

MAINE STATE LEGISLATURE

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

In Senate Chamber
Tuesday
May 4, 1999

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

Prayer by Reverend Earl Ederly of the Farmington Baptist Church.

REVEREND EDGERLY: God, Heavenly Father, we gather here this day to deliberate the business of this State and in so doing acknowledge that the many decisions that are made here today will impact the people of our communities for years to come. We acknowledge that we are privileged to live within a state and nation that is founded upon the promise of freedom, opportunity, and justice for all people.

A promise that elicits a respect for all people regardless of gender, color, race, creed, educational accomplishment, or lack thereof, economic status, or social standing. A respect that permits the fair exchange of ideas within the confines of seeking what is best for our state, its communities and the individuals, families, businesses, and organizations of which it is comprised. Grant us the courage to not only speak to those issues of our concern, but to do so in a courteous manner that evokes the same from others. Help us to realize that we will not necessarily agree on every issue; that to recycle personal agendas without concern for the common good will only invite trepidation and ill will. Help us to rise above partisan politics and with clear vision and genuine concern seek what is best for that quality of life for each of our neighbors throughout our state. Forgive us wherein we may have been shortsighted in planning and in our reluctance to change. Cause us to remember that the codes and laws are to be the servant, not the master, for the benefit of all.

Father, watch over these special public servants that are charged with such awesome responsibility because of the positions they hold in our state government. Grant them strength and endurance coupled with great wisdom and patience to accomplish their tasks at hand. We are grateful for their allegiance to their given responsibility and pray your direction and blessing upon them for Your glory and our good. Amen

Doctor of the day, Andre Benoit, Jr., M.D., Boothbay Harbor.

Reading of the Journal of Monday, May 3, 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.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

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

In Senate, April 15, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-183)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-183) AS AMENDED BY HOUSE AMENDMENT "A" (H-315)** thereto, in **NON-CONCURRENCE**.

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

Non-Concurrent 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)

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 27, 1999, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

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

Senator **KILKELLY** of Lincoln moved the Senate **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**.

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

Senator **O'GARA:** Thank you Mr. President. Ladies and gentlemen of the Senate, once again I don't intend to go through the long statement I made last week when we voted very strongly against this particular measure. And once again I am asking you, however, to vote against this motion. It is a Bill that has been

thoroughly discussed in our Committee. Thoroughly worked over with all concerned. We are convinced about this Bill as we have been about all others that have been added under this same title, same suggestion, same situation. That in fact, what we have in place is working. In fact, businesses now have signs that they now can use should they want to. But perhaps, most importantly of all to this Body and any Legislative Body, is that these items are being very well taken care of under local control and that is what the local communities are asking us. That we leave this item as it is and let them handle the situation. So I asked the Senate to join me in voting against this motion so that we can Accept the motion to Adhere. Thank you Mr. President.

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

Senator KILKELLY: Thank you Mr. President. Men and women of the Senate, obviously within our process and within this state of over 1.2 million people there are folks who have very genuine, very heartfelt differences of opinions about a variety of issues, and certainly this is one of those. While I greatly respect the work that the Transportation Committee has done, in particular, the Chair, I personally have concerns about this issue. I know that there are businesses in my District that have concerns about the issue to provide small businesses with an opportunity to advertise their products on a seasonal basis. We've seen it improve the lot of farmers in my District and I would like to see it improve the lot of folks who sell and produce marine products in my District. Within our process we have an opportunity to take our disagreements from the two Bodies and pull those together into a Committee of Conference. To be able to look at this issue one more time and see if there's a way that it can be worked out. While our action is certainly not dependent on the action of the other Body, there obviously is disagreement, which is why we're at this point today. Just asking for an opportunity to take the statement from this Body, which has been very clear and very strong, and merge that with the decision from the other Body which has, in fact, been equally strong and on the other side and see if there is a way that we can resolve this issue to the agreement of both Bodies. So I would urge you, this is not a vote in favor of the Bill, but a vote in favor of an opportunity to work out this issue which is, in fact, taking a different side in either Body. See if we can't merge these two. So I urge you to just provide an opportunity for this action to take place. Thank you.

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

Senator O'GARA: Thank you Mr. President. Mr. President from time to time we have this problem of how many times we should get up and speak on an issue and I realize that I am pressing the lines just a little bit on that. But I must urge the Senate to listen to what I'm saying about the Committee, and how we worked on this issue. We've had many others of the same nature, and in each case the question came up about the Committee of Conference. We don't need to go to Committee of Conference. The issue is an issue that belongs right where it is now, and that is with local control. I urge you to vote against the motion for Committee of Conference. Thank you.

The Chair ordered a Division. 3 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion by Senator KILKELLY of Lincoln to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**, **FAILED**.

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

Non-Concurrent Matter

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

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

In Senate, April 27, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-207)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-207) AS AMENDED BY HOUSE AMENDMENT "A" (H-338)** thereto, in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act to Expand the Basic Service Calling Area in Certain Rural Areas"

S.P. 405 L.D. 1194
(C "A" S-91)

In Senate, April 14, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-91)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-91) AS AMENDED BY HOUSE AMENDMENT "A" (H-337)** thereto, in **NON-CONCURRENCE**.

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

Non-Concurrent 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)

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

In Senate, April 27, 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 CONFERENCE**.

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

Non-Concurrent Matter

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

H.P. 1267 L.D. 1821

In Senate, April 27, 1999, **PASSED TO BE ENGROSSED**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-339)**, in **NON-CONCURRENCE**.

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

Joint Orders

The following Joint Order: H.P. 1570

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Health and Human Services jointly report out to the House legislation establishing a fund to receive and use money received by the State in settlement of or in relation to the lawsuit, State of Maine v. Philip Morris, et al., Kennebec County Superior Court, Docket No. CV-97-134.

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.

ORDERS

Joint Order

On motion by Senator **PARADIS** of Aroostook, the following Joint Order: S.P. 811

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

READ and **PASSED**.

Sent down for concurrence.

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, to Create a Committee to Establish a Memorial Dedicated to the Civilian Conservation Corps

H.P. 1394 L.D. 1999

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-305)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-305)**.

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

READ ONCE.

Committee Amendment "A" (H-305) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Resolve, Establishing an Improved Capital Planning Process

H.P. 1480 L.D. 2120

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-298)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-298)**.

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

READ ONCE.

Committee Amendment "A" (H-298) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Increase Internal Plumbing Fees and Remedy Inconsistencies in Plumbing Laws"
H.P. 803 L.D. 1126

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-233).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-233).**

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

READ ONCE.

Committee Amendment "A" (H-233) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Create Minimum Education Requirements for Prisoners in the Department of Corrections System"
H.P. 616 L.D. 856

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-299).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-299).**

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

READ ONCE.

Committee Amendment "A" (H-299) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Amend the Maine Emergency Medical Services Act of 1982"
H.P. 1051 L.D. 1473

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-301).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-301).**

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

READ ONCE.

Committee Amendment "A" (H-301) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Regarding Shooting Across or From a Public Paved Way"
H.P. 296 L.D. 404

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-287).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-287).**

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

READ ONCE.

Committee Amendment "A" (H-287) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **LABOR** on Bill "An Act to Allow the Bureau of Labor Standards to Assess Administrative Civil Money Penalties for Labor Law Violations"
H.P. 693 L.D. 960

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-261).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-261) AS AMENDED BY HOUSE AMENDMENT "A" (H-327) thereto.**

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

READ ONCE.

Committee Amendment "A" (H-261) **READ.**

House Amendment "A" (H-327) to Committee Amendment "A" (H-261) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-261) as Amended by House Amendment "A" (H-327) thereto, **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Establish a Part-time Liquor License"
H.P. 649 L.D. 899

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-286).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-286).**

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

READ ONCE.

Committee Amendment "A" (H-286) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **MARINE RESOURCES** on Bill "An Act Regarding the Waiver Process Under the Lobster Apprenticeship Program"
H.P. 300 L.D. 408

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-308).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-308).**

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

READ ONCE.

Committee Amendment "A" (H-308) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **MARINE RESOURCES** on Resolve, to Establish a Task Force to Study Limited Entry in the Shrimp Fishery
H.P. 1079 L.D. 1526

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-307).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-307).**

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

READ ONCE.

Committee Amendment "A" (H-307) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **MARINE RESOURCES** on Bill "An Act Concerning the Sea Urchin Fishery"
H.P. 1275 L.D. 1836

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-306).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-306).**

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

READ ONCE.

Committee Amendment "A" (H-306) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Naming the Beach Next to the Lincolnville Ferry Terminal French Beach
H.P. 264 L.D. 368

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-293).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-293).**

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

READ ONCE.

Committee Amendment "A" (H-293) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **TRANSPORTATION** on Bill "An Act to Allow Municipalities to Set Speed Limits and Determine Whether Passing Is Advisable on State Roads"
H.P. 258 L.D. 362

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-236).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-236).**

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

READ ONCE.

Committee Amendment "A" (H-236) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **TRANSPORTATION** on Bill "An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2000"

H.P. 396 L.D. 527

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-237).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-237).**

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

READ ONCE.

Committee Amendment "A" (H-237) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **TRANSPORTATION** on Bill "An Act Regulating the Transportation of People and Dogs in Pickup Trucks"

H.P. 1179 L.D. 1690

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-239).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-239) AS AMENDED BY HOUSE AMENDMENT "A" (H-289)** thereto.

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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Establish a Fund to Promote Acadian Cultural Tourism for St. Croix Island"
H.P. 1029 L.D. 1451

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-271).**

Signed:

Senator:
HARRIMAN of Cumberland

Representatives:
TOWNSEND of Portland
STEVENS of Orono
BERRY of Livermore
MAILHOT of Lewiston
POWERS of Rockport
TESSIER of Fairfield
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" (H-272).**

Signed:

Senators:
MICHAUD of Penobscot
CATHCART of Penobscot

Representatives:
KNEELAND of Easton
WINSOR of Norway

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-271)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-271).**

Reports **READ.**

Senator **MICHAUD** of Penobscot moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-272)** Report, in **NON-CONCURRENCE.**

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-272)** Report, in **NON-CONCURRENCE.**

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Permit the Medical Use of Marijuana"

I.B. 2 L.D. 2109

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

Signed:

Senators:

- PARADIS of Aroostook
- BERUBE of Androscoggin
- MITCHELL of Penobscot

Representatives:

- KANE of Saco
- BROOKS of Winterport
- DUGAY of Cherryfield
- LOVETT of Scarborough
- BRAGDON of Bangor
- SNOWE-MELLO of Poland
- SHIELDS of Auburn

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-303)**.

Signed:

Representatives:

- FULLER of Manchester
- QUINT of Portland
- WILLIAMS of Orono

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

Reports **READ**.

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

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

Senator **PARADIS:** Men and women of the Senate, we've dealt with this issue repeatedly over the years. By our not passing it now it's going to be going out to Referendum. So I urge your support of the Majority Ought to Pass Report. Thank you.

At the request of Senator **RAND** of Cumberland a Division was had. 21 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator **PARADIS** of Aroostook to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Regarding Exhibition of Licenses from the Department of Inland Fisheries and Wildlife"

H.P. 232 L.D. 336

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-283)**.

Signed:

Senators:

- KILKELLY of Lincoln
- RUHLIN of Penobscot
- KIEFFER of Aroostook

Representatives:

- DUNLAP of Old Town
- PERKINS of Penobscot
- CHICK of Lebanon
- TRAHAN of Waldoboro
- HONEY of Boothbay
- TRUE of Fryeburg
- BRYANT of Dixfield
- TRACY of Rome
- COTE of Lewiston

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

Signed:

Representative:

- CLARK of Millinocket

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-283)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-283) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Repeal the Prevailing Wage"

H.P. 224 L.D. 302

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

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

HATCH of Skowhegan
SAMSON of Jay
GOODWIN of Pembroke
MATTHEWS of Winslow

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-304)**.

Signed:

Representatives:

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

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

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Ensure Equity in the Competitive Bidding Process for Construction Projects Supported by Public Funds"
H.P. 343 L.D. 459

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

Signed:

Senator:

DOUGLASS of Androscoggin

Representatives:

HATCH of Skowhegan
GOODWIN of Pembroke
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" (H-302)**.

Signed:

Representatives:

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

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

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Require Reimbursement to Municipalities for the Cost of State Special Elections"
H.P. 231 L.D. 335

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

Signed:

Senators:

DAGGETT of Kennebec
CAREY of Kennebec
FERGUSON of Oxford

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon
MAYO of Bath
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 as Amended by Committee Amendment "A" (H-310)**.

Signed:

Representative:

PERKINS of Penobscot

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL**
GOVERNMENT on Bill "An Act to Repeal Observation of Daylight
Savings Time"

H.P. 15 L.D. 25

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
GERRY of Auburn

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

Signed:

Representative:

RICHARDSON of Greenville

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.

Divided Report

The Majority of the Committee on **STATE AND LOCAL**
GOVERNMENT on Bill "An Act to Amend the Maine
Administrative Procedure Act Pertaining to Major Substantive
Rules Review"

H.P. 1323 L.D. 1906

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

The Minority of the same Committee on the same subject
reported that the same **Ought to Pass as Amended by**
Committee Amendment "A" (H-290).

Signed:

Representative:

TWOMEY of Biddeford

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.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to
Amend the Laws Regarding the Taxation of Certain Automotive
Parts"

H.P. 241 L.D. 345

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

Signed:

Senators:

RUHLIN of Penobscot
DAGGETT of Kennebec
MILLS of Somerset

Representatives:

GAGNON of Waterville
GREEN of Monmouth
DAVIDSON of Brunswick
COLWELL of Gardiner
STANLEY of Medway

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-204).**

Signed:

Representatives:

- LEMOINE of Old Orchard Beach
- LEMONT of Kittery
- MURPHY of Berwick
- BUCK of Yarmouth
- CIANCHETTE of South Portland

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-204).**

Reports **READ.**

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

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

Senate

Ought to Pass As Amended

Senator **BERUBE** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Provide for Fair and Open Procedures for a Waiver of Department of Education Rules"

S.P. 461 L.D. 1348

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-165).**

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

READ ONCE.

Committee Amendment "A" (S-165) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

Senator **BERUBE** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Implement the Recommendations of the Advisory Committee on Results-based Initial Certification of Teachers"

S.P. 568 L.D. 1635

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-170).**

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

READ ONCE.

Committee Amendment "A" (S-170) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

Senator **GOLDTHWAIT** for the Committee on **MARINE RESOURCES** on Bill "An Act Concerning Recreational Clam Harvesting Licenses"

S.P. 262 L.D. 757

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-164).**

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

READ ONCE.

Committee Amendment "A" (S-164) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

Senator **KONTOS** for the Joint Select Committee on **RESEARCH AND DEVELOPMENT** and the Committee on **MARINE RESOURCES** on Bill "An Act to Provide State Funding for the Wells National Estuarine Research Reserve"

S.P. 68 L.D. 171

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-166).**

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

READ ONCE.

Committee Amendment "A" (S-166) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

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

S.P. 418 L.D. 1207

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-169).**

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

READ ONCE.

Committee Amendment "A" (S-169) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator CASSIDY for the Committee on **TRANSPORTATION** on Bill "An Act to Amend the Laws Governing the Maine State Pilotage Commission" (EMERGENCY)

S.P. 572 L.D. 1639

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-168)**.

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

READ ONCE.

Committee Amendment "A" (S-168) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator PARADIS for the Committee on **TRANSPORTATION** on Bill "An Act to Consolidate Traffic Movement Permits within the Department of Transportation" (EMERGENCY)

S.P. 756 L.D. 2132

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-167)**.

Report **READ**.

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

SECOND READERS

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

House

Bill "An Act to Provide Partial Funding for Construction of the Edmund S. Muskie School of Public Service"

H.P. 925 L.D. 1302

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

House As Amended

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

H.P. 1191 L.D. 1701
(H "A" H-316)

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

Senate

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

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

Sent down for concurrence.

Senate As Amended

Bill "An Act Requiring Labeling of Unpasteurized Milk Products"
S.P. 281 L.D. 799
(C "A" S-162)

Bill "An Act to Bring Certain Maine Drug Test Levels into Conformity With Federal Standards"

S.P. 351 L.D. 1055
(C "A" S-156)

Bill "An Act to Promote Maine's Family-friendly Business and Investment Strategies"

S.P. 487 L.D. 1447
(C "A" S-147)

Bill "An Act to Amend the Qualifications for Appointment of the Adjutant General and Assistant Adjutant General"

S.P. 527 L.D. 1560
(C "A" S-151)

Resolve, Regarding the Conveyance of a Right-of-way Across the Elizabeth Levinson Center in Bangor

S.P. 620 L.D. 1785
(C "A" S-160)

Bill "An Act Regarding Funding for Vocational Technical Schools"

S.P. 628 L.D. 1793
(C "A" S-159)

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
(C "A" S-158)

Bill "An Act to Establish a Permit for the Marine Shrimp Fishery"
S.P. 649 L.D. 1829
(C "A" S-153)

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 Amend the Statutes Regarding Maine Veterans"
S.P. 672 L.D. 1894
(C "A" S-150)

An Act to Redefine Hunting
H.P. 285 L.D. 393
(C "A" H-206)

Bill "An Act to Create the Farmington Falls Standard Water
District" (EMERGENCY)
S.P. 702 L.D. 1977
(C "A" S-148)

An Act to Clarify the Law Regarding Executive Sessions of Public
Bodies
H.P. 321 L.D. 437
(C "A" H-104)

Bill "An Act to Support the Graduate Education of Speech
Pathologists for Maine Schools"
S.P. 703 L.D. 1978
(C "A" S-161)

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)

Bill "An Act to Amend the Charter of the Pleasant River Standard
Water District"
S.P. 724 L.D. 2044
(C "A" S-149)

An Act to Increase the Late Fee for Licensing a Dog
H.P. 475 L.D. 682

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

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

Sent down for concurrence.

An Act Pertaining to Maturity Dates of Bonds of the Maine
Turnpike Authority
H.P. 511 L.D. 718

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

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

ENACTORS

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

Emergency Measure

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

H.P. 793 L.D. 1116
(S "A" S-124)

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

An Act Relating to Utilities and Affiliated Interests
S.P. 439 L.D. 1276
(C "A" S-89)

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)

This being an Emergency Measure and having received the
affirmative vote of 31 Members of the Senate, with no Senators
having voted in the negative, and 31 being more than two-thirds
of the entire elected Membership of the Senate, was **PASSED
TO BE ENACTED** and having been signed by the President, was
presented by the Secretary to the Governor for his approval.

An Act to Allow Authorized Removal of a Beaver Dam Without a
Permit
H.P. 958 L.D. 1356
(C "A" H-212)

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)

Acts

An Act to Allow Assistants to Physicians to Perform Certain
Tasks outside the Direct Supervision of the Physicians
S.P. 127 L.D. 324

An Act Regarding Municipal Firearm Discharge Ordinances
H.P. 981 L.D. 1379
(C "A" H-221)

An Act Concerning Liens Held by the Freeport Sewer District
H.P. 1085 L.D. 1532
(C "A" H-210)

An Act to Amend the Maine Criminal Code Regarding Improper Gifts
S.P. 617 L.D. 1782

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

An Act to Improve the Collection of Restitution
S.P. 268 L.D. 761
(S "A" S-86 to C "A" S-67)

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

An Act to Provide for Citizen Participation in the Hancock County Budget
H.P. 716 L.D. 1006
(C "A" H-171)

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

An Act to Amend the Qualifications for Participation in the High School Aspirations Incentives Program
H.P. 762 L.D. 1085
(C "A" H-86)

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

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)

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

Resolves

Resolve, to Name the State Office Building the Burton M. Cross Building
H.P. 172 L.D. 250
(C "A" H-117)

On motion by Senator **DAGGETT** of Kennebec, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in concurrence.

Resolve, to Increase Access to Medicaid for People who Need Psychological Services
H.P. 447 L.D. 610
(C "A" H-208)

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

RECALLED FROM GOVERNOR'S DESK

An Act to Allow Military Personnel Home on Leave to Purchase a Hunting or Fishing License for \$10
S.P. 464 L.D. 1403

(In Senate, April 26, 1999, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order S.P. 808, in concurrence.)

On motion by Senator **KILKELLY** of Lincoln, the Senate **SUSPENDED THE RULES**.

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

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

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

On further motion by same Senator, Senate Amendment "A" (S-157) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-157), in **NON-CONCURRENCE**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator NUTTING for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Update the Statutes and Provide for the Basic Needs of the Maine Conservation Corps"

S.P. 735 L.D. 2085

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

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

READ ONCE.

Committee Amendment "A" (S-171) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator DOUGLASS for the Committee on **LABOR** on Bill "An Act to Amend the Calculation of Service Credits Under the Maine State Retirement System Pertaining to the Comprehensive Education and Training Act of 1973 Employees"

S.P. 792 L.D. 2204

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-177)**.

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

READ ONCE.

Committee Amendment "A" (S-177) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator RUHLIN for the Committee on **TAXATION** on Bill "An Act to Amend the Tax Law Regarding Tax Liability of Innocent Spouses"

S.P. 308 L.D. 910

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-173)**.

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

READ ONCE.

Committee Amendment "A" (S-173) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator RUHLIN for the Committee on **TAXATION** on Bill "An Act to Clarify the Sales Tax Exemption for Food Service in Educational Institutions"

S.P. 534 L.D. 1596

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

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

READ ONCE.

Committee Amendment "A" (S-174) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Revoke Voting Rights of Convicted Felons While they are in Prison

S.P. 545 L.D. 1607

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-172)**.

Signed:

Senators:

CAREY of Kennebec
FERGUSON of Oxford

Representatives:

FISHER of Brewer
GAGNE of Buckfield
LABRECQUE of Gorham
MAYO of Bath
PERKINS of Penobscot
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
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 **TAXATION** on Bill "An Act to Facilitate Compliance with the Federal Communications Act of 1996"

S.P. 141 L.D. 377

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-175)**.

Signed:

Senators:

RUHLIN of Penobscot
DAGGETT of Kennebec
MILLS of Somerset

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-176)**.

Signed:

Representative:

LEMOINE of Old Orchard Beach

Reports **READ**.

On motion by Senator **PINGREE** of Knox, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-175)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-175) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Allow Local Control of Traffic on State Aid Roads Without Loss of State Highway Funds"

S.P. 576 L.D. 1656

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

Signed:

Senators:

O'GARA of Cumberland
PARADIS of Aroostook
CASSIDY of Washington

Representatives:

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

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

Signed:

Representative:

BOUFFARD of Lewiston

Reports **READ**.

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

Sent down for concurrence.

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 (5/3/99) Assigned matter:

JOINT ORDER - relative to the Joint Standing Committee on Health and Human Services reporting out to the House legislation regarding mental health services
H.P 1569

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

Pending - **PASSAGE**, in concurrence

(In House, April 29, 1999, **READ** and **PASSED**.)

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

On motion by Senator **PINGREE** of Knox, **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/3/99) Assigned matter:

NOMINATION - of Katherine D. Wyman of Farmington, for appointment to the State Board of Education.

Tabled - May 3, 1999, by Senator **RAND** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, May 3, 1999, Communication (S.C. 197) from the Committee on **EDUCATION AND CULTURAL AFFAIRS** **READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

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

ROLL CALL (#67)

YEAS: Senators: None

NAYS: Senators: **AMERO, BENNETT, BENOIT, BERUBE, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, KIEFFER, KILKELLY, KONTOS,**

LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: **HARRIMAN, RUHLIN**

EXCUSED: Senators: **ABROMSON, LAFOUNTAIN**

No Senator having voted in the affirmative and 31 Senators having voted in the negative, with 2 Senators being absent, and 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Katherine D. Wyman** of Farmington, for appointment to the State Board of Education was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

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

JOINT ORDER - Expression of Legislative Sentiment recognizing Joanne Palombo-McCallie, coach of the University of Maine Black Bears women's basketball team.

SLS 131

Tabled - May 5, 1999, by Senator **PINGREE** of Knox

Pending - **PASSAGE**

(In Senate, May 4, 1999, **READ**.)

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

Senator CATHCART: Thank you Mr. President. Mr. President. Men and women of Senate, I'm so excited today that we have Joanne Palombo-McCallie the world's greatest coach, and in my opinion, the world's greatest women's basketball team. Maybe the world's greatest basketball team of all with us today. We all know the record of these women and what they have done for the state of Maine, especially for the girls and the women. All of us and our daughters, and our grand daughters just revere these players. Not only are they outstanding athletes, but they are wonderful citizens, and wonderful scholars. They have an extremely high academic record. They are the kind of young people that we all look up to. I thank them for coming and hope that you feel as happy to have them here, and that you will let them know it. Thank you Mr. President.

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

Senator NUTTING: Mr. President. Ladies and gentlemen of the Senate, as most of you know I'm an avid fan, and make many trips to Orono to watch games. I'm very proud of the team, but I want to say on the record right now that I'm still upset at the

ESPN Reporter, who commented how Stanford would stack up in their second round game because that really was a concern to me. I know my pride got in the way there, but being a dairy farmer, when I have a cow that doesn't eat we say that cow is off key. For the couple weeks that Coach Palombo was struggling with her tough decision, I have to admit that this Senator was off key. Thank you.

THE PRESIDENT: It's now the pleasure of the Senate that this Joint Order be Passed and sent over for concurrence. It's a vote. The Chair is pleased to recognize in the rear of the Chamber, Joanne Palombo-McCallie, Coach of the University of Maine Black Bears Women's Basketball Team. Would She please rise and receive the greetings of the Senate.

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

PAPERS FROM THE HOUSE

Joint Order

Expression of Legislative Sentiment recognizing:

The University of Maine Black Bears Women's Basketball Team on its terrific 1998-99 basketball season which included a first round win in the NCAA Women's Basketball tournament. We send our congratulations to the members of the team on this occasion; HLS 305

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

READ.

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

Senator **LONGLEY:** Thank you Mr. President. Colleagues in the Senate, I would just like to send our congratulations. I remember last year when we thought with Cindy Bloggett moving on that we wouldn't have an exciting season. I would just like to say it was just marvelous and we are so happy for all of you. Thank you very much.

PASSED, in concurrence.

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

Off Record Remarks

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (5/3/99) Assigned matter:

Resolve, Relating to Telemarketing Fraud
H.P. 1004 L.D. 1402
(C "A" H-113)

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

Pending - **FURTHER CONSIDERATION**

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

(In House, April 29, 1999, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.)

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

The Chair laid before the Senate the following Tabled and Later (5/3/99) Assigned matter:

NOMINATION - of Kenneth W. Allen of Orono, for appointment to the State Board of Education.

Tabled - May 3, 1999, by Senator **RAND** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, May 3, 1999, Communication (S.C. 198) from the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#68)

YEAS: Senators: None

NAYS: Senators: AMERO, BENNETT, BENOIT, BERUBE, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, KIEFFER, KILKELLY, KONTOS, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: HARRIMAN, RUHLIN

EXCUSED: Senators: ABROMSON, LAFOUNTAIN

No Senator having voted in the affirmative and 31 Senators having voted in the negative, with 2 Senators being absent, and 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Kenneth W. Allen** of Orono, for appointment to the State Board of Education was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

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

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

H.P. 953 L.D. 1351

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

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

Tabled - April 26, 1999, by Senator **PINGREE** of Knox.

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

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

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

At the request of Senator **AMERO** of Cumberland a Division was had. 20 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

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

Off Record Remarks

Senator **KILKELLY** of Lincoln was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **RECESSED** until 1:00 in the afternoon.

After Recess

Senate called to order by the President.

The Chair noted the presence of the Senator from Cumberland, Senator **ABROMSON**.

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

COMMUNICATIONS

The Following Communication: H.C. 171

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

May 4, 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 failed to pass JOINT ORDER - Relative to Recalling S.P. 427, L.D. 1264 from the Legislative Files to the Senate (S.P. 779)

Sincerely,

S/Joseph W. Mayo
Clerk of the House

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator KONTOS for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Ensure Adequate Funding of Certain Public Safety Programs of Occupational or Professional Licensure Boards"

S.P. 398 L.D. 1189

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-178).**

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

READ ONCE.

Committee Amendment "A" (S-178) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

Senator KONTOS for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Create the Business Advisory Commission on Quality Child Care Financing" (EMERGENCY)

S.P. 486 L.D. 1446

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-179).**

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

READ ONCE.

Committee Amendment "A" (S-179) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

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

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Create and Regulate the Profession of Legal Document Technician"

H.P. 1557 L.D. 2213

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

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

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

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

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Protect Holders of Camp Lot Leases"

H.P. 1178 L.D. 1689

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

Signed:

Senators:

KILKELLY of Lincoln
KIEFFER of Aroostook

Representatives:

COWGER of Hallowell
FOSTER of Gray
GOOLEY of Farmington
PIEH of Bremen
WATSON of Farmingdale
GAGNE of Buckfield
GILLIS of Danforth
CROSS of Dover-Foxcroft

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-335).**

Signed:

Senator:

NUTTING of Androscoggin

Representatives:
CARR of Lincoln
VOLENIK of Brooklin

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill
"An Act to Create a Mandatory Auto Insurance Premium Discount for
Safe, Mature Drivers"

H.P. 79 L.D. 92

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

Signed:

Senators:
LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:
JONES of Pittsfield
RICHARDSON of Brunswick
NUTTING of Oakland
DUDLEY of Portland
O'NEIL of Saco
SAXL of Bangor
PERRY of Bangor

The Minority of the same Committee on the same subject reported that
the same **Ought to Pass as Amended by Committee Amendment**
"A" (H-340).

Signed:

Representatives:
SULLIVAN of Biddeford
GLYNN of South Portland
MAYO of Bath

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

Reports **READ**.

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act to
Repeal the Prevailing Wage"

H.P. 224 L.D. 302

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

Minority - **Ought to Pass as Amended by Committee Amendment**
"A" (H-304) (4 members)

Tabled - May 4, 1999, by Senator **DOUGLASS** of Androscoggin.

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

(In House, May 3, 1999, the Majority **OUGHT NOT TO PASS** Report
READ and **ACCEPTED**.)

(In Senate, May 4, 1999, Reports **READ**.)

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

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

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act to
Ensure Equity in the Competitive Bidding Process for Construction
Projects Supported by Public Funds"

H.P. 343 L.D. 459

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

Minority - **Ought to Pass as Amended by Committee Amendment**
"A" (H-302) (4 members)

Tabled - May 4, 1999, by Senator **DOUGLASS** of Androscoggin.

(In House, May 3, 1999, the Majority **OUGHT NOT TO PASS** Report
READ and **ACCEPTED**.)

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

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

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

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An
Act to Amend the Laws Regarding the Taxation of Certain Automotive
Parts"

H.P. 241 L.D. 345

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-204)** (5 members)

Tabled - May 4, 1999, by Senator **BENNETT** of Oxford.

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

(In House, May 3, 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-204).**)

(In Senate, May 4, 1999, Reports **READ.**)

Senator **LIBBY** of York requested a Division.

On motion by Senator **LIBBY** of York, 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 (#69)

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

NAYS: Senators: **ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, FERGUSON, KIEFFER, LIBBY, MACKINNON, MITCHELL, SMALL**

ABSENT: Senators: **DAGGETT, HARRIMAN**

EXCUSED: Senator: **LAFOUNTAIN**

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators being absent, and 1 Senator being excused, the motion by Senator **PINGREE** of Knox to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (5/3/99) Assigned matter:

SENATE REPORTS - from 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

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-152)** (4 members)

Tabled - May 3, 1999, by Senator **DOUGLASS** of Androscoggin.

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

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

On motion by Senator **DOUGLASS** of Androscoggin, the Majority **OUGHT TO PASS** Report **ACCEPTED.**

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

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.

Senate at Ease.

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

The Chair laid before the Senate the following Tabled and Later (5/3/99) Assigned matter:

SENATE REPORTS - from 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

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-146)** (3 members)

Tabled - May 3, 1999, by Senator **PENDLETON** of Cumberland.

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

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

Senator AMERO of Cumberland requested a Division.

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

Senator KIEFFER: Thank you Madam President. Ladies and gentlemen of the Senate, I introduced this legislation this Session because I am very disturbed about the actions that were taken here in the last Session. I believe that we have lost a lot of faith with the people of the state of Maine by our successful end run around the Constitution. I also found it quite interesting to research the background of this item. I would like to go over it briefly with you so you know the history of what has happened here.

When the Maine Constitution was adopted, there was apparently no restriction at all on the Legislature to incur any public debt. This emission didn't seem to be a problem until some time around 1830, when the State began lending money to multiple private ventures; they were building railroads, canals, and other infrastructures. In 1848, after a series of these speculative ventures failed, the Maine voters adopted the Sixth Amendment to the Constitution, containing two fundamental prohibitions that are today in the Constitution. The first prohibits the State from acting as a surety or a guarantor for the debt of another, and states the credit of the state will not be directly or indirectly loaned in any case. This provision was specifically created to prevent the State from backing private ventures. The second sentence in the 1848 Amendment restricts the manner in which the State may incur debt of its own. It says "the Legislature shall not create any debt or debts, liability or liabilities on behalf of the State, which shall singly or in the aggregate, with previous debts and liabilities hereafter incurred at any one time, exceed \$2,000,000, except to suppress insurrection, to repel invasion, or for purposes of war, and except for temporary loans to be paid out of money raised by taxation during the fiscal year in which they are made." The language is simple, clear, and it's broad. Nonetheless, several attempts to circumvent these provisions in our Constitution have been made over the years. In 1867, then Governor Joshua Chamberlain, asked the Justices of the Supreme Judicial Court whether it would be appropriate for the State to assume portions of the debt incurred by municipalities for prosecution of the Civil War. The Court said no, that the object of the Amendment could not be misunderstood, it's binding force cannot be denied.

In 1941 the Legislature created the Maine State Office Building Authority. Although the language creating it was much more simple and direct, its purpose was not dissimilar to the current Governmental Facilities Authority. It was found to be unconstitutional and it was terminated. The Court held that it was a transparent attempt to avoid the provision of the 1848 Constitutional Amendment. They went on to say that it makes no difference whether the state obligates itself to pay rent or to pay bonds. The ultimate source for the funding to liquidate the debt would be State tax revenue. That means the taxpayers. I should note that in that very same year the Turnpike Authority was also created, but the Legislators were very careful at that time to place restrictions on that Authority. Most importantly, Bonds issued by the Authority were payable by tolls from users of the turnpike and not by taxes. The Law expressly stated that the Bonds should not be deemed to be a debt of the state, or a pledge of faith and credit of the state. Future Legislators were in no way obligated to

appropriate for payment of the Authority's debts. If the Authority should default the bondholders could ask the court to appoint a receiver, and to take control of the turnpike, operate it, and collect the tolls until the Bonds were paid off. With these provisions no one should argue that the Turnpike Authority violates either the Constitution or its spirit.

In 1987 the Legislature created the Maine Court Facilities Authority. The Bonds were to be paid off by savings and rents collected, but then in 1997 it was broadened to become the present Maine Governmental Facilities Authority. The statute was a lengthy 13 page camouflage of redundant, and often conflicting statements, designed to assure bondholders that it is within the framework of the Constitution. When you get right down to it, it is hard to distinguish it from the unconstitutional State Office Building Authority of the early 40's. Then to complicate things, last year the law was amended to replace the two-thirds vote of the Legislature requirement, to allocate funds by only a simple majority. So here we are today, this building is under construction with a 138 million dollar Bond authorized by the very authority that I'm asking you to terminate. Not because this State House building and the State Office building are not in need of repair, they certainly are, but because the long-term Bonds were issued without a two-thirds vote of the Legislature, and the necessary majority of those voting their approval of such Bonds at the polls. This sets a very bad precedent. I cannot characterize it in any other terms than a violation of our Constitution, and a breach of trust with the people of Maine. Unlike the Maine Court Facilities Authority there is no possible way for the state to pay off these Bonds by collection of rent because our Departments don't pay any rent. It has been justified that the savings would come from the assumption that state-workers would be more productive in modern surroundings. The same arguments were applied to Legislators citing that they would have more room. I've yet to see the spreadsheet, the documents, such immeasurable results of bureaucratic productivity. Furthermore, the current statute says the bondholders have mortgages on the project such as the prisoners in the State House. But the statute goes on to specifically point out that the Authority is precluded from passing title to anyone but the State. What would happen if the economy falters and tax revenues dry up? Could or will future Legislators stiff the bondholders as we did with car tests? What's the recourse of the bondholder? Can they take over the State House as they would the turnpike? Could they evict the State and rent the space until the Bonds are paid? What would happen to our bond rating if this happens? I think the statute is not only unclear, this cleverly-crafted statute is full of potential problems for future Legislators, for the bondholders, and for Maine taxpayers, especially in the years of economic downturn. Have we so easily forgotten the lesson of the last recession? So far the Authority has hidden behind the Maine Constitution, but in the future I'm afraid it may show its true colors. The Authority is a spendthrifts dream come true, and it is a potential breeding ground for corruption and kickbacks as has happened to our neighborly state to the south. Worst of all, it allows spending beyond the two million dollar Constitutional limit, and it's a way to get around the Constitution.

When I introduced this legislation there was concern that this would shut down the ongoing projects, the state prison, and the state office building. That certainly was not the intent of the legislation and the Amendment S-146 which I believe clarifies any misunderstanding that there is in that regard. It very clearly specifies that any projects approved by the Legislature prior to

January 1, 1999 would be completed in full and honor our commitment to these projects. I would ask that the Senate vote in opposition to the pending motion so that we might go on and Accept the Minority Ought to Pass As Amended. Thank you Madam President.

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

Senator **MILLS:** Madam President, men and women of the Senate, I wish to join with the Senator from Aroostook in asking you to vote against the pending motion so that we might Adopt the Bill. I am encouraged by the fact that the Committee Amendment to the Bill simply cuts off the Facilities Authority right where it is, and states, as both a matter of principal and law, that we will not be borrowing again through this mechanism. Indeed I wonder whether there is any reason not to pass this in light of the substantial money that seems to be flowing into our coffers at this time. I think it would be extraordinarily imprudent for this Legislature to be borrowing money when we have a budget with a fair amount of money available in it to fund long-term improvements, if we so choose. I think that by passing this Bill it will actually enhance the borrowing capacity of the Facility because it would be the equivalent of a Resolution by this Legislation that we are not going to incur further debt by this mechanism. And thus, it would enhance the security of the debt that is already provided for the Facility to issue by our prior Legislation. For a host of reasons then, I ask that you join with the Senator from Aroostook in Rejecting the current motion, but Adopting the other Report. 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 too rise to speak against the pending motion to urge you to go on to Accept the Committee Amendment as has been noted by the previous speakers. The Committee Amendment does clarify that this was never intended by the good Senator from Aroostook to disrupt the course of projects already underway, but simply to eliminate this mechanism in the future. My own interest in the Bill came from the fact that, though I didn't have too much trouble with the Governmental Facility Authority as it was originally constructed, when it was altered from a two-thirds vote to a majority vote I became quite a bit less comfortable with it. I appreciate the efforts of the good Senator from Aroostook to address the Authority and how it is operated. So I would also urge you to defeat the pending motion so that we can Accept the Minority Report.

THE PRESIDENT PRO TEM The Chair recognizes the Senator from Cumberland, Senator Pendleton.

Senator **PENDLETON:** Thank you Madam President. I would have jumped up quickly but I pushed the wrong button. I apologize. I just hope that you will vote with the Majority Committee Report, Ought Not to Pass, on this piece of Legislation because L.D. 127 would terminate the Governmental Facilities Authority, and thus eliminate the most effective avenue to fund and replace major reconstruction of buildings under the control of both the Executive Branch and the Maine Court System Branch. The re-creation and the renamed Government Facilities

Authority is not a new concept or a radical idea. The financing mechanism continued in the MGFA remain the same as has been used for many decades. The MGFA was created by the Legislature because the State did not have a financing mechanism to which the Capitol renovations could be undertaken. I think if you looked closely at the original Bill you would see that the bonding is a different animal, so to speak, as some of the other bonding pieces of legislation that go through both Bodies of this esteemed Legislature. Thank you.

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

Senator **NUTTING:** Thank you Madam President. Ladies and gentlemen of the Senate, I'll be very brief. As the Senate Chair of the State and Local Committee, last Session I dealt with the Governmental Facilities Authority situation and I'm faced right at this exact moment with two choices. To vote for the pending motion which is Ought Not to Pass, which allows the Authority to go forward and borrow money with just a majority vote, something I opposed last year and something I oppose today. My other choice, as I understand it, is to support the Minority Report which would do away with the Governmental Facilities Authority altogether. I guess, my own personal preference would be that I'd like to keep the Authority and make sure that they can't borrow money unless they get a two-thirds vote. That's not before me today. My only option, I believe, to eventually get that option before me, is to vote against the pending motion and to support the Minority Report in hopes that could possibly be amended. And that is what I'm going to be doing. I think the Governmental Facilities Authority is a good thing, but I've never supported it, and my constituents back home have been very clear with me, they don't like money being borrowed with just a majority vote, and neither do I. Thank you.

On motion by Senator **BENNETT** of Oxford, 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 (#70)

YEAS: Senators: CATHCART, DAGGETT, DOUGLASS, KILKELLY, KONTOS, LAWRENCE, MICHAUD, MURRAY, O'GARA, PARADIS, PENDLETON, RAND, RUHLIN, TREAT, THE PRESIDENT PRO TEM - CHELLIE PINGREE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CAREY, CASSIDY, DAVIS, FERGUSON, GOLDTHWAIT, KIEFFER, LIBBY, LONGLEY, MACKINNON, MILLS, MITCHELL, NUTTING, SMALL

ABSENT: Senator: HARRIMAN

EXCUSED: Senator: LAFOUNTAIN

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, and 1 Senator being excused, the motion by Senator **PENDLETON** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report, **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-146) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

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

SENATE REPORT - from the Committee on **TRANSPORTATION** on Bill "An Act to Consolidate Traffic Movement Permits within the Department of Transportation" (EMERGENCY)
S.P. 756 L.D. 2132

Report - **Ought to Pass As Amended by Committee Amendment "A" (S-167)**.

Tabled - May 4, 1999, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF THE REPORT**

(In Senate, May 4, 1999, Report **READ**.)

The Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-167) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

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

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Establish Parity in Property Taxation for Commercial Dairy Farmers"
S.P. 131 L.D. 328

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-56)** (2 members)

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

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

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

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

Senator **MILLS:** Madam President, I ask for a Division, but ask to speak to the issue if I may.

THE PRESIDENT PRO TEM: The Senator may proceed.

Senator **MILLS:** Men and women of the Senate, I'm going to ask you to vote against the pending motion, which is Ought Not to Pass, so that we might address the Bill with its Committee Amendment. The Bill has a fairly simple function, but many public purposes are lying behind it. In essence what it would do would be to give property tax relief to the dairy industry. We were told by people who have studied agriculture in this state that Dairy Farmers have three primary problems. Transportation and the high cost of feed, the high cost of electrical power, which they depend on greatly to manage their farms, and number three the relatively high cost of their property taxes, of course, depending to some extent in which municipality they are located. But nevertheless, in the generic way, when you compare our cost with those of other states where there are Dairy Farmers, we have relatively high cost for property taxes. And yet, Dairy Farmers draw services that are nowhere near the level or the cost of the property taxes that they pay. It is sometimes said that Dairy Farmers perhaps use 25-30% in services value of the property taxes that they contribute to many of our municipalities. I have one community in my District, the Town of Clinton, that has 17 dairy farms. The average property tax bill for those Dairy Farmers is \$10,000 a year and some of them pay as much as \$30,000, not only on their real estate, but on the equipment that they have that they put to use. And this is in spite of the fact that some of them are able to take advantage of either the Tree Growth or the Open Space Laws. But in many towns those laws provide very little relief to a Dairy Farmer because the underlying value of the land isn't that much in excess of its value as Open Space or as Tree Growth. The essence of what they are taxed on is the buildings; the sheds, the heifer sheds, the equipment, the barns, and all of the other things, which of course, are not treated as either Open Space property or as Tree Growth. So they get no special treatment for the largest portion of that which they are taxed on in their real estate taxes. Now across the river from Clinton we have the town of Skowhegan, and the town of Fairfield. In the town of Skowhegan there's the sappi Paper Mill. When the sappi Paper Mill buys a new paper machine, or makes any large expansion of its plant, the state of Maine in its wisdom holds them completely harmless from all the property taxes that they may pay for that plant expansion under the BETR Program. I have another town, Madison, where the Madison Paper Company, which is a very worthwhile corporate citizen in our region, takes advantage of the laws that we create for them, and they will do some expansions in the next couple of years within a TIFF District. The town of Madison will forebear the collection of property taxes on everything that they build within that TIFF District. And added on to that when the town of Madison receives an application form from that industry they will approve it and Madison Paper will be allowed to put in an application under the BETR Program to be reimbursed for the value of the property taxes that they did not have to pay. I take no quarrel with that system in today's discussion, but I merely highlight it to exhibit for you what we are doing to encourage industry and the expansion

of industry in this state. Within my own district, and in other districts such as South Portland where there has been a billion dollars of investment under encouragement of these programs that we have developed for corporate america.

But I ask you. What are we doing for the traditional businesses that we have left by the wayside? What are we doing for agriculture and for farming? We continue to tax the electricity that they use even though we don't tax electricity used in manufacturing. We offer them, yes they are eligible, to participate in the BETR Program if they can afford to go out and buy brand new equipment. And few farmers that I know are able to do so. For the most part what they have for taxable property is in the category of real estate anyway. It's not eligible to participate in the BETR Program which is limited to equipment. So the Bill before you, the design of the Bill, or the intent or the purpose of the Bill, is to permit us to create a small program targeted to the 450 odd Dairy Farmers that we have in this state. It simply says for that real estate which you are using or employing in the production of milk, that we will give you back just as we would under the BETR program for corporate citizens. We will give you back not all but only half of the amount that you pay in taxes on the property that is actually put to use in the production of milk.

What benefits will this have? Well it will help to support one of our traditional enterprises. The farmer in Maine is on our State Seal as I recall. You will help to support that traditional industry that has so long supported this state. But more than that, I have heard in every newspaper in Maine editorials about sprawl, and I've heard from the Administration about how concerned they are about controlling sprawl, or taking some measures that will help to support the preservation of open space industries like farming. This Bill will do exactly that. It will encourage farmers to stay in business. It will encourage farmers to keep their land in production, and it will curtail some of the sub-dividing that we see going on outside our major population centers. You may ask why is the Bill limited to Dairy Farmers? Why doesn't it include apple farmers, potato farmers, and other people in agriculture? I'll give you a very simple reason, which is not a very good reason, but it is the reason, it's the truthful reason. I didn't want the Bill to apply to somebody who is in the hobby of farming. I didn't want it to happen that somebody could put three cows out in the back yard and take 200-300 acres and say they are all devoted to the support of those three cows and I want a tax dodge from the State to honor my commitment to farming with these three cows. No, the Bill defines the Dairy Farmer, it is targeted towards Dairy Farmers because Dairy Farmers are licensed. Under the Bill it would apply only to those licensed Dairy Farmers who are producing milk in certain quantities. It pertains only to Maine residents, and not to any out-of-state owner of a dairy farm. It is direct property tax and industrial relief to Maine owned farms. The reason we didn't apply it more broadly is that we found it more difficult. Quite a bit more difficult to define exactly who a potato farmer is because they come in different sizes and shapes and I'm not so sure that they're licensed as rigidly, for instance, as Dairy Farmers. In another day, in another year if we could develop a plan to extend this kind of benefit to the potato industry I would be very open to doing so. At the moment what you have before you is a fairly narrow targeted, sensible plan to bring relief to the dairy industry where they have in just the last couple of months seen the price of milk plummet from something in the region of \$16 or \$18 dollars, down to \$10 or \$12. My figures may be off but they have suffered a dramatic reduction, and that is the kind of roller coaster that these folks live on month after month.

Yet the tax Bill comes through every year, either in the same amount, or elevated by inflation. I wouldn't have gone on for so long, but some of this is for the benefit of the good, former Senator, from York who happens to be in the rear of the Chamber. I wanted to make sure he understood my sentiments on this Bill. Thank you.

Off Record Remarks

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

Senator **RUHLIN:** Thank you Madam President. Men and women of the Senate, I would like to share with you for just a few brief moments some of the reasons why I voted Ought Not to Pass. To start with, when anybody tells you that something is narrow and targeted it quite often is out to be also discriminatory. It is nice to help the Dairy Farmers of the state of Maine. They do need that help. We intend to help them this year with exempting the sales tax on their electricity. But while we're about that I'll tell you one thing, we are also going to do it for the potato farmers, the vegetable farmers, and all the other farmers in the state of Maine. This Bill is exactly that, it's narrow and it's targeted and therefore very likely discriminatory because it's aimed strictly at the commercial Dairy Farmer. And for the first time that I'm aware of, we're going to take and rebate real estate taxes, not personal property. BETR personal property, that's when you make an investment into equipment and machinery. This is real estate. Real estate that somebody already owns. We're going to take and give back the State money that could be going for some other program. 50% of the real estate taxes that Dairy Farmer otherwise would have paid. That means we will be taking \$617,000 estimated in this year, and \$643,000 the year after. I suppose \$700,000 the year after that. Thousands of dollars away from other very worth while programs. I assure you, my parents are grangers. I served with that fine farmer Senator right there. I wouldn't dare stand here and not say that I am for the farmer, but lets be for all of the farmers. Lets do it in a reasonable manner. Let's start out and do something this year that we have not done before and you will have that proposal before you, and that is treat them like the manufacturers that they are in fact. And that's exempt electricity, their sales tax on electricity, continue to give them the BETR Program when they invest in new machinery, as we do other people in commercial enterprises. We will continue to do that hopefully. But let's not take the money that could be going to other programs, money that won't go to the potato farmer for his real estate, that won't go to the vegetable farmer for his real estate, and be discriminatory and give it to the Dairy Farmer. That is why I'm pleased to say that I voted Ought Not to Pass on this Report.

THE PRESIDENT PRO TEM The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Madam President. Ladies and gentlemen of the Senate, I've been sitting in my chair attempting to learn what I could about the dairy industry today and seriously I'm going to be supporting the motion before us today. That is a difficult vote. I have farmers in my barn most mornings because they know that

is the only time they can find me there to talk to. I have farmers of all persuasions; vegetable, beef, and dairy. To me if we do something like this, which is very similar to what they have done in Vermont, we have to try to wait, I think, and do it right. And that's do it for all agriculture. I can tell you the number one issue in all of agriculture's mind is, why are we the only state in New England still charging a sales tax on electricity used in the manufacturing of our product? Current use taxation and bill the taxation is held over for next year is another big issue on agriculture's mind. This here to me, we've got to wait and do this and maybe even hold this Bill over. And do it for all of agriculture like they've done in Vermont, if we are going to do it. That is why I will be voting for the pending motion. Thank you.

At the request of Senator **MILLS** of Somerset a Division was had. 17 Senators having voted in the affirmative and 14 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.

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

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Eliminate the Lodging Tax on Long-term Rentals" H.P. 892 L.D. 1249

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-168)** (7 members)

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

Tabled - April 14, 1999, by Senator **RUHLIN** of Penobscot.

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

(In House, April 13, 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-168)**.)

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

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

Senator **BENNETT**: Thank you Madam President. Fellow members of the Senate, I rise in opposition to the pending motion, and urge you to support the Bill. During the 118th Legislature I had the honor and privilege of serving on the Appropriations Committee. During my service on that Committee we spent a great deal of time working to eliminate gimmicks that came about during the State's financial crisis in the early part of this decade. While the Committee has done a good job eliminating many of the gimmicks, some of them still remain, and this Bill addresses one of the remaining gimmicks. The tax that would be eliminated by this Bill, L.D. 1249, was part of a package

of new taxes enacted to fund the Maine Health Program. When the exemption for lodging of more than 28 days was eliminated it was not meant as a way to reform our tax system. In fact, when the change was made it put Maine out of step with every other state in our Nation. Every other state sees fit to exempt all long-term lodging from taxation. Only Maine sees fit to retain this gimmick which allows an exemption under certain circumstances, but is basically unenforceable. It leaves honest people to pay the tax while those who want to claim a reason for exemption can avoid it. Elimination of the exemption for long-term lodging was simply meant as a way to raise revenue to fund the Maine Health Program. A program that, as we all know now, no longer exists. It seems only fair that since the program has been eliminated, we should eliminate the tax that was passed to help fund it. To do otherwise would leave this gimmick on the books.

I also think the elimination of the exemption of rentals of more than 28 days from the lodging tax distorts what the lodging tax is intended to do. The lodging tax is suppose to be primarily an export tax. It is intended to fall primarily on visitors to our state to make sure they help pay for all the services they enjoy while visiting our state. The expansion of the lodging tax to cover rentals of more than 28 days places the lodging tax squarely on Maine residents and taxpayers. In my District there are more than a dozen campgrounds. Many of these campgrounds rely on seasonal campers, people who rent a site and leave their RV or their trailer there for the whole summer, for much of their business. Most of these people are hard working, middle class Maine folks who can't afford a second home or camp on the lake. Their RV, that they leave all year round at a rented site on a campground, is their only way to afford a second home and to enjoy Maine's outdoors. In my opinion we should not be taxing their little part of the American dream by imposing a tax that was intended to target tourists.

I heard recently from a constituent of mine in Naples, who has been in the campground business for 17 years. He has 40-43 seasonal sites and for years, until this tax was passed, he had 20-25 people on his waiting list. He has reduced the number of seasonal sites in his campground and now typically he has only about 4. He told me he thinks that this tax was the straw that broke the camel's back in terms of his seasonal rentals because it's that marginal \$150 extra that we're talking about these people paying that tells them not to drive those extra miles to get into Maine, even Southern Maine or Western Maine let alone Eastern Maine or Northern Maine, but tells them to stop and go to New Hampshire instead. In fact, those people who do rent seasonal from out-of-state, which I think is a minority of the seasonal renters, are going to New Hampshire. It's clearly evident, if you look at the facts, they have got waiting lists, no capacity down there to meet the demand, while in our campgrounds just across the border in Southern Maine and Western Maine we've got vacancy and unused capacity. I hope you will join me in voting against this pending motion so we can go on and Accept the Majority Ought to Pass Report. And Madam President when the vote is taken I request a Roll Call.

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

Senator **RUHLIN**: Thank you Madam President. Ladies and gentlemen of the Senate, I point out to you this afternoon, it's early yet, one important thing here. \$715,000, that's the fiscal note. When that tax was enacted the good Senator from Oxford was absolutely correct, it was a gimmick along with other

gimmicks. That's because the interpretation of the beholder, but I also, would call them gimmicks, such as the sales tax push. You have to recognize the revenues of a State are ultimately finite. If you want to take money from this, and you want save money here, you've got to start counting, adding, subtracting, and understand where you are. This is \$715,000 a year that we do not really have unless you want to take it away from education, or take it away from your program, or take it away from some other thing that we can reap on. As we mentioned just a moment ago, it's our hope to exempt sales tax on electricity this year. That has a price tag on it. Is that the one we're not going to do? We have to have fiscal accountability.

And while we are about it, let us recognize what the existing law does and does not do because I don't think you have heard it accurately. If you maintain a permanent residence in the state of Maine you do not pay that lodging tax. Secondly, if you're away from your residence in the state of Maine and can show them that you are a student in education or there for employment, you are exempt from that tax. It's clearly stated in Title 36 of the Laws of the State of Maine who is exempt and who pays and who doesn't pay. This is paid primarily for those people who do not have a residence in the state of Maine, who come on a seasonal basis to the state of Maine. And whether it's right or wrong it still has been a policy of this state for 8 years to have a lodging tax on those individuals. If you want to pay the \$715,000 on some other program, take it away from education, I suggest you come up with that suggestion. That's fine with me. That's the cost and that's whose paying. All I asked is just understand the facts. Thank you.

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

Senator PENDLETON: Thank you Madam President. I stand before you this afternoon good members of the Senate to agree with my colleague from Oxford, Senator Bennett. This was a gimmick in 1995. It was to pay for a healthcare program. We don't have the healthcare program but we still are taxing a few that we promised that the money would go for the healthcare program. I think the other issue that we are talking about is when you say that you are a resident of this state you don't have to pay this tax. Prior to 1991 if I went to a campground and rented a little piece of property to put my camper on for 28 days I would pay the tax. After the 28 days I would not pay the tax. The changes in 1991 require me to pay the tax year round. Not just the 28 days but year round. So it would just seem to me those folks that are coming from out-of-state, and how we would like to get a few pennies from them, well it would seem to me if we go back to the 1991 plan and we charged that tax for the first 28 days then we will get those folks. And if they like it they might stay a little longer and not have to pay the tax. But those of us that live in the state of Maine in one town and rent a campsite in another for year round, we wouldn't have to pay after the 28 days. So for that reason, I hope you will go with the Majority vote against the pending motion and go with the Majority Out to Pass. Thank you.

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

Senator MILLS: Madam President, men and women of the Senate, I rise just to clarify a couple of points and to explain why I voted with the pending motion, which is Ought Not to Pass. I

think one has to understand that the present law was rather carefully drafted. The present law makes it fairly plain that the only people that will have to pay a lodging tax at a campsite are those for whom the camper is a second home. In fact, they could probably have said it that way, but they didn't. What they said was you don't owe the tax if you don't maintain a primary residence somewhere else. You don't owe a tax if you're using the camper to live in because you must work in the vicinity, or go to school in the vicinity. When you get all done with it, regardless of whether you are from Maine or from away, the rule is if this is your primary residence and you stay beyond 28 days in that site then you don't owe the tax, and you don't owe the tax from day one. You get a refund of the first 28 days that you may have paid a tax on and you can stay there without paying tax just as though you were renting an apartment or a long-term motel rental, to which this law also applies. So it is a tax only on those who can afford a camper or some other accommodation as a second living facility. Now that may not be a luxury in some peoples minds, but at least it's beyond necessities. At least we're not taxing by this current law anything that anybody would regard as a necessity.

And are there services that the State renders to accommodate people in exchange for the tax that we impose. I suggest to you, yes. The highways upon which people travel to get here, the snowmobile trails which people use when they are sometimes recreating around these campsites, these are partially at least supported by the State and by our general taxation, as well as, highway taxation. The fish and game laws that we enforce, land and water quality control laws that we enforce, law enforcement that we provide. The search and rescue services that we provide through the Warden service. All of these things are afforded by the State and I suggest to you for the people, and I suspect there are many, who spend 7 months a year living in Florida paying no income tax to our State, paying no State tax when they die, but choosing to leave a camper or another facility here in Maine so that they can use it off and on, or 5 months a year or what have you. Should these people not be paying some modest contribution for what it cost to maintain and run our State Government? I suggest that they should. It's for these reasons that I voted against the current tax exemption or voted against repealing the current law. I think it was well thought out when they did it in 1991. I have no idea why they imposed this tax. But of all the tax exemptions I am tempted to vote for, this is very low on my personal order of priorities, and that's the reason why I would urge you to join with us, the 3 Senators who voted Ought Not to Pass in Committee. I would urge you to support the pending motion. Thank you.

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, it seems to me that the time has come to start unraveling many of the gimmicks that we did put in place years ago. And for all the reasons that have been previously mentioned, I'm hoping that you will Oppose the pending motion.

When we talk about the services that people require when they are staying at a campground, to suggest that this sales tax is, in fact, going to cover those services is very questionable. If someone is hunting and fishing and they have a camper at a campground they are paying for a hunting and fishing license fee. Much of the money from that fee goes towards search and rescue. Obviously, there is some General Fund money towards

search and rescue, but that's for things that aren't related to hunting and fishing. If we are looking at local law enforcement, that's covered by property taxes and the property taxes are already paid by the campground owner who, in fact, pays property tax on the property where that camper is set. And the cost of the services that are related to the municipality are, in fact, already paid by the property taxes, that piece is already taken care of. What concerns me, I guess, is the narrowness of this tax. There are a number of campgrounds in my District and I know that those campgrounds bring a tremendous amount of business into my District, because the folks that are there and stay there for a long period of time are the folks that are going to spend time in the shops. They're going to spend time going on boat rides. They're going to spend time visiting antique stores or going to restaurants, or getting their laundry done, or getting their dry cleaning done. They're going to make use of a lot of the services that are there. And in my part of the state, somewhere where you make it or you don't make it, if you don't make it in the summer there is not a whole lot left in the winter, particularly down in the Boothbay Peninsula. So people are really very dependent on the folks that are coming and are staying in these campgrounds, and particularly those that are staying for a long time to support their businesses. So when we talk about the \$715,000 that we're quote losing in this proposal, I think it is also really important to think about what are some of those other small businesses losing because the people aren't going to be staying or choosing to go some place else or deciding that they are going to move their camper from one place to another, if that is the choice that they make. Or choosing not to purchase a camper in the first place, because why would I purchase a camper and leave it some place if I'm going to have to be paying this tax on it? Whereas, there are other ways that I can do that. I'll just go stay somewhere instead of doing that. We need to maintain a serious diversity of opportunity for tourists in this state. We have motels and bed and breakfast lodgings and all sorts of things. But we also need to have campgrounds because people do want to have different experiences. And the more experiences that we can provide, the better opportunity we have to attract people to this state. All kinds of people. People from within the state and people from outside of the state. I would urge you to Oppose the pending motion and go on to Pass this Legislation so that we could provide some support for those businesses. Thank you.

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

Senator **BENNETT**: Thank you Madam President. I rise to respond to a few earlier comments. What is being lost in this debate is the fact that these people, whether they are from this state or not, are being taxed not once, not twice, but three times to pay for these vaunted services that they receive. Whether you're from this state or not, you pay the sales tax on your RV or camper. If you're from this state you pay an excise tax on that. If you're not from this state you pay a personal property tax on that. And now we're also charging this third tax on the rental of the campsite. These people are paying enough for the privilege of coming here and experiencing our beauty and all the recreational attributes that we have. The problem is simply this, that these people are not coming here from away. They're not coming here in the numbers that they were.

I submit that the facts, as they have been presented by the good Senator from Penobscot, Senator Ruhlin, do not have anything to do with the way that we budget. The facts are that

the \$715,000 loss to the State I think will never be lost. In fact, we will see a net positive gain if we pass this. The reason for that is that these people pay a small tax about \$150-\$200 a year for this privilege, and that is easily overwhelmed by that extra marginal income that the State receives, those revenues that we receive from all the meals that they buy while they are here, all the goods that they purchase while they are here, all the activities that they undertake by being here in Maine rather than in New Hampshire, Massachusetts, or elsewhere. We are collecting revenue for that.

Unfortunately, in this state the only dynamic forecasting that we do at all is around our cigarette tax revenues. It's not around anything else. Now I will agree with you that when you start talking about dynamic forecasting it gets into all sorts of thorny issues. That is why we, as Senators, need to exercise some judgment here. And I think common sense will dictate that we might lose a \$150 bucks in tax revenue to this State from somebody, but replacing that will be a lot of tax revenue coming in from people buying a meal. We're talking about more than 28 days worth of stay here. So that's probably a month or two months of meals, activities, purchasing gifts, and purchasing mementos. That stuff adds up significantly. So I think that the facts here don't have anything to do with a \$715,000 loss. I think that we need to recognize that qualitatively, common sensibly, as a judgment in this Chamber today. And so I encourage you again to Vote against the pending motion. Thank you.

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

Senator **RUHLIN**: Thank you Madam President. Senators of Maine, I just wanted to share with you a conversation I had last night with a campground owner who called me up. He said, you know Dick, I lost 2% of my business last year. The year before that I lost 5% of my business. I did not, if you'll excuse me, but I did not bother telling him the laws have been employed for 8 years, so perhaps, he better look elsewhere when it comes to lost business. What we have been doing for 8 years, this law has been in place. So we looking for lost business because your business wasn't up last year compared to the year before. Look somewhere else, this law was already there. So just keep that in mind. I also would point out. I couldn't help but notice the good Senator from Oxford forgot to mention that we all pay, not only do we pay all those other taxes like sales tax that he mentioned, but we also pay an income tax. I pay a hunting and fishing license, which I consider to be a user tax. We pay gasoline tax, we pay many taxes for the operation of the State Government. All I really ask him, is could it be a little bit lower? Could they make a little better use of it? But I'm sure we all feel that way about it? What the fact of the matter is, we tax. There is no such thing as a free lunch. We impose taxes to pay for the burden of the services that we, through the democratic process, decide to give the people of the state of Maine. Now if you take X as your budget, then you take X minus \$715,000, I'll tell you something that is based on common sense. You get \$715,000 less than you had to start with if you're going to keep your budget the same way. You've got to go find \$715,000, that's all there is to it. That's why I voted the Ought Not to Pass Report.

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

Senator **MILLS**: Madam President. Men and women of the Senate, just two quick points. One, our real estate taxes that campground owners pay in this state are a lot lower on average than the real estate taxes that similarly situated campground owners in New Hampshire are paying. Witness all the publicity about their real estate tax problems in New Hampshire. If the campground happens to be located in that ten-million acre tract of land called the Unorganized Territories, the mill rate is somewhere between five and ten mills, typically in the six and seven mill range. That is the cheapest tax rate, I suggest to you, in North America. And it is available because of the great extent of acreage that is taxed, most of it in Tree Growth to be sure, but the paper companies and landowners that own all that land up there contribute to the paying of those real estate taxes, and it's spread out for those few people who actually live in the UT and receive services up there. The resulting tax rate is really about the lowest tax rate anybody ever heard of. That's number one point. Number two. Like the good Senator from Penobscot, I have received calls and I have been lobbied, and I have been requested to vote to create this exemption and repeal the 1991 law. All of the calls I've received have been from campground owners who do not pay this tax. They collect it on behalf of the State of Maine. I have some sympathy with them. I think that we probably ought to be paying them a small fee for collecting the sales tax. I feel that way about all merchants. I have not received one call, one overture, one letter from anybody who has ever paid this tax. No one has dared to call me up to claim that this is a burden to pay \$100 or \$200 a year extra for the services that we provide for this second living accommodation that they own. Thank you.

On motion by Senator **BENNETT** of Oxford, 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 (#71)

YEAS: Senators: BERUBE, CAREY, CATHCART, DAGGETT, DOUGLASS, GOLDTHWAIT, KIEFFER, LAWRENCE, LONGLEY, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, RAND, RUHLIN, TREAT, THE PRESIDENT PRO TEM - CHELLIE PINGREE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, FERGUSON, KILKELLY, KONTOS, LIBBY, MACKINNON, MITCHELL, PENDLETON, SMALL

ABSENT: Senators: HARRIMAN, MICHAUD

EXCUSED: Senator: LAFOUNTAIN

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being absent, and 1 Senator being absent, the motion by Senator **RUHLIN** of Penobscot to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator LaFOUNTAIN for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Amend the Laws Concerning Life and Health Insurance"

S.P. 765 L.D. 2157

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-182)**.

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

READ ONCE.

Committee Amendment "A" (S-182) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator TREAT for the Committee on **NATURAL RESOURCES** on Bill "An Act to Promote the Recycling of Fish Scales as Agricultural Fertilizer"

S.P. 204 L.D. 593

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-183)**.

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

READ ONCE.

Committee Amendment "A" (S-183) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator TREAT for the Committee on **NATURAL RESOURCES** on Bill "An Act to Reauthorize and Amend the Diesel-powered Motor Vehicle Emission Opacity Testing Program" (EMERGENCY)

S.P. 381 L.D. 1082

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

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

READ ONCE.

Committee Amendment "A" (S-184) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator TREAT for the Committee on **NATURAL RESOURCES** on Bill "An Act Concerning the Review of State Solid Waste Management Policies" (EMERGENCY)

S.P. 391 L.D. 1170

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-185)**.

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

READ ONCE.

Committee Amendment "A" (S-185) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator TREAT for the Committee on **NATURAL RESOURCES** on Resolve, to Direct the Department of Environmental Protection and the Department of Economic and Community Development to Devise a Proposal for Long-term Funding of the Removal of Tire Dumps

S.P. 539 L.D. 1601

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-186)**.

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

READ ONCE.

Committee Amendment "A" (S-186) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

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

REPORTS OF COMMITTEES

Senate

Divided Report

Nine members of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Renew Maine's Economy"

S.P. 569 L.D. 1636

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-190)**.

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
SHOREY of Calais

2 members of the same Committee on the same subject reported in Report "B" that the same **Ought Not to Pass**.

Signed:

Representatives:

MARVIN of Cape Elizabeth
BOWLES of Sanford

2 members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-191)**.

Signed:

Representatives:

CLOUGH of Scarborough
MENDROS of Lewiston

Reports **READ**.

On motion by Senator KONTOS of Cumberland, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-190) ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-190) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers"

S.P. 288 L.D. 806

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-189)**.

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 Not to Pass**.

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 AS AMENDED** Report.

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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Increase Health Insurance Benefits for Retired Educators" S.P. 607 L.D. 1730

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-187)**.

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

MUSE of South Portland
GOODWIN of Pembroke
FRECHETTE of Biddeford
MATTHEWS of Winslow
SAMSON of Jay
HATCH of Skowhegan
DAVIS of Falmouth
TREADWELL of Carmel

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

Signed:

Representatives:

MacDOUGALL of North Berwick
MACK of Standish

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Allow Minors to Work Over the Labor Day Weekend" S.P. 608 L.D. 1731

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

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-188)**.

Signed:

Representatives:

MacDOUGALL of North Berwick
MACK of Standish
TREADWELL of Carmel

Reports **READ**.

Senator **DOUGLASS** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Concerning Standards for Operation and Maintenance of Radio Antenna Towers"
S.P. 633 L.D. 1800

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-180)**.

Signed:

Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
McDONOUGH of Portland
BUMPS of China
KASPRZAK of Newport
JODREY of Bethel
RICHARDSON of Greenville
GERRY of Auburn

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

Signed:

Representatives:

TWOMEY of Biddeford
RINES of Wiscasset

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-180) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Ensure that Agency Use of Collaborative Decision-making and Stakeholder Processes is Fair and Consistent with the Goals of the Maine Administrative Procedure Act"

S.P. 755 L.D. 2131

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-181)**.

Signed:

Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
RINES of Wiscasset
TWOMEY of Biddeford
BUMPS of China
JODREY of Bethel
RICHARDSON of Greenville
GERRY of Auburn

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

Signed:

Representatives:

KASPRZAK of Newport
McDONOUGH of Portland

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-181) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

On motion by Senator **RAND** of Cumberland, **ADJOURNED**, until Wednesday, May 5, 1999, at 9:00 in the morning.