

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Nineteenth Legislature
State of Maine

Volume 2

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May 6, 1999 to June 18, 1999

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

In Senate Chamber
Monday
May 10, 1999

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

Prayer by Reverend Charles Preston of the Frankfort Congregational United Church of Christ.

REVEREND PRESTON: Our loving and just God, we come before You this morning as Your humble servants to discern Your will for the State of Maine. You are the author of righteousness and creator of all that is. Only You possess all wisdom and knowledge, but You temper it with Your command to love all the created order and everyone and everything in it.

For You know that it is a burden to make laws and decisions that will affect humankind, but You are there to give strength and inspiration when decisions need to be made. For all Your judgments are fair and just, O God, and all Your commands are for our benefit. Keep us from relying on our own wisdom, but let us seek Your face that all our judgments may be in conformity to Your unsurpassed will. Make us Your servants in the service of people so that all might benefit from your grace and peace.

O God, You are compassionate and loving even when we are not. Help us to be especially aware of those who have been victimized by society, so that justice may flow down like waters, and that no one will ever have to ask with the psalmist "How can we sing the Lord's song in a strange land," because all will experience the love and justice that comes from God.

We who have been given much are expected by You, O God, to use these gifts for all humankind and not our selfish desires. It is with Your help, O God, that we overcome the sin of self and open our hearts to be a part of Your body, so that we see everyone as brothers and sister, and the created order as given by You for our safekeeping. Bless us with peace and responsibility as we seek Your face now and forever. Amen

Pledge of Allegiance led by Senator William O'Gara of Cumberland County.

Reading of the Journal of Friday, May 7, 1999.

Off Record Remarks

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

In Senate, May 3, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-250)**, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-250) AND HOUSE AMENDMENT "A" (H-445)**, in **NON-CONCURRENCE**.

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

Joint Orders

The following Joint Order: H.P. 1576

ORDERED, the Senate concurring, that the Joint Standing Committee on Education and Cultural Affairs report out a bill, to the House, regarding the school funding formula.

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

READ and **PASSED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 240

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333**

May 6, 1999

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

Dear Secretary O'Brien,

Pursuant to my authority, I have appointed the following members to serve on the Joint Select Committee on the Year 2000 Computer Problem pursuant to Joint Order, S.P. 190.

Representative Charles C. LaVerdiere of Wilton
Representative Mabel J. Desmond of Mapleton
Representative Thomas Bull of Freeport

Representative Rosita Gagne of Buckfield
Representative Benjamin F. Dudley of Portland
Representative Jean Ginn Marvin of Cape Elizabeth
Representative Richard A. Nass of Acton
Representative Donald P. Berry, Sr. of Belmont
Representative Tarren R. Bragdon of Bangor
Representative Jay MacDougall of North Berwick

Should you have any questions regarding these appointments,
please contact me.

Sincerely,

S/G. Steven Rowe
Speaker of the House

READ and ORDERED PLACED ON FILE.

ORDERS

Joint Order

On motion by Senator GOLDTHWAIT of Hancock, the following
Joint Order: S.P. 822

ORDERED, the House concurring, that Bill, "An Act to Allow the
Town of Cornville to Receive its 1997 Tree Growth Tax
Reimbursement," H. P. 867, L. D. 1224, and all its accompanying
papers be recalled from the Engrossing Division to the Senate.

READ and PASSED.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL
AFFAIRS** on Bill "An Act to Implement the Tobacco Settlement"
H.P. 687 L.D. 943

Reported that the same **Ought to Pass As Amended by
Committee Amendment "A" (H-448).**

Comes from the House with the Report **READ and ACCEPTED**
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "A" (H-448).**

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

READ ONCE.

Committee Amendment "A" (H-448) **READ.**

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in
Today's Session, pending **ADOPTION** of Committee Amendment
"A" (H-448), in concurrence.

The Committee on **BANKING AND INSURANCE** on Bill "An Act
Concerning the Regulation of Certain Commercial Contracts of
Insurance"

H.P. 1068 L.D. 1499

Reported that the same **Ought to Pass As Amended by
Committee Amendment "A" (H-401).**

Comes from the House with the Report **READ and ACCEPTED**
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "A" (H-401) AS AMENDED BY
HOUSE AMENDMENT "A" (H-486)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-401) **READ.**

House Amendment "A" (H-486) to Committee Amendment "A"
(H-401) **READ and ADOPTED**, in concurrence.

Committee Amendment "A" (H-401) as Amended by House
Amendment "A" (H-486) thereto, **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Make
It a Crime to Solicit a Child by Means of Computer to Commit an
Unlawful Sexual Act"

H.P. 71 L.D. 84

Reported that the same **Ought to Pass As Amended by
Committee Amendment "A" (H-449).**

Comes from the House with the Report **READ and ACCEPTED**
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "A" (H-449).**

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

READ ONCE.

Committee Amendment "A" (H-449) **READ and ADOPTED**, in
concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to
Establish Victims' Rights for the Victims of Juvenile Crimes"

H.P. 276 L.D. 384

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-457)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-457)**.

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

READ ONCE.

Committee Amendment "A" (H-457) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Strengthen the State's Drug Laws"

H.P. 694 L.D. 961

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-454)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-454)**.

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

READ ONCE.

Committee Amendment "A" (H-454) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Increase the Requirement that Drugs be Confiscated from 48 Hours to One Year"

H.P. 963 L.D. 1361

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-458)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-458)**.

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

READ ONCE.

Committee Amendment "A" (H-458) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Redefine Trafficking and Furnishing of Heroin in Terms of the Amount of the Drug Possessed"

H.P. 1404 L.D. 2009

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-456)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-456)**.

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

READ ONCE.

Committee Amendment "A" (H-456) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Establish the Commission to Propose an Alternative Process for the Payment of Forensic Examinations for Sexual Assault Victims"

H.P. 1414 L.D. 2021

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-455)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455)**.

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

READ ONCE.

Committee Amendment "A" (H-455) **READ.**

On motion by Senator **MURRAY** of Penobscot, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-455), in concurrence.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Implement the Recommendations of the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings"

H.P. 1250 L.D. 1798

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-453)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-453)**.

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

READ ONCE.

Committee Amendment "A" (H-453) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Amend the Maine Health Data Organization Statutes" H.P. 1003 L.D. 1401

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-483)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-483)**.

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

READ ONCE.

Committee Amendment "A" (H-483) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Require the Development of a Basic Needs Budget" H.P. 1258 L.D. 1812

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-450)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-450)**.

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

READ ONCE.

Committee Amendment "A" (H-450) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **JUDICIARY** on Bill "An Act to Amend the Uniform Unclaimed Property Act concerning Tangible Property Held by Landlords or by State Institutions" H.P. 211 L.D. 289

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-463)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-463)**.

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

READ ONCE.

Committee Amendment "A" (H-463) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **JUDICIARY** on Bill "An Act to Adopt the Uniform Child Custody Jurisdiction and Enforcement Act" H.P. 316 L.D. 432

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-464)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-464)**.

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

READ ONCE.

Committee Amendment "A" (H-464) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **JUDICIARY** on Bill "An Act Regarding the Calculation of Child Support When the Child Receives Disability Benefits" H.P. 787 L.D. 1110

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-462)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-462)**.

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

READ ONCE.

Committee Amendment "A" (H-462) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **JUDICIARY** on Bill "An Act to Amend the Laws Regarding Abandoned Property"
H.P. 832 L.D. 1155

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-461)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-461)**.

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

READ ONCE.

Committee Amendment "A" (H-461) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **JUDICIARY** on Bill "An Act to Grant Immunity to Medical Professionals Conducting Body Cavity Searches for Drugs"
H.P. 1091 L.D. 1538

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-460)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-460)**.

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

READ ONCE.

Committee Amendment "A" (H-460) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **JUDICIARY** on Bill "An Act to Amend the Laws Regarding Unlawful Cutting of Trees"
H.P. 1389 L.D. 1994

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-459)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-459)**.

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

READ ONCE.

Committee Amendment "A" (H-459) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Remove the Limitation on Nonprofit Organizations Holding Games of Chance"
H.P. 779 L.D. 1102

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-468)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-468)**.

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

READ ONCE.

Committee Amendment "A" (H-468) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Propose Changes to the Maine Election Laws"
H.P. 1061 L.D. 1492

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-469)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-469)**.

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

READ ONCE.

Committee Amendment "A" (H-469) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Joint Order - relative to Establishing a Commission to Examine the Adequacy of Services at the Veterans Administration Medical Center
H.P. 1052

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-466)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Joint Order **PASSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-466)**.

Report **READ**.

Joint Order **READ**.

Committee Amendment "A" (H-466) **READ** and **ADOPTED**, in concurrence.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **PASSAGE AS AMENDED BY COMMITTEE AMENDMENT "A" (H-466)**, in concurrence.

The Committee on **NATURAL RESOURCES** on Bill "An Act Requiring Maine to Adopt the Federal Rules Regarding Universal Waste"
H.P. 1073 L.D. 1520

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-482)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-482)**.

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

READ ONCE.

Committee Amendment "A" (H-482) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Grant Salvage Rights for Revolutionary War Vessels Submerged in the Penobscot River to the Brewer Historical Society and the Bangor Historical Society (EMERGENCY)
H.P. 1184 L.D. 1694

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-409)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-409)**.

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

READ ONCE.

Committee Amendment "A" (H-409) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Authorize York County to Hold Bond Referenda for New County Facilities"
H.P. 1533 L.D. 2186

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-447)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-447)**.

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

READ ONCE.

Committee Amendment "A" (H-447) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **TAXATION** on Bill "An Act to Provide Long-term Funding for the Land for Maine's Future Program"
H.P. 947 L.D. 1344

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-390)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-390)**.

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

READ ONCE.

Committee Amendment "A" (H-390) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **TRANSPORTATION** on Bill "An Act to Prohibit the Transportation of Open Containers that Contain Liquor"
H.P. 154 L.D. 216

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-134)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-134) AS AMENDED BY HOUSE AMENDMENT "A" (H-345)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-134) **READ**.

House Amendment "A" (H-345) to Committee Amendment "A" (H-134) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-134) as Amended by House Amendment "A" (H-345) thereto, **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Increase the Length of Probation for Domestic Violence from one Year to 2 Years"

H.P. 51 L.D. 65

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

Signed:

Senators:

MURRAY of Penobscot
O'GARA of Cumberland
DAVIS of Piscataquis

Representatives:

POVICH of Ellsworth
FRECHETTE of Biddeford
CHIZMAR of Lisbon
QUINT of Portland
McALEVEY of Waterboro
PEAVEY of Woolwich
O'BRIEN of Augusta
TOBIN of Dexter
SHERMAN of Hodgdon

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-429)**.

Signed:

Representative:

MUSE of South Portland

Comes from the House with the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Require the Revocation of Probation for a Person Convicted of Domestic Violence if the Person Fails to Attend a Certified Batterers' Intervention Program"

H.P. 290 L.D. 398

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

Signed:

Senators:

MURRAY of Penobscot
O'GARA of Cumberland
DAVIS of Piscataquis

Representatives:

POVICH of Ellsworth
FRECHETTE of Biddeford
CHIZMAR of Lisbon
QUINT of Portland
McALEVEY of Waterboro
PEAVEY of Woolwich
O'BRIEN of Augusta
TOBIN of Dexter
SHERMAN of Hodgdon

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-430)**.

Signed:

Representative:

MUSE of South Portland

Comes from the House with the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Illegal Transportation of Liquor Law"

H.P. 706 L.D. 973

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

Signed:

Senator:
DAGGETT of Kennebec

Representatives:
CHIZMAR of Lisbon
TUTTLE of Sanford
FISHER of Brewer
GAGNE of Buckfield
McKENNEY of Cumberland
SHIAH of Bowdoinham

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-383)**.

Signed:

Senators:
CAREY of Kennebec
FERGUSON of Oxford

Representatives:
LABRECQUE of Gorham
MAYO of Bath
PERKINS of Penobscot
HEIDRICH of Oxford

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-383)**.

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Establish an Appeals Process for Lobster Fishing License Denial"

H.P. 1387 L.D. 1993

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-396)**.

Signed:

Senators:

GOLDTHWAIT of Hancock
PENDLETON of Cumberland

Representatives:
STANWOOD of Southwest Harbor
HONEY of Boothbay
ETNIER of Harpswell
LEMONT of Kittery
McNEIL of Rockland
USHER of Westbrook
PIEH of Bremen

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-397)**.

Signed:

Representatives:
VOLENK of Brooklin
PINKHAM of Lamoine
BAGLEY of Machias

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-396)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-396)**.

Reports **READ**.

Senator **GOLDTHWAIT** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-396)** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-396)** Report, in concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Require that the State Planning Office Report to the Committee on State and Local Government"
H.P. 619 L.D. 859

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-322)**.

Signed:

Senator:
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
RINES of Wiscasset
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 as Amended by Committee Amendment "B" (H-323)**.

Signed:

Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock

Representatives:

McDONOUGH of Portland
RICHARDSON of Greenville

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-322)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-322) AS AMENDED BY HOUSE AMENDMENT "A" (H-505)** thereto, **AND HOUSE AMENDMENT "A" (H-496)**.

Reports **READ**.

Senator **PENDLETON** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-323)** 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-323)** Report, in **NON-CONCURRENCE**.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Laws Relating to Notaries Public"

H.P. 643 L.D. 893

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-411)**.

Signed:

Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
RINES of Wiscasset
McDONOUGH of Portland
TWOMEY of Biddeford
BUMPS of China
KASPRZAK of Newport
JODREY of Bethel
RICHARDSON of Greenville

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-412)**.

Signed:

Representative:

GERRY of Auburn

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-411)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-411)**.

Reports **READ**.

On motion by Senator **PENDLETON** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-411)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-411) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Laws Governing Secession"

H.P. 1433 L.D. 2056

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-410)**.

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 Not to Pass**.

Signed:

Representative:

TWOMEY of Biddeford

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-410)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-410) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Amend the Laws Regarding when A Merchant Must Remit Sales Tax"

H.P. 306 L.D. 422

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-393)**.

Signed:

Senator:

DAGGETT of Kennebec

Representatives:

GAGNON of Waterville
GREEN of Monmouth
DAVIDSON of Brunswick
COLWELL of Gardiner
STANLEY of Medway
LEMOINE of Old Orchard Beach
LEMONT of Kittery

MURPHY of Berwick
BUCK of Yarmouth
CIANCHETTE of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-394)**.

Signed:

Senators:

RUHLIN of Penobscot
MILLS of Somerset

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393)**.

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 **TAXATION** on Bill "An Act to Exempt Military Retirees from State Income Taxes"
H.P. 360 L.D. 485

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-392)**.

Signed:

Senator:

RUHLIN of Penobscot

Representatives:

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

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

Signed:

Senators:

DAGGETT of Kennebec
MILLS of Somerset

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-392)**.

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 **TAXATION** on Bill "An Act to Create a Sales Tax Exemption for Child Abuse and Neglect Councils"

H.P. 976 L.D. 1374

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-395)**.

Signed:

Representatives:

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

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

Signed:

Senators:

- RUHLIN of Penobscot
- DAGGETT of Kennebec
- MILLS of Somerset

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-395)**.

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 **TRANSPORTATION** on Bill "An Act to Change the Fine for Speeding in a School Zone" H.P. 1462 L.D. 2094

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

Signed:

Senators:

- O'GARA of Cumberland
- PARADIS of Aroostook
- CASSIDY of Washington

Representatives:

- FISHER of Brewer
- COLLINS of Wells
- SANBORN of Alton
- WHEELER of Eliot
- JABAR of Waterville
- BOUFFARD of Lewiston
- SAVAGE of Union

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

Signed:

Representatives:

- CAMERON of Rumford
- LINDAHL of Northport
- WHEELER of Bridgewater

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

Reports **READ**.

On motion by Senator **O'GARA** of Cumberland, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act Requiring That the Costs of Transporting Highway Construction and Maintenance Materials to Isle au Haut by Barge or Ferry be Paid from the Highway Fund" H.P. 1522 L.D. 2172

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-432)**.

Signed:

Senators:

O'GARA of Cumberland
PARADIS of Aroostook
CASSIDY of Washington

Representatives:

FISHER of Brewer
COLLINS of Wells
WHEELER of Eliot
JABAR of Waterville
BOUFFARD of Lewiston
SAVAGE of Union
WHEELER of Bridgewater
SANBORN of Alton

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

Signed:

Representatives:

CAMERON of Rumford
LINDAHL of Northport

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-432)**.

Reports **READ**.

On motion by Senator O'GARA of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-432) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Senate

Ought to Pass

Senator TREAT for the Committee on **NATURAL RESOURCES** on Bill "An Act to Encourage Continuous Improvement in Pollution Prevention in Maine"

S.P. 820 L.D. 2223

Reported that the same **Ought to Pass**, pursuant to Joint Order S. P. 806.

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Senator KILKELLY for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Amend the Moose Hunting Laws" (EMERGENCY)

S.P. 256 L.D. 751

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Senator KIEFFER for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Allow the Taking of Endangered or Threatened Species Under the Authority of the Department of Inland Fisheries and Wildlife"

S.P. 708 L.D. 2017

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator KIEFFER for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Clarify the Laws Pertaining to the Importation of Fish"

S.P. 153 L.D. 473

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-249)**.

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

READ ONCE.

Committee Amendment "A" (S-249) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator KIEFFER for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Improve Wild Game Transportation Laws"

S.P. 182 L.D. 536

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-248)**.

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

READ ONCE.

Committee Amendment "A" (S-248) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator KIEFFER for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Amend Maine's Boating Laws Pertaining to Noise Limits on Watercraft"

S.P. 240 L.D. 662

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-250)**.

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

READ ONCE.

Committee Amendment "A" (S-250) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator KIEFFER for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Clarify the Powers of Game Wardens When Stopping Motor Vehicles"

S.P. 241 L.D. 663

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-251)**.

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

READ ONCE.

Committee Amendment "A" (S-251) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator KILKELLY for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Create Accountability in the Management of Trout and Salmon in Maine"

S.P. 406 L.D. 1195

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-252)**.

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

READ ONCE.

Committee Amendment "A" (S-252) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator RUHLIN for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Amend the Fishing Laws"

S.P. 415 L.D. 1204

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-253)**.

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

READ ONCE.

Committee Amendment "A" (S-253) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator KIEFFER for the Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, to Establish the Citizens' Advisory Committee to Secure the Future of Maine's Wildlife and Fish

S.P. 725 L.D. 2045

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-254)**.

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

READ ONCE.

Committee Amendment "A" (S-254) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Eliminate the Requirement That the Employment Rehabilitation Fund Reimburse Employers and Insurers for Benefits Paid pursuant to the Benefits Adjustments"

S.P. 269 L.D. 762

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

Signed:

Senators:
DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-240)**.

Signed:

Representatives:

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

Reports **READ**.

Senator **PINGREE** of Knox moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-239)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-239)** Report.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Amend the Workers' Compensation Laws"

S.P. 364 L.D. 1067

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-241)**.

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

HATCH of Skowhegan
MUSE of South Portland
FRECHETTE of Biddeford
MATTHEWS of Winslow
SAMSON of Jay
DAVIS of Falmouth
MacDOUGALL of North Berwick
MACK of Standish
TREADWELL of Carmel

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

Signed:

Representative:

GOODWIN of Pembroke

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-241) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Require Legislators to Contribute to Health and Dental Premiums"

S.P. 484 L.D. 1444

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

Signed:

Senator:

LaFOUNTAIN of York

Representatives:

HATCH of Skowhegan
GOODWIN of Pembroke
FRECHETTE of Biddeford
MATTHEWS of Winslow
SAMSON of Jay
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-245)**.

Signed:

Senators:

DOUGLASS of Androscoggin
MILLS of Somerset

Representatives:

MacDOUGALL of North Berwick
MACK of Standish
TREADWELL of Carmel

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 **LABOR** on Bill "An Act to Eliminate Health Insurance Benefits for Retired Legislators Elected in or After 1992"

S.P. 485 L.D. 1445

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

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York

Representatives:

HATCH of Skowhegan
GOODWIN of Pembroke
FRECHETTE of Biddeford
MATTHEWS of Winslow
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-244)**.

Signed:

Senator:

MILLS of Somerset

Representatives:

MacDOUGALL of North Berwick
MACK of Standish
TREADWELL of Carmel

Reports **READ**.

Senator **PINGREE** of Knox 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 **LABOR** on Bill "An Act to Eliminate the Legislative Retirement System"

S.P. 488 L.D. 1448

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

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York

Representatives:

HATCH of Skowhegan
GOODWIN of Pembroke
FRECHETTE of Biddeford
MATTHEWS of Winslow
SAMSON of Jay
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-243)**.

Signed:

Senator:

MILLS of Somerset

Representatives:

MacDOUGALL of North Berwick
MACK of Standish
TREADWELL of Carmel

Reports **READ**.

Senator **PINGREE** of Knox 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 **LABOR** on Bill "An Act to Clarify the Medical Fee Schedule in Workers' Compensation Cases"

S.P. 509 L.D. 1510

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

Signed:

Senators:

LaFOUNTAIN of York
MILLS of Somerset

Representatives:

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

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

Signed:

Representatives:

DAVIS of Falmouth
MACK of Standish
TREADWELL of Carmel

Reports **READ**.

Senator **PINGREE** of Knox 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 **LABOR** on Bill "An Act to Ensure that Displaced Workers Have Access to Appropriate Job Training, Education and Employment Services through a Peer Support Program"

S.P. 594 L.D. 1718

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-242)**.

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York

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:

Senator:

MILLS of Somerset

Representatives:

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

Reports **READ**.

Senator **PINGREE** of Knox 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 **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Provide Opportunity for an Increase in Wine-tasting Locations for Farm Wineries"

S.P. 222 L.D. 644

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-246)**.

Signed:

Senators:

DAGGETT of Kennebec
CAREY of Kennebec
FERGUSON of Oxford

Representatives:

TUTTLE of Sanford
CHIZMAR of Lisbon
FISHER of Brewer
LABRECQUE of Gorham
MAYO of Bath
PERKINS of Penobscot
HEIDRICH of Oxford
McKENNEY of Cumberland
O'BRIEN of Lewiston

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

Signed:

Representative:

GAGNE of Buckfield

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-246) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

Six members of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Apportion State Lottery Funds to Pay for Quality Early Care and Education"

S.P. 347 L.D. 1051

Reported in Report "A" that the same **Ought Not to Pass**.

Signed:

Senators:

DAGGETT of Kennebec
CAREY of Kennebec

Representatives:

TUTTLE of Sanford
GAGNE of Buckfield
FISHER of Brewer
LABRECQUE of Gorham

Four members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-233)**.

Signed:

Senator:

FERGUSON of Oxford

Representatives:

MAYO of Bath
HEIDRICH of Oxford
McKENNEY of Cumberland

Two 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-234)**.

Signed:

Representatives:

CHIZMAR of Lisbon
PERKINS of Penobscot

Reports **READ**.

Senator **DAGGETT** of Kennebec moved the Senate **ACCEPT** Report "A", **OUGHT NOT TO PASS**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Clarify the Tree Growth Tax Law"

S.P. 490 L.D. 1475

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-235)**.

Signed:

Senators:

RUHLIN of Penobscot

DAGGETT of Kennebec

Representatives:

GAGNON of Waterville
GREEN of Monmouth
DAVIDSON of Brunswick
COLWELL of Gardiner
LEMOINE of Old Orchard Beach

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

Signed:

Senator:

MILLS of Somerset

Representatives:

STANLEY of Medway
LEMONT of Kittery
MURPHY of Berwick
BUCK of Yarmouth
CIANCHETTE of South Portland

Reports **READ**.

Senator **PINGREE** of Knox 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.

SECOND READERS

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

House As Amended

Bill "An Act to Amend the Requirements of Full-time Students for State-funding Purposes"

H.P. 573 L.D. 813
(C "A" H-372)

Bill "An Act to Amend the Androscoggin County Budget Process"

H.P. 758 L.D. 1048
(C "A" H-321)

Bill "An Act to Amend Juvenile Corrections Laws and to Establish a Juvenile Records Repository"

H.P. 1002 L.D. 1400
(C "A" H-428; H "A" H-475)

Bill "An Act to Clarify the Regulation of Viatical Settlement Contracts When Sold as Investments"

H.P. 1182 L.D. 1693
(C "A" H-402; H "A" H-474)

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

Senate As Amended

Bill "An Act to Create a Tax Credit for Licensing Fees Paid for the Use of University Patents on Wood Fiber Reinforced Products"
S.P. 282 L.D. 800
(C "A" S-238)

Bill "An Act to Improve Alcohol Server Education Courses"
S.P. 320 L.D. 954
(C "A" S-228)

Bill "An Act to Create Quality Child Care Investment Incentives"
S.P. 359 L.D. 1063
(C "A" S-237)

Bill "An Act to Enact the Uniform Foreign Money-judgments Recognition Act"
S.P. 380 L.D. 1081
(C "A" S-226)

Bill "An Act to Implement the Recommendations of the Wage Fairness Task Force"
S.P. 438 L.D. 1275
(C "A" S-229)

Bill "An Act Concerning Damage to Lands and Natural Resources Caused by Natural Gas Pipelines"
S.P. 679 L.D. 1929
(C "A" S-224)

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

Sent down for concurrence.

ENACTORS

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

Emergency Measure

An Act to Prohibit the Misuse of Laser Pointers
H.P. 190 L.D. 268
(C "A" H-300)

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

Emergency Measure

An Act to Strengthen Enforcement of Lobster Trap Limits
S.P. 452 L.D. 1327
(C "A" S-113; H "A" H-336)

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

Emergency Resolve

Resolve, to Establish a Task Force to Study Limited Entry in the Shrimp Fishery

H.P. 1079 L.D. 1526
(C "A" H-307)

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

Mandate

Resolve, Naming the Beach Next to the Lincolnville Ferry Terminal French Beach

H.P. 264 L.D. 368
(C "A" H-293)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 27 Members of the Senate, with 1 Senator having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act Regarding Exhibition of Licenses from the Department of Inland Fisheries and Wildlife

H.P. 232 L.D. 336
(C "A" H-283)

An Act to Require Written Explanation from the Department of Transportation When a Municipal Request to Change a Speed Limit is Denied

H.P. 258 L.D. 362
(C "A" H-236)

An Act Regarding Shooting Over or From a Public Paved Way
H.P. 296 L.D. 404
(C "A" H-287)

An Act Regarding the Waiver Process Under the Lobster Apprenticeship Program

H.P. 300 L.D. 408
(C "A" H-308)

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
(C "A" H-237)

An Act to Change Certified Public Accountant Experience Requirements for Employees of the Department of Audit

S.P. 247 L.D. 669
(C "A" S-136)

An Act to Amend the Laws Establishing a State Poet Laureate

S.P. 259 L.D. 754
(C "A" S-132)

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
(H "A" H-327 to C "A" H-261)

An Act to Increase Internal Plumbing Fees and Remedy Inconsistencies in Plumbing Laws

H.P. 803 L.D. 1126
(C "A" H-233)

An Act to Encourage Municipal and State Partnerships Concerning the Issuance of Aquaculture Leases

S.P. 441 L.D. 1316
(C "A" S-145)

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

S.P. 464 L.D. 1403
(S "A" S-157)

An Act to Amend the Maine Emergency Medical Services Act of 1982

H.P. 1051 L.D. 1473
(C "A" H-301)

An Act to Ensure That Sales Free and Clear of Liens Through Bankruptcy Do Not Result in the Acquisition of a Predecessor Employer's Experience for the Purpose of Contribution Rate Determination

S.P. 562 L.D. 1629
(C "A" S-139)

An Act Concerning the Sea Urchin Fishery

H.P. 1275 L.D. 1836
(C "A" H-306)

An Act to Amend the Lead Poisoning Control Act

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

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 Enhance Maine's Relationship with Aomori, Japan by Hosting a Cultural Exchange

S.P. 69 L.D. 172
(C "A" S-144)

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

An Act to Establish a Part-time Liquor License

H.P. 649 L.D. 899
(C "A" H-286)

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

An Act to Allow the Town of Madrid to Deorganize

S.P. 330 L.D. 984
(C "A" S-133)

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

An Act to Improve the Accountability of the Maine Children's Trust and to Explicitly Include High-quality Child Care as an Integral Part of its Mission

S.P. 390 L.D. 1169
(C "A" S-72)

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

An Act to Amend the Laws Pertaining to Excise Tax Collection

S.P. 411 L.D. 1200
(C "A" S-134)

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

Resolves

Resolve, to Direct the Governor to Establish a Commission to Recommend to the Governor Candidate Designs for the Maine State Quarter to be Submitted to the United States Mint

S.P. 444 L.D. 1319
(C "A" S-135)

Resolve, Establishing an Improved Capital Planning Process
H.P. 1480 L.D. 2120
(C "A" H-298)

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

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

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

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

Resolve, to Create a Committee to Establish a Memorial Dedicated to the Civilian Conservation Corps

H.P. 1394 L.D. 1999
(C "A" H-305)

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

Senate at Ease.

Senate called to order by the President.

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.

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

Off Record Remarks

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

COMMUNICATIONS

The Following Communication: S.C. 222

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

May 4, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 9 An Act to Amend the Animal Trespass Definition

L.D. 51 An Act to Amend the Forest Practices Laws

L.D. 538 Resolve, to Ensure Equity in Public Land Acquisitions

L.D. 705 An Act to Prevent an Aggressive Dog from Doing Harm to People

L.D. 1193 An Act to Ensure that Land for Maine's Future Acquisitions Include Lands of Local or Regional Significance

L.D. 1310 An Act to Reduce the Administrative Requirements of the Forest Practices Laws

L.D. 1844 An Act to Protect Taxpayers Against Open-ended Maintenance Expenditures on Property Transferred to the State

L.D. 1854 An Act to Require Posting of Regulations on Public Lands

L.D. 1987 An Act to License Hikers, Canoeists, Kayakers and Off-road Bicyclists

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John M. Nutting
Senate Chair

S/Rep. Wendy Pieh
House Chair

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

The Following Communication: S.C. 223

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

May 4, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 36 An Act to Appropriate Funds to Ensure Forestry Industry Training Education

L.D. 1651 An Act to Ensure that Tobacco Settlement Funds Are Used for Health Purposes

L.D. 1666 An Act to Ensure That Funds from Maine's Medicaid Settlement with Tobacco Product Manufacturers are used to Expand Access to Health Care for Maine People

L.D. 1742 An Act to Create Fairness in Mental Health Funding for Southern York County

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Michael H. Michaud
Senate Chair

S/Rep. Elizabeth Townsend
House Chair

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

The Following Communication: S.C. 224

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

May 4, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Banking and Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

S.P. 640 JOINT ORDER – Establishing the Joint Select Committee to Study 3rd-party Payments to Health Care Providers

L.D. 588 An Act to Facilitate the Use of Major Credit Cards to Pay Fines, Forfeitures and Fees

L.D. 760 An Act to Clarify the Residency Requirements for Individual Health Insurance Coverage through a Maine-based Insurance Carrier

L.D. 1241 An Act to Create a Single-payor System for Universal Health Care

L.D. 1392 An Act Concerning the Lapse of Automobile Insurance

L.D. 1424 An Act to Require Insurance Coverage for the Treatment of Infertility

L.D. 1541 An Act to Extend Portability of Coverage to Persons Covered under College-sponsored Health Plans

L.D. 1778 An Act to Make Corrections in the Mental Health Insurance Laws

L.D. 1862 An Act Regarding Assignment of Benefits under a Health Insurance Policy

L.D. 1893 An Act to Expand the State's Risk Management Responsibilities

L.D. 1954 An Act to Categorize Pervasive Developmental Disorder as a Neurological Disorder rather than a Mental Illness under the Insurance Laws

L.D. 2049 An Act Providing Recourse and Protection to Vendors Receiving Bad Checks

L.D. 2096 An Act Requiring Timely Reimbursement of Health Insurance Claims

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Lloyd P. LaFountain III
Senate Chair

S/Rep. Jane W. Saxl
House Chair

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

The Following Communication: S.C. 225

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC
DEVELOPMENT**

May 4, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Business and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 306 Resolve, to Honor Farmers' Contributions to Maine's Agricultural Heritage and Promote Tourism

L.D. 1828 An Act to Improve the Quality of Child Care

L.D. 1948 An Act Relating to Unfair Competition Between Nonprofit Organizations and Small Businesses

L.D. 2001 An Act to Require All Businesses in the State to Obtain a License to Operate in the State

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Carol A. Kontos
Senate Chair

S/Rep. Gary O'Neal
House Chair

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

The Following Communication: S.C. 226

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE**

May 4, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 300 An Act to Require Life Imprisonment for Habitual Violent Offenders

L.D. 338 An Act to Strengthen Manslaughter and Homicide Penalties When the Victim is Under 16 Years of Age

L.D. 550 An Act to Ensure a Continuum of Proper Medical Care for Prisoners with Mental Disabilities or Mental Illness

L.D. 562 An Act Concerning Consecutive Sentencing

L.D. 696 An Act to Provide for Sentence Reform

L.D. 1145 An Act to Increase the Penalties for Persons in Possession of Crack Cocaine in Conformity with the Penalties for Similarly Dangerous Drugs

L.D. 1892 An Act to Refine Certain Theft Provisions in the Law

L.D. 2003 An Act to Allow A Municipal Officer to Accept Forfeited Assets to Expedite the Administration of Drug Case Prosecution

L.D. 2093 An Act to Authorize the Disposition of Forfeited Firearms

L.D. 2160 An Act to Stop the Construction of the Prison at Warren

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Robert E. Murray, Jr.
Senate Chair

S/Rep. Edward J. Povich
House Chair

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

The Following Communication: S.C. 227

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

May 4, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1834 An Act to Support Violence Prevention and Intervention Programs

L.D. 1863 An Act to Allow School Officials to Provide Information Regarding Certain Juveniles to Other Agencies

L.D. 1946 An Act to Provide for Safe and Orderly Schools

L.D. 2050 An Act to Permit the Establishment of the Kennebec Valley Center for Arts Education

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Georgette B. Berube
Senate Chair

S/Rep. Michael F. Brennan
House Chair

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

The Following Communication: S.C. 228

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

May 4, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1472 An Act to Clarify Reimbursement for Cognitive Services

L.D. 1950 An Act to Change the Membership of the Medicaid Advisory Committee and the Board of Directors of the Maine Health Data Organization

L.D. 2097 Resolve, Establishing the Commission on Dental and Mental Health Services for Children

L.D. 2209 Resolve, Directing the Department of Human Services to Include Asset Depreciation with Respect to

Commercial Fishing Vessels in Establishing Eligibility for the Cub Care Program

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Judy Paradis
Senate Chair

S/Rep. Thomas J. Kane
House Chair

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

The Following Communication: S.C. 229

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

May 4, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 392 An Act to Allow Sunday Hunting on Land Subject to the Jurisdiction of the Maine Land Use Regulation Commission

L.D. 514 An Act to Restrict a Landowner's Right to Kill Nuisance Animals

L.D. 701 An Act to Repeal Prior Registration for Noncommercial Whitewater Rafting Trips

L.D. 728 An Act to Prohibit Closed Hunts

L.D. 771 An Act to Allow Deer Hunting on Sundays

L.D. 1419 An Act to Establish an Exemption from Horsepower Limitations on Lower Range Pond to Allow an Annual One-day Waterskiing Tournament

L.D. 1469 An Act to Increase Hunting Opportunities in the State

L.D. 1529 An Act Regarding the Affiliation Definition Test for Rafting Companies

L.D. 1686 An Act to Require the Inspection of Commercial Inland Vessels

L.D. 1756 An Act to Allow the Department of Inland Fisheries and Wildlife to Offer an Annual License Instead of a Lifetime License

L.D. 1968 An Act Concerning Recreational and Commercial Trapping

L.D. 2095 An Act to Stagger Registration for Watercraft, All-terrain Vehicles and Snowmobiles

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Marge L. Kilkelly
Senate Chair

S/Rep. Matthew Dunlap
House Chair

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

The Following Communication: S.C. 230

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON JUDICIARY**

May 4, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

S.P. 767 JOINT ORDER – Relative to Establishing the Joint Select Committee to Review the Maine Tort Claims Act

H.P. 1487 JOINT ORDER – Relative to establishing The Task Force to Develop a Plan to Implement a Pilot Program for a Public Defender's Office

L.D. 426 An Act to Implement Recommendations of the Maine Indian Tribal-State Commission to Ensure Enforcement of Subpoenas by Tribal Courts

L.D. 571 An Act to Prohibit Partial-birth Abortion

L.D. 658 An Act to Require Notification of a Lien on Property to Be Done by Certified Mail

L.D. 917 An Act to Ban Partial Birth Abortion Except to Protect the Life or Health of the Mother

L.D. 1255 An Act Providing for Regulation of the Uses of Surface Waters within or Affecting Passamaquoddy Territory

L.D. 1427 An Act to Amend the Laws Regarding Domestic Violence Incidence Reports

L.D. 1449 Resolve, Directing Cooperation between the Department of Human Services and the Passamaquoddy Tribe in Providing Human Services Programs

L.D. 1549 An Act to Protect the Riparian Rights of Owners of Rockweed, Seaweed and Other Assets on Intertidal Land

L.D. 1753 An Act to Require Noncustodial Parents to Contribute to the Higher Education of Their Children

L.D. 1783 An Act to Clarify the Limited Liability for Recreational or Harvesting Activities

L.D. 1842 An Act to Require Disclosure of Vital Information When a Conservation Easement or Preservation Interest is Created

L.D. 1850 An Act to Amend the Laws Regarding Real Estate Transfers

L.D. 1914 An Act Concerning Tribal Jurisdiction over Rights-of-way Over or Abutting Tribal Lands and the Collection of Fines from Violations Occurring on Tribal Lands and Rights-of-way

L.D. 1969 An Act to Revise Certain Provisions of the Medical Examiner Act

L.D. 2117 An Act to Improve Responsible Check Writing

L.D. 2173 An Act to Create the Maine Surrogacy Law

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Susan W. Longley
Senate Chair

S/Rep. Richard H. Thompson
House Chair

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

The Following Communication: S.C. 231

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON LABOR**

May 4, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 427 An Act to Raise the Minimum Wage
- L.D. 555 Resolve, to Require the Department of Labor to Establish a Living Wage
- L.D. 584 An Act to Eliminate the Requirement for an Independent Medical Examination under Certain Circumstances
- L.D. 778 An Act to Require Insurance Companies to Pay Workers' Compensation Benefits until a Hearing is Called if Contesting Payments
- L.D. 1571 An Act to Protect the Rights of Employees Who Volunteer Time As Firefighters
- L.D. 1630 An Act to Fully Comply with the Requirements of the Older Workers Benefit Protection Act
- L.D. 1648 An Act Restoring the Right to Sue to Workers Injured Due to Gross Negligence
- L.D. 1747 An Act to Amend the Retirement Plan for Maine State Troopers
- L.D. 1748 An Act to Correct Inconsistencies within the Maine State Retirement System
- L.D. 1913 An Act to Ensure Fair Access under the Workers' Compensation Utilization and Review System
- L.D. 1943 An Act to Ensure that Workers Are Informed about Their Employers' Cancellation of Workers' Compensation Insurance
- L.D. 2041 An Act to Eliminate Legislative Pensions

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Neria R. Douglass
Senate Chair

S/Rep. Pamela H. Hatch
House Chair

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

The Following Communication: S.C. 232

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

May 4, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 185 An Act to Enhance Enforcement of the Gambling Laws
- L.D. 611 Resolve, to Allow Lawsuit Against the State of Maine
- L.D. 620 Resolve, to Allow James E. Segien of Eastport to Sue the State and the Town of Eastport
- L.D. 679 An Act to Submit Legislative Term Limits to Referendum in November 1999
- L.D. 773 An Act to Require the Missing-in-Action Flag to Be Flown on State-owned Flag Poles
- L.D. 966 An Act to Allow Indian Gaming at Established Commercial Race Tracks
- L.D. 985 An Act to Increase the Penalties for Providing Alcohol to a Minor, Possession of Alcohol by a Minor and Certain Other Offenses
- L.D. 1036 An Act to Repeal Term Limits for Legislators and Constitutional Officers
- L.D. 1043 An Act to Clarify the Guidelines for the Allocation of Tri-state Lottery Machines
- L.D. 1124 Resolve, to Allow David Prentiss to Sue the State
- L.D. 1466 An Act to Maintain Responsible Taste Testing
- L.D. 1631 Resolve, Authorizing Richard Paradise to Sue the State
- L.D. 1765 Resolve, Requiring the Director of Alcoholic Beverages and Lottery Operations to Investigate the Requirements for Maine to Join the PowerBall Lottery
- L.D. 1801 An Act to Enable Small Wineries to Do Business in Maine
- L.D. 1816 An Act to Revise the Harness Racing Laws Regarding Off-track Betting
- L.D. 1856 An Act Concerning the Distribution of Beer and Wine

L.D. 1869 An Act to Establish the Emergency Management Preparedness and Assistance Trust Fund

L.D. 1903 Resolve, to Study the Needs of Maine Veterans and Their Families

L.D. 1997 An Act to Amend the Election Laws to Prohibit Signing Nomination Papers for More than the Number of Seats Available

L.D. 2008 An Act to Amend the Maine Clean Election Act

L.D. 2134 An Act to Improve Maine's Ballot Access Law

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Beverly C. Daggett
Senate Chair

S/Rep. John L. Tuttle, Jr.
House Chair

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

The Following Communication: S.C. 233

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

May 4, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1495 Resolve, to Regulate the Use, Operation and Type of Watercraft on Coastal Waters

L.D. 2062 An Act to Require Fishing Boats Rather than Individuals to Be Licensed for Salt Water Commercial Ventures

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Jill M. Goldthwait
Senate Chair

S/Rep. David Etnier
House Chair

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

The Following Communication: S.C. 234

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

May 4, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 301 An Act to Amend the Open-burning Laws

L.D. 342 An Act to Amend the Laws Regarding the Fee Paid When Purchasing a New Tire or Battery

L.D. 1049 An Act to Repeal the Enhanced Inspection Requirements for Motor Vehicles Registered in Cumberland County

L.D. 1537 An Act to Protect Maine Lakes and Ponds

L.D. 1669 An Act to Ensure Continuous Improvement in Pollution Prevention

L.D. 1691 An Act to Protect Maine's Lakes and Ponds from Camp Road Runoff

L.D. 1772 An Act to Require Tire Manufacturers to Accept Tires for Return

L.D. 1794 An Act to Encourage the Implementation of Pollution Prevention in Maine

L.D. 1822 An Act Allowing Kelly Sanborn to Remain in Her Current Residence

L.D. 1835 An Act to Amend the Department of Environmental Protection Laws

L.D. 1859 An Act to Require Enhanced Emissions Testing for the Entire State

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Sharon Anglin Treat
Senate Chair

S/Rep. John L. Martin
House Chair

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

The Following Communication: S.C. 235

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
JOINT SELECT COMMITTEE ON RESEARCH AND
DEVELOPMENT**

May 4, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Research and Development has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 2125 An Act to Implement the Recommendations of the Target Industries Committee to Promote Research and Development Activities in Maine

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Carol A. Kontos S/Rep. Scott W. Cowger
Senate Chair House Chair

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

The Following Communication: S.C. 236

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

May 4, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government

has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 348 An Act Requiring Audits on State Agencies

L.D. 711 An Act to Require an Audit and Program Review of the Maine Governmental Facilities Authority

L.D. 2034 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Set a Date for Submission of Legislation by the Governor

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Peggy A. Pendleton S/Rep. Douglas J. Ahearn
Senate Chair House Chair

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

The Following Communication: S.C. 237

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON TAXATION**

May 4, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 115 An Act to Amend the Elderly Low Cost Drug Program

L.D. 671 An Act to Exempt from State Income Tax Previously Taxed Contributions to an Individual Retirement Account

L.D. 926 An Act to Exempt Watercraft That Are Not Used from the Watercraft Excise Tax

L.D. 1061 An Act to Improve Access to Prescription Drugs for the Elderly

L.D. 1123 An Act to Set Fees for Services for Tax-exempt Property in Municipalities

L.D. 1167 An Act to Establish the Local Option Tax on Liquor, Meals and Lodging

L.D. 1425 An Act to Encourage Jobs and Opportunities in Municipalities with Low Average Income and High Property Taxes

L.D. 1556 An Act Relating to Property Tax Exemptions and Service Charges

L.D. 1734 An Act to Offer Tax Credits for Certain Value-added Wood Products Produced in Maine

L.D. 1773 An Act to Allow for a Prorated Application of Property Tax Exemptions for Charitable and Benevolent Institutions and Literary and Scientific Institutions

L.D. 1953 An Act to Fully Fund Primary and Secondary Education in the State

L.D. 1956 An Act to Limit the Number of Appeals Concerning a Property Tax Assessment

L.D. 1959 An Act to Require Payment of the Excise Tax for First-time Vehicle Registration Only

L.D. 2016 An Act to Provide a Reward for Certain Tax Information

L.D. 2048 An Act to Eliminate the Sales Tax on Fuel Oil Used for Plant and Animal Husbandry

L.D. 2055 An Act to Eliminate the Sales Tax on Labor for Installing Telephone, Telegraph and Related Equipment

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Richard P. Ruhlin
Senate Chair

S/Rep. Kenneth T. Gagnon
House Chair

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

The Following Communication: S.C. 238

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

May 4, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 537 An Act to Appropriate Money to Extend Water Lines to Families in Gorham Whose Wells Were Polluted by Highway Construction Activity

L.D. 685 An Act to Withhold Work-restricted Licenses from Habitual Offenders Newly Convicted of Operating under the Influence or Who are not in Treatment Program

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. William B. O'Gara
Senate Chair

S/Rep. Joseph M. Jabar, Sr.
House Chair

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

The Following Communication: S.C. 239

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

May 4, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 635 An Act to Amend the Electric Industry Restructuring Law

L.D. 876 An Act to Amend the Renewable Portfolio Standard to Promote Maine's Renewable Energy Facilities

L.D. 1396 An Act Relating to Contractual Obligations of Electric Utilities after Restructuring

L.D. 1505 An Act to Require Performance-based Restoration by Public Utilities

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Richard J. Carey
Senate Chair

S/Rep. Thomas M. Davidson
House Chair

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

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

After Recess

Senate called to order by the President.

Off Record Remarks

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **TAXATION** on Bill "An Act to Base Sales Tax for Net Energy Billing Customers on Net Energy Deliveries"
H.P. 900 L.D. 1278

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

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **TAXATION** on Bill "An Act to Include the Income of a Lessee for the Purpose of Determining Eligibility in Farm and Open Space Tax Laws"

H.P. 1077 L.D. 1524

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

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Provide for Increased Penalties, Enforcement and Education Regarding Dangerous Dogs"
H.P. 433 L.D. 575

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-488)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-488)**.

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

READ ONCE.

Committee Amendment "A" (H-488) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Require that Employees in 24-Hour Convenience Stores Have Access to Telephones and Alarms"

H.P. 1458 L.D. 2090

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-485)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-485)**.

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

READ ONCE.

Committee Amendment "A" (H-485) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Create the Maine Tax filer's Prescription Medication Plan"

H.P. 144 L.D. 206

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-493).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-493).**

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

READ ONCE.

Committee Amendment "A" (H-493) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **TAXATION** on Bill "An Act to Create a Historic Preservation Tax Credit"

H.P. 1093 L.D. 1540

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-492).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-492).**

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

READ ONCE.

Committee Amendment "A" (H-492) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Protect Municipalities from Property Tax Loss when Land is Acquired by the State"

H.P. 205 L.D. 283

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
LEMOINE of Old Orchard Beach
CIANCHETTE of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-203).**

Signed:

Representatives:

STANLEY of Medway
LEMONT of Kittery
MURPHY of Berwick
BUCK of Yarmouth

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-203).**

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.**

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Increase the Length of Probation for a Person Convicted of Domestic Violence"

H.P. 381 L.D. 512

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-451).**

Signed:

Senators:

MURRAY of Penobscot
O'GARA of Cumberland
DAVIS of Piscataquis

Representatives:

POVICH of Ellsworth
FRECHETTE of Biddeford
CHIZMAR of Lisbon
QUINT of Portland
McALEVEY of Waterboro
PEAVEY of Woolwich
O'BRIEN of Augusta
TOBIN of Dexter
SHERMAN of Hodgdon

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-452).**

Signed:

Representative:

MUSE of South Portland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-451)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-451).**

Reports **READ.**

On motion by Senator **MURRAY** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-451)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-451) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Amend Law Enforcement Powers of Maine Forest Rangers"

S.P. 397 L.D. 1188

In Senate, April 5, 1999, **PASSED TO BE ENGROSSED.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-326)**, in **NON-CONCURRENCE.**

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

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Require Disclosures in Connection with Transfers of Residential Property"
H.P. 1368 L.D. 1966

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

Comes from the House with the Bill and accompanying papers **COMMITTED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT.**

Report **READ.**

Bill and accompanying papers **COMMITTED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, in concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **TREAT** for the Committee on **NATURAL RESOURCES** on Bill "An Act to Authorize Matinicus Isle Plantation to Implement a Disposal Fee for Motorized Vehicles"
S.P. 768 L.D. 2158

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-259).**

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

READ ONCE.

Committee Amendment "A" (S-259) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **MARINE RESOURCES** on Bill "An Act to Establish an Appeals Process for Lobster Fishing License Denial"

H.P. 1387 L.D. 1993

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-396) (9 members)

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-397) (3 members)

Tabled - May 10, 1999, by Senator **GOLDTHWAIT** of Hancock.

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-396)** Report, in concurrence

(In House, May 7, 1999, Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-396)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-396).**)

(In Senate, May 10, 1999, Reports **READ.**)

On motion by Senator **GOLDTHWAIT** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-396)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-396) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Require that the State Planning Office Report to the Committee on State and Local Government"

H.P. 619 L.D. 859

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-322) (9 members)

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-323) (4 members)

Tabled - May 10, 1999, by Senator **PENDLETON** of Cumberland.

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-323)** Report, in **NON-CONCURRENCE**

(In House, May 7, 1999, Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-322)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-322) AS AMENDED BY HOUSE AMENDMENT "A" (H-505)** thereto, **AND HOUSE AMENDMENT "A" (H-496).**)

(In Senate, May 10, 1999, Reports **READ.**)

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

Senator **DAVIS:** Ladies and Gentlemen of the Senate, the Maine State Planning Office, an agency of our government, has a charge. It's responsible for the formulation, coordination, support of economic and natural resources policy. The State Planning Office assists the Governor and other State agencies in the development of economic, energy, fiscal and regulatory policy, and the management of selective natural resources. That is basically the charge that the Planning Office has as its mission. This Amendment changes it to the Maine State Senate for the confirmation of the Director of the Planning Office. Currently, he is by the appointment of the Governor, and the Governor only. This may have been fine back when the Planning Office was first started, but it is clear now that the job of Director, and even the entire office has become more and more controversial as years have gone by. The agency now has 60 full-time employees, there's a budget in excess of \$60 million, and in fact, if you went out through State government and looked at everyone's job title that has planner in it, you would find that it far exceeds 60 employees. The office was first instituted as mainly an agency to think up new ideas to one that plays an intricate part in forming policies throughout the State, and it is controversial at times. Many of its recent proposals have been very controversial including proposals to restructure County government, another one on how to deal with global warming, and even another one on earth and straw. They all have been very controversial. I know that I've gotten call after call after call on some of these issues, but the point is quite simple, ladies and gentlemen. Should an agency in State Government that spends millions of tax-payer dollars that proposes and oversees programs and policies with far reaching consequences be held accountable to this Legislature? I would argue that is exactly why we have the confirmation process to begin with. I would urge you to Reject the Minority Report and go on to Adopt the Majority Report of this Committee. Thank you. Thank you Mr. President.

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

Senator **PENDLETON:** Thank you Mr. President. Men and women of the Senate, my good colleague from Piscataquis County, Senator Davis, is right when he said that the Department is very controversial. It is controversial because its job is to think out loud about State policy. It's a policy making board. I think the other thing we need to keep in mind is that if we vote not to pass Amendment "B", which I'm hoping you will support, we will allow the Committee on State and Local Government to have

soul jurisdiction, and soul authority over this particular Planning Office. The problem is that this Planning Office goes before many other Legislative Committees. I think it's important for us to understand that we can talk about implementation of the policies that this particular office has to offer, and of course, the Committee already does review the Budget, via the Part One Budget, so that we do have an opportunity to look at what is going on with the Planning Office. I think that because the Governor does appoint this position, doesn't mean that it needs to be confirmed by the Legislature because actually it's a different position, it's a bureau head, it's not a position such as a Commissioner that would be on the Governor's cabinet. For those reasons I do hope that you will support the motion which is to Accept the Minority Ought to Pass Committee Amendment "B" Report. Thank you.

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

Senator **GOLDTHWAIT:** Thank you Mr. President. Ladies and gentlemen of the Senate, I too would like to urge your support for the pending Minority Report from the Committee for the following reasons: there are two Reports out of the Committee, they are actually quite similar in all the provisions that they make with the significant exception that the Majority Report does require confirmation of the Director of the State Planning Office by the Senate. The Minority Report does not. Strangely enough, that same Majority Report that requires confirmation, removes the requirement that the Director report annually to the Joint Standing Committee with jurisdiction over matters in State and Local Government. It seems a bit inconsistent to me, but nevertheless, my reasons for supporting the Minority Report which is before you, are that the State Planning Director, perhaps more so than any other position, could be compared to the quarter back of the Executive team. Therefore, it seems to me that if we are to hold the Executive accountable for their responsibilities, in fact, for their policy for the State of Maine, on the one hand hold them accountable, and on the other hand to play a part in identifying the person who will lead that team is a rather strange contradiction to me. So giving that the Executive branch has the opportunity to create their own version of a plan for the State of Maine, and to hire a State Planning Director to direct that plan, it seems to me that the Executive should have the latitude to make the appointment that he chooses. All of the initiatives, if you will, referred to by the good Senator from Piscataquis, Senator Davis, are initiatives that ultimately do come to the Legislature by the way of Bills. There are a variety of Bills then having to do with sprawl. The Bill that would have changed the structure of County Government came before us. So, we do have ample opportunity to alter, to pass, or to defeat measures that come out of that office.

Our second opportunity, of course, for control over that office is the fact that it is a part of the State Budget, and we do act on that. So it seems to me both unnecessary and contradictory in policy terms to have the Senate involved in the selection of the State Planning Office Director, rather than leave that decision to the Executive whose plans are being developed in part by this person, and whose results will come before this Body either through the Budget or through Bills to be acted upon. I hope you will support the pending Minority motion before this Body. Thank you.

The Chair ordered a Division. 14 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **PENDLETON** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-323)** Report, in **NON-CONCURRENCE, PREVAILED.**

READ ONCE.

Committee Amendment "B" (H-323) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

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

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act to Require Legislators to Contribute to Health and Dental Premiums"

S.P. 484 L.D. 1444

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-245)** (5 members)

Tabled - May 10, 1999, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, May 10, 1999, Reports **READ.**)

Senator **LAFOUNTAIN** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

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 (#75)

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

NAYS: Senators: **ABROMSON, AMERO, BENNETT, BENOIT, DAVIS, DOUGLASS, GOLDTHWAIT, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL**

EXCUSED: Senator: **KONTOS**

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, and 1 Senator being excused, the motion by Senator **LAFOUNTAIN** of York 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 Today Assigned matter:

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Illegal Transportation of Liquor Law"

H.P. 706 L.D. 973

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-383)** (6 members)

Tabled - May 10, 1999, by Senator **DAGGETT** of Kennebec.

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

(In House, May 7, 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-383)**.)

(In Senate, May 10, 1999, Reports **READ**.)

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

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act to Eliminate Health Insurance Benefits for Retired Legislators Elected in or After 1992"

S.P. 485 L.D. 1445

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-244)** (4 members)

Tabled - May 10, 1999, by Senator **PINGREE** of Knox.

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

(In Senate, May 10, 1999, Reports **READ**.)

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

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

Senator **HARRIMAN:** Thank you Mr. President. Good afternoon ladies and gentlemen of the Senate. I hope that you will pause for a moment and look beyond the, perhaps, subliminal, message that this Bill title might first create. That someone is after retirees health insurance. Actually what the details of this Bill are, it says that if you were elected after 1994, which is the Amendment that is included in the other report, it says that if you have come here and have been of the age where you could have normally retired as a State employee at the age 60 or beyond, and you have a certain number of years of service that you are entitled, in some cases, to 100 percent post-retirement medical insurance. If you would compare that to someone who comes and has the honor of sitting in these seats, and serves six years or eight years and comes back after their term limited time-out and serves ten or more years, happens to leave here before normal retirement age, their post-retirement medical benefits are zero. It seems to me that in the interest of fairness, certainly in the interest of the cost to the system, why should we have this for the very people who sit here who may be of different ages? A post-retirement medical benefits program for retired Legislators who happen to be at the retirement age versus those who serve the same amount of time and are not at the retirement age. So the Bill simply says that you can continue to participate in the program and when your term of service here is up, your health insurance benefit program terminates just like in the vast majority, if not most all, of Maine's private employers in the state. So I hope you will join me in defeating the pending motion so that we can go on to Pass a Bill that is fair, reasonable, and saves money. Thank you Mr. President.

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 (#76)

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

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

EXCUSED: Senator: KONTOS

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, and 1 Senator being excused, the motion by Senator **PINGREE** of Knox 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 Today Assigned matter:

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act to Eliminate the Legislative Retirement System"
S.P. 488 L.D. 1448

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-243)** (4 members)

Tabled - May 10, 1999, by Senator **PINGREE** of Knox.

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

(In Senate, May 10, 1999, Reports **READ**.)

Senator **AMERO** of Cumberland requested a Roll Call.

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

Senator **HARRIMAN:** Thank you Mr. President. Good afternoon ladies and gentlemen of the Senate. Mr. President I would ask once again that my good friends and colleagues in the Maine Senate look beyond the title of this L.D. and take a look at the language that backs it up. As you do so you will discover that this Bill continues membership in the Maine State Retirement System for Legislators who are vested as of this point and time. I might also mention, parenthetically, that there is another piece of legislation working its way towards this Body that would reduce the vesting schedule. It's currently from ten years to five years. Putting that aside for a moment, what this Bill says is anyone who is currently vested and receiving benefits will be able to remain part of the existing program, but new Legislators who are not vested as of December 31 of this year, a new program will be created for them. The reason that happens is because the Federal law says it must be part of a system whether it's Social Security, or in our case here in Maine, the Maine State Retirement System. What this Bill proposes to do, unlike the current plan, if you serve here for a couple of terms, say four terms, at the end of your eight years if you are not vested in the system and you leave, you have the privilege of taking your own contributions back. The contributions that were made on your behalf by the State stay within the System. Not to mention the cost of administering the plan for all 186 current Legislators. We would propose that you Reject the pending motion so we can go on to Accept the Minority Report, whereby, from this point forward, you would be able to participate in a System that would allow you to put away 7½% of your compensation that would be matched by 7½% by the State, but you could be in control of

where this money goes. And when your service to the Maine citizens is over you can take the entire account with you. I would subject that is certainly, for those who are not going to be a career Legislator, a better plan for you and your family. It frees up the cost of the current System being administered by the Maine State Retirement System. And the savings that would result from what I just described would be used to offset the unfunded liability that currently exists in the Maine State Retirement System. It's sound. It's fair. It's reasonable. It makes sense for you, and for your family, and for the citizens who send us here and pay the bills. So for all those reasons Mr. President, I thank you very much for your time and hope you will join me in Rejecting the pending motion. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#77)

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

NAYS: Senators: **ABROMSON, AMERO, BENNETT, BENOIT, DAVIS, GOLDTHWAIT, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL**

EXCUSED: Senator: **KONTOS**

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, and 1 Senator being excused, the motion by Senator **PINGREE** of Knox 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 Today Assigned matter:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Apportion State Lottery Funds to Pay for Quality Early Care and Education"
S.P. 347 L.D. 1051

Report "**A**" - **Ought Not to Pass** (6 members)

Report "**B**" - **Ought to Pass as Amended by Committee Amendment "A" (S-233)** (4 members)

Report "C" - Ought to Pass as Amended by Committee Amendment "B" (S-234) (2 members)

Tabled - May 10, 1999, by Senator **DAGGETT** of Kennebec.

Pending - motion by same Senator to **ACCEPT** Report "A", **OUGHT NOT TO PASS**

(In Senate, May 10, 1999, Reports **READ**.)

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

Senator **LONGLEY:** Thank you Mr. President. Colleagues in the Senate, first I will request a Division. And secondly I will just say that when we first passed the Lottery Bill way back, we advertised it to our citizens of this state that it would go towards education. Evidently, there was a last minute, either Floor Amendment or Committee Amendment that took away that dedicated to education piece. Nevertheless, our constituents in large part still think it goes to education. This is an attempt to put it back into an education related field. I urge you to vote against the pending motion. Thank you.

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

Senator **DAGGETT:** Thank you Mr. President. Men and women of the Senate, I would ask that you support the motion on the floor, which is the Ought Not to Pass motion. The Bill asked to portion some of the State Lottery funds, 10% of Lottery funds to pay for early childhood care, the Head Start funds. While this is certainly a laudable goal it seems to me it is more honest and more up front to pay for this out of General Fund monies and not a portion of State Lottery revenues. Even today if the Lottery revenues were put to General Purpose Aid it would be a very small portion of what we pay. There is nothing in this Bill that would mean that more money would be going to Head Start, quality early care and education. I think that the net result if this Bill were passed is that it would simply be that this money would offset other General Fund appropriations. I think that it's not an honest way to make appropriations. So while I am certainly in favor of funding services for kids before they attend school in order to make sure that they are able to take the fullest advantage of the K-12 system. I think that there are better ways, and more honest ways to pay for it than this, so I would urge your support of the motion on the floor. Thank you.

THE PRESIDENT: The chair recognizes the Senator from Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President. I was around in '73 when Governor Curtis only accepted the Lottery's creation by putting a Referendum on it, that it would go out to the people. 67% of the people in the state voted to have the Lottery. I was fortunate from '79 through '86 to run the Lottery as its Executive Director, and I have to tell you that we would have been embarrassed on several occasions because in '78, four years after it started, the Lottery cleared a profit of \$870,000. That would not have put a meal on too many peoples table, number one. As a matter of fact, the ad agency made more money that year than the Lottery did, or the State did. And so, we were

promised a game when we first started because instant tickets had not been invented yet, they were in '75. Massachusetts had the first ones, but we were told that we would get \$20 million dollars after all expenses with a tri-structure that would cost us 45%. That we would clear \$20 million dollars. The Lottery fell a little short the first year, it collected \$1.2 million, basically because it was a novelty, and it really went downhill from there. So I would certainly hope that you would go Ought Not to Pass because those things can happen again. Currently we are losing about a quarter of a million dollars a week to New Hampshire and the power ball game. I've been over a few times, over in the Fryeburg area and I've seen people that can't even get into the parking lot when the prize over there gets over \$15 million. We are in danger of losing, I was in touch with the Vermont people only yesterday, and we are in danger of losing the state of New Hampshire. Which has been a lousy partner from day one. That would reduce our population base to 1.75 million people, and we could never run a game, as the tri-state megabucks game, which would become a duo-state megabucks game, and offer any prizes that would ever reach \$7.5 million. So I would hope that you vote on this as Ought Not to Pass. We got some troubles coming. Accept the Ought Not to Pass.

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

Senator **LONGLEY:** Thank you Mr. President. Colleagues in the Senate, I'll be brief. Basically my read of what our constituents want is a direct connect between their tax dollar, or Lottery dollar, and the item that goes to purchase. When they understand that connection there is a whole lot more appreciation for the services that come, and there's less confusion. This is an attempt to make that connect between their Lottery ticket and 10% of the funds will go to early care and education. Only 10%, not a certain number of millions. Simply a percentage of what's collected. Reasonable people differ, but I can't accept that this is not an honest approach. Lastly, Mr. President, when you call the votes I ask for the yeas and nays please.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#78)

YEAS: Senators: **ABROMSON, BENNETT, BENOIT, BERUBE, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, GOLDTHWAIT, HARRIMAN, KIEFFER, KILKELLY, LAFOUNTAIN, LIBBY, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT**

NAYS: Senators: **AMERO, DOUGLASS, FERGUSON, LONGLEY, MACKINNON, PARADIS, THE PRESIDENT - MARK W. LAWRENCE**

EXCUSED: Senator: **KONTOS**

27 Senators having voted in the affirmative and 7 Senators having voted in the negative, and 1 Senator being excused, the motion by Senator **DAGGETT** of Kennebec to **ACCEPT** Report "A", **OUGHT NOT TO PASS, PREVAILED.**

Sent down for concurrence.

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

Bill "An Act to Amend Law Enforcement Powers of Maine Forest Rangers"

S.P. 397 L.D. 1188

Tabled - May 10, 1999, by Senator **PINGREE** of Knox.

Pending - **FURTHER CONSIDERATION**

(In Senate, April 5, 1999, **PASSED TO BE ENGROSSED.**)

(In House, May 10, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-326), in NON-CONCURRENCE.**)

On motion by Senator **NUTTING** of Androscoggin, the Senate **RECEDED and CONCURRED.**

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

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

H.P. 294 L.D. 402

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

Minority - **Ought to Pass** (5 members)

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

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

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

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

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

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

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Improve the Maine Clean Election Act"

S.P. 300 L.D. 872

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

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

Tabled - May 3, 1999, by Senator **DAGGETT** of Kennebec.

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

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

THE PRESIDENT: The chair recognizes the senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** Thank you very much Mr. President. This is a very simple Bill. All it does is change the title of the so-called Clean Election Act, and every place that says clean, I have substituted the word public. I did that because two million dollars a year is appropriated to support this fund. That was one reason. The second reason is that if you choose not to participate in the fund what are you going to be labeled? What is the opposite of clean? It's dirty. It's been a long time since I've been in school, but I do remember my synonyms and antonyms. I think it is important that if you choose not to participate in the fund that you're not going to be labeled a dirty candidate. So that is why I introduced this Bill. I would hope that you would join me this afternoon and vote against the prevailing motion so that we can go on and Accept the Majority 8 to 5 Ought To Pass. Thank you very much for your indulgence, and I look forward to your support. Thank you very much.

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

Senator **DOUGLASS:** Mr. President, women and men of the Senate, the voters spoke their piece on this issue when they enacted a Referendum which was called the Maine Clean Election Act. We need to allow that title to stay. Not every issue in our political life is black and white, one of opposites. You can be for the Clean Election Act and not be clean, I suppose, and you can probably be not working under it and still be sacrosanct and on a high moral ground. It's important to keep the name because it is an alternative to the current system. Many groups are interested in our political life. The AARP, I have a message from them, The Legal Lemon Voters, Dirigo Alliance, and many other individuals have called me asking me to keep the name, The Maine Clean Election Act because they are familiar with it. They have begun to understand what it is going to do. They checked off those squares on their tax returns to help fund this Act and we should be proud that we have this campaign financing system. We shouldn't change it before it has even begun to work.

Off Record Remarks

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

Senator **DAGGETT:** Thank you very much Mr. President. Members of the Senate, I'm hoping that you will be supporting the Ought Not To Pass on this particular legislation. Several reasons why I'm supporting that side. Regardless of where your opinion is on the Clean Election Act itself, currently there is litigation pending that affects this Act, and until that litigation is satisfied it seems to me that we need to be very careful in looking at any changes before we would try to do them. It is a matter of concern to me that there is this continued discussion of the fact that because voters approved this that somehow it is sacrosanct and we shouldn't be touching it. I would just read to you an excerpt from a recent decision of the Court. It is referring to the Act. It does say this initiative is no longer the creation or special project of the group of concerned citizens. Once the voters approved it, it became state law vested with the interest of the entire state. So I would suggest to you that if there is something appropriate to be changed that it is well within our purview, and we should not shrink from changing it. However, the issue of the name in my opinion is relatively superficial, and even if the name should be changed in legislation it is hard for me to imagine that it would not continue to be referred to as the Clean Election Act since that was clearly the name under which it was passed. So because there seems to be no compelling reason to change it, no substance of reason, and if this is in fact the name by which it is known it seems to me appropriate to leave it as it is, and so I would urge you to support the Ought Not To Pass.

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

Senator **CAREY:** Thank you Mr. President. The Senator from Androscoggin, Senator Douglass, read off a list of organizations who want to keep the name as it is, and I say to you that maybe well they should for the simple reason that those were the people who were circulating the petitions.

The Chair ordered a Division.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#79)

YEAS: Senators: AMERO, BENNETT, BERUBE, CATHCART, DAGGETT, DOUGLASS, GOLDTHWAIT, HARRIMAN, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MITCHELL, MURRAY, NUTTING, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, BENOIT, CAREY, CASSIDY, DAVIS, FERGUSON, KIEFFER, LIBBY, MACKINNON, MILLS, O'GARA

EXCUSED: Senator: KONTOS

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, and 1 Senator being excused, the motion by Senator **DAGGETT** of Kennebec to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/7/99) Assigned matter:

Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1999-00"

H.P. 1311 L.D. 1872
(C "A" H-386)

Tabled - May 7, 1999, by Senator **PINGREE** of Knox.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In House, May 6, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-386).**)

(In Senate, May 7, 1999, **READ A SECOND TIME.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-386).

On further motion by same Senator, Senate Amendment "A" (S-255) to Committee Amendment "A" (H-386) **READ** and **ADOPTED.**

Committee Amendment "A" (H-386) as Amended by Senate Amendment "A" (S-255) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

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

Senator **GOLDTHWAIT:** Thank you Mr. President. Ladies and gentlemen of the Senate, this Amendment would add \$5,000 for the fiscal year of 2000, to the unorganized territory budget for Hancock County for the purpose of providing a subsidy to the ferry service which serves five islands in the Hancock County unorganized territory Eagle, Bard, Sprucehead, Bear, and Screg. The population of those islands has doubled in the last two years. They now have four year round residents and the ferry ran at a \$15,000 deficit last year despite a 20% increase in fares, and they are charging a fare above that of most other services for similar distances. So they are making every effort to enhance their bottom line themselves. They also have the mail contract for \$600 a month. But four months worth of that contract money

goes into the \$2,500 a year insurance that must be paid if you have the mail contract. They are paying their Captain a mere \$20 a day. He works about 60 or 70 hours a week so there is nothing extravagant about this line except that it is the only way to provide transportation to this territory. They carried 2,165 passengers in 1997. Those islands pay a significant amount in taxes to the unorganized territory, but they receive absolutely nothing in services. The Coast Guard inspection costs them \$300 a year. The Coast Guard is now requiring that they have not only a licensed Captain, but also a mate where previously the service operated with one crew member. By 2001 they have to have either four separate water type bulk heads, or primary life saving, which means a raft or a boat big enough for all passengers on board. So you can see that their costs are rather extraordinary, and as I said, they're making every effort to meet their bottom line independently. They would greatly appreciate, and I believe deserve, this small subsidy towards breaking even for them so that they continue to provide this transportation service to that area. Thank you.

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

Senator **FERGUSON:** Thank you very much Mr. President, could I pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **FERGUSON:** Have the County Commissioners of Hancock County approved this, at least a Majority of the Commissioners?

THE PRESIDENT: The Senator from Oxford, Senator Ferguson, poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you Mr. President. I confess that I am not clear on the answer. The Chair of the Commission was away this weekend. I am quite sure that one Commissioner supported it. I am equally sure that a second Commissioner opposed. I don't know about the third Commissioner, but the issue has somewhat come to a halt by a letter from the Director of the unorganized territories, stating that it was not clear that this was something that was generally done in municipalities. But I would submit to you that it is certainly done in the City of Portland, subsidized is the Casco Bay Ferry in an amount, I'm uncertain of the amount of the city subsidy, but the State also contributes \$20,000 to that ferry service.

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

Senator **FERGUSON:** Thank you very much Mr. President. Seems to me that we're injecting ourselves in a County matter here. County Commissioners of Hancock County are elected, and I have no problems approving this \$5,000 appropriation if a majority of the Commissioners approve it. I would remind the Senate, even though we appropriate this money, if a majority of the County Commissioners choose not to make the expenditure they wouldn't have to. So we would be spinning our wheels. I would like to suggest that we Table this until we can get

confirmation from the Commissioners of Hancock County. If they so approve, I certainly will stand behind the request. Thank you.

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

Senator **RUHLIN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I will remind you that this is an unorganized townships budget, which the State Legislature does have control over. Your Committee on Taxation, on behalf of Legislature, reviewed the budget, and as for the budgetary purposes there is a Board of Select People. They have reviewed it. This is not a County budget, it's a State budget. It's how we budget for our unorganized townships. I believe the information is before you. You have the recommendation of the Committee on Taxation before you. And I guess I'm a little bit at a loss to see why it keeps going back to the County. It's an unorganized township budget. I will just leave you with that thought. Thank you.

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

Senator **KILKELLY:** Thank you Mr. President. Men and women of the Senate, I would urge us to move forward and Adopt this Amendment which I think is a critically important Amendment for the folks on those islands. But further than that, I think it really does make a statement about our support of a continuation of a rural quality of life, and a unique way of life, that's very much Maine. Over the last year and half or so I've been traveling to a lot of islands, and what's interesting to me is that we would go out of our way to make sure that there is appropriate over-land transportation infrastructure available for even the tiniest community. And in the case of these communities their transportation needs are over water as opposed to over land. And just because that's different and unique doesn't mean that it's not important. If anything, it makes it even more important because they do not have a lot of other alternatives. We need to be providing opportunities for reasonable, economic development for people to be able to maintain their way of life on these rural islands. I would urge you to support this Amendment because I think it is critically important. There are beautiful places out there and we need to do what we can to support them. Thank you.

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

Senator **FERGUSON:** I don't want to keep this argument going, and it's not an argument. I'm not against the folks getting this appropriation to assist them to subsidize the ferry service. I think it's a wonderful thing. All I'm concerned about is the process. And the County Commissioners do have responsibilities for roads in the unorganized townships. And they very well could have responsibility for ferry service. It's one of their functions. I don't want to leave the wrong impression here that I'm against this, I'm certainly not. But I just want to go through the process. We have a process here. The County Commissioners send their request for funds up to the Taxation Committee, and they put together a Bill the Municipal Cost Component Act, and it comes before us. Certainly if the Commissioners, at least a majority of the Commissioners in Hancock County, want this I think we should honor it. I don't think we should be appropriating money that they do not request. That's all I'm saying. Thank you.

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

Senator **PINGREE:** Thank you Mr. President. Men and women of the Senate, I'm going to take a stab at this because it's obviously just so much fun out there. I hope that one of the other Senators will correct me if I'm wrong, but I do actually live very close to these islands, and have met with some of the residents, and have been following a little bit in the newspaper. It was my understanding that their original request went to the County Commissioners, that the County Commissioners like most counties, felt that their budget was already strained and did not, at that time, think that island transportation was their responsibility. No other County, as I understand, subsidizes islands, although I would be happy to have any of them begin if they are ready now. So they did not approve this in their current budget. But I believe from talking, I too have only talked to one of them, that they would be very happy if the State would be willing to assist. As you heard earlier the State assisted with the Penobscot Bay Island, some of the island further down east. It helps in many ways to communities that have State funded ferry service. And communities that don't have State funded ferry service, we find different ways to assist with their transportation needs because often the municipal budget, and the county budget or just the individuals who live there cannot sustain the cost of transporting themselves back and forth. I don't think that I can add anything else except that these are islands that have had private ferry service for quite a long time. I think this would be a big boost to all of them, and if I misstated myself here or misunderstood the previous actions of the County Commissioners I hope someone will correct me.

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

Senator **GOLDTHWAIT:** Thank you Mr. President. Ladies and gentlemen of the Senate, I have found the piece I've been looking for to try to either further clarify, or further confuse you all. And that is a letter dated December 7, 1998. It's an indirect acknowledgment of the Commissioners support. It is a letter from the State of Maine Department of Audit, from Ms. Dorine Chive, the Physical Administrator of the unorganized territory. She makes a reference in that letter to the county budget as presented that said, "I have a concern with regards to the ferry transportation grant in the budget," and then goes on to outline her concern, which I mentioned before regarding this being the type of service that most municipalities don't fund. I would take that reference to that provision in their budget to mean that they must have had a provision of money in that budget when it was submitted to the State, and I can only assume that they removed it in regards to her concerns. Thank you.

The Chair ordered a Division. 26 Senators having voted in the affirmative and no Senators having voted in the negative the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-386) AS AMENDED BY SENATE AMENDMENT "A" (S-255) thereto, in NON-CONCURRENCE.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled Pending **RULING OF THE CHAIR** matter:

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Tax Docking Fees for Pleasure Boats Greater than 19 Feet in Length"

S.P. 410 L.D. 1199

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-143)** (3 members)

Tabled - April 29, 1999, by **THE CHAIR.**

Pending - **RULING OF THE CHAIR**

(In Senate, April 29, 1999, Reports **READ.** Senator **RUHLIN** of Penobscot moved to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report and moved to **TABLE.** Senator **BENNETT** of Oxford inquired if the Bill and accompanying papers were **PROPERLY BEFORE THE BODY.**)

THE CHAIR MADE THE FOLLOWING RULING:

L.D. 1199, S.P. 410 is a Senate bill whose principle sponsor is Senator Nutting of Androscoggin. The bill would extend the sales tax to fees paid for docking by recreational watercraft.

The Law. Article 4 Part 3 Section 9 of the Maine Constitution provides:

§ 9. Either House may originate bills; revenue bills.

Section 9. Bills, orders or resolutions, may originate in either House, and may be altered, amended or rejected in the other, but all bills for raising a revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other cases; provided, that they shall not, under color of amendment, introduce any new matter, which does not relate to raising a revenue.

Similar provisions are found in most state constitutions and follow closely Article 1, Section 7 of the United State Constitution which provides in part:

Section 7. All bills for raising revenue shall originate in the house of representatives, but the senate may propose or concur with amendments as on other bills.

Would Senator Nutting's bill if enacted into law result in "raising a revenue" as that term is used Art. 3, Pt. 4, § 9 of the Maine Constitution?

The bill does constitute a revenue raising measure and therefore this bill may not be enacted into the law.

This bill would increase the amount of revenue coming into the state. It can avoid the restriction of Art. 3, Pt. 4, § 9 of the Maine Constitution only if it falls into one of two recognized categories of fund raising measures which do not constitute a revenue raising measure: a licensing fee which is part of a regulatory scheme and intended to cover costs of administering such a program under the police power; or a fee paid in exchange for an exclusive benefit not received by the general public and a fair approximation to the cost to the government for providing the benefit. Murray W. Butler, et al. V Supreme Judicial Court of Maine, (Me. 1992) 611 A.2d 987; State of Maine v. Laski (Me. 1960) 165 A.2d.579; Opinion of the Justices, in re, (Me. 1935) 178 A.620, 133 Me. 537.

L.D. 1199 does not create a licensing scheme and is not part of a system to cover the cost of regulating docks used by owners or recreational watercraft. Neither does it create a fee for a governmental service whose cost is related to the fee. The bill simply amends Sec. 136 MRSA §1811, first ¶ the section of Maine law which imposes its general sales tax. The revenues collected by this levy support the general fund and help defray the general costs of government.

For this reason, L.D. 1199 does offend Art. 3, Pt. 4, §9 of the Maine Constitution.

The Chair **RULED** Bill and accompanying papers **NOT PROPERLY BEFORE THE BODY**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/7/99) Assigned matter:

Bill "An Act to Exempt from Use Tax Merchandise that is Donated to a Nonprofit Organization"

S.P. 743 L.D. 2102

Tabled - May 7, 1999, by Senator **PINGREE** of Knox.

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-236)**

(In Senate, May 7, 1999, Report **READ** and **ACCEPTED**. Committee Amendment "A" (S-236) **READ** and **ADOPTED**. Subsequently, on motion by Senator **PINGREE** of Knox, **RECONSIDERED ADOPTION** of Committee Amendment "A" (S-236).)

On motion by Senator **RUHLIN** of Penobscot, Bill and Accompanying Papers **COMMITTED** to the Committee on **TAXATION**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/7/99) Assigned matter:

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act to Amend the Laws Pertaining to Entrances to Highways"

H.P. 368 L.D. 493

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-431)** (2 members)

Tabled - May 7, 1999, by Senator **PINGREE** of Knox.

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

(In House, May 6, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 7, 1999, Reports **READ**.)

Senate at Ease.

Senate called to order by the President.

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

The Chair laid before the Senate the following Tabled and Later (5/7/99) Assigned matter:

Bill "An Act to Increase Load Weight on Farm Vehicles"
H.P. 1443 L.D. 2064
(C "A" H-380)

Tabled - May 7, 1999, by Senator **PINGREE** of Knox.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In House, May 5, 1999, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-380)**.)

(In Senate, May 7, 1999, **READ A SECOND TIME**.)

On motion by Senator **O'GARA** of Cumberland, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-380), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-257) to Committee Amendment "A" (H-380) **READ** and **ADOPTED**.

Committee Amendment "A" (H-380) As Amended by Senate Amendment "A" (S-257) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-380) AS AMENDED BY SENATE AMENDMENT "A" (S-257) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

HOUSE REPORT - from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Establish the Commission to Propose an Alternative Process for the Payment of Forensic Examinations for Sexual Assault Victims"

H.P. 1414 L.D. 2021

Report - **Ought to Pass As Amended by Committee Amendment "A" (H-455).**

Tabled - May 10, 1999, by Senator **MURRAY** of Penobscot.

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-455)**, in concurrence

(In House, May 7, 1999, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455).**)

(In Senate, May 10, 1999, Report **READ** and **ACCEPTED**, in concurrence. **READ ONCE.** Committee Amendment "A" (H-455) **READ.**)

On motion by Senator **MURRAY** of Penobscot, Senate Amendment "A" (S-232) to Committee Amendment "A" (H-455) **READ** and **ADOPTED.**

Committee Amendment "A" (H-455) as Amended by Senate Amendment "A" (S-232) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

TOMORROW ASSIGNED FOR SECOND READING.

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Require a Vote of 2/3 of Each House of the Legislature to Enact or Include a Tax or License Fee

H.P. 255 L.D. 359

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-172)** (6 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 concurrence

(In House, April 29, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**)

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

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 (#80)

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

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

ABSENT: Senator: **MICHAUD**

EXCUSED: Senator: **KONTOS**

20 Senators having voted in the affirmative and 13 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, in concurrence, **PREVAILED.**

The Chair laid before the Senate the following Tabled and Later (5/7/99) Assigned matter:

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

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

Tabled - May 7, 1999, by Senator **PINGREE** of Knox.

Pending - **ENACTMENT**, in concurrence (Roll Call Ordered)

(In Senate, April 14, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-68).**)

(In House, May 6, 1999, **PASSED TO BE ENACTED.**)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#81)

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

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

ABSENT: Senator: MICHAUD

EXCUSED: Senator: KONTOS

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, and 1 Senator being excused, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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.

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

SENATE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-189)** (9 members)

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

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

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

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

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

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I would urge that you **Reject** the pending motion because this Bill would add an increase cost to doing business with the state of Maine. We would begin once again to make our cost of Workers' Compensation increase significantly in this state, added to the Bill already passed, the increase would go up as much as 10%. For that reason I would urge that you **Reject** the pending motion.

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

Senator **DOUGLASS:** Mr. President, women and men of the Senate, this adjustment to the Workers' Compensation Act of 1992 is very modest. This adjustment applies only to those workers who have been permanently injured. Those who have been totally incapacitated and those who have been partially incapacitated, but I would like you to remember permanently injured. This Bill with its Amendment sets out a manner in which those who have been hurt in this manner, or to this extent, are able to keep up a bit with the cost of living increases that we all know occur each and every year. First the Amendment delays any increases until the year 2000. How does it do that? You will note the year 2000 is added in the Amendment. It applies only to those people falling into this category who have been injured and operate only as to those who are in this category. The law begins as of January in the year 2000, as opposed to 1993 which is the year used in the law. Second, this modest increase begins in the year 2005 because it delays for five years any increase as put forward in the law.

As a third point, on the sixth anniversary there is a cap of 3%, which you will notice is in line 21 of the original Bill, not the 10% increase that was just mentioned by the good Senator from Cumberland, Senator Amero. The thrust of the small adjustment is to create a situation where the percentage that the impairment award bears to State weekly wages is keyed in to State weekly wages. First, it's measured against the previous year, from that in which it would be made. That would be 2004, and then it is adjusted with that cap of 3% according to the State weekly wage so that it maintains the same percentage relationship. That is in lines 16 to 18 of the Bill if you wish to further clarify what I am saying, it may not be so clear. I would urge that you do accept

this very modest increase to awards made to those who have been permanently injured. I also point to you that there is a small fiscal note here that pertains to State employees who have been permanently injured either partially or totally. That in the year 2005 to 2006, and I'm reading from the Amendment, the adjustment brought about by this Bill is \$22,000 for all those workers. I think it is important to know that this is a modest adjustment, but it's an attempt to keep people in sync with increasing costs. It's not strictly a cost of living increase because it's not geared to a cost of living index. It is a percentage relationship that the award bears to the State weekly wage, and it is capped at 3%. Thank you.

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

Senator **MILLS:** Mr. President, men and women of the Senate, I share some of the concerns that were expressed by the Senator from Cumberland earlier about the need to be careful when we make any adjustments to the Workers' Compensation System. To be very cognizant of what impact these changes may have on the large marketplace out there. The regulated market of the Workers' Compensation insurance and uninsured sector. It's a market, as I understand it that right now is about \$200 million. In other words, the insurance is a little over \$100 million, the self insured segment is about equal. So it's somewhere in excess of \$200 million a year, which is the annual cost of operating the current Workers' Compensation System. The benefit that is proposed here is very narrow as the Senator from Androscoggin just pointed out. It would apply first of all, only to people who are injured on or after January 1, 2000. So it will not involve any retro activity to people who are already on the System.

Secondly, it would give somebody a cost of living, or an adjustment increase only if that person has been on benefits for at least six years. It takes the first such adjustment to be on the sixth anniversary date of the injury and then that first adjustment is only for the preceding year. Any future adjustments are for one year only. So a person who is injured profoundly enough that he or she must retain benefits for at least five or six years, and that is a very small category of people, that person will have to go five or six years with no adjustment at all before becoming entitled to the first adjustment that is provided for in this Bill, and even then the inflationary adjustment may not exceed 3% of that persons benefits. You may ask, what is the benefit now a days? How is it calculated? A persons benefit is set with regard to that persons earnings based on an average of the 52 weeks of earnings that person had during the year proceeding the date of the injury. It is set at 80%, not of gross wages, but 80% of net take home wages after paying for State and Federal taxes. It turns out to be roughly equivalent to the old two-thirds standard, but it's a more tailor-made benefit because it is related to your tax liability and that comes out first. So, if you're injured under current law and you are one of those unfortunate people that must remain dependent on Workers' Compensation benefits for a long term, your benefit is never adjusted. Even if you're only 23 years old when you're hurt and you must depend on these benefits for the next 40 years. The benefit will still be based on 80% of your net take home wages when you were 23 years old. Passing this Bill would at least entitle you to have some small adjustment made at the beginning of this sixth year following the injury, and then thereafter. It affects a very small class of cases. I suggest to you that actuaries may take a stab at what the benefit may cost, but I think that common sense tells us that the incremental cost of this

benefit would be very modest, particularly in proportion to the need that is fulfilled by making this change to the law, and I would urge you to support the Bill as Amended by the Committee. Thank you.

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

Senator **KIEFFER:** Thank you Mr. President. Ladies and gentlemen of the Senate, I heard mention here earlier of a fiscal note to the State if this Bill were to pass. Could I pose question through the Chair, Mr. Chairman? Has anyone determined what the fiscal note will be to the private sector if this Bill is passed? Thank you Mr. President.

On motion by Senator **AMERO** of Cumberland, supported by a Division of a 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 (#82)

YEAS: Senators: BERUBE, CAREY, CATHCART, DAGGETT, DOUGLASS, HARRIMAN, KILKELLY, LAFOUNTAIN, LONGLEY, 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, GOLDTHWAIT, KIEFFER, LIBBY, MACKINNON, MITCHELL, SMALL

ABSENT: Senator: MICHAUD

EXCUSED: Senator: KONTOS

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, and 1 Senator being excused, the motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-189) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

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

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act to Increase Health Insurance Benefits for Retired Educators" S.P. 607 L.D. 1730

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-187)** (11 members)

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

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

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

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

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

READ ONCE.

Committee Amendment "A" (S-187) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

The Chair laid before the Senate the following Tabled and Later (5/6/99) Assigned matter:

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act to Amend Maine's Family and Medical Leave Law"
S.P. 511 L.D. 1512

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-217)** (8 members)

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

Tabled - May 6, 1999, by Senator **DOUGLASS** of Androscoggin.

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

(In Senate, May 6, 1999, Reports **READ**.)

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

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

Senator **MILLS:** Mr. President, men and women of the Senate, I don't have it in front of me, but several years ago we passed Maine's Family and Medical Leave Law which, as I recall, was designed to parallel fairly closely the Federal law which has been in effect for some years. My memory is that we paralleled the Federal provision of that law and made them applicable to some of the smaller employers in the state. If memory serves me correctly the Federal law applied only to those who were employing 25 people or more. I believe that we brought it down to 15. I'm not sure of that, but I think we changed the standard for eligibility for applicability and we pretty much paralleled the Federal provisions. The Bill that lays before us would expand the conditions for obtaining leave beyond those that the Federal law currently provides and would provide, for instance, the right to take leave from work to attend, for instance, a parent-teacher

conference at school, something which I suggest is normally done not during work hours, but on occasions when people are absent from work. My concern about this Bill is that it imposes requirements on Maine employers to accommodate people to take leave under circumstances that I would think, in most instances, would be arranged for outside of normal working hours. It would appear to me that the situation can be resolved best by direct discussion between the employee in question and the employer, and for us to write a law mandating that employees be given time off for certain things, in this instance, goes beyond what we already ought to be accomplishing here. We ought to be sticking to the Federal criteria and paralleling those criteria. And not at this juncture at least going beyond them. For those reasons I will be voting against the pending motion.

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

Senator **DOUGLASS:** Thank you Mr. President. Men and women of the Senate, this Bill adds to those items which require leave. To be with a child for a bonified medical problem, leave to attend to necessary medical and dental appointments of a child, and attending parent-child conferences. It's very limited. The amount of time involved is very limited and it will help the health of our children. And I think in the long run actually increase the morale of those who are at work in our society. There are many of us who are unable to make these appointments outside of regular office hours particularly those with dentists and doctors. Thank you.

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

Senator **CATHCART:** Thank you Mr. President. Men and women of the Senate, I will just speak briefly on this as the Sponsor of this Bill. I think it's time that we recognize the kinds of stress that today's families have to live under. And while our Family and Medical Leave Law, which was passed in the state of Maine more than ten years ago, one of the earliest in the nation, is a good one, it does not recognize that most medical and dental appointments that I've ever made did have to be made in the daytime during working hours. It goes back many years for me, but my memory of when my children were in elementary school those parent-teacher conferences were held during the school day so that the teachers didn't have to be brought in at night. Even if they are held in the evening it makes parents have to get a babysitter. I mean, I think this is just recognizing the reality of today that both parents are working even in two parent families and there are necessary appointments. I don't believe that this puts any undue burden on small employers since the law only applies to those with 15 or more employees. We're not talking about a mom-and-pop store where they would have to shut the store down because one employee had to go to a medical appointment. I urge us to be family friendly here and continue to put policies in place that support Maine families, help them to be better parents, to take good care of their children, and to keep Maine the kind of wonderful place to bring up your family that we have all lived in and loved so much. Thank you Mr. President. Mr. President I do request the yeas and nays. Thank you.

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

Senator **HARRIMAN**: Thank you very much Mr. President. Good evening ladies and gentlemen of the Senate. I too would like to rise to join my good friend from Somerset, Senator Mills. I ask you to join in Defeating the pending motion. I appreciate the stress that my good friend from Penobscot, Senator Cathcart, suggested was on Maine families today trying to work and assure that our children get the healthcare and guidance they need at school. I would like to rise for just a moment and ask you to remember, and to consider the stress of the small businesses who are trying to create those jobs that we so desperately want to create here in Maine. In fact, I happen to be one to them. There are five of us in our small company and between us we have nine children. Several who are going to the orthodontist, two of them are infants that are from time to time needing attention, doctors appointments. And you know what, this law wouldn't apply to us. But the reason I rise today is to ask you to consider, why do we need another law to tell people how to be good employers? In my little company, and I'm sure in many that you know, can work these things out. We have not had one instance, not one instance, where one of our employees needed to attend a school function, a medical function, a family reunion, or any other personal concern, that we couldn't work out. I would suggest to you that maybe it is time to send a message that Maine's small employers, 15 or more employers, are good people that we trust them, that we know that they want to work with their employees to provide a family friendly environment. I hope you will join me and the Senator from Somerset, Senator Mills, in Defeating this pending question. Thank you Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#83)

YEAS: Senators: BERUBE, CAREY, CATHCART, DAGGETT, DOUGLASS, LAFOUNTAIN, LONGLEY, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, KILKELLY, LIBBY, MACKINNON, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, SMALL

ABSENT: Senator: MICHAUD

EXCUSED: Senator: KONTOS

14 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent, and 1 Senator being excused, the motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/7/99) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Allow the Direct Submission to Voters of Municipal Charter Revisions"
H.P. 1489 L.D. 2127

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

Minority - **Ought to Pass** (6 members)

Tabled - May 7, 1999, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 6, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 7, 1999, Reports **READ**.)

On motion by Senator **GOLDTHWAIT** of Hancock, 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 **TRANSPORTATION** on Bill "An Act to Amend the Laws Pertaining to Entrances to Highways"
H.P. 368 L.D. 493

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

Minority - **Ought to Pass as Amended by Committee Amendment "A"** (H-431) (2 members)

Tabled - May 10, 1999, by Senator **PINGREE** of Knox.

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

(In House, May 6, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 7, 1999, Reports **READ**.)

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

The Chair laid before the Senate the following Tabled and Later (5/7/99) Assigned matter:

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act to Exclude Claims for Intentional Criminal Acts from the Application of the Workers' Compensation Act of 1992"
S.P. 47 L.D. 118

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-227)** (9 members)

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

Tabled - May 7, 1999, by Senator **PINGREE** of Knox.

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

(In Senate, May 7, 1999, Reports **READ**.)

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

Senator **LAFOUNTAIN** : Thank you Mr. President. Men and women of the Senate, I rise today to encourage you to support the Majority Ought To Pass as Amended Report. As all of you know, the Workers' Compensation Act of 1992 is the exclusive remedy for employees who are injured in the work place. As most of you know from last Session, we had a similar Bill that addressed the issue that arose as a result of the death of a young lady that occurred in 1990 in the City of Lewiston. In that situation a young lady was employed as a clerk at a Big Apple convenience store on the night of a robbery. The police department knew about the robbery, the Big Apple store owners knew that the robbery was going to happen. Everyone knew except for the young lady who was actually employed in the store at that time. The store was under surveillance. Everyone knew it, as I stated, except for the young lady. As a result of the robbery, Ms. Roy died. She was killed while employed at the Big Apple. Her family, actually her estate, filed a lawsuit seeking civil damages against the Big Apple convenience store. However, both the Trial Court and the Law Court ruled that the estate was barred from recovery in a civil action due to the Workers' Compensation Act. What this Committee has crafted is an Amendment to the Workers' Compensation Act which would allow employees to bring actions against employers for intentional torts that are committed in the workplace. This Bill before us will not help in any sort of way to the estate of Melissa Roy, it will only be prospective. Opponents argue that by going forward on a Bill such as this, Maine is entering uncharted territory. However, that is not the situation. There are a number of other states out there that exempt intentional torts from the Workers' Compensation Act. Those include North Carolina, Michigan, Florida, Tennessee, Arizona, Ohio and Louisiana to name a few. I encourage you to support the Majority Report. Thank you.

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

Senator **MILLS**: Mr. President and men and women of the Senate, I rise to suggest that this Bill, if passed would not help the estate of someone in the position of the Roy woman at all. The intention of the Bill and the wording of the Bill is to make it clear that the employer may not take advantage of the immunities

afforded by the Workers' Compensation Law. Only in circumstances where that employer has, himself or herself, committed an intentional, criminal act against the employee, has murdered the employee, raped the employee, assaulted, or committed mayhem on the employee. Even if this law had been in effect at the time of the unfortunate incident in Lewiston, the estate of that girl would not have been able to sue the employer in that circumstance because the employer was merely negligent, arguably reckless, but even that standard would not satisfy the stringent requirements in the wording of this Bill which was crafted, and I want to give credit to the Judiciary Committee of last year where the Senator served, and they worked this Bill to a point, and they fine-tuned it, and they drafted it with sufficient care. I am satisfied that it would, in no way, erode any of the important or appropriate immunities that are afforded to employers against direct suits for Workers' Compensation claims.

There is an interesting little history behind this. For about 50 or 60 years, actually longer than that, no such Bill of this kind would have been necessary because the Workers' Compensation Law said that an employee is covered only for accidents that occur on the job, and the immunity afforded to the employer applied only when there was an injury caused by accident. Then someone figured out that the coverage language should be broader because you can get hurt at work, not just because of an accident, but you can get hurt through a gradual injury, as many people were getting hurt in the shoe industry, for example, with repetitive motion claims in the late 70's and the early 80's when people first became cognizant of them. So we passed a law at some point, I forget what year, but it was around the late 1970's, they passed a law that struck out the word accident and just said if you're injured on the job then you are covered by Workers' Comp and the employer has a commensurate immunity from any kind of direct suit. Well literally the Crime Law says that if the employer murders his employee the Workers' Compensation insurance carrier has to respond by paying the associated medical expenses, if any, and the lost wages for the limits that are applicable to a death claim on the job, and that's it. Certainly, the employer may be prosecuted by the District Attorney under the Criminal Law, but in other respects, the employer is not, in a civil sense, responsible in damages for causing this grotesque horror. Neither is the employer responsible if he deliberately assaults the employee and injures him, or if there is a rape in the workplace. The employer may well have to go to jail for that rape, if it's proven to a criminal standard by the District Attorney, but any emotional damages to the employee are not assertable. The only monetary award would be for a medical expense if there was any, and for any disability caused by this event, if there is any, and if they had neither any substantial medical expense or disability, this egregious wrong would go unremedied in Civil Law. So the Bill, as drafted, has this very important word in it, it says if the employer intentionally, and that means with specific intent, intends to do harm to that employee, and does so in a fashion that would satisfy the requirements of the Criminal Law then, and only in that event, the employee would be permitted to recover for the damages, and the harm that lie outside the remedies afforded by the Workers' Compensation Law. This is an extraordinarily narrow exemption to the Workers' Compensation Law. I suspect it doesn't crop up more than once every two or three years at best. If it does crop up you read about it in the newspaper because it's a matter of such notoriety. I think if we have a case that comes down to us where this has happened in the

workplace, and the right case is made to you, you would probably try to pass along, as we so often do, granting some special exemption to fit circumstances of that case. There's no need for that, this narrowly framed Bill would fit the circumstances that I think we all agree would apply to a case where the employee should be free to pursue other civil remedies beyond those available under the Workers' Compensation Law. Thank you.

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

Senator **DOUGLASS:** Mr. President, ladies and gentlemen of the Senate, it's important to also point out that this change, this small change in the Workers' Compensation Law will not cost insurers. That is because they are entitled, if there is any recovery, to subrogation of that claim. So the essence of this Bill is to prohibit or to exclude out of the Workers' Compensation System only very egregious crimes, murders, gross sexual misconduct, and I believe aggravated assault is under this category. It does not exempt out reckless conduct, it does not exempt out negligent conduct. It applies only in the case of the employers intentional acts that are covered or punishable under Title 17A, Chapter 9, or Title 17A, Section 253. Then you will notice that the Amendment gives the insurer a right of subrogation, and that is very important to state in the event we pass this Bill, and I hope we will. It will not cost insurers anything. I urge you to support it.

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

Senator **BENNETT:** Thank you Mr. President. Request permission to pose a question through the Chair.

THE PRESIDENT: Senator may pose his question.

Senator **BENNETT:** Thank you Mr. President. To any member of the Senate who has the knowledge to respond, it seems to me to be a rare incident when the employer, him or herself that is, the owner of the business would actually engage in the criminal act or intentional injury here. So my question is, how would this Bill, in the context of the Statute that it applies to, define employer? When would an employee be an agent of an employer in that circumstance? Any help that a member could provide for that question seems to me to be crucial here. Thank you.

THE PRESIDENT: The Senator from Oxford, Senator Bennett poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Mr. President and men and women of the Senate, I think there has been some concern expressed that somehow a corporate employer might be vicariously liable under this Statute for an intentional act performed by a supervisor. Let's say a shift supervisor at a paper mill just blew up at work and assaulted or killed an employee. The question that I think concerns the good Senator is, would there be a circumstance in which the injured employee would be entitled to sue the deep pocket? Let's say the paper mill, under the theory that the paper mill intentionally caused this injury through the acts of its agent. My understanding of Agency Law in that circumstance, or Master and Servant Law is that the paper mill does not hire its supervisor

to go out and commit mayhem or murder on its employees. So there is no vicarious responsibility upstream into the deep pocket. If there were a suit it would be brought against the supervisor who did the bad thing. But you wouldn't under this Bill be entitled to sue the paper mill because the paper mill isn't guilty of any intention of wrong doing. Only this individual who happens to be an employee of the mill. But that doesn't render the mill or the corporate employer responsible. You would have to show that. In a corporate setting, I'm not quite sure how you would show that. The only remedy that would be available, as I understand the wording of this Bill, is that the employee would be able to sue the person who did it. In some cases that will be a person who is also an employer, or someone who is a supervisor of the employer, but only that person. It doesn't mean that you can sue the person who employs the supervisor.

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

Senator **BENOIT:** Thank you Mr. President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **BENOIT:** Thank you Sir. Since the good Senator from York, Senator LaFountain, gave a factual situation about the C.N. Brown case down in Lewiston-Auburn area some years ago as an example for the need to change this law this way, and since I agree with Senator Mills, the Senator from Somerset, that particular factual situation would not in any way be reached by this law, am I correct in assuming that the Committee did not hear any factual situation presented to it, that calls upon us to make the change to the Statute?

THE PRESIDENT: The Senator from Franklin, Senator Benoit, poses a question through the Chair to anyone who maybe be able to answer. The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY:** Thank you Mr. President. Colleagues in the Senate, specifically, the word came from the Law Court in the decisions saying that this is a situation that has called for the Legislature to address the so called "accident," and separate it out from the intentional actions. So in terms of testimony I think the Law Court opinion speaks very loudly.

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

Senator **DOUGLASS:** In answer to the good Senator from Franklin's question, as to any testimony before the Labor Committee in this Session there was none that concerned exact facts and issues, or precise cases. Rather there was a discussion of things that could go wrong under the Workers' Compensation Law, and one situation is that in which the employer him or herself is responsible for an act of this nature against an employee. And it was our intention to cover or exclude those acts, and to allow recovery for what are intentional acts separately.

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

Senator **BENOIT**: Thank you Mr. President. May it please the Senate, I agree with Senator Longley, the Senator from Waldo, making the comment about the Law Court case. She is absolutely right when she says that the Law Court spoke loud and clear on the issue. It sure did. The Law Court said on this issue that the Criminal Law is adequate. It clearly indicates that, that is what existed to right a wrong such as we're discussing today at the workplace, frankly, to me, because what this law does is incorporate by reference certain provisions of the Criminal Code. Frankly, when somebody commits a crime, they ought to go to jail for it. You can talk all day, as long as you want, about giving that person, as well, a criminal remedy, but the Maine Supreme Court has indicated in the C.N. Brown case that there is adequate protection for our workers in the Criminal Law, and that is where they should be looking to find relief. And what do we find there in the Criminal Law? We find a Victims Bill of Rights enacted by this Legislature at the last Session. We clearly spelled out what victims have a right to do in a criminal case. They have a right to restitution and the Criminal Law makes much of that right of restitution to right the wrong. What we are proposing to do here is take the criminal code and allow people to sue civilly for that when all the while the Maine Supreme Court has said the Criminal Law is adequate. Thank you Mr. President.

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

Senator **LAFOUNTAIN**: Thank you Mr. President. I just want to clarify my prior remarks. The purpose of this Bill before you today, actually, is brought forward as a result of what the 118th Judiciary Committee did on the initial Bill that I brought before them, which dealt directly with the C.N. Brown issue. This Bill would in no way affect the Big Apple situation now, or a future situation that would arise like that. It's been Amended such that it reflects only intentional torts that fall within Title 17A.

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

Senator **DOUGLASS**: Thank you Mr. President. Women and men of the Senate, it is important to remember that there is a big distinction to be made between the act of the employer, and revision of our Workers' Compensation System. Our Workers' Compensation System was in trouble before 1992, and it has been revised so that our business climate is far better. This Bill does not change that climate one iota. It does, however, change the civil liability of an employer who acts in a criminal manner. As we know, as a nation we followed the O.J. Simpson Trial, and I guess it's the best analogy I can give to remind you that there is a difference between the criminal standard of proof beyond a reasonable doubt and the civil standard which is preponderance of the evidence. There is, similarly, a difference between the employer at the Workers' Compensation insurer. In this case the Workers' Compensation insurers are protected against their monetary interest in a case by having their right of subrogation to the employees rights against the employer as they do now have against third parties. Similarly, there is an offset for any recovery in a civil matter that is to the benefit of the Workmen's Compensation insurer to the extent that they have not paid anything out. This is not about Workers' Compensation insurers and premiums, this is about actions. It's about how we should treat actions. Should those employers, and it's true, I hope there

is never an employer that is sued under this, but should this kind of situation arise we should not be exempting that person from civil liability. We just should not. Thank you.

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

Senator **LAFOUNTAIN**: Thank you. I would just like to address the last comment made by the good Senator from Franklin, in which he stated that the Court found that the Criminal Statutes were adequate to address this situation. I would just like to read briefly to you from the actual Law Court case. Although narrow, intentional tort exceptions to Workers' Compensation coverage exist in a number of jurisdictions, those exceptions frequently have been created by statutory change or are based on accidental injury language in Workers' Compensation Statutes. The creation of such an exemption in this state is best left to the Legislature. Well men and women of the Senate, we are the Legislature, and this is the vehicle to do it.

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

Senator **LIBBY**: Thank you Mr. President. Men and women of the Senate, May I pose a question to the Chair?

THE PRESIDENT: Senator may pose his question.

Senator **LIBBY**: Thank you Mr. President. Men and women of the Senate, please excuse me I'm not a lawyer so I'm going to ask a question, and it's definitely, I think a lay persons question. My question is this, the question arose about the O.J. Simpson case, and it raised my curiosity. When I first heard the debate I kind of started to sway from my original position, so I guess I need this question answered. If an employer is found innocent of one of these crimes that we've been discussing today, will they still be subject to a law suit? Thank you.

THE PRESIDENT: The Senator from York, Senator Libby poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS**: In brief response to the question, the answer is that he could be. In other words, there is a civil standard. You would still, by a civil preponderance of the evidence, be required to prove that the murder happened and that this person committed the murder. Having done so you could get a civil judgment against that person by a preponderance of the evidence available. The parallel is fairly close.

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

Senator **LIBBY**: Thank you Mr. President. Men and women of the Senate, I would pose to this Body that in my humble opinion, a lay persons opinion, that is precisely what is wrong with the justice system that we have today. That should not be allowed. It should not be a remedy of any sort. I didn't believe in it in the O.J. Simpson case, and I don't believe in it now. If somebody is found innocent they are innocent. And you should not be able to go after them with a civil suit. I wouldn't like to see that in the

state of Maine in this particular narrow circumstance, so I will be voting against this Bill. Thank you.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate, I appreciate the good Senator from York, Senator LaFountain, quoting a portion of the C.N. Brown case. He has a leg up on me. I don't have the decision here on my desk, as I did last Session, in which, and I paraphrase the case, our Maine Supreme Court clearly indicated in the clearest language, how do you take care of a situation like this? The Law Court said the Criminal Law is the answer. It's there. It's still there. If anyone has the decision and wishes to read to the contrary, I would be the first to stand and apologize, but my recollection of the case is that the Law Court said in the C.N. Brown case, in a case like this of any criminal activity, that the Criminal Law is adequate to take care of the situation. And frankly, enacting a law like this causes me to pause and wonder if this is on the books and a prosecutor for the State sees it there, knowing well that the employee may bring a cause of action against the employer, the prosecutor may very well hesitate to bring a criminal case. I don't want to see that happen one single second. What we're talking about here, clearly as it is spelled out, in this proposed law is a Criminal Law. 17A is incorporated here by reference. That's Criminal Law not Civil Law. And when people violate the Criminal Law they ought to be put up against the wall, rightfully so, jailed if necessary, fined where appropriate, and restitution paid. That is what the Maine Supreme Court is talking about in the C.N. Brown case. It is very clear. They said there is a remedy for this. It's the Criminal Law. I don't want to see us water down the situation. To allow a prosecutor to cut and run thinking that the employee has a cause of action, and will wait to see if the employee is going to sue. And if the employee sues, will wait and see what the result is. Passing the buck is something that I do not support. Thank you Mr. President.

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

Senator **DOUGLASS:** It's important to make clear that this is about the Workers' Compensation exemption of employers from liability. Our Workers' Compensation Law is Civil Law. It exempts employers from liability if payment is made under the Workers' Compensation System. To the extent that someone who is sexually assaulted, or is the dependent of a worker who, under the Workers' Compensation System, has smaller remedy than, deservedly so, since we reformed our system. All the dependents of that person are going to be held strictly to the Workers' Compensation System's recovery despite the fault of the employer. That's not right. The Civil Law is different from the Criminal Law. This is about what we recognize under the Civil Law, and not whether or not there are good prosecutors to move the pursuit of justice for the State. This is about the individuals who suffer as victims of these crimes. Thank you.

The Chair ordered a Division.

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

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report. (Roll Call ordered)

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 Improve the Efficiency of Environmental Regulation in the Unorganized and Deorganized Areas of the State"

S.P. 574 L.D. 1654

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

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

READ ONCE.

Committee Amendment "A" (S-261) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator **CAREY** for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Clarify the Voting Rights of Persons Residing in Certain Sanitary Districts" (EMERGENCY)

S.P. 187 L.D. 580

Reported that the same **Ought to Pass As Amended** by **Committee Amendment "A" (S-260)**.

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

READ ONCE.

Committee Amendment "A" (S-260) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **ADJOURNED**, until Tuesday, May 11, 1999, at 9:00 in the morning.