen the Criminal Justice Response to Domestic Violence

S.P. 342 L.D. 996  
(C "A" S-61)

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)

An Act to Provide for Resident State Police Officers for Municipalities Without a Police Force

H.P. 863 L.D. 1220  
(C "A" H-153)

An Act to Amend the Law Regarding Conflict of Interest

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

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

S.P. 464 L.D. 1403

**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 Increase the Appropriation to the Saco River Corridor Commission

H.P. 155 L.D. 217  
(C "A" H-160)

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

---

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)

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

---

An Act to Increase the Sanctions for Criminal Mischief Within a Correctional Facility

H.P. 341 L.D. 457  
(C "A" H-149)

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

---

An Act to Appropriate Funds for Conservation at the Local Level

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

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

---

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)

On motion by Senator **O'GARA** of Cumberland, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**.

---

An Act to Require Courts to Reimburse Jurors for Parking Expenses

H.P. 490 L.D. 697  
(C "A" H-133)

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

---

An Act to Increase State Funding for the Purchase of School Buses

H.P. 522 L.D. 729  
(C "A" H-157)

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

---

An Act to Require the State to Reimburse Licensed Vehicle Inspection Stations for Unused Inspection Stickers

H.P. 698 L.D. 965  
(C "A" H-147)

On motion by Senator **O'GARA** of Cumberland, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**.

---

An Act to Amend the Centers for Innovation Program

S.P. 329 L.D. 983  
(C "A" S-62)

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

---

An Act to Provide Funding for the Advisory Commission on Women Veterans

H.P. 732 L.D. 1022  
(C "A" H-158)

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

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An Act to Expand Opportunities for Education, Training and Employment for Displaced Homemakers

S.P. 409 L.D. 1198

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

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An Act to Provide Additional Funding for the Maine Indian Tribal-State Commission

H.P. 944 L.D. 1341  
(C "A" H-161)

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

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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)

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

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### Resolves

Resolve, Establishing the Replacement Simultaneously of State Correctional Facilities in Cumberland and Washington Counties as the First Priority if Additional General Obligation Bond Issues or Lease Appropriation Bonds are Authorized by the Legislature  
H.P. 65 L.D. 78  
(C "A" H-150)

Resolve, to Study Limited Effort in the Scallop Fishery

S.P. 130 L.D. 327  
(H "A" H-216 to C "A" S-48)

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

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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)

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

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Resolve, to Establish a Police Cadet Program for the State, Municipal and County Law Enforcement Agencies

H.P. 988 L.D. 1386  
(C "A" H-151)

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

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Resolve, to Provide Incentives for School Breakfast Programs in Maine Public Schools

S.P. 524 L.D. 1558  
(C "A" S-64)

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

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**ORDERS OF THE DAY**

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

**HOUSE REPORTS** - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Allow Noncommercial Whitewater Rafting Clubs to Submit More than One Amended Membership List in Any Calendar Year"  
H.P. 435 L.D. 577

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-192)** (10 members)

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

Tabled - April 26, 1999, by Senator **KILKELLY** of Lincoln.

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

(In House, April 15, 1999, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-192) AS AMENDED BY HOUSE AMENDMENT "A" (H-224)** thereto.)

(In Senate, April 26, 1999, Reports **READ**.)

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

**READ ONCE.**

Committee Amendment "A" (H-192) **READ**.

House Amendment "A" (H-224) to Committee Amendment "A" (H-192) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-192) as Amended by House Amendment "A" (H-224) thereto, **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Chair laid before the Senate the following Tabled and Later (1/19/99) Assigned matter:

**HOUSE REPORTS** - from the Committee on **LABOR** on Bill "An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Employees of Public Higher Education Institutions Who Have Been Employed for Less than 6 Months"  
H.P. 630 L.D. 880

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

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

Tabled - April 26, 1999, by Senator **RAND** of Cumberland.

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

(In House, April 15, 1999, Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, April 26, 1999, Reports **READ**.)

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

Senator **MILLS:** Mr. President, I respectfully request a Division on this Bill and ask to speak briefly to the merits of the Bill.

**THE PRESIDENT:** The Senator may proceed.

Senator **MILLS:** Mr. President and men and women of the Senate, this is an issue involving a six month probation period. That is an issue that has been a frequent visitor to the Labor Committee over the past years that I've served on this Committee. There is a uniform provision in the State law that says that regardless of any other provision of contract or law, an employee is not considered an employee of the State or of the University, that is in a sense a probationary employee, for the first six months of that person's association with the State or with the University. It is a uniform State law that has been in existence for many years. It leaves the parties, if they are organized, free to negotiate for probationary periods that may be longer than that, and frequently they are. Teachers often have a two year probationary period. University tenure, if that can be viewed as probation, may be as long as six years. But in any case, it is a uniform provision of State law across the board that the first six months are not to be bargained for within probationary rules. That first six months is a period when the employer may or may not choose to employ someone in a fashion that is consistent with the bargaining contract that applies to that bargaining unit. The Bill before you would seek to Repeal that measure only with regards to the University sector and I believe the Vocational Technical Institutions. My understanding is that the management entities of both of these institutions opposed passage of the present Bill and I would urge that you defeat the pending motion so that we could go on and Accept the Minority Ought Not to Pass Report. Thank you, Mr. President.

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

Senator **DOUGLASS:** Mr. President, ladies and gentlemen of the Senate, this matter is one of equity. Currently teachers in the K-12 sector who are teaching those grades are permitted to join unions at the time that they become teachers and the probationary period is two years. This Bill really isn't about a probationary period. It's about the ability to join a union and ability to do that within the first six months. What can happen in

the University setting and the Technical College setting as a result of the current set of laws, which prohibit joining a union during those six months, is that in effect we've allowed temporary workers to exist because there are many who may be hired for six months and then let go. This is really a matter of treating teachers throughout our System equally. I hope that you will vote Ought to Pass.

At the request of Senator **MILLS** of Somerset a Division was had. 18 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

**READ ONCE.**

**TOMORROW ASSIGNED FOR SECOND READING.**

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

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

H.P. 793 L.D. 1116

Tabled - April 26, 1999, by Senator **GOLDTHWAIT** of Hancock.

Pending - **ENACTMENT**

(In Senate, April 13, 1999, **PASSED TO BE ENGROSSED**, in concurrence)

(In House, April 15, 1999, **PASSED TO BE ENACTED**.)

On motion by Senator **GOLDTHWAIT** of Hancock, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-124) **READ**.

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

Senator **GOLDTHWAIT:** Thank you, Mr. President. This Amendment does two things. One is, it provides for the elimination of a Repeal on the Salmon Aquaculture Research Monitoring and Research Fund which we did not intend to have Repealed and our options were to submit Emergency legislation or simply to add it to this Bill, which seemed the more expeditious thing to do. As far as the Emergency preamble, it means that it will be a Repeal of the Repeal before it gets Repealed.

Senate Amendment "A" (S-124) **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-124), in NON-CONCURRENCE.**

Sent down for concurrence.

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

H.P. 709 L.D. 976

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

Minority - **Ought to Pass** (4 members)

Tabled - March 30, 1999, by Senator **NUTTING** of Androscoggin.

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

(In House, March 25, 1999, Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-64.)**)

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

**THE PRESIDENT:** The Chair recognizes the Senator from Lincoln, Senator Kilkelly.

Senator **KILKELLY:** Thank you, Mr. President. Men and women of the Senate, this Bill seeks to eliminate the requirement for trip tickets that follow wood from the time it's harvested until the time it hits the scale at a mill, whether it's a paper mill or a saw log mill. I just want to give you a little bit of history about how it is that this came forward. It came forward from a study that was done by a group of harvesters and foresters two years ago and reported back to the Agriculture Committee in an effort to reduce timber theft. It was felt that it was very important for this bill of laden to, in fact, follow this product and that the issue of timber theft was very difficult. It was difficult because it happened, obviously, in somewhat remote places and was a real concern to the folks whose land had been stripped of wood. This law has only been in effect for six months and what we've heard from a majority of folks is that this is not a significant imposition and that it in fact does provide an added benefit of protection for people's property. The property being the wood that's on their land. A majority of us on the Agriculture Committee would very much like to allow this law to continue and to see if it's going to be successful in reducing timber theft. If we need to address it, come back and address it next year rather than now before its had an opportunity to seriously take hold. So we'd appreciate your support. Thank you.

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

Senator **NUTTING:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I also stand today to urge you to

Accept the Majority Ought Not to Pass Report and want to fill you in a little bit on the history of the Bill that's been before us this Session. I'll say that the Minority Ought to Pass Report passed the other Body, but now the Sponsor does not like the form that the Bill is in. I'm having a letter distributed now. We have a situation where the Department of Agriculture and the Department of Conservation, who work with this particular law, weren't sure what to do last week. There may be some good ideas coming forward but the two Departments are not sure yet. They have committed to the members of the Committee that if they do think there is a better way to handle this situation they're committed to bring forth a Bill next session. The Bill, in its present form, as they say in the letter I'm distributing to you, point number one, they prefer the Ought Not to Pass. As Senator Kilkelly said, this law has just been in effect six months. Without it and in the Bill's present form, it's my position that you're not going to have any ability to really track where a load of wood comes from and therefore the Forest Wardens and the Department of Agriculture would have a very limited basis to try to track a load of wood to see whether or not the wood actually came from that wood lot or if it was stolen. So for those reasons and the other points written in the letter addressed to the Co-chairs of the Agriculture and Forestry Committee from the Acting Director of the Maine Forest Service, I'd urge you all to support the motion before us which is Ought Not to Pass. Thank you.

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

Sent down for concurrence.

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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 Allow a One-time Double Exemption for Income Tax Filers Who Adopt a Dependent Child"

H.P. 295 L.D. 403

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-141)** (7 members)

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

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 concurrence

(In House, April 8, 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-141)**.)

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

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

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

Senator **MILLS:** Men and women of the Senate, this Bill, as I recall it from Committee, had an interesting philosophy behind it that says that if you adopt a child, in the year in which you have the adoption you should get a double exemption on the Maine Income Tax form. It's not a bad idea, it has a modest fiscal note on it. I suggest that this is not one of those Bills that will likely survive the Appropriations debacle at the end of next month. It is a good thought but it would make our tax form just that much more complicated without really providing any substantial benefit to those who adopt children.

The value of an additional exemption from an adopted child is on the order of a few dollars at our tax rates that we impose through the Maine Income Tax rates that we have. If it were on a Federal return and we were to mimic the Federal return, then it certainly would have some benefit, some value in that context because you get the benefit of the Federal deduction as well as the State. But in the present form all it does is to make all of our tax forms just that much more complicated without providing any meaningful benefit to those people who have undergone what is, in many cases certainly, a very substantial household expense. The cost of adopting a child, particularly from a foreign country, is extraordinary. I know people who have spent thousands and thousands on that process. But to give them \$50 or \$80 on a one-time basis through an exemption that would have to appear as a check box on every single tax form that is mailed out from Augusta, it just seems to be futility and hardly worth the effort. It's a nice gesture but if we exercised these gestures for every good thought that passed through the Taxation Committee, we'd have a tax return that is many pages longer than the present one. Thank you.

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

Senator **DAGGETT:** Thank you very much Mr. President and members of the Senate. I share the concerns of the previous speaker. As a social worker who has worked to place children in adoption and has worked through this process with families, it concerns me that this legislation makes no distinction between those people who are adopting healthy infants with no particular expenses needed outside the ordinary and those people who have hardships or might be adopting a hard to place child with serious medical needs and might require some additional help. It's a noble thought but in order to support people appropriately who are adopting children, there should be a better public policy stance than this. So I urge you to support the Ought Not to Pass Report. 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. Sometimes it's kind of nice to sit back and have some nobility in our thought process. We shouldn't always be trying to measure out how much money. Sometimes it's the yen, you know when we try to say that we want to strengthen the family and we do nothing to encourage adoptions and when all it would take is one single little line. One single little line and with that nobility of thought what that line could do to enable us to return to people a very little bit of the expense that

they have when they try to adopt a child. Whether you adopt that child from here in the United States or from somewhere else in the world. Whether it be a hard to place child so-called, the expense is still at times immense. \$10,000-\$12,000, even more than that. To come to the people and say we appreciate what you did to support our system of families. It's not much of a reward. If you're in the 20% tax bracket it's going to be 20% of the \$2,700 or about \$400 a year. It won't pay you back but we will recognize you for what you did to strengthen the value of human life. That is what that Report is about. I hope you will keep that in mind when you vote for the Ought to Pass Report. Thank you.

At the request of Senator **MILLS** of Somerset a Division was had. 11 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **RUHLIN** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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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 Repeal the Sales Tax on Horses"

S.P. 22 L.D. 6

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-83)** (10 members)

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

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

Pending - **ACCEPTANCE OF EITHER REPORT**

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

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

Senator **RUHLIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, what this very simple little Bill intends to do is recognize something that I found was, I'm sure, an oversight. In the process of doing this we had some fun too. Horses, for some reason, which are agricultural animals used in the woods and in wood working, and so forth, were not listed. They are the only animal family that was not listed as a sales tax exemption. The reason we do that for farm animals is for the same reason we exempt a lot of things in the manufacturing process and farming and agriculture and lumbering are considered to be a part of our productive society. But in the process of trying to define a horse legally to bring up before this Legislature, I've just got to share this with you for a moment, I think it was one day for 4 hours and we went through the various types of equine animals, where the donkey is related to the horse

and if so how. We almost brought you a Bill that would say an Act to Repeal the Sales Tax on Equine Animals, but we really thought that if we could learn to pronounce horses with an 'r' that we could drop the equine and bring it up in this form and fashion. I think that this is something to do that recognizes and tries to keep uniform our sales tax provisions. I hope you will go with the Majority Report.

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

**READ ONCE.**

Committee Amendment "A" (S-83) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

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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 Exclude Retail Stores from Participation in Tax Increment Financing Districts"

S.P. 120 L.D. 317

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass** (3 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**.)

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

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

Senator **MILLS:** Men and women of the Senate, this is a very simple Bill that would exempt from the Tax Increment Financing Program the inclusion of retail stores within TIF Districts. The reason is quite simple. TIF Districts are a local inducement for economic development. The thought behind authorizing municipalities to exempt certain portions of a town from real estate taxes and personal property taxes was to create jobs, to induce new businesses, preferably manufacturing businesses, into certain locations and to encourage economic development. May I suggest that those policies are in no way carried out or enhanced when you permit a town or municipality to include retail stores within a Tax Increment Financing District. When a new retail store, a Wal-Mart or a Rite Aide or some other such store, is located within a TIF District and you exempt that facility from taxation all you've done is moved jobs from one sector of town to another and created a dreadfully unfair playing field for those who remain outside the TIF District. Or worst yet, you have permitted one municipality to steal a retail establishment from a neighboring municipality and relocate those jobs from one town



to another town and permit that activity to pass as economic development. Ladies and gentlemen, it is not. It is unfair, prejudicial, inappropriate competition between towns. And has it happened? Yes. Is it fair? No. Should we put a stop to it? I suggest to you that we should. And that is what this Bill would do if you Reject the pending motion so that we may go forward to Adopt the Ought to Pass Report. 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, what you have here in this Bill is failure to recognize that TIF, Tax Incremental Financing, Districts are in fact, something set up under a State umbrella, operated at the local level where a local government can say yes or no to the TIF. We've allowed retail businesses, which are a major part of the economic functions in this state and are becoming more so. To say well, we're going to allow you to do manufacturing and we're going to allow you to do other things but the major service industries you can't do under the TIF. That is to say to people who have local control to encourage economic development in their community that we're going to take the greatest majority of area that you can have some impact and deny you the use of that. We, the all knowing people in Augusta, are going to deny you your local control. That's what we're saying to them when we do this. That is what the Enactment of this Bill is all about. We have seen fit, and wisely so, in the past to say you be the judge, you small communities or large communities, you the communities if you want to forgo some of the property tax returns you'll get for a five year period by encouraging economic growth you vote for it locally. You must vote locally. I tell you, we ought to keep it the way it is. Let the local people vote locally on local issues that they are very apt to know the most about. I hope you will follow the Majority Report which is Ought Not to Pass.

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

Senator **MILLS:** Mr. President, men and women of the Senate, just briefly in response, I would agree ordinarily that an issue of local control ought to be honored. But that's not what's going on here. The State of Maine is very directly involved in creating and authorizing this program and, ironically, in funding the feasibility of these TIF Districts. I'll explain how. School Funding Formula money that comes out of this building that we appropriate every year gets sent to these towns that create TIF Districts without regard to whether the property in the TIF District exists or not. In other words, if they create let's say a Wal-Mart within a TIF District and that store has value of say \$5 million, that \$5 million does not appear within the School Funding Formula. The town is subsidized by the State to account for that tax loss. Furthermore if it's a retail establishment that has moved from one community in the county to another community in the county, the county tax is shifted accordingly. In other words, the property that is included within the TIF District does not count for purposes of assessing county taxes that are owed to the county. I just think that this is a small portion of the TIF program that cries out for reform and this Bill will give us the opportunity to make that modest step. I urge you to vote against the pending motion. Thank you.

At the request of Senator **MILLS** of Somerset a Division was had. 20 Senators having voted in the affirmative and 9 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.

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

Bill "An Act to Clarify the Laws Regarding Fund Raising During the Legislative Session"

S.P. 575 L.D. 1655  
(S "A" S-68)

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

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

(In Senate, April 14, 1999, **READ A SECOND TIME**. On motion by Senator **RAND** of Cumberland, Senate Amendment "A" (S-68) **READ** and **ADOPTED**.)

On motion by Senator **MILLS** of Somerset, Senate Amendment "B" (S-99) **READ**.

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

Senator **MILLS:** Mr. President and men and women of the Senate, as I recall the substance of the Bill, which I don't have in front of me, the purpose of the Bill was to permit Legislators, the Governor, and other such political dignitaries to attend fund-raising events that may take place during the legislative Session. Fund raisers that are for the benefit of their respective political parties. The problem I have with the Bill, as we have so far dealt with it, is that it would permit those who sponsor the event to advertise the expected presence of the official, legislator, Governor, officer, or what have you, to make use of that person's name and his or her expected presence in raising money during the legislative Session. I had thought that the whole purpose of the original legislation that we are now Amending, that whole purpose was to put constraints on term time fund-raising. If that was our original purpose and if we agree that was the appropriate thing to do, why do we erode the entire substance of that law by passing an Amendment that would permit the sponsors of the fund-raising event to advertise the presence of political figures.

I don't understand it. The Amendment that lies before you would leave the Bill in such form that people in our status would be permitted certainly to attend and participate in fund-raising events but it would not permit people to advertise our presence at those events with all of the potential for, I won't say abuse, difficulty that would create. We don't have a Lincoln bedroom here in Maine. The law that was passed last Session took away our right to raise funds during the term when we're in Session. It seems to me it was an appropriate Bill. If we wish to preserve the substance of that law, it seems to me that we need to pass the Amendment, Senate Amendment "B", which now lies before you. Then we could go on to pass the Bill in a way that would be

consistent with our original intent. So I urge the Adoption of Senate Amendment "B". Senate Amendment "B" simply strikes from the pending Bill the words that would permit the advertisement of the presence of an official or legislator at the event. It strikes out those words that would permit the advertising of our presence at a fund raiser. It would leave the Bill in such form that it would permit us to go to them but it would prevent us from being advertised as dignitaries at that event. Thank you.

**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 you will oppose the motion on the floor and I would like to clarify a few of the issues surrounding this Bill and the proposal. As many of you may remember, during the last legislative Session there was a lot of discussion regarding fund-raising during Session. As frequently happens, when we work on a Bill initially we may find later that there are areas that had not been properly clarified and we find that we need to revisit it to clarify what we originally intended. It's my understanding, as a member of the Committee during the previous Session and a member of the Committee currently, that when we talked about fund-raising during Session we were not thinking of the kind of fund-raising that political parties are involved in. Typically events are held on a periodic basis by county, local and state party committees and there are events that are held in connection with those. Many of us have had our names associated with those events and, in fact as members of our respective parties, we are frequently expected to and intend to participate in those. This particular Bill in front of you deals specifically with political party events. It does not have to do with other kinds of fund-raising events, but purely political party events. These are events that we are regularly involved with. There is nothing unusual and the purpose of the Bill is simply to clarify that the use of our names with certain political party events is not a violation of the fund-raising during Session statute that we enacted during the last Session. My concern with the Amendment that is in front of you is that it makes things less clear by removing the reference to the words advertising. I think it would be very difficult for us to differentiate between invitations that actually had our names on them and frequently that is the only kind of advertising, if you will, that goes out in regard to political party events. Invitations are mailed and you might have a host committee or say that certain members are attending. So the purpose of this, the only purpose, is to clarify that if it's political events, political party events, and that candidates and elected officials, and others involved with the party, can legitimately have their names listed on the invitations and participate in those activities that they always have and are expected to do. So I hope that you will oppose the floor Amendment and go on to Pass the Bill as written. Thanks.

The Chair ordered a Division.

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

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

Senator **BENNETT:** Thank you, Mr. President, fellow members of the Senate. I'm hopeful that the Senate will go along with this Amendment. When the idea for this Bill first surfaced a few months ago, I was asked to Co-sponsor it and I understand the problems that this Bill seeks to address. But I think it does as the Senator from Somerset, Senator Mills, suggests, it really does a very effective job at eviscerating the law that was passed earlier. In my view, this Bill without the proposed Amendment would open up a loop hole so large in our law that was passed last year that you could drive a Brinks armored truck through it. The reason why is very simple. That is because under the new public financing regime called the Clean Elections Act it is going to be much more frequently done to raise money through political party committees. I think we all recognize that as a reality. And because of that if we don't adopt this Amendment we are going to run the significant risk of essentially repealing the law under the guise of trying to improve it. I don't think that's what the people had in mind when they voted for the Clean Elections Act and it's certainly not what I think the Legislature had in mind when they passed the original statute in this area. If what we really want to do is eviscerate the law, then we should have the fortitude to do that. I don't think that's what the Senate wants to do and so I encourage you to please Adopt the Senate Amendment being proposed. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Somerset, Senator Mills, to Adopt Senate Amendment "B". A roll call has been ordered. Is the Senate ready for the question?

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

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The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#59)**

**YEAS:** Senators: ABROMSON, AMERO, BENNETT, CASSIDY, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, LIBBY, MILLS, SMALL

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

**ABSENT:** Senators: MACKINNON, MITCHELL, PENDLETON

**EXCUSED:** Senator: BENOIT

12 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 3 Senators being absent, and 1 Senator being excused, the motion by Senator **MILLS** of Somerset to **ADOPTED** Senate Amendment "B" (S-99), **FAILED**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#60)**

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

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

**ABSENT:** Senators: MACKINNON, MITCHELL, PENDLETON

**EXCUSED:** Senator: BENOIT

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 3 Senators being absent, and 1 Senator being excused, the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-68)**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (4/15/99) Assigned matter:

**HOUSE REPORTS** - from 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

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

Minority - **Ought Not to Pass** (6 members)

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

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

(In House, April 14, 1999, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, April 15, 1999, Reports **READ**.)

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

Senator **KIEFFER:** Thank you Mr. President. Ladies and gentlemen of the Senate, as you can see, this vote came out of Committee split almost down the middle, 7 to 6. What the Bill does is provide an increase of \$1 to the entity that sells a hunting or fishing license. There are many entities now selling hunting and fishing licenses other than the municipal offices. There are drug stores, there are filling stations and there is an assortment of sources that make these licenses available. There is actually a waiting list from sources that are interested in selling hunting and fishing licenses to the public at the present fee that they receive for performing that service. Municipal offices, in my opinion, are funded with tax dollars to provide a public service. I don't know of anything that they actually do that is self-sufficient and self-sustaining from a financial standpoint. This \$1 is going to be viewed by the public as a licensing fee increase. It cannot be interpreted any other way. If any of you have checked our hunting and fishing license sales, you'll find that they have been stagnant for the last 5 - 6 years and in some years there has actually been a decrease. We can't say that this decrease is all do to the price of these licenses but certainly I've had many complaints over the years indicating that for the condition of our fishery our license fees are too high. Down the road in the near future I would expect that our Inland Fisheries and Wildlife Department is going to need a increase in fees on their hunting and fishing licenses as well as trapping and what ever else they may issue to properly fund the Department. As you know, their revenues are dedicated by Constitution. This \$1 increase, which certainly doesn't go very far in off setting the cost of a municipal office, like I said before is going to be viewed as a license fee increase and is going to postpone the implementation of a much needed hunting and fishing license fee increase in two, three or perhaps five years. It's going to be that much more difficult to sell it to the public. If a municipal office chooses not to sell hunting and fishing licenses, they certainly have that right. There isn't any reason, there isn't any regulation that requires them to sell these. They do it as a convenience for the taxpayers just as they do issue motor vehicle registrations. There is no conceivable way, I don't believe, that we can give them enough of a fee or a percentage of this fee to make it self-sufficient. Maybe the option is to tell the municipal offices that if they are not happy with the amount of money they receive from this share, have them tell the people to go down the street to the filling station or down the street to the drug store. These people are anxious to handle these hunting and fishing licenses. Naturally it brings people into their establishments. As I said before, we have a waiting list to sell hunting and fishing licenses. I believe the \$1 fee is very poorly timed. It's inappropriate right now for all the reasons I stated before. I would ask you to join me in voting against the Majority Ought to Pass Report from the Committee. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Lincoln, Senator Kilkelly.

Senator **KILKELLY:** Thank you Mr. President. Men and women of the Senate, I see the \$1 fee somewhat differently than my good friend and colleague who spoke previously. I see it as a reasonable fee for service. Whenever services are provided by a

municipality, and there are hundreds of municipalities across the state providing this service, the entire tax base is supporting that service. It seems to me that it's much more fair for it to be a fee based service. That if someone is taking advantage of the convenience of being able to go to the town office or the town clerk's house and pick up their hunting license that it's reasonable for them to pay the added cost there is to cover the municipality providing that as an option. Certainly there are drug stores and grocery stores and many other places that are interested in selling hunting and fishing licenses but I would also remind you that there are many towns in this state that don't have drug stores and don't have grocery stores and don't have much of anything except maybe the town office or the house the clerk lives in. Many of those communities pay their clerks by the fees that are collected in selling these licenses. So for them to give up selling all licenses would be a real hardship on that municipality. Maine Municipal and the Town Clerks Association certainly supported this legislation. I support it and I believe it's our responsibility to educate the public about what this cost is. This is not money that's going to the Department of Inland Fisheries and Wildlife. This isn't money that we've increased their license fee in order to support those programs. We have worked diligently over the last three years to assure that we did not need a significant increase in the cost of licenses that is retained by Inland Fisheries and Wildlife in order to support their programs. What this is, is a way to support their municipalities, a way to pay for the service that they're taking advantage of rather than have that burden fall on the property taxes for all the people in the community to pay. So I would urge you please to support the Majority Ought to Pass Report on this legislation. Thank you.

The Chair ordered a Division.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#61)**

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

**NAYS:** Senators: **AMERO, BENNETT, BERUBE, CAREY, CASSIDY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MICHAUD, MILLS, SMALL**

**ABSENT:** Senators: **MACKINNON, MITCHELL, PENDLETON**

**EXCUSED:** Senator: **BENOIT**

18 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being absent, and 1 Senator being excused, the motion by Senator **PINGREE** of Knox to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

**READ ONCE.**

**TOMORROW ASSIGNED FOR SECOND READING.**

The Chair laid before the Senate the following Tabled and Later (4/15/99) Assigned matter:

**SENATE REPORTS - from the Committee on TRANSPORTATION on Bill "An Act to Allow a Person to Erect One Advertising Sign"**

S.P. 126 L.D. 323

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-98)** (2 members)

Tabled - April 15, 1999, by Senator **O'GARA** of Cumberland.

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

(In Senate, April 15, 1999, Reports **READ**.)

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

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, I rise today to ask you to oppose the pending motion and I'd like to tell you a few reasons why. First of all I think that the existing sign system that we have here in the state of Maine deserves a lot more discussion than we're going to be able to give it here with this particular Bill. One of the reasons that I stood today is because this Bill was brought forward by not my constituent but a constituent from up in Piscataquis County. She runs a local business up there and she erected a sign on a piece of private property so that folks that went by on the main road in Abbott, Maine would be able to see that down a dirt road, and just off a snowmobile trail, she had a nice restaurant down there. So off I went, had the good fortune of visiting that part of the County and going up with Senator **Davis** and talking to the woman that's behind this Bill. A good business woman, a woman who's struggling to survive. I guess the thing that struck me immediately is that this is more than just a Sign Bill. This is one of those Bills that's about two Maines. There is the Maine in the south and along the coast where everything seems to be rolling along quite well and businesses are doing great. Then there's the Maine that's represented by a town like Abbott where it's a struggle to survive. It's a struggle to keep a business in business. You've got to do what you have to do in terms of marketing effort to get folks into a business so you can sell your product. Such was the case in Abbott, Maine. I went up there

and of course during the winter it was snowmobile season and they had some pretty good activity in that restaurant. Word came from this person that the sign that she had erected on private property, not on her property but on a friend's, that was out on Route 7 a local route, had been taken down by the Department of Transportation. The State came along and tore down the sign. Apparently it conflicted a little bit with the Billboard Law. Take a look of what's left of the Bill that's in front of you because I think what has been Reported out of the Committee is pretty fair. A vote for this Bill is a vote for local control and you can see it right in Sub-section 1912C. It says that a receipt of an application from a business that is in a municipality, the municipality will issue a permit for the erection of a sign. So what we're saying in this Bill here is that the municipality has a right to have a little bit of local control and make a decision about whether or not a sign will be erected on a main road. I know a lot of people in Maine really are happy that we have, and I'm one of them, the Billboard Law. This really isn't the issue. Not with this law. Because down the same road that you would take to get to the dirt road that goes to the restaurant of the constituent that put this Bill forward you'll see business sign, after business sign after business sign that's already there. It's erected maybe on property that is owned by that person, maybe at a business site, but every several feet you'll see another sign. If you think that this Bill will allow one sign to be erected for a business woman who's trying to survive, you think that this one Bill is going to make that much of a difference, I've got to tell you that I don't agree. I want to help this business woman to survive in Abbott, Maine where it's not as easy to do business as it is down our way. The request is more than just a legitimate request, we're talking about the ability of a Maine business person, and a woman in this case, to be able to make a living. What's more important to you as a member of this Senate? Making sure that these folks can survive? Making sure that maybe they can make it with their small business? Or fighting the perception that this might be one small chink in the armor that is our Billboard Law. I ask you that question directly. I have a lot of respect for the Transportation Committee and the decisions that come out of there and this is no reflection on them at all. I just feel differently. I feel very differently and I hope that you feel differently. So I ask you to oppose the pending motion. Please follow my light and allow a simple business person in Maine, a strong woman who brought this Bill forward, and a few other businesses to erect a sign on private property so that they can help themselves bring in some business and, in this case, some consumers of a great retail establishment, a great place to eat. I really enjoyed it. Thank you very much.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator O'Gara.

**Senator O'GARA:** Thank you, Mr. President and ladies and gentlemen of the Senate. In fact local control is what really drove the overwhelming majority of the Transportation Committee to vote the way they did. Certainly there is no organization in the state of Maine that supports and defends local control any better than Maine Municipal. And Maine Municipal overwhelmingly supports our position. We've heard from several towns. As a matter of fact some of you may have received a letter as recently as today, or in your mail when you go back. From just the one town of Camden for example, who absolutely, positively urges the Legislature to support the position of the Transportation Committee because it is local control. The city that I represent, along with the 3 towns that I represent, the City of Westbrook

where I live, has a perfectly adequate Municipal Sign Ordinance and doesn't need the State of Maine, and certainly not the Transportation Committee, telling it how to change. As a matter of fact, if this passes it would, in fact, put the same towns that the Senate has previously spoken about in opposition to what their ordinance that they passed at the local level now says. I would also remind you that there are perfectly acceptable signs readily available now, the official business signs. We find, as a matter of fact, as these kinds of Bills come forward, that when asked many of those businesses haven't even asked for permission to put up one of these business signs and they can put up as many of those as they want at every different corner as it goes along. Ladies and gentlemen of the Senate, this is an issue of local control that I agree with. But I look at it altogether differently because, in my judgment, the local governments are supporting the law we have in this state regarding signs and the proliferation of signs now. Bills like this are a breaking away from that law. Slowly eroding that particular law which we as political beings should readily have to observe as we go along.

I would urge the members of the Senate, it sounds very good and is an emotional kind of thing, the little business man here. The Transportation Committee sees it as a continual eroding of a law that is working now. Towns and municipalities and the Maine Municipal Association itself, sees absolutely no reason to further erode by adding yet another Bill, and this year it's this Bill. I tell you very honestly that if you are here in another year, and another year and another year, you will hear yet another one coming along for yet another sign, another product, another business, another whatever. We on the Transportation Committee feel we worked very hard on this legislation. It didn't come easy to a lot of us who feel just the way the Senator has indicated about local businesses, very emotional, very important to all of us. But the fact of the matter is, it is working as it exists now. It doesn't need to be adjusted and I urge you to support the motion before you.

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

**Senator DAVIS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I respect my colleague from Cumberland and his remarks, though I will tell you I do not agree with him. This lady came to me and asked me to put this Bill in. She started this business on her own, invested her own money, not one cent of public money, her own. She did a tremendous business. She created jobs. In fact, the Chief Executive of our state gave her an award for creating jobs. Shortly afterwards, as summer was coming, this was a year ago, she put up a sign and perhaps this isn't a huge amount to a lot of businesses, but the sign that she put up, in addition to the two DOT signs she already had, created an income flow of \$1,000 a week for her for the 3½ to 4 weeks that it was up there. As the good Senator from York said the Department of Transportation, doing their job, saw to it that it came down. This has been reported widely in the press and I must say, in my own opinion, it has been mangled extremely. There was a letter in one of the newspapers that said to her how would she like it if there were 10,000 signs, according to her Bill, from her restaurant to the Canadian border? Well it shows exactly what an awful lot of folks know or don't know about what's happening in Northern Maine. It's 100 miles from her restaurant to the Canadian border. There's less than 5,000 people that live there. Every one of them would have to have a business and two signs each to do what was suggested. I've

lived in North-Central Maine most of my life. Perhaps I ought to reword that, I hope not. I'd like to think I've got quite a while yet. And if anyone here thinks that I want to see Lucky Strikes or Carlton Black Label, or whatever, advertised in 20 billboards, they don't know what they're talking about. But I will tell you, if this summer you go to Moosehead, when you get on Route 7 and you head north towards Corinna and you get about ½ mile out of the town of Newport, you look to your left and for about a 600 foot stretch you will see 7 signs, 5 of them which are greater than what my original bill would have called for, 4 x 8. They are bigger than that and they are legal. The current law allows the proprietor of 1,000 feet to have one sign every 100 feet. And yet this lady who built her restaurant down on the snowmachine trail can't have one sign out on the main road. The law needs changing. It isn't fair and it needs to be changed. Thank you very much, Mr. President.

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

Senator **LIBBY:** Thank you, Mr. President. I rise briefly to speak just a little bit further on this particular Bill. One of the things I wanted to bring up earlier, and unfortunately slipped my mind, is that I think we need to take a look also at the difference between Big Brother and the Little Guy. Down my way in Wells, I believe it's the Maine Turnpike Authority. I'm going to make an assumption here, which always gets you in trouble, but I believe it's the Maine Turnpike Authority who has erected the largest sign that is in lights off the turnpike that I've seen in quite some time. If you head down Route 109 and you look to the right before you get to the turnpike, you're going to see a huge sign in bright lights that will tell you what the activity is on the Maine Turnpike. I guess the question in my mind is why do we make exceptions for the State and not the small business woman, when we already have signs going all the way down the street for the people that own property on that street. It doesn't make sense, we've got a lot of small businesses that are on back streets. Maybe they've got a view of a waterfall. Maybe as in this case, they're on a snowmobile trail. They're away from everyday travel and that's why we need to help them. I don't think that sign in Wells does any good at all. That's my own opinion. People are going to disagree and say it helps people understand what the traffic flow is on the Maine Turnpike. They're still going to get on the Maine Turnpike. They might go down Route 1 but it's not likely. That sign is huge and that's Big Brother. This sign has been taken down and that's the Department of Transportation. Something's not right here. We have got to start thinking about small business in the state. It's not just this little tiny Bill, it's a lot of little things. I know you know what I'm talking about if you just take the time to think about who's favored and who's not in Maine's business environment. Is the small business favored? Boy, I don't see it very often. Thanks for your time.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator O'Gara..

Senator **O'GARA:** Thank you Mr. President. Ladies and gentlemen of the Senate, once again I will pick up on something that the Senator from York said and I do want you to think about it. I want you to think about the fact that we have repeatedly heard from communities that are saying to us it is a local ordinance control that we want. We don't need interference from the State. If you pass this Bill it is just one more way of you

saying we know better. Just reversing something that was said here earlier by someone else, we know better than you do and we are saying no matter what you have for your ordinance in that town or that city around the state, we are telling you that we want to go beyond that and we want you to go by what we're saying.

I'm simply suggesting to you that this is a very emotional comment that was made earlier about this one person who got an award from the Governor and all of that. And I understand all that. But the fact of the matter is, this is more than just an emotional issue. It is an issue that we are hearing from local communities, we don't need your help on this, we've got it under control and I think you ought to vote and support the Majority Ought Not to Pass Report. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#62)**

**YEAS:** Senators: **AMERO, BERUBE, CASSIDY, CATHCART, DAGGETT, DOUGLASS, GOLDTHWAIT, HARRIMAN, KONTOS, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, O'GARA, PARADIS, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE**

**NAYS:** Senators: **ABROMSON, BENNETT, CAREY, DAVIS, FERGUSON, KIEFFER, KILKELLY, LIBBY, MILLS**

**ABSENT:** Senators: **MACKINNON, MITCHELL, NUTTING, PENDLETON**

**EXCUSED:** Senator: **BENOIT**

21 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 4 Senators being absent, and 1 Senator being excused, the motion by Senator **O'GARA** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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**Off Record Remarks**

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

**HOUSE REPORTS** - from the Committee on **LABOR** on Bill "An Act to Require that Members of the Workers' Compensation Board be Subject to Review by the Joint Standing Committee on Labor"

H.P. 953 L.D. 1351

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

Minority - **Ought Not to Pass** (4 members)

Tabled - April 26, 1999, by Senator **DOUGLASS** of Androscoggin.

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

(In House, April 15, 1999, Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT**.)

(In Senate, April 26, 1999, Reports **READ**.)

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**.

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

Senator **RAND:** Thank you Mr. President. When we Adjourn today I would ask that we do so in the memory of the Honorable Dana W. Childs who passed away most unexpectedly two days ago. Dana Childs represented the people of Portland in the Maine House from 1953 to 1958 and again from 1963 to 1966. He served as the Speaker of the House in the 102<sup>nd</sup> Legislature, which was his final Session. Dana Childs served the people of Portland and the people of the state of Maine well. He will be greatly missed.

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

Senator **MILLS:** Mr. President, if I may add to the remarks by the Assistant Majority Leader. Dana Childs served very honorably in both political parties as well. He was my predecessor as Chairman of the Portland City Committee by a number of years and then when he came back from his second tour of duty he came back as a Democrat and went on to be Speaker of the House. He was an extraordinarily applicable attorney, Judge of Probate in Cumberland County for years and years and years. His son follows in his footsteps. A big fan of racing. One of the best liked guys that ever came down here. Thank you.

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Senator **PINGREE** of Knox 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 Tuesday, April 27, 1999, at 9:00 in the morning, in memory of and lasting tribute to the Honorable Dana W. Childs of Westbrook.