

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Nineteenth Legislature  
State of Maine

Volume 1

First Regular Session  
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STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
FIRST REGULAR SESSION  
JOURNAL OF THE SENATE

In Senate Chamber  
Tuesday  
April 27, 1999

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

Prayer by Father Francis Morin of St. Anne's Parish at Indian Township and Pleasant Point assisted by Deacon Francis Nicholas of the Passamaquoddy Tribe.

**FATHER MORIN:** Good morning. We'd like to pray together this morning a prayer from the St. Ignatius Native American Mission in St. Ignatius, Montana. Oh Great Spirit, whose voice I hear in the winds, hear me. I am small and weak. I need Your strength and wisdom. Let me walk in beauty and make my eyes ever behold the red and purple sunset. Make my hands respect the things You have made and my ears sharp to hear Your voice. Make me wise that I may understand the things You have taught my people.

**DEACON NICHOLAS:** Let me learn the lessons You have hidden in every leaf and rock. I seek strength not to be greater than my brother but to fight my greatest enemy, myself. Make me always ready to come to You with clean hands and straight eyes so when light fades as the fading sunset my spirit may come to You without shame.

**FATHER MORIN:** We'd like to conclude with the prayer in the Passamaquoddy language.

**DEACON NICHOLAS and FATHER MORIN:** Nmihtaqs, spomkik eyin, komac kcitpot kwisowon. Mecimite knihkanapeksin. Tan elipawatomon mecimite kisi leyc, skitkomiq nakate spomkik. Miline pemkiskahk ntopanomon. Onheltomuwine ntolakmiksowakononnul, talute nilun eli onheltomukot tan yuhk kisi wapoleyowinokot. Wicuhkemine skat ntowapoli peciyahtiwnewin. Sami kil knihkaneyaw, kinson, naka komac kocitpos, toke nakate askomiw. Niyalic.

**FATHER MORIN:** Peace be with you, Amen.

Doctor of the day, Linda Keniston-Dubocq, M.D., Fairfield.

Reading of the Journal of Monday, April 26, 1999.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

JOINT ORDER - relative to Recalling Bill "An Act to Ensure Freedom of Speech and Association on Campus" (S.P. 427) (L.D. 1264) and all its accompanying papers from the Legislative Files to the Senate S.P. 779

In Senate, April 13, 1999, **READ** and **PASSED**.

Comes from the House, **READ** and **FAILED PASSAGE**.

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

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Exempt Pension and Retirement Benefits from the Maine Income Tax"

H.P. 115 L.D. 146

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

Minority - **Ought to Pass as Amended by Committee Amendment "A"** (H-166) (2 members)

In House, April 8, 1999, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-166).

In Senate, April 14, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

Senator **PINGREE** of Knox moved the Senate **ADHERE**.

Senator **AMERO** of Cumberland moved the Senate **RECEDE** and **CONCUR**.

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

Senator **RUHLIN:** Thank you, Mr. President. I'd like to speak to this Bill for a moment and just remind the Senators of Maine, if I may, that responsible government does not irresponsibly raise expectations. What this Bill promises to do is to exempt from income taxes the pensions of everyone who receives a pension in the state of Maine. The cost of that is \$60 million. When you get ready to vote on the motion to Recede and Concur, I would ask you if you vote yes for that to keep in mind what school you would like to have that \$60 million taken from? What program you'd like to have that \$60 million taken from? Where is that \$60 million going to come from? Are we going to sit here and just pass it through and feel good and put it down on the Appropriations Table and never fund it? It's got to be one of the

two, you either have to fund it or pass it through without funding. If you're going to fund it you should be responsible enough to sit there and say how you're going to pay for it. If you're going to pay for it by taking the money away from the schools in the state of Maine or away from worthy programs, like getting drugs for elderly people, you're actually doubling back on yourself. That is irresponsible. Please, this morning, be and do the responsible thing. Defeat the Recede and Concur motion. Go back to the Adhere motion and give this Bill its just resting place. Thank you.

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

**Senator HARRIMAN:** Thank you very much and good morning Mr. President. Mr. President, I believe that this is an opportunity for us to Recede and Concur so that we can go on to send a positive message out of this building today to the people who have built our communities and our way of life that in their retirement years we want them to choose Maine as a place to stay and to live. Instead, the tax policy that we have in this state says to our retirees thanks for all of your wonderful things you've done for our communities and our children, but it's now time for you to go and claim residency in a more tax friendly state. That is exactly what is happening. Where once in Maine we used to worry about, and perhaps we still do, that it's our young people who go to school here, graduate from our colleges, and find their economic opportunities somewhere else, today it's their parents who are doing the same thing; who are leaving at the fixed income phase of their lives to other jurisdictions where the tax climate is more hospitable. So I would submit, Mr. President, that this is an opportunity for us to craft a Budget that establishes as one of our highest priorities encouraging Maine retirees to stay here and live here. Thank you, Mr. President.

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

**Senator AMERO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise today to encourage you to join with the House, who has overwhelmingly said they want to consider tax breaks for retirees in the state of Maine. I think we should give them the courtesy of joining in a Committee of Conference to see if we can't come to an agreement on this issue. As far as doing the responsible thing, I want to remind the Senators that we have already put on the Appropriations Table requests that total over \$60 million. So I think that it would not hurt to add this Bill at some point to the Table. If it comes out of Conference in a manner that we can all consider and put on the Table with the other \$60 million worth of Bills that are being considered to see which ones do rise to the top when the Appropriations Committee deliberates. So I would just ask you to consider joining with the House in a Committee of Conference so that we will have a chance to discuss, what I think, is a very important Bill for the people of Maine and for the future of our state as the possibility of becoming a real retirement state where people can come here, not just because it's a wonderful state to live in, and not just because our crime rate is low, and not just because traffic congestion is not present, but also because we welcome retirees by having a very favorable tax climate as well. Thank you, Mr. President.

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

**Senator RUHLIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I will try to follow the manners of this Chamber and not mention what happened in some other Body of the Legislature. However, I will point out to you what happened in our agent, the Tax Committee, who took this matter under very serious advisement and voted overwhelmingly, as I recall I think it was an 11-2, Report that this should not pass. This is the Committee that gave the issue careful study. This is the same Committee that has another document presently on its way to you that will exempt certain pensions in a much more responsibly mannered way. I don't want to get on that Bill too much, but it has a much more responsible approach. One that can be paid for with today's dollars to give benefits for the future of our elderly who have those pensions. That recognizes that Maine, by the way when we talk about retirement and taxation of retirement funds, is one of the very few states in the nation that entirely exempts Social Security moneys from income taxation. So that Bill also recognizes that. I would just say that some people in this building in some Chambers may want to vote overwhelmingly for things so that they feel good. But the Senate of the state of Maine is supposed to be responsible; supposed to look at the issue and take seriously the recommendations of its agent, the Taxation Committee. I hope you will now do that and vote against this Recede and Concur motion.

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

**Senator PINGREE:** Thank you, Mr. President. I just wanted to speak briefly to this because I was concerned about the notion that retirees only move to Maine because of the tax climate. In fact I resent that notion to a certain extent. I represent Knox County. We have a tremendous number of retirees in the District. I don't think that they move here looking for a tax break. I think that people move here because they love the state of Maine; because we have a wonderful quality of life; because we have caring communities; because we have a vibrant economy in many places of the state; and because they want to be part of this state. In fact, I think many retirees want to come and be contributors to our economy. Probably the most important thing for anyone to contribute to their community is education; funding education. I think that there are many people who come here and are very happy to pay their taxes to make sure that the young people in their community are well educated; to make sure we are able to support a government that supports a good quality of life. And to say that people won't come here because they can't get a tax break I find very troubling. I also want to say I'm unwilling to vote for a Bill that I know we can't afford. That I know is irresponsible and in fact I know we are doing many things that will help the seniors of our state and we will have opportunities to support them as the process goes on and as the Appropriations Committee does its work. I think we will have a targeted approach to retiree pensions and we will be able to look at that. I think we'll be able to support prescription drugs for seniors, helping those most in need. I think we'll be able to look at the waiting list for long-term care. There will be many opportunities to help our senior citizens who have helped to build this state. This Bill is not it. I'm not voting for it and when votes are taken I request the yeas and nays.

**THE PRESIDENT:** I'd just like to explain procedurally where we are at. This Bill Passed in the House and it Failed here in the Senate. It went back in Non-Concurrence. The House moved to Insist and Asked for a Committee of Conference. The motion to Adhere was made. The motion to Recede and Concur was made. It took precedence over that. The motion to Recede and Concur does not concur with the motion to Insist and Ask for a Committee of Conference. The motion to Recede and Concur is to Recede and Concur with the original vote of the House to Pass the Bill. A motion to Insist and Join in a Committee of Conference would be to Join in the Committee of Conference. That does not have precedence over the motion to Recede and Concur. If the mover wants to change their motion, they would need to Withdraw their Recede and Concur and then move to Insist and Join in a Committee of Conference. The Senator from Penobscot, Senator Ruhlin, is accurate. In this Body during debate we cannot refer to actions or potential actions of the other Body, or potential actions of the Chief Executive or a Court in our debate. The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** Thank you very much, Mr. President, ladies and gentlemen of the Senate, when we debated this Bill the other day I got the impression this was a wide open Bill which would exempt all pensions. But I did get the Bill out this morning and I'm going to read to you what it says. For income tax years beginning on or after January 1, 2000, pension benefits and all other retirement plans recognized by the code not to exceed \$25,000 per person per year filing an individual return or \$44,000 per year for couples filing a joint return. So this is capped, Mr. President, it is capped at \$44,000. In regards to Social Security, it is my hope Social Security is not taxed in the state of Maine, as the good Senator from Penobscot, Senator Ruhlin, indicated. It is my hope that Social Security won't be thrown into the mix in any future Bill that's being developed. In regards to retirees living in the state, I know up in my community we're probably a poorer county than Knox and Waldo and Hancock counties, but a lot of the folks up in our area, and people that I know individually, are taking up residence in Florida primarily due to the tax situation. A friend of mine just got back from Florida and he indicated to me that he is seriously considering going that way. So there are people that are leaving the state due to our tax code. When we vote on this Bill I hope you will take it under consideration and vote for the prevailing motion that's on the floor. Thank you.

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

Senator **MITCHELL:** Thank you, Mr. President. Good morning ladies and gentlemen of the Senate. I rise this morning to support what Senator Pingree said, that yes, we welcome people coming to Maine to retire. These people can afford our lifestyle here and we welcome that. We want more people to come here and we do have a great state. This is why I ask you to vote with the Recede and Concur, because I was asked, before we broke for our break, by some constituents that I'd received letters from in my district, if when I came to Florida if I would come over to their community and talk to them about their concerns about the taxation for the state of Maine. These are people who lived and spent their lives here and love it here. They come back in the summer to stay with relatives because they had to sell properties, some of them, because they could no longer afford the taxation in our state. They have moved to a Florida community. They are

not affluent people from Maine. These are low middle class people who had to seek out a better lifestyle for retirement that they could afford on the income that they had. I would ask you in representing them to please listen to their concerns. Oh, they would like to stay in this state and they would like to encourage other people who have not made the move to Florida that are approaching retirement age to be able to stay here and keep their property and live the life that they wish to live in our good state of Maine. So I bring this message to you and ask you to please vote and listen to what our constituents are saying that are at the retirement age, to honor that and Recede and Concur and vote for the motion.

On motion by Senator **PINGREE** of Knox, 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 (#63)**

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

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

**ABSENT:** Senators: **DOUGLASS, KONTOS, SMALL**

12 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **AMERO** of Cumberland to **RECEDE and CONCUR, FAILED.**

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

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

Senator **RUHLIN:** Thank you, Mr. President. I would ask that the Senate continue a sense of responsibility, defeat this motion and move on with the motion to Adhere. I ask for a roll call in that process, Mr. President.

On motion by Senator **RUHLIN** of Penobscot, 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 (#64)**

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

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

**ABSENT:** Senators: DOUGLASS, KONTOS, SMALL

15 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **BENNETT** of Oxford to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**, **FAILED**.

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

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Off Record Remarks

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**Non-Concurrent Matter**

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

H.P. 150 L.D. 212

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

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

In House, April 8, 1999, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-140)**.

In Senate, April 15, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

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

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**Non-Concurrent Matter**

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

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

In Senate, April 13, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-146)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-146) AS AMENDED BY HOUSE AMENDMENT "B" (H-264)** thereto, in **NON-CONCURRENCE**.

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

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**Joint Resolution**

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

Jacob J. Immonen, of West Paris, beloved husband of Barbara Immonen, a member of the State Legislature from 1967-1980 and an active member of the Republican Party. Mr. Immonen served on the local school board, the Chamber of Commerce and the West Paris Board of Selectmen. He was also active as a member of the American Legion, Granite Lodge, A.F.& A.M., of West Paris and the West Paris Historical Society. Mr. Immonen will be greatly missed by his family, friends and his community;  
HLS 282

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

**READ.**

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

Senator **BENNETT:** Thank you, Mr. President. Fellow members of the Senate, Jake Immonen was a tremendous member of our community. Jake was a State Representative for 7 terms. He served, as you can read from the Memoriam, his community in many noble ways. He was a kind person. He gave of himself constantly to his community. He was 91 years old when he passed away last week. He never had a bad word to say about anybody. He was a humble man. Served quietly with distinction in whatever he did. The people in my community are mourning his passing although he had a full life. 91 is not a bad year to go since we all have to go. He was very agile and alert right up to the end. None the less, he will be missed and I think it fitting that we pause today and remember him briefly. I would ask that when the Senate adjourn today that we do so in memory of the Honorable Jacob Immonen. Thank you.

**ADOPTED**, in concurrence.

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**COMMUNICATIONS**

The Following Communication: H.C. 150

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

April 26, 1999

Honorable Joy J. O'Brien  
Secretary of the Senate  
119th Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Create a Senior Lobster and Crab Fishing License" (H.P. 1006) (L.D. 1417):

Representative ETNIER of Harpswell  
Representative VOLENIK of Brooklin  
Representative McNEIL of Rockland

Sincerely,

S/Joseph W. Mayo  
Clerk of the House

**READ and ORDERED PLACED ON FILE.**

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Senate at Ease.

Senate called to order by the President.

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**ORDERS**

**Joint Resolution**

On motion by Senator PINGREE of Knox, under unanimous consent on behalf of President LAWRENCE of York (Cosponsored by Speaker ROWE of Portland and Senator AMERO of Cumberland, Senator BENNETT of Oxford, Senator PINGREE of Knox, Senator RAND of Cumberland, Representative CAMPBELL of Holden, Representative LORING of the Penobscot Nation, Representative MURPHY of Kennebunk, Representative SAXL of Portland, Representative SHIAH of Bowdoinham, Representative SOCTOMAH of the Passamaquoddy Tribe), the following Joint Resolution:  
S.P. 803

**JOINT RESOLUTION RECOGNIZING AND HONORING  
MAINE'S WABANAKI PEOPLE**

WHEREAS, the Wabanaki people, the people of the Dawn, including the Passamaquoddy, the Penobscot, the Maliseet and the Micmac, have lived in Maine for thousands of years; and

WHEREAS, the Wabanaki people have contributed much to our State's heritage; and

WHEREAS, the State of Maine recognizes the contributions made to our State by the Wabanaki people; and

WHEREAS, the State of Maine respects and honors the Wabanaki people and their cultures; and

WHEREAS, we encourage educators in Maine to teach our children about the Wabanaki people and their contributions to the State of Maine; and

WHEREAS, we look to the new millennium as an opportunity to better understand and work side by side with the Wabanaki people; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature of the State of Maine, now assembled in the First Regular Session, on behalf of the people of the State of Maine, make history as we welcome our Wabanaki brothers and sisters to the State House today, April 27, 1999, on the occasion of Wabanaki Awareness Day; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Governors and Chiefs of each of Maine's 5 Wabanaki communities on behalf of the people of the State of Maine.

**READ.**

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

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**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Funding for the Education Research Institute"

H.P. 820 L.D. 1143

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-174).**

Signed:

Senators:

MICHAUD of Penobscot  
CATHCART of Penobscot

Representatives:

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

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

Signed:

Senator:

HARRIMAN of Cumberland

Representative:

NASS of Acton

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-174).

Reports **READ**.

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

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

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Establish Recall Provisions for Elected County and Municipal Officials"

H.P. 394 L.D. 525

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

Signed:

Senators:

PENDLETON of Cumberland  
GOLDTHWAIT of Hancock  
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska  
BAGLEY of Machias  
RINES of Wiscasset  
McDONOUGH of Portland  
TWOMEY of Biddeford

BUMPS of China  
KASPRZAK of Newport  
JODREY of Bethel  
RICHARDSON of Greenville

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-223).

Signed:

Representative:

GERRY of Auburn

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

Reports **READ**.

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

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**Senate**

**Ought to Pass**

Senator LaFOUNTAIN for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Amend the Maine Banking Code Regarding Extensions of Credit" (EMERGENCY)

S.P. 595 L.D. 1719

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 Prohibit Deceptive Charitable Solicitations"

S.P. 714 L.D. 2036

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 Revise the Lienholder Notification Law"

S.P. 715 L.D. 2037



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

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

**READ ONCE**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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**Ought to Pass As Amended**

Senator MICHAUD for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Additional Funding for Court-appointed Counsel"  
S.P. 442 L.D. 1317

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-123)**.

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

**READ ONCE**.

Committee Amendment "A" (S-123) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

---

Senator LaFOUNTAIN for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Amend the Laws Governing Financial Institutions"  
S.P. 762 L.D. 2152

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-131)**.

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

**READ ONCE**.

Committee Amendment "A" (S-131) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

---

Senator KONTOS for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Revise the Accountancy Laws"  
S.P. 706 L.D. 1981

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-126)**.

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

**READ ONCE**.

Committee Amendment "A" (S-126) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

---

Senator FERGUSON for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Expedite Disputes among Commercial Landlords and Tenants"  
S.P. 266 L.D. 759

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-129)**.

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

**READ ONCE**.

Committee Amendment "A" (S-129) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

---

Senator FERGUSON for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Treatment of Security Deposits Upon the Sale of a Building"  
S.P. 443 L.D. 1318

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-128)**.

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

**READ ONCE**.

Committee Amendment "A" (S-128) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

---

Senator FERGUSON for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Clarify 7-day Evictions in Tenancies at Will"  
S.P. 623 L.D. 1788

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-127)**.

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

**READ ONCE**.

Committee Amendment "A" (S-127) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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Senator TREAT for the Committee on **NATURAL RESOURCES** on Bill "An Act to Protect the Environment by Phasing Out the Use of Old Transformers that are Potential Sources of PCB Pollution"

S.P. 243 L.D. 665

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-125)**.

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

**READ ONCE**.

Committee Amendment "A" (S-125) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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**Divided Report**

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Improve Accountability in the Budget Process"

S.P. 555 L.D. 1617

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

Signed:

Senators:

MICHAUD of Penobscot  
CATHCART of Penobscot  
HARRIMAN of Cumberland

Representatives:

TOWNSEND of Portland  
STEVENS of Orono  
BERRY of Livermore  
MAILHOT of Lewiston  
KNEELAND of Easton  
WINSOR of Norway  
BRUNO of Raymond  
NASS of Acton

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-122)**.

Signed:

Representatives:

POWERS of Rockport  
TESSIER of Fairfield

Reports **READ**.

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

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

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**Divided Report**

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Funds for Marketing to Promote Economic Development"

S.P. 664 L.D. 1886

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-120)**.

Signed:

Senators:

MICHAUD of Penobscot  
CATHCART of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-121)**.

Signed:

Senator:

HARRIMAN of Cumberland

Reports **READ**.

Senator MICHAUD of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-120)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-120)** Report.

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Off Record Remarks

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**SECOND READERS**

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

**House**

Bill "An Act to Increase the Amount Retained by Agents Who Sell Hunting and Fishing Licenses"

H.P. 237 L.D. 341

Bill "An Act to Increase the Late Fee for Licensing a Dog"

H.P. 475 L.D. 682

Bill "An Act Pertaining to Maturity Dates of Bonds of the Maine Turnpike Authority"

H.P. 511 L.D. 718

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

Bill "An Act to Expressly Treat Voluntary Conduct as a Defense in the Maine Criminal Code"

H.P. 1267 L.D. 1821

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

**House As Amended**

Bill "An Act to Redefine Hunting"

H.P. 285 L.D. 393  
(C "A" H-206)

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  
(H "A" H-224 to C "A" H-192)

Resolve, to Increase Access to Medicaid for People who Need Psychological Services

H.P. 447 L.D. 610  
(C "A" H-208)

Bill "An Act to Provide for Citizen Participation in the Hancock County Budget"

H.P. 716 L.D. 1006  
(C "A" H-171)

Resolve, to Lengthen the Screening Period for Long-term Care Assessments

H.P. 735 L.D. 1025  
(C "A" H-207)

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  
(C "A" H-219)

Bill "An Act to Conform State Law to Federal Nuclear Power Plant Requirements for Off-site Emergency Planning"

H.P. 924 L.D. 1301  
(C "A" H-209)

Bill "An Act to Allow Game Wardens to Approve Beaver Dam Removal"

H.P. 958 L.D. 1356  
(C "A" H-212)

Bill "An Act to Provide for the Collection of Storm Water in the City of Hallowell"

H.P. 966 L.D. 1364  
(C "A" H-211)

Bill "An Act Regarding Municipal Firearm Discharge Ordinances"

H.P. 981 L.D. 1379  
(C "A" H-221)

Bill "An Act Concerning Liens Held by the Freeport Sewer District"

H.P. 1085 L.D. 1532  
(C "A" H-210)

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

**Senate**

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

Bill "An Act to Clarify Municipal Obligations to an Unlicensed Mobile Home Park"

S.P. 367 L.D. 1068

Bill "An Act to Relate the State Liquor Tax to the Amount Transferred to the General Fund"

S.P. 372 L.D. 1073

Bill "An Act to Clarify Landlord Access to Premises in Residential Tenancies"

S.P. 385 L.D. 1164

Bill "An Act to Prevent Forgery, Alterations or Counterfeiting of Maine State Lottery Tickets"

S.P. 467 L.D. 1406

Bill "An Act to Amend the Petroleum Market Share Act"

S.P. 592 L.D. 1716

Bill "An Act to Improve the State Budgeting Process"

S.P. 729 L.D. 2079

Bill "An Act to Make Commercial Vehicle Weight Limits Consistent with Federal Law"

S.P. 731 L.D. 2081

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

Sent down for concurrence.

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**Senate As Amended**

Bill "An Act to Repeal the Sales Tax on Horses"  
S.P. 22 L.D. 6  
(C "A" S-83)

Bill "An Act to Amend Maine's Payroll Processing Laws"  
S.P. 297 L.D. 869  
(C "A" S-105)

Bill "An Act to Amend the Motor Vehicle Laws"  
S.P. 317 L.D. 951  
(C "A" S-107)

Bill "An Act to Provide for Management of the Harvest of Seaweed"  
S.P. 392 L.D. 1171  
(C "A" S-114)

Bill "An Act to Strengthen Enforcement of Lobster Trap Limits"  
S.P. 452 L.D. 1327  
(C "A" S-113)

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  
(C "A" S-104)

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  
(C "A" S-109)

Bill "An Act to Amend the Laws Regarding Professional Engineers"  
S.P. 556 L.D. 1618  
(C "A" S-118)

Bill "An Act Regarding the Boundaries of State and State Aid Highways"  
S.P. 570 L.D. 1637  
(C "A" S-108)

Resolve, to Review Traffic Congestion Including Truck Traffic along the Route 1 York Corridor (EMERGENCY)  
S.P. 571 L.D. 1638  
(C "A" S-117)

Bill "An Act to Clarify Basic Health Care Services to be Offered by Maine Health Maintenance Organizations" (EMERGENCY)  
S.P. 584 L.D. 1664  
(C "A" S-112)

Bill "An Act to Amend the Charter of the East Pittston Water District"  
S.P. 600 L.D. 1723  
(C "A" S-110)

Bill "An Act to Clarify the Definition and Licensure of Insurance Consultants, Financial Planners and Investment Advisors"  
S.P. 639 L.D. 1806  
(C "A" S-111)

Bill "An Act to Provide Labeling for Cider"  
S.P. 705 L.D. 1980  
(C "A" S-119)

Bill "An Act to Appropriate \$125,000 for the Fort Knox Visitor Center" (EMERGENCY)  
S.P. 744 L.D. 2103  
(C "A" S-115)

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  
(C "A" S-116)

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

Sent down for concurrence.

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**ORDERS OF THE DAY**

**Unfinished Business**

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

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

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Provide Tax-exempt Status to Organizations That Teach Reading"  
H.P. 271 L.D. 379

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-142)** (4 members)

Tabled - April 15, 1999, by Senator **RUHLIN** of Penobscot.

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

(In House, April 14, 1999, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**.)

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

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

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (4/26/99) Assigned matter:

**HOUSE REPORTS** - from the Committee on **TRANSPORTATION** on Bill "An Act to Include Marine Products on Roadside Signs" (EMERGENCY)

H.P. 247 L.D. 351

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-200)** (7 members)

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

Tabled - April 26, 1999, by Senator **O'GARA** of Cumberland.

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

(In House, April 15, 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-200)**.)

(In Senate, April 26, 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, I would urge you to oppose the pending motion so that we can go on to pass what I believe to be very important legislation for economic development along the coast. I know from my own experience that when we passed a Bill several years ago to provide farmers with an opportunity for seasonal directional signs to advertise their products that, in my area alone, there are at least four farms that have been able to expand their sales to the point where a couple of them have actually been able to stop part-time work and do full-time farming. They've been able to put more land into production and that's land that's not turned into house lots. It's land that's not supporting the problem of sprawl that we have. It's open wonderful space that supports tourism as well as supporting agricultural economy. I believe the same case can be made for marine products. There are many small businesses in the state of Maine that are dependent upon seasonal sales of marine products. Those products aren't always readily available right off the major highways. But those products are often available down some little dirt road on the coast sitting by the rocks in a little shack beside the water where someone is doing that work or making those sales available. I think that is an important part of our history, our culture, and our heritage which needs to be supported. You will hear a lot of discussion, I expect, about the fact that this is a slippery slope and we are moving towards billboards. I would argue that we are possibly in the middle of a

pendulum swing and that we are in fact balancing where we've been and where we need to go. Certainly I do not support billboards and when I think of billboards I think of huge signs advertising all sorts of national products and national issues. In this case we're talking about small signs that in fact advertise small businesses indigenous to the state of Maine. Businesses that are unique within the state of Maine. The pendulum swing that we have been involved in is one that started with us having unlimited signs and they certainly did clog the arteries of this state. We went in the other direction and said we would not have any of those. We would not allow anyone to advertise. I believe that there's a middle ground. There's a place that we can go that in fact supports small businesses which does not clog our highways and our bi-ways with all kinds of signs, but in fact says that the policy of the state of Maine is to provide reasonable support for people to earn a living from their land and from the sea. We've done it with the land. We've done a very good job in terms of agricultural signs. I would urge all of you to look at your districts over the course of the summer and see how many of those small signs are supporting the farms in your district. I would ask those of you who don't live on the coast to provide that same kind of support and that kind of positive business policy for the coastal people who need to earn a living, not from the land but from the sea. So I would urge you to defeat the pending motion and allow us to go on and Pass this Bill. Thank you very much.

**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, just one sentence and then I will sit down. Decisions about signage, as I said yesterday, should be left to the local folks. I would just simply say, most of you who were here yesterday, that I see this as a different sign with the same problem and same speech. Thank you very much.

The Chair ordered a Division. 22 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator **O'GARA** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

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Senate at Ease.

Senate called to order by the President.

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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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Off Record Remarks

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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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**ORDERS OF THE DAY**

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

**JOINT RESOLUTION - Recognizing And Honoring Maine's Wabanaki People** S.P. 803

Tabled - April 27, 1999, by Senator **PINGREE** of Knox.

Pending - motion by President **LAWRENCE** of York to **ADOPT**

(In Senate, April 27, 1999, on motion by President **LAWRENCE** of York, **READ**.)

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

Senator **CASSIDY:** Thank you Mr. President. Men and women of the Senate, it's indeed an honor and a pleasure to have all of our friends come up and visit us here today, especially from my district and obviously throughout the entire nation. I have the privilege of representing Indian Township, Peter Dana Point and Pleasant Point. I've been there many times and know many of the folks in those communities. I have had an opportunity here as a member of the Senate, this is my third term in the Maine Senate, I've had an opportunity to work with them over the last couple of sessions to push forth some legislation that makes things easier for both the tribe and us to work together and to have some of their needs met as well. I just want to join in today to welcome you all here to the Maine Senate. We're real proud to have you as members of the state and to be here with us today. I look forward to working with you in the future. Thank you Mr. President.

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

Senator **CATHCART:** Thank you Mr. President. Men and women of the Senate, I too am honored to have the Wabanaki people here with us today in the Maine Senate. I'm very proud that I represent the Penobscot Nation in this Body. I pledge to them that I will continue to do my best as their Senator to encourage friendship and amicable relations between their Nation, the other tribes and the state of Maine. I hope that you will all join me in greeting them and thanking them for being with us. Thank you Mr. President.

On motion by President **LAWRENCE** of York, **ADOPTED**.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the Chamber Chief Richard Hamilton and Sub Chief Ann Irene Pardilla of the Penobscot Nation; members of the Penobscot Tribal Council; Beth Sockbeson, sister of the Representative of the Penobscot Nation, Representative Loring; and other members of the Penobscot Nation. Would they please rise and receive the greetings of the Senate.

The Chair is also pleased to recognize in the rear in the Chamber, and I will ask them to rise as I read their names so members can see their presence, Governor Rick Doyle and Lt. Governor Edward Bassett of the Passamaquoddy Tribe at Pleasant Point; Governor Richard Stevens and Lt. Governor Phyllis Saunders of the Passamaquoddy Tribe at Indian Township; and remaining members of the Passamaquoddy Tribal Council and the Passamaquoddy Tribe. Would they all please rise and receive the greetings of the Senate.

The Chair is also pleased to recognize in the rear of the Chamber Brenda Commander, Chief of the Maliseet Tribe and remaining members of the Maliseet Tribal Council and the Maliseet Tribe. Would they please rise and receive the greetings of the Senate.

Over the years we've had the pleasure of having many great Representatives from the Indian Nations to the Legislature. The Chair would ask and recognize in the Chamber individuals who have represented the Indian Nations from both the Passamaquoddy Tribe and the Penobscot Nation. Would the former Legislative Representatives please rise.

The Chair is also pleased to recognize Nina Neptune and James Neptune. They are children of Susan Colby Neptune. Would they please rise and receive the greetings of the Senate. Chair is in error. Apparently they are not in the Chamber.

The Chair is pleased to recognize, also in the Chamber, Theodore Mitchell, who is the retired Director of the Wabanaki Center at the University of Maine. Please rise and receive the greetings of the Senate.

The Chair is pleased to recognize the Representative of the American Friends Wabanaki Committee. Would they please rise and receive the greetings of the Senate.

And finally, I would like to recognize in the rear of the Chamber Pete Moore and Gal Frey from Indian Township. Pete did the beautiful carvings that have been hanging in the Senate President's Office this month. Gal Frey did the beadwork. Gal also beaded the State Seal that will be presented to the State of Maine downstairs at the ceremony momentarily. Would they please rise and receive the greetings of the Senate.

Once again, we're very pleased to have the guests here today and we hope it is an enjoyable day.

Sent down for concurrence.

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The President requested the Sergeant-At-Arms escort the Senator from Knox, Senator **PINGREE** to the rostrum where she assumed the duties as President Pro Tem.

The President retired from the Chamber.

The Senate called to order by President Pro Tem **CHELLIE PINGREE** of Knox County.

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

**HOUSE REPORTS** - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Funding for the Education Research Institute"

H.P. 820 L.D. 1143

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-174)** (11 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - April 27, 1999, by Senator **MICHAUD** of Penobscot.

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

(In House, April 15, 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-174).**)

(In Senate, April 27, 1999, Reports **READ.**)

At the request of Senator **HARRIMAN** of Cumberland a Division was had. 20 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **MICHAUD** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED.**

**READ ONCE.**

Committee Amendment "A" (H-174) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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

**SENATE REPORTS** - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Improve Accountability in the Budget Process"

S.P. 555 L.D. 1617

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-122)** (2 members)

Tabled - April 27, 1999, by Senator **MICHAUD** of Penobscot.

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

(In Senate, April 27, 1999, Reports **READ.**)

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

Senator **LONGLEY:** Thank you Madam President. Colleagues in the Senate, very quickly, this Bill is to increase accountability in budgeting. The specific areas are in budgeting for children programs. Again, very quickly, all it attempts to do is say when we set policy. When we set funding measures, what we'll do is make sure those funds stay in that account that we voted for it to go to. Point one. Point two is that we will do performance budget measures in that account and, arguably, if we're funding children's issues too much and it comes back that the performance isn't what we expected than we bear the risk of loss, as they say. I just see this as an accountability measure where the Legislature, who Constitutionally controls the purse strings, truly does control the purse strings. As is, when the Executive Branch wants to change funds out of children's programs into adult's programs or any other program, despite how we voted they simply do a transfer type form, which are piled somewhere that we never see. I think we're fooling ourselves to think that when we say we control the purse strings we really do. Thank you for any thoughts.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Penobscot, Senator Michaud.

Senator **MICHAUD:** Thank you Madam President. I hope that you'll vote with the Majority Ought Not to Pass Report. There's been a lot of talk about accountability and I think in the Legislature we do try to keep Departments accountable. There's been talk about Mental Health. When you look at actually how much there is transferred within the Department of Mental Health, 98% of the time the money stays within the accounts that the Legislature appropriates. However, there are times when they do have to transfer money and I don't think we ought to tie the Department's hands. Particularly in the Department of Mental Health there has been times where they did transfer money out of children's programs but by-and-large, that transfer goes to children's programs on the payroll side to help meet payroll because there might be an unexpected amount of overtime that has to occur. Another area in the Department of Metal Health where they do transfer money is if they need seed money. If for some reason or another the Department does not have that seed money than they do transfer some money over to help with that seed money for Medicaid. So, by-and-large there is accountability and when they do transfer it over they have to go through a Financial Order. In the Appropriations Committee we do have to approve those Financial Orders. I don't see where there's a huge problem. We are into performance budgeting. Unfortunately the Performance Budgeting Commission has not had a chance to meet, the appointments were just made. I think that's a way we can deal with outcomes and outputs and accountability. I hope that you will vote with the Majority of the Appropriations Committee and vote Ought Not to Pass. Thank you.

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

Senator **LONGLEY:** Thank you Madam President. Colleagues, very quickly, it's an accountability Bill. I don't see how you can vote against accountability, point one and point two, I request a Roll Call.

On motion by Senator **LONGLEY** of Waldo, 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 (#65)**

**YEAS:** Senators: **ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, LAFOUNTAIN, LIBBY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, O'GARA, RUHLIN, SMALL**

**NAYS:** Senators: **BERUBE, DOUGLASS, KILKELLY, LAWRENCE, LONGLEY, NUTTING, PARADIS, PENDLETON, RAND, TREAT, THE PRESIDENT PRO TEM - CHELLIE PINGREE**

**ABSENT:** Senator: **KONTOS**

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **MICHAUD** 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 Today Assigned matter:

**SENATE REPORTS** - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Funds for Marketing to Promote Economic Development"  
S.P. 664 L.D. 1886

**Majority - Ought to Pass as Amended by Committee Amendment "A" (S-120)** (12 members)

**Minority - Ought to Pass as Amended by Committee Amendment "B" (S-121)** (1 member)

Tabled - April 27, 1999, by Senator **MICHAUD** of Penobscot.

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-120)** Report

(In Senate, April 27, 1999, Reports **READ**.)

At the request of Senator **HARRIMAN** of Cumberland a Division was had. 22 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **MICHAUD** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-120)** Report, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (S-120) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Chair laid before the Senate the following Tabled and Later (4/26/99) Assigned matter:

**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)

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

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

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

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

At the request of Senator **GOLDTHWAIT** of Hancock a Division was had. 26 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator **LONGLEY** of Waldo to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

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

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

S.P. 390 L.D. 1169

**Majority - Ought to Pass as Amended by Committee Amendment "A" (S-72)** (8 members)

**Minority - Ought to Pass as Amended by Committee Amendment "B" (S-73)** (4 members)

Tabled - April 13, 1999, by Senator **PARADIS** of Aroostook.

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-72)** Report



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

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

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

Senator **MITCHELL:** Thank you Madam President. Ladies and gentlemen of the Senate, I rise today to ask you to please vote against the pending motion so that you can vote for the Minority Report which was Ought to Pass as Amended by Committee Amendment "B". The reason I do this is because the Bill actually was asking for us to make sure that every case that was brought before this Children's Trust Board be brought before the Health and Human Services Committee of the Legislature. We feel that this is really micromanaging and this is why the Amendment that was put forward, that you would be voting on today, eliminates that. It does take a study committee into consideration. It still leaves the Amendment with the applicants, who have allowed their names to be placed on the list still on the Amendment. What the Minority Amendment does is to eliminate the language in the Bill with the exception of stating that there will be a Maine Children's Trust Study Committee. This Trust Study Committee will look at the entire entity. The Maine Children's Trust is a private group. It receives grants and it receives donations from people. We really don't feel that we should be putting into statute a law that we need to review every applicant for this trust grant. We feel that it needs to be studied and we need to look at what are the parameters, what are the guidelines, and make a decision based on what the results of the study group does. The study group is also requested, under your Majority Report, but it still leaves the applicants list, the names must be on there and be listed. I feel that at this time we don't need to put that into statute. We need to just erase that and look at the study. We need to find out what are the things that we need to address for the Children's Trust Fund and what things don't we need to address. Before we put anything into statute we need to make it a little more clear and bring it back to statute with what needs to be determined in the future if that does happen. The Maine Children's Trust group feels that yes, there are some short comings. There are things they need to address. We don't need to be micromanaging that group. It is a private group and they do have grants and donations given to them. We don't need to be reviewing every applicant or a list of all of the applicants. The Legislature doesn't need to be doing that. So we feel that if there are issues that need to be addressed by the Legislature then, yes, let's look at that through the study group and make a determination. If we can advise the Children's Trust people on what they need to be looking at, what they need to be following for new guidelines, but do we really need to put this in statute or can we accomplish what we really need to accomplish without making that happen in law. I would appreciate you joining with me in voting against the Majority Ought to Pass so we can vote for the Minority Report. Thank you.

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

Senator **HARRIMAN:** Thank you very much Madam President. Good afternoon ladies and gentlemen of the Senate. Madam President, if I might I'd like to pose some questions.

**THE PRESIDENT PRO TEM:** The Senator may pose his questions.

Senator **HARRIMAN:** Thank you Madam President. I'm somewhat uncertain as to whether or not this Maine Children's Trust is a private organization or a foundation or government entity. I would be interested to know if someone can answer that for me. If it is a foundation or a private organization, I am at a loss to know why it's the business of the Maine Legislature to delve into the inner workings of a private organization. So if I could pose those questions to you, Madam President, I'd appreciate it.

**THE PRESIDENT PRO TEM:** The Senator from Cumberland, Senator Harriman poses some questions through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY:** Thank you Madam President. Colleagues in the Senate, reasonable people differ as to whether it's public or private. It's a tax check off fund. To my knowledge no Court has defined it as necessarily private or public. So reasonable people can differ on that issue. With all due respect, what the good Senator from Penobscot was saying, basically this Bill does three things. The Children's Trust was created in the early part of the 90's during the recession when we were looking for funds to address children's issues. The mission of the Children's Trust as statutorily determined and has always been there to do prevention and child abuse issues. Arguably, with all the good things that have been done at the Children's Trust, some of us are reasonably uncertain that they understand that within the rubric of prevention comes child care. What this Bill first does is it brings child care within prevention. Federal authorities say yes, that's true. Secondly, in terms of accountability, in my district basically we don't even do the check off any more. We ran into problems, we tried to get answers and the answers we got didn't prove to be the answers that they then honored. So this is an attempt to say when you come forward, not in your laws, not with new Bills, but in your report because we see millions of reports every year, to just list with the permission of those who are applicants for this trust money. Just list who was funded and who was not and why. It's basically just a truth seeking addition to a report. Simple as that. Lastly, both Bills, the Majority and Minority Reports, include a study. It's relatively minor and I think it's cause for a major stir. Such is life. Thank you for voting the Majority Report in. Thank you.

At the request of Senator **AMERO** of Cumberland a Division was had. 17 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **PARADIS** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-72)** Report, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (S-72) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

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

Bill "An Act to Ensure Safety in the Sale of Shellfish"  
H.P. 792 L.D. 1115

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

Pending - **PASSAGE TO BE ENGROSSED, in NON-CONCURRENCE**

(In House, April 8, 1999, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 15, 1999, **READ A SECOND TIME**.)

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

Senator **KILKELLY:** Thank you Madam President. Men and women of the Senate, I regret that I didn't speak on this initially and would like to take a moment today to just explain why I'll be voting against this measure. The title "An Act to Ensure Safety in the Sale of Shellfish" seems very motherhood and apple pie or motherhood and clam chowder as the case may be. It would seem like something that we certainly should all support. I guess my concern is that what it in effect does, is to require that there be a middleman in the sale between a lot of shellfish harvesters and particularly restaurants. As is the case in many coastal communities, there are folks who go out and harvest shellfish and come in and sell them directly to the restaurants. They don't, in fact, go through a middle person who would then obviously need to take a percentage of the cost of that sale. They do that directly. That's been going on for a long time. To say that somehow by passing this Bill which would require that position, which would put us in compliance with some Federal requirements for these dealers to be involved increases the safety, I think is questionable. Certainly something can be much safer and there's a better relationship between someone who's actually out there harvesting and knowing that the person that they're selling to is the person that is directly going to be using that product, and vice versa. The person they're buying from is the person who actually harvested that product. So I think when we can reduce that middle person, we ought to be doing that. I also have a concern about rules that fall on us from on high. When things, in fact, in the state of Maine have been going just fine for a long time in terms of people being able to make these sales without a dealer being involved. It concerns me that the Federal Government has said this is the model you must follow. You must have a dealer involved in this process. I think there are times when we need to stand up to that and say when you can show us that there's a problem here in the state of Maine then we'll respond to that problem or if we see a problem we'll respond to that problem. But if it ain't broke, don't fix it. So I would urge you to vote against the pending motion and go on to Defeat this legislation. Thank you.

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

Senator **GOLDTHWAIT:** Thank you Madam President. Ladies and gentlemen of the Senate, I will be supporting the Committee

Report and the Report as it was Passed on the previous vote in the Chamber. You are, of course, free to do as you wish but I just want to give you a little information on the Bill. First of all, it does not require a middleman in the sale of shellfish. It requires that whoever is making that sale be a dealer or be selling to a dealer. So if a shellfish harvester becomes a dealer or if the restaurant to whom that harvester sells is a dealer there is no requirement for a middleman. It is true that the provisions for how one becomes a dealer would be a bit more onerous on the harvester but certainly not on the restaurants, who are probably meeting all the requirements that it would take to be seafood dealers as it stands. The issue does have to do with regulations that come from on high. In fact most of my life these days seems to be consumed with regulations that come from on high. It's never anything that goes over very well in the state of Maine. We defeated the Bill in the last Session, the other Body defeated the Bill already in this session and we have been notified by the Federal Government through their International Shellfish Sanitation Program, that they are waiting for our action to be finalized on this Bill and then plan to determine we have, what they call very delicately, an unresolved issue. Then there is a process for them notifying us that we have an unresolved issue and what happens next. The ultimate consequence of this is a restriction on the state of Maine from selling any shellfish outside of the state of Maine. Now we can argue about whether they'll really do that or not, or whether that's a problem or not. I think it would be a big problem. There are provisions within the existing Federal Sanitation Program for devising another strategy and seeing if it meets the test of the Federal standards. I would feel more comfortable were we to go through that process route than simply saying this doesn't make any sense to us, it's not going to provide us with extra safety, we're going to do what we want to do and end up this summer with none of our seafood dealers being able to sell out of state.

So it's a dangerous game of chicken here. We're playing it in an increasing number of fisheries. I would ask you to consider two things. First, the possible consequences to the many business people who rely on those out of state sales. Secondly, the fact that seafood that is sold out of state is required to have particular sanitation measures. So we now have a double standard. The seafood that's going out of state has a higher sanitation standard than the seafood that we are consuming ourselves and that we are selling to the many visitors that come to Maine. It doesn't take long and it doesn't take many people being ill on seafood to get a reputation. If you remember the issue with lobster tomalley that was around about two years ago. It takes the general public a long time to get over a sudden rush of publicity about a food sanitation problem. So I would encourage you to continue to support this Bill so that we avoid the repercussions that I've discussed. Thank you.

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

Senator **KILKELLY:** Thank you Madam President. May I pose a question?

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

Senator **KILKELLY:** Thank you. In regards to a middleman not being required, would it in fact require that either the shellfish harvester or the restaurant in the case of that sale procure an

additional license, a license they don't currently hold? So they'd have to have two licenses in order to do the same transaction where they are currently only holding one license.

**THE PRESIDENT PRO TEM:** The Senator from Lincoln, Senator Kilkelly poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Madam President, ladies and gentlemen of the Senate, it would require that one of those parties hold a certified shellfish dealer's license.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from York, Senator MacKinnon.

Senator **MACKINNON:** Thank you Madam President. Women and men of the Senate, I rise today to ask you to please support the idea that we do have a middle person between. Two years ago I voted against this Enactment. I've looked at it this year. The license we're talking about is \$217. If we're really looking at economic development maybe some of these shellfish harvesters could band together to form their own co-op to do this. You could also look at a restaurant paying \$217. This does not preclude the shellfish harvester from still selling on the side of the road out of their vehicle to the direct consumer in the state of Maine. I realize that this is a issue which pits the shellfish harvesters against the middle people at this particular time and would force them to get another license. But in lieu of the potential of shutting down our industry and losing the amounts of money out of state, I think it's well worth the investment for these people to do that and urge you to please support this. Thank you.

The Chair ordered a Division. 24 Senators having voted in the affirmative and 4 Senators having voted in the negative, the Bill was **PASSED TO BE ENGROSSED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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

S.P. 143 L.D. 412

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

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

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

Pending - motion by Senator **RUHLIN** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report (Division requested)

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

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

Senator **MILLS:** Thank you Madam President. Men and women of the Senate, as you may recall, this Bill is simply one that would remove the Education Funding Formula from the business of economic development. My concern is that local economic development measures ought not to be performed at the expense of distorting the educational funding formula, particularly as it may have impact on poorer districts in this state. By requiring that tax increment financing or TIF property be included in a town's evaluation for purposes of determining the amount that they are entitled to for school funding would be a good measure to pass. I therefore urge you to vote against the pending motion so that we can go on to support the Ought to Pass Report. Thank you.

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

Senator **RUHLIN:** Thank you Madam President. Members of the Senate, we presently use TIF districts, Tax Incremental Finance districts, in the state of Maine to help develop our economy whether it be in the small rural areas or the major communities. It's used uniformly throughout the state by a local referendum. I want to stress that. Nowhere does it come down on high from Augusta. It's the local community choice. In doing that what they often do is say we will not tax this \$2 million worth of real estate property or building for the next five years. Consequently that does not appear on their tax bill for the assessor when he goes to assess uniformly by state law the taxes within that community. If they're on there, I ask you a question, how is going to uniformly assess the community? They can't be on there. We will be not uniformly assessing the community, which is against the law. The evaluation does not appear in the communities books as such and as such does not impact a state funding mechanism for education, which is already a distorted formula that we use. I don't really want to get into that right now. Just saying to you that when you have a TIF let's leave it alone, let's not play with it. It works, it helps and just let's go on and let the local community decide. If they said we don't want to pay through the real estate property tax for five years for this TIF then they can bill locally. We in Augusta allow them a chance to vote but then we let them have the local control. Again, this is what this is about, local control. So I hope that you will join with me and vote for the Ought Not to Pass motion. I thank you.

At the request of Senator **MILLS** of Somerset a Division was had. 22 Senators having voted in the affirmative and 6 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 (4/26/99) Assigned matter:

SENATE REPORTS - from 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

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

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

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

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

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

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

Senator **MITCHELL:** Thank you Madam President. Ladies and gentlemen of the Senate, I rise to ask you to vote against the Majority Ought to Pass and vote with the Minority Ought Not to Pass which was six members of the Committee. The reason I do that is because this is a duplication of effort. It's a good Bill, there are some excellent points that are brought up in it. Senator Treat did a great job on this. However it is costly and we currently have before the Committee right now another Bill which we have held over to next year. That's 'Wheels to Work,' which is President Lawrence's Bill. We feel that holding this Bill over gives us an opportunity to look at a pilot program that's being implemented. The Department of Human Services has a program in place which is more economical. It addresses the issues that we need to address. They are planning on implementing a pilot program for the entire state. Why don't we take an opportunity to look at the results of this pilot program and study whether or not we need to make changes and what we need to implement in addition to what the Department is recommended. In retrospect, we do pay our people good money in the Department of Human Services. They're working hard to be more economically inclined to do what's best for our seniors and our disabled people that need transportation and the ability to get to work and get to their appointments. We are addressing that problem. By holding the Bill over, we feel that with the strong points that are in Senator Treat's Bill we can pull out that and encompass that with the other Bill if that need be. We don't need two Bills to make that happen. That's why you see the Committee has a very close vote on this. The strength is that we feel that we should give the Department an opportunity to implement their pilot program and let's take a look at the results of that without incurring additional costs by having the Committee look at something we don't really need. So I'd ask you to join me in voting against the Majority Ought to Pass Report so that we can vote for the Minority Report. Thank you very much.

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

Senator **TREAT:** Thank you Madam President. Men and women of the Senate, I hope you will go along with the Majority Report of this Committee. The matter before you is actually not a Bill, it is a Study Order under the new rules of our Legislature which

encourage doing Joint Orders for studies. This issue is actually an extremely complicated one. In a nutshell, it is how do we get transportation into the hands of people who need it, who right now have cars that break down and prevent them from getting to work. At the same time is there something we can do that will reduce the amount of air pollution that we have in this state caused primarily by a lot of very old cars run and operated by these same people? 45% of long term recipients of TANF, our welfare program, in a recent study said that the primary reasons that they were unable to keep a job was that they did not have reliable transportation. That compared to 14% amongst those who had been able to keep a job over an eight year period. Why is that? Right now under our Food Stamp criteria, for example, there are very strict limits about how many assets you can have. We actually have policies that encourage people to keep cars that break down. Employers are not terribly sympathetic when someone calls in for the third time in a row and says, sorry my car broke down, I can't get to work. They're often out the door. This is often the experience of people who have had long term experience with welfare. There's a lot of very complicated issues here that involve how we can possibly get some Federal transportation money that right now is designated only for mass transit. Can we possibly get some of that money to be able to get some 'newer' old cars that we could then loan or lend or sell at a reduced price or have a low cost loan program to do.

There's some other issue around Food Stamps. There are also issues where we might be able to deal with some of the air pollution problems at the same time. Right now we've been struggling with car tests that went down the tubes that were required by Federal law to meet our Clean Air Standards. RFG with MTBE, that went down the tubes because people didn't like to do that. We're still not in compliance with meeting the Clean Air requirements on gas. Right now there's a Cumberland-County-Only Program. There's a Bill right now in our Committee to repeal that. One of the things that's very interesting is that, in reality, if we were just to get a bunch of these very old cars off the road we might not need any of these programs that people in Maine don't want. So there's a meshing of interests here. All this Bill does is create a study committee of Legislators to look into these issues over the summer and fall so that the Carry-over Bill has something to put in it. I think this is a great idea. It's just going to sit on the Appropriations Table with a whole bunch of other studies and we get to pick our priorities later on in the process. I think this is one that's worth considering and I hope that you will vote for it.

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

Senator **PARADIS:** Madam President, men and women of the Senate, we are down to 13,000 adults collecting welfare. One of the major barriers we've discovered is transportation. I applaud the Senator from Kennebec for bringing that issue to us. The Department is moving but apparently not fast enough because we're bumping into this major transportation issue. I guarantee you when the weather is 40 below, I've seen a little clunker that stays on the side of the road when I'm on my way to the University of Maine at Fort Kent. I used to see those little buggers there all the time and I wondered who that was having to park in a snow bank while they hitchhiked into school. This is a major piece that we need to address. I urge your support for this Joint Order.

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

Senator **HARRIMAN:** Thank you very much Madam President. I hope you will forgive me Ladies and gentlemen of the Senate, I couldn't help but react to my good friend from Kennebec, Senator Treat's, comments regarding the MTBE. As one who strongly and strenuously objected to that additive to our gasoline in the first place, it was based solely on the fact that it didn't seem to make sense to me that we would pollute our groundwater in the name of cleaning up the air, I just wanted to make sure the record was clear on that. Thank you Madam President.

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

Senator **LIBBY:** Thank you Madam President. Men and women of the Senate, I also wanted to clear up the statement that was made earlier by a previous speaker that we have a Bill pending to repeal the Cumberland County car tests. That Bill's been held over by a vote of the Committee and I just want to make sure that folks don't think that that's hanging over their heads this year. Thank you.

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

Senator **TREAT:** Thank you Madam President. Members of the Senate, apparently my remarks have made people uncomfortable. The point I'm trying to make is just that we have had a very difficult time in the state of Maine coming up with policies that both meet the Federal Government's requirements about what we have to do to reduce air pollution and meet our own concerns here in the state of Maine about how to do that in a way that doesn't pollute groundwater. How do we do that in a way that's fair to all concerns? How do we do that in a way that is not too expensive for people, particularly people who have low incomes? Those are the very people that are affected by a car inspection program. Those are the very people that this Study Order would focus on trying to find some solutions to. I think that my Study Order is just an additional to the mix to try to avoid some of the problems that we've had in the past. I'm not in any way saying that those weren't real problems. They are and that's why we need some innovative solutions to getting around them. Thank you.

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

Senator **DOUGLASS:** Madam President, men and women of the Senate, I applaud Senator Treat's idea to help low income families find their way to work. In the Labor Committee we've heard how unemployment compensation is not paid to those who are unable to get to work because of transportation and yet it's very clear to me, after walking a large district, that there are many people that cannot afford to keep a car on the road. I think it's important that we encourage them to work. However, transportation is a fundamental aspect there. As a rural state, we do not have mass transportation readily available to many of our working men and women. I think it's rather unfair that we expect them to live with what would be fixer-upper vehicles. They don't have the expertise for this. I think that it's a good idea to take a

look at this issue and see how our state can become more productive and perhaps decrease air pollution in the process.

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

Senator **MITCHELL:** Thank you Madam President. We all are very concerned about our people getting to work. I would again remind you of what the good Senator from Penobscot, Senator Ruhlin, said earlier. Where we do we take the money from? Education or what other group? We are working with that. We have a vehicle with people on salary that are addressing this situation in the Health and Human Services Committee. We have brought to their attention the needs of vehicles that have emission problems and they have the opportunity to encompass that into their statewide pilot program. I would say to you again why would we incur another cost when we can take advantage of the people we currently have on the payroll to implement a program that's going to help our people with transportation needs and will do what we can to make that happen without delving into funding another group when we can use that money for much better needed purposes. Thank you very much.

The Chair ordered a Division. 16 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **RAND** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS** Report, **PREVAILED**. The Joint Order was **PASSED**.

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

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On motion by Senator **BENNETT** of Oxford, **ADJOURNED**, pursuant to the Joint Order, until Thursday, April 29, 1999, at 9:00 in the morning, in memory of and lasting tribute to Jacob Immonen of West Paris.