

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Nineteenth Legislature
State of Maine

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

In Senate Chamber
Monday
May 3, 1999

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

Prayer by Pastor William Luger of the Water of Life Lutheran Church in Newcastle.

PASTOR LUGER: Good morning. I want to bring you greetings from Water of Life. It's rather interesting to know that at 10:25 we ring a bell for people to move from the fellowship area into the sanctuary and by 10:30 almost everybody's in. So I'm happy to see we do better than you do here. Let us pray. Dear Father, enable us to say with joy thank God it's Monday. We are so ready to say thank God it's Friday and we do need rest and Lord we thank You that You not only give rest but You command us to take it. But now it's Monday and before all of us there is this busy, hectic, and often times confusing week in which we have to make choices and it's not easy and so often we make the wrong choices. Father, we know this is especially true of the men and women that have been elected to determine the direction of our state. In the political process they are often under great stress. We know that Your spirit did move upon the waters dark and rude and bade the mighty ocean deep its own appointed limits keep and give for wild confusion peace. We know that Your spirit can move today to bring order out of chaos. So send Your spirit upon all of us and especially upon this Senate as it meets. Give Holy wisdom and discernment as it tackles complex issues. Give unity and encouragement so they will all be able to say with confidence, thank God it's Monday, thank God it's Tuesday, thank God it's Wednesday, thank God it's Thursday, and then be able to say, not in frustration but with a sense of accomplishment, thank God it's Friday. Amen.

Pledge of Allegiance led by Senator Neria Douglass of Androscoggin County.

Doctor of the day, John A. James, M.D., Auburn.

Reading of the Journal of Thursday, April 29, 1999.

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

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent 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)

In Senate, April 27, 1999, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House with the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

On motion by Senator **PINGREE** of Knox, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Sent down for concurrence.

Non-Concurrent Matter

Bill "An Act to Protect Consumers in Real Estate Mortgage Transactions"

S.P. 45 L.D. 116
(C "A" S-59)

In Senate, April 7, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-59)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-59) AND HOUSE AMENDMENT "A" (H-235)**, in **NON-CONCURRENCE**.

On motion by Senator **PINGREE** of Knox, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent 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)

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

In Senate, April 27, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

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

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending motion by Senator **PINGREE** of Knox to **ADHERE**.

Non-Concurrent 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)

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 26, 1999, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

On motion by Senator **PINGREE** of Knox, the Senate **INSISTED** and **JOINED IN A COMMITTEE OF CONFERENCE**.

Non-Concurrent Matter

Bill "An Act to Change the Way Nursery License Fees Are Established"

H.P. 537 L.D. 744
(C "A" H-75)

In Senate, March 31, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-75)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-75) AS AMENDED BY HOUSE AMENDMENT "A" (H-309)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **PINGREE** of Knox, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

Bill "An Act to Require Legislative Review of Rules Regarding Campaign Report Filing Forms"

S.P. 383 L.D. 1162
(C "A" S-44)

In Senate, March 31, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-44)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-44) AS AMENDED BY HOUSE AMENDMENT "A" (H-241)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **PINGREE** of Knox, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

Bill "An Act to Create the Telemarketing Registration and Fraud Prevention Act"

H.P. 1004 L.D. 1402
(C "A" H-113)

In Senate, April 7, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-113)**, in concurrence.

Comes from the House, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

Joint Order

The following Joint Order: H.P. 1569

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Human Services report out to the House legislation regarding mental health services.

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

READ.

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

COMMUNICATIONS

The Following Communication: S.C. 194

**STATE OF MAINE
DEPARTMENT OF HUMAN SERVICES
11 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

March 30, 1999

Honorable Mark W. Lawrence
President of the Senate
3 State House Station
Augusta, Maine 04333

Re: Report Concerning License Revocation and Child Support Enforcement

Dear President Lawrence:

It is the responsibility of the Department of Human Services, Division of Support Enforcement and Recovery (DSEER) to report to the Legislature and the Governor regarding license revocation. The first report is due January 31, 1999 and biennially thereafter, in accordance with 19A MRS § 2201 and 2202 (12).

For Professional and Recreational Licenses

Requirement No. 1

The number of support obligors identified as licensees subject to this section.

Answer:

We have identified 2,284 professional licenses involving 2,635 cases. We have been unable to identify recreational licenses on a statewide basis because they are not contained in a centralized data base. Therefore we have tracked them on an individual basis. The Department is working with Inland Fisheries and Wildlife to develop an on-line procedure to automate receipt of this information.

Requirement No. 2

The number of support obligors identified by the Department under this section who are not in compliance with a court order of support.

Answer:

At this time, 1,306 non-custodial parents are presently matched with our child support caseload and an additional 1,333 cases have been closed which did have a professional license in our caseload.

Requirement No. 3

The number of actions taken by the Department under this section and the results of those actions.

Answer:

The Department has taken 309 business and professional licenses. The Department has requested the revocation of only a limited number of recreational licenses. Under present sales procedures for recreational licenses, obligors would be able to purchase a new license almost immediately at any number of locations around the state. Again, we are researching this issue to find ways to make this section more effective.

For Drivers Licenses

Requirement No. 1

The number of notices served upon support obligors by the Department under this section.

Answer:

The Department has served in excess of 24,000 notices upon support obligors. We also had to re-serve obligors after the law changed in 1997 in order to provide due process to all individuals. There has been a steady increase in the number of notices served since the process began in 1993.

Requirement No. 2

The number of obligors served notice under this section who request a hearing.

Answer:

Our records indicate that 267 hearings have been requested as a result of our license revocation initiative.

Requirement No. 3

The number of obligors held under this section, the results of the hearings and the number of cases settled without a hearing.

Answer:

Our records indicate 165 hearings were held, and 102 were settled without the need for a hearing. To date, the Department has prevailed in every hearing.

Requirement No. 4

The number of support obligors certified to the Secretary of State for noncompliance with a court order of support under this section.

Answer:

1,827 obligors have been certified as of January 21, 1999.

Requirement No. 5

The costs incurred in the implementation and enforcement of this section and the Department's actions under this section.

Answer:

DSEER estimates that direct costs of approximately \$212,000 have been incurred in order to implement the enforcement of

drivers license revocation since its inception in 1994 through 1998. These costs include service of process of the initial revocation notice(s); printing costs; photocopying; postage; and staff time for one clerical person. DSER acknowledges that additional indirect costs have been incurred, such as operation of computers; administrative hearings; cashier staff to process increased payments; expenditures billed to DSER from BMV, Secretary of State; and computer programming time. We are unable to break out this particular initiative from the total normal operating procedures.

The original four target groups totaling 23,456 cases were identified in a singular, concerted effort to bring an existing, non-paying caseload into compliance by utilizing the threat of license revocation. Initially two warning letters were sent to non-custodial parents. Effort was then undertaken to serve each of the individuals who ignored the two warning letters with Notices of Intent to Revoke which actually began the revocation action against them.

The backlog of existing cases subject to license revocation in the target groups was diligently worked by professional staff for a considerable period of time, during which time new cases came into the DSER system needing license revocation enforcement action, and paying cases fell out of compliance and became subject to license revocation action. The new cases and cases formerly in compliance have been handled, and continue to be handled, on an exception basis as they are recognized by the DSER data warehouse which extracts information from the DSER New England Child Support Enforcement (Computer) System (NECSSES).

The Department has found tracking certain aspects of the license revocation program to be useful. We track total number of license actions, total number of agreements, and payments received from targeted individuals.

The information requested in this report was formulated at the Legislative Session in 1993 prior to the actual implementation of our process. Information contained in this report does not mirror how the law is applied today. The attached LIRV sheet better reflects the actual process and gives a more accurate portrayal of how we use this law and the results to date. This information was developed as a result of a study done by the Office of the Inspector General for a national report studying the effectiveness of several states' license revocation laws. We have attached this report for your information.

Enclosed is a copy of the Inspector General's Report comparing Maine's administrative process with the processes in court states and quasi-administrative states.

Yours truly,

S/Stephen L. Hussey, Director
Division of Support Enforcement & Recovery

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 197

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

April 28, 1999

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Katherine D. Wyman of Farmington, for appointment to the State Board of Education.

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

YEAS	Senators	1	Berube of Androscoggin
	Representatives	9	Brennan of Portland,
			Andrews of York, Baker of
			Bangor, Belanger of Caribou,
			Desmond of Mapleton,
			Richard of Madison,
			Stedman of Hartland,
			Watson of Farmingdale,
			Weston of Montville

NAYS 0

ABSENT	3	Sen. Murray of Penobscot,
		Rep. Skoglund of St. George,
		Sen. Small of Sagadahoc

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Katherine D. Wyman of Farmington, for appointment to the State Board of Education be confirmed.

Signed,

S/Georgette B. Berube
Senate Chair

S/Michael F. Brennan
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 198

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

April 28, 1999

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Kenneth W. Allen of Orono, for appointment to the State Board of Education.

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

YEAS	Senators	2	Berube of Androscoggin, Small of Sagadahoc
	Representatives	9	Brennan of Portland, Andrews of York, Baker of Bangor, Belanger of Caribou, Desmond of Mapleton, Richard of Madison, Stedman of Hartland, Watson of Farmingdale, Weston of Montville
NAYS		0	
ABSENT		2	Sen. Murray of Penobscot, Rep. Skoglund of St. George

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Kenneth W. Allen of Orono, for appointment to the State Board of Education be confirmed.

Signed,

S/Georgette B. Berube
Senate Chair

S/Michael F. Brennan
House Chair

READ and ORDERED PLACED ON FILE

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

The Following Communication: H.C. 152

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

April 29, 1999

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

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it accepted the Minority Ought Not to Pass Report of the Committee on Marine Resources on Bill "An Act to Ensure Safety in the Sale of Shellfish" (H.P. 792) (L.D. 1115)

Sincerely,

S/Joseph W. Mayo
Clerk of the House

READ and with accompanying papers ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act Relating to the Kennebec Regional Development Authority" (EMERGENCY)

S.P. 807 L.D. 2219

Sponsored by Senator KONTOS of Cumberland.
Cosponsored by Senators: CAREY of Kennebec, DAGGETT of Kennebec, KILKELLY of Lincoln, Representatives: COLWELL of Gardiner, GAGNON of Waterville, MADORE of Augusta, O'BRIEN of Augusta.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

ORDERS

Joint Orders

On motion by Senator KILKELLY of Lincoln, the following Joint Order:
S.P. 808

ORDERED, the House concurring, that Bill, "An Act to Allow Military Personnel Home on Leave to Purchase a Hunting or Fishing License for \$10," S.P. 464, L.D. 1403, and all its accompanying papers, to be recalled from the Governor's desk to the Senate.

READ.

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

Senator **KILKELLY:** Thank you, Mr. President. Men and women of the Senate, while this is a tremendously wonderful Bill, it does, however, have a slight technical problem and needs to be Recalled in order to be Amended and the Committee supports it. Thank you.

PASSED.

Sent down for concurrence.

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

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 RAND of Cumberland, Representative SAXL of Portland, Representative SHIAH of Bowdoinham), the following Joint Resolution: S.P. 791

JOINT RESOLUTION RECOGNIZING MAY AS BETTER HEARING AND SPEECH MONTH

WHEREAS, audiologists and speech-language pathologists in the State observe and celebrate Better Hearing and Speech Month each year during the month of May; and

WHEREAS, the State recognizes and values the efforts of all who work to eliminate or minimize the isolating effects of communication disorders in the one in 10 families affected by communication disorders; and

WHEREAS, many citizens of the State have overcome their communication disabilities through the services of dedicated audiologists and speech-language pathologists; and

WHEREAS, audiology and speech-language pathology services throughout our nation help to enable and empower individuals with communication disorders to lead independent, productive and fulfilling lives; and

WHEREAS, the State is proud and honored to have many audiologists and speech-language pathologists offering high-quality education and health care services to its citizens; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature now assembled in the First Regular Session, proclaim the month of May as Better Hearing and Speech Month and encourage all citizens to recognize the achievements of audiologists and speech-language pathologists in improving the quality of life of people with communication disorders.

READ and ADOPTED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Ensure Access to Prescription Drugs for the Elderly" H.P. 1347 L.D. 1947

Reported that the same be **REFERRED** to the Committee on **BANKING AND INSURANCE.**

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

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

REFERRED to the Committee on **BANKING AND INSURANCE**, in concurrence.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Partial Funding for Construction of the Edmund S. Muskie School of Public Service"

H.P. 925 L.D. 1302

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

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

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

Signed:

Senator:

HARRIMAN of Cumberland

Representatives:

KNEELAND of Easton
WINSOR of Norway
BRUNO of Raymond
NASS of Acton

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

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Resolve, to Increase Access to Maine's Technical College System

H.P. 1191 L.D. 1701

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

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 Not to Pass**.

Signed:

Senator:

HARRIMAN of Cumberland

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A"** (H-316).

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Require the Commission on Governmental Ethics and Election Practices to Report Delinquent Filers"

H.P. 177 L.D. 255

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

Signed:

Senators:

DAGGETT of Kennebec
CAREY of Kennebec
FERGUSON of Oxford

Representatives:

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

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

Signed:

Representatives:

CHIZMAR of Lisbon
LABRECQUE of Gorham

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 **DAGGETT** of Kennebec, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Require a Vote of 2/3 of Each House of the Legislature to Enact or Include a Tax or License Fee
H.P. 255 L.D. 359

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

Signed:

Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-172)**.

Signed:

Senator:

DAVIS of Piscataquis

Representatives:

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

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

Reports **READ**.

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

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

Senate

Ought to Pass

Senator **CAREY** for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Implement the Recommendations of the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities"

S.P. 530 L.D. 1563

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator **BERUBE** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding Funding for Vocational Technical Schools"

S.P. 628 L.D. 1793

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

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

READ ONCE.

Committee Amendment "A" (S-159) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator **BERUBE** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Restore the Distribution Formula Between Private and Public Colleges within the Maine Student Incentive Scholarship Program"

S.P. 635 L.D. 1802

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

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

READ ONCE.

Committee Amendment "A" (S-158) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator **BERUBE** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Support the Graduate Education of Speech Pathologists for Maine Schools"

S.P. 703 L.D. 1978

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

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

READ ONCE.

Committee Amendment "A" (S-161) **READ** and **ADOPTED**.
TOMORROW ASSIGNED FOR SECOND READING.

Senator DOUGLASS for the Committee on **LABOR** on Bill "An Act to Bring Certain Maine Drug Test Levels into Conformity With Federal Standards"

S.P. 351 L.D. 1055

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

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

READ ONCE.

Committee Amendment "A" (S-156) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator DAGGETT for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Qualifications for Appointment of the Adjutant General and Assistant Adjutant General"

S.P. 527 L.D. 1560

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

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

READ ONCE.

Committee Amendment "A" (S-151) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator DAGGETT for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Statutes Regarding Maine Veterans"

S.P. 672 L.D. 1894

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

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

READ ONCE.

Committee Amendment "A" (S-150) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator GOLDTHWAIT for the Committee on **MARINE RESOURCES** on Bill "An Act to Establish a Permit for the Marine Shrimp Fishery"

S.P. 649 L.D. 1829

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

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

READ ONCE.

Committee Amendment "A" (S-153) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator PENDLETON for the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Regarding the Conveyance of a Right-of-way Across the Elizabeth Levinson Center in Bangor

S.P. 620 L.D. 1785

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

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

READ ONCE.

Committee Amendment "A" (S-160) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator CAREY for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Create the Farmington Falls Standard Water District" (EMERGENCY)

S.P. 702 L.D. 1977

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

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

READ ONCE.

Committee Amendment "A" (S-148) **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 Pleasant River Standard Water District"

S.P. 724 L.D. 2044

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

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

READ ONCE.

Committee Amendment "A" (S-149) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Promote Maine's Family-friendly Business and Investment Strategies"

S.P. 487 L.D. 1447

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

Signed:

Senators:

KONTOS of Cumberland
LONGLEY of Waldo
MacKINNON of York

Representatives:

O'NEAL of Limestone
SIROIS of Caribou
TRIPP of Topsham
USHER of Westbrook
BOLDUC of Auburn
BOWLES of Sanford
MENDROS of Lewiston

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

Signed:

Representatives:

MARVIN of Cape Elizabeth
CLOUGH of Scarborough

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-147) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Validate Voluntary Collective Bargaining Provisions that May Affect Educational Policies"

S.P. 333 L.D. 987

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

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-152).**

Signed:

Representatives:

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

Reports **READ**.

Senator **DOUGLASS** of Androscoggin 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 **LEGAL AND VETERANS AFFAIRS** on Resolve, to Allow Zelma Rudge to Sue the State

S.P. 104 L.D. 243

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

Signed:

Senators:

DAGGETT of Kennebec
CAREY of Kennebec
FERGUSON of Oxford

Representatives:

TUTTLE of Sanford
CHIZMAR of Lisbon
FISHER of Brewer
LABRECQUE of Gorham
McKENNEY of Cumberland
O'BRIEN of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-155)**.

Signed:

Representatives:

GAGNE of Buckfield
MAYO of Bath
PERKINS of Penobscot
HEIDRICH of Oxford

Reports **READ**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Improve the Maine Clean Election Act"

S.P. 300 L.D. 872

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

Signed:

Senators:

CAREY of Kennebec
FERGUSON of Oxford

Representatives:

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

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

Signed:

Senator:

DAGGETT of Kennebec

Representatives:

TUTTLE of Sanford

CHIZMAR of Lisbon
PERKINS of Penobscot
SHIAH of Bowdoinham

Reports **READ**.

Senator **DAGGETT** of Kennebec moved the Senate **ACCEPT** the Minority **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 Minority **OUGHT NOT TO PASS** Report.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Authorizing Certain Members of the Sullivan Family to Bring Suit Against the State

S.P. 605 L.D. 1728

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

Signed:

Senators:

CAREY of Kennebec
FERGUSON of Oxford

Representatives:

TUTTLE of Sanford
GAGNE of Buckfield
MAYO of Bath
PERKINS of Penobscot
McKENNEY of Cumberland
O'BRIEN of Lewiston
HEIDRICH of Oxford

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

Signed:

Senator:

DAGGETT of Kennebec

Representatives:

CHIZMAR of Lisbon
FISHER of Brewer
LABRECQUE of Gorham

Reports **READ**.

Senator **DAGGETT** of Kennebec moved the Senate **ACCEPT** the Minority **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 Minority **OUGHT NOT TO PASS** Report.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Terminate the Authority of the Governmental Facilities Authority"

S.P. 57 L.D. 127

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

Signed:

Senators:

PENDLETON of Cumberland
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
RINES of Wiscasset
McDONOUGH of Portland
TWOMEY of Biddeford
BUMPS of China
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" (S-146)**.

Signed:

Senator:

GOLDTHWAIT of Hancock

Representatives:

KASPRZAK of Newport
GERRY of Auburn

Reports **READ**.

Senator **PENDLETON** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

SECOND READERS

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

House

Bill "An Act to Further Discourage the Field Theft of Wild Blueberries"

H.P. 529 L.D. 736

Bill "An Act Regarding the Operation of a Motorized or Electric Bicycle on a Public Way"

H.P. 1058 L.D. 1489

Bill "An Act Concerning Service Relating to the Disclosure of Financial Records"

H.P. 1161 L.D. 1672

Bill "An Act to Change the Names of Divisions within the Bureau of Forestry to More Accurately Reflect the Roles and Duties of Those Divisions"

H.P. 1362 L.D. 1960

Bill "An Act to Clarify the Duties of the State Auditor"

H.P. 1399 L.D. 2004

Bill "An Act to Provide Increased Access to Dental Care in Maine"

H.P. 1467 L.D. 2099

Bill "An Act to Implement the Recommendations of the Commission on Eating Disorders"

H.P. 1563 L.D. 2215

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

House As Amended

Bill "An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2000" (EMERGENCY)

H.P. 32 L.D. 41
(C "A" H-258)

Bill "An Act to Allow Foster Parents to Be Present When the Department of Human Services Meets with a Foster Child"

H.P. 67 L.D. 80
(C "A" H-273)

Resolve, to Direct the Department of Labor to Set Up and Operate Employment Offices in the 16 Counties of the State

H.P. 183 L.D. 261
(C "A" H-259)

Bill "An Act to Prohibit the Misuse of Laser Pointers" (EMERGENCY)

H.P. 190 L.D. 268
(C "A" H-300)

Bill "An Act to Create the Washington County Electricity Agency"

H.P. 192 L.D. 270
(C "A" H-226)

Bill "An Act to Permit Senior Citizens to Remain in Their Homes by Providing Funds for Necessary Modifications"

H.P. 328 L.D. 444
(C "A" H-244)

LEGISLATIVE RECORD - SENATE, MONDAY, MAY 3, 1999

Bill "An Act to Provide Educational Opportunities for Persons Who Resided in Foster Care as Children"

H.P. 501 L.D. 708
(C "A" H-231)

Bill "An Act to Clarify Confidentiality of Mental Health Information"

H.P. 518 L.D. 725
(C "A" H-266)

Bill "An Act to Amend the Membership of the Commission on Safety and Health in the Maine Workplace"

H.P. 566 L.D. 787
(C "A" H-260)

Bill "An Act to Increase Access to Health Care for Low-income Maine People"

H.P. 605 L.D. 845
(C "A" H-265)

Bill "An Act to Establish Lobster Hatcheries"

H.P. 636 L.D. 886
(C "A" H-248)

Bill "An Act to Make It Illegal to Pass on Solid Center Lines"

H.P. 682 L.D. 938
(C "A" H-256)

Bill "An Act to Require That Certified Public Accounting and Public Accounting Firms Have a Majority of Their Owners Hold Certificates"

H.P. 685 L.D. 941
(C "A" H-234)

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government and Highway Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY)

H.P. 691 L.D. 958
(C "A" H-255)

Bill "An Act to Clarify the Standard for Cause in the Request for Proposal Process for the Department of Mental Health, Mental Retardation and Substance Abuse Services"

H.P. 692 L.D. 959
(C "A" H-229)

Bill "An Act to Restore Municipal Revenue Sharing"

H.P. 701 L.D. 968
(C "A" H-218)

Bill "An Act to Require That a Translator Be Available to Employees in the Workers' Compensation Process"

H.P. 726 L.D. 1016
(C "A" H-262)

Bill "An Act to Prevent Tampering With Indian Archeological Sites"

H.P. 738 L.D. 1028
(C "A" H-257)

Bill "An Act to Repeal Bedding, Upholstered Furniture and Stuffed Toys Laws"

H.P. 794 L.D. 1117
(C "A" H-252)

Bill "An Act to Amend Certain Laws Administered by the Department of Environmental Protection, Bureau of Land and Water Quality"

H.P. 837 L.D. 1160
(C "A" H-278)

Resolve, to Establish the Renewable Energy Policy Commission

H.P. 851 L.D. 1185
(C "A" H-254)

Bill "An Act to Change the Reimbursement Rate for Law Enforcement Personnel Who Testify in Court"

H.P. 894 L.D. 1251
(C "A" H-277)

Bill "An Act Regarding Continuing Education for Professional Land Surveyors" (EMERGENCY)

H.P. 917 L.D. 1295
(C "A" H-232)

Bill "An Act to Allow Student License Holders to Become Eligible for Commercial Lobster and Crab Fishing Licenses"

H.P. 948 L.D. 1345
(C "A" H-249)

Bill "An Act to Ensure That All Employees Receive Full Workers' Compensation Benefits"

H.P. 954 L.D. 1352
(C "A" H-263)

Bill "An Act Regarding Notification to Parties Affected by Marine Construction"

H.P. 969 L.D. 1367
(C "A" H-222)

Bill "An Act to Amend the Charter of the Dover-Foxcroft Water District"

H.P. 993 L.D. 1391
(C "A" H-242)

Bill "An Act Concerning Blueberry Growing Practices"

H.P. 1007 L.D. 1418
(C "A" H-228)

Bill "An Act to Add Members to the Maine Turnpike Authority"

H.P. 1018 L.D. 1429
(C "A" H-238)

Bill "An Act to Make Minor Corrections to the Laws Governing Consumer Credit and Collection"

H.P. 1023 L.D. 1434
(C "A" H-245)

Bill "An Act to Reorganize the Real Estate Appraisers Law"

H.P. 1026 L.D. 1437
(C "A" H-251)

Bill "An Act to Amend the Charter of the Veazie Sewer District"
H.P. 1110 L.D. 1569
(C "A" H-227)

Bill "An Act to Amend the Lobster Trap Escape Vent Laws"
(EMERGENCY)
H.P. 1139 L.D. 1624
(C "A" H-247)

Resolve, Regarding Legislative Review of Chapter 306: Uniform
Disclosure and Informational Filing Requirements, a Major
Substantive Rule of the Public Utilities Commission
(EMERGENCY)
H.P. 1173 L.D. 1684
(C "A" H-243)

Bill "An Act to Provide Immunity to Enhanced 9-1-1 Developers
and Providers"
H.P. 1185 L.D. 1695
(C "A" H-253)

Bill "An Act to Amend the Membership of the Information
Services Policy Board"
H.P. 1200 L.D. 1710
(C "A" H-269)

Bill "An Act Relating to New and Used Car Document Fees"
H.P. 1210 L.D. 1739
(C "A" H-240)

Bill "An Act to Amend the Habitual Truancy Law"
H.P. 1211 L.D. 1740
(C "A" H-276)

Bill "An Act to Improve Access to Dental Care for Children"
H.P. 1226 L.D. 1755
(C "A" H-274)

Bill "An Act to Clarify the Law Concerning Representations Made
in Insurance Contracts"
H.P. 1233 L.D. 1762
(C "A" H-246)

Bill "An Act to Amend the Maine Lemon Laws"
H.P. 1405 L.D. 2010
(C "A" H-279)

Bill "An Act to Ensure Adequate Nutrition for Low-income Legal
Aliens" (EMERGENCY)
H.P. 1470 L.D. 2110
(C "A" H-267)

Resolve, Directing the Department of Human Services to
Conduct a Review of the Reimbursement Rates under the
Medicaid Program for Speech, Language Pathology and
Audiology Services
H.P. 1473 L.D. 2113
(C "A" H-275)

Bill "An Act to Provide Funds for a National World War II
Memorial in Washington"
H.P. 1476 L.D. 2116
(C "A" H-270)

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

Bill "An Act to Require All Voting Places to be Accessible"
H.P. 74 L.D. 87
(C "A" H-250)

**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 Enhance Maine's Relationship with Aomori, Japan
by Hosting a Cultural Exchange"
S.P. 69 L.D. 172
(C "A" S-144)

Bill "An Act to Change Certified Public Accountant Experience
Requirements for Employees of the Department of Audit"
S.P. 247 L.D. 669
(C "A" S-136)

Bill "An Act to Amend the Laws Establishing a State Poet
Laureate"
S.P. 259 L.D. 754
(C "A" S-132)

Bill "An Act to Allow the Town of Madrid to Deorganize"
S.P. 330 L.D. 984
(C "A" S-133)

Bill "An Act to Amend the Laws Pertaining to Excise Tax
Collection"
S.P. 411 L.D. 1200
(C "A" S-134)

Bill "An Act to Encourage Municipal and State Partnerships
Concerning the Issuance of Aquaculture Leases"
S.P. 441 L.D. 1316
(C "A" S-145)

Resolve, to Direct the Governor to Establish a Commission to
Recommend to the Governor Candidate Designs for the Maine
State Quarter to be Submitted to the United States Mint
S.P. 444 L.D. 1319
(C "A" S-135)

Bill "An Act to Ensure That Sales Free and Clear of Liens
Through Bankruptcy Do Not Result in the Acquisition of a
Predecessor Employer's Experience for the Purpose of
Contribution Rate Determination"
S.P. 562 L.D. 1629
(C "A" S-139)

Resolve, to Establish Reimbursement Funding for Transportation Costs to and From Dialysis Treatment Facilities

S.P. 601 L.D. 1724
(C "A" S-138)

Bill "An Act to Create Staff Positions at the Maine Commission on Domestic Abuse"

S.P. 689 L.D. 1935
(C "A" S-140)

Bill "An Act to Amend the Lead Poisoning Control Act"

S.P. 727 L.D. 2047
(C "A" S-137)

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

Sent down for concurrence.

Bill "An Act to Ensure Adequate Nutrition Services for Maine's Elderly and to Create the Senior One-stop Program"

S.P. 518 L.D. 1552
(C "B" S-142)

READ A SECOND TIME.

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

Off Record Remarks

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator **KONTOS** for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act Concerning Licensure of Chiropractors" (EMERGENCY)

S.P. 784 L.D. 2199

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

Report **READ.**

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT.**

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Requiring Labeling of Unpasteurized Milk Products"

S.P. 281 L.D. 799

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

Signed:

Senators:

NUTTING of Androscoggin
KILKELLY of Lincoln
KIEFFER of Aroostook

Representatives:

COWGER of Hallowell
CARR of Lincoln
GOOLEY of Farmington
VOLENIK of Brooklin
PIEH of Bremen
WATSON of Farmingdale
FOSTER of Gray
GILLIS of Danforth

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

Signed:

Representative:

CROSS of Dover-Foxcroft

Reports **READ.**

On motion by Senator **NUTTING** of Androscoggin, the Majority **UGHT TO PASS AS AMENDED** Report **ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-162) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Confine Tribal Gaming to the Reservation of the Licensed Organization"

S.P. 275 L.D. 793

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

Signed:

Senators:

LONGLEY of Waldo
TREAT of Kennebec

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-163).**

Signed:

Senator:

BENOIT of Franklin

Representatives:

PLOWMAN of Hampden
WATERHOUSE of Bridgton

Reports **READ.**

Senator **LONGLEY** of Waldo 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.

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

COMMUNICATIONS

The Following Communication: S.P. 809

119TH MAINE LEGISLATURE

April 30, 1999

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

Dear Senator Daggett and Representative Tuttle:

Please be advised that Governor Angus S. King, Jr. has nominated the Honorable Harriet P. Henry of Standish for reappointment and the Honorable Donald A. Strout of East Corinth, the Honorable Virginia Constantine of Bar Harbor and the Honorable Michael E. Carpenter of Houlton for appointment as members of the Commission on Governmental Ethics and Election Practices.

Pursuant to Title 1, M.R.S.A., §1002, 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.

ORDERS OF THE DAY

Unfinished Business

The following matter 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 (4/27/99) Assigned 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

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

Pending - **FURTHER CONSIDERATION**

(In Senate, April 13, 1999, on motion by Senator **BENNETT** of Oxford, **READ** and **PASSED.**)

(In House, April 26, 1999, **READ** and **FAILED PASSAGE**, in **NON-CONCURRENCE.**)

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

Sent down for concurrence.

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

Senator **PINGREE** of Knox was granted unanimous consent to address the Senate off the Record.

Senator **BENNETT** of Oxford was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act to Ensure Adequate Nutrition Services for Maine's Elderly and to Create the Senior One-stop Program"
S.P. 518 L.D. 1552
(C "B" S-142)

Tabled - May 3, 1999, by Senator **PINGREE** of Knox.

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

(In Senate, May 3, 1999, **READ A SECOND TIME.**)

PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber the Artist of the Month for May, Stuart Nudelman of Ogunquit, Maine. Mr. Nudelman's sensitive photographic interpretations of ballet and his unique color abstractions can be seen in the President's office throughout the month of May. Mr. Nudelman serves as the Chair of the Ogunquit Performing Arts, Director of the York United Way, and is a member of the Executive Board. The Chair would ask that Stuart Nudelman and his wife, Eva, rise and accept the greetings of the Senate.

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 Partial Funding for Construction of the Edmund S. Muskie School of Public Service"

H.P. 925 L.D. 1302

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

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

Tabled - May 3, 1999, by Senator **MICHAUD** of Penobscot.

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

(In House, April 28, 1999, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**)

(In Senate, May 3, 1999, Reports **READ.**)

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

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 Resolve, to Increase Access to Maine's Technical College System

H.P. 1191 L.D. 1701

Majority - **Ought to Pass** (12 members)

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

Tabled - May 3, 1999, by Senator **MICHAUD** of Penobscot.

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

(In House, April 29, 1999, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-316).**)

(In Senate, May 3, 1999, Reports **READ.**)

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

READ ONCE.

House Amendment "A" (H-316) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Chair laid before the Senate the following Tabled and Later (4/1/99) Assigned matter:

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Establish a Fishing Rules Policy"

H.P. 294 L.D. 402

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass** (5 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 **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending motion by Senator **KILKELLY** of Lincoln to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

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

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Confine Tribal Gaming to the Reservation of the Licensed Organization"

S.P. 275 L.D. 793

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-163)** (3 members)

Tabled - May 3, 1999, by Senator **LONGLEY** of Waldo.

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

(In Senate, May 3, 1999, Reports **READ**.)

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

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

Senator **MILLS:** Ladies and gentlemen of the Senate, I urge you to vote against the pending motion which is Ought Not to Pass so that we might move on to pass the Bill as Amended by Committee Amendment "A". The Bill, as I recall it, Amends one or two words of our statute that deals with the authority given to the tribes to do high stakes Beano operations. Current law says that the tribes have the authority to open up and maintain a high stakes Beano facility either on the Reservation or on any land that might be designated as Tribal Territory. The Amendment to include all Tribal Territories was one that was passed just recently, a few years ago. And it opened up the possibility, for

instance, that the tribes might have authority to locate a high stakes Beano casino in Albany Township, for example, because they had purchased land there.

I think there is currently litigation over the issue of whether they had succeeded in designating that land property as Indian Territory. But in any case, it opened up the possibility that the tribes would have authority under our law to set up a high stakes gambling operation, in the form of Beano, in areas of the state outside of the Reservations maintained by the tribes. It would seem to me that if one of our intentions is to insure that the tribes themselves have capacity for economic development within the regions where they live, and if that was the philosophy behind the original licensing of high stakes Beano operations for the tribes, than that public purpose is very adequately served by permitting the tribes to maintain these casino-like facilities on the Reservations as they presently have authority to do, and I understand there is one such facility. But to say that they should be permitted to purchase land in areas remote from where they live, in regions of the state that are unaccustomed to this kind of development. To pick a swatch of land and convert it to a gambling enterprise, it seems to me that lies way outside the original policy behind giving them permission to hold high stakes Beano operations in the first place. The purpose of the Bill before you is to Amend the law back to where it was and simply say that high stakes Beano operations are permitted on the tribal Reservations but not elsewhere. That's the full purpose of the Bill. That's the simple one or two word change to an existing statute. I thank you for hearing me out and I ask you to vote, please, against the pending motion which is Ought Not to Pass.

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

Senator **BEHOIT:** Thank you, Mr. President. May it please the Senate, to echo remarks made by the good Senator from Somerset, Senator Mills, what this Bill proposes to do, is to put the statute back to where it was before 1991. In 1991 the Indian Nation could conduct high stakes Beano games on the Reservation and that's the way the law read up until 1991. In 1991 that language was changed to read within the Indian Territory. We've seen what has happened since 1991 and that change in the law. The Indian tribe, that Nation, has gone outside the Reservation to locations far removed from the Reservation. A good example is Albany Township over in Oxford County that they have attempted to locate these high stakes games. So all this proposes to do is return the law to what it was prior to 1991. I want to share with you the concern of constituents in my district and some south of my district in Oxford County. Their concern, and you can understand their concern, is that Albany Township is an unorganized area with very limited services. Of course they don't have their own fire protection, or police protection, or emergency services. They have to rely upon those to be provided from adjacent municipalities. They're concerned about the Indian Nation coming to their area and setting up a high stakes game requiring them then to come up with some sort of police protection, fire protection, ambulance service, and so forth. They are very much concerned with the cost to their municipality that is occasioned by the Indian Nation going to Indian Territory off the Reservation and setting up these high stakes games. I would ask you to vote against the pending motion so we could go on to Accept the Minority Report. And by the way, the Minority Report does carry the agenda of the Indian

Nation as it is today; those games that do exist on the Reservation. Thank you, Mr. President.

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

Senator **LONGLEY:** Thank you Mr. President. Colleagues in this Chamber, I promote the Ought Not to Pass Report and that isn't to be interpreted as promotion for or against gambling. Simply this issue is being fought out in the Courts and whether this Bill said no gambling except in certain places or gambling in certain places, I think it's besides the point. It's not a Referendum on gambling, it's simply deferring to the Judicial Branch pending the conclusion of court matters there. So for that reason I and several members on the Committee voted Ought Not to Pass. Thank you.

At the request of Senator **MILLS** of Somerset a Division was had. 14 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **LONGLEY** of Waldo to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

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

COMMUNICATIONS

The Following Communication: H.C. 153

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

May 3, 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 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):

Representative HATCH of Skowhegan
Representative DUGAY of Cherryfield
Representative CIANCHETTE of South Portland

Sincerely,

S/Joseph W. Mayo
Clerk of the House

READ and ORDERED PLACED ON FILE.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **ADJOURNED**, until Tuesday, May 4, 1999, at 9:00 in the morning.