

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Nineteenth Legislature
State of Maine

Volume 2

First Regular Session (Continued)
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
Tuesday
May 11, 1999

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

Prayer by Reverend Deborah Jenks of the Rumford Point Congregational Church and Locke Mills Union Church.

REVEREND JENKS: Let us pray. Eternal God, Creator and Sustainer of us all. Help all who labor here in their work of legislation to be servants of those who called them to lead. Help us all to be men and women who love Your people and can walk with them. Open our hearts that we may know their fears and share their joys. Open our minds that we may dream their dreams and strive together with them in all goodness. Deliver us in all our work from the service of ourselves alone that we may do all that You give us to do in truth, in justice and for the common good. Amen.

Reading of the Journal of Monday, May 10, 1999.

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

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

H.P. 241 L.D. 345

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

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

In House, May 3, 1999, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-204)**.

In Senate, May 4, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

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

Senator **BENNETT** of Oxford moved the Senate **RECEDE** and **CONCUR**.

The Chair ordered a Division. 9 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **BENNETT** of Oxford to **RECEDE** and **CONCUR**, **FAILED**.

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

COMMUNICATIONS

The Following Communication: S.C. 241

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

May 10, 1999

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Vaughn Holyoke of Brewer, for appointment to the Board of Pesticides Control.

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

YEAS	Senators	2	Nutting of Androscoggin, Kilkelly of Lincoln
	Representatives	9	Pieh of Bremen, Carr of Lincoln, Cowger of Hallowell, Cross of Dover-Foxcroft, Foster of Gray, Gagne of Buckfield, Gillis of Danforth, Gooley of Farmington, Watson of Farmingdale
NAYS		0	

ABSENT 2 Sen. Kieffer of Aroostook,
Rep. Volenik of Brooklin

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

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Vaughn Holyoke of Brewer, for appointment to the Board of Pesticides Control be confirmed.

May 10, 1999

Signed,

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

S/John M. Nutting Senate Chair
S/Wendy Pieh House Chair

Dear Mr. President:

READ and ORDERED PLACED ON FILE.

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Carol A. Eckert, M.D. of Windsor, for reappointment to the Board of Pesticides Control.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

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

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

The Doorkeepers secured the Chamber.

YEAS	Senators	2	Nutting of Androscoggin, Kilkelly of Lincoln
	Representatives	9	Pieh of Bremen, Carr of Lincoln, Cowger of Hallowell, Cross of Dover-Foxcroft, Foster of Gray, Gagne of Buckfield, Gillis of Danforth, Gooley of Farmington, Watson of Farmingdale
NAYS		0	
ABSENT		2	Sen. Kieffer of Aroostook, Rep. Volenik of Brooklin

The Secretary opened the vote.

ROLL CALL (#84)

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT,
BENOIT, BERUBE, CAREY, CASSIDY,
CATHCART, DAGGETT, DAVIS, FERGUSON,
GOLDTHWAIT, HARRIMAN, KIEFFER, KILKELLY,
LAFOUNTAIN, LIBBY, MACKINNON, MICHAUD,
MITCHELL, MURRAY, NUTTING, O'GARA,
PARADIS, PINGREE, RAND, RUHLIN, TREAT,
THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: DOUGLASS, LONGLEY, MILLS,
PENDLETON, SMALL

EXCUSED: Senator: KONTOS

No Senator having voted in the affirmative and 29 Senators having voted in the negative, with 5 Senators being absent, and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Vaughn Holyoke** of Brewer, for appointment to the Board of Pesticides Control was **CONFIRMED**.

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

The Following Communication: S.C. 242

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Carol A. Eckert, M.D. of Windsor, for reappointment to the Board of Pesticides Control be confirmed.

Signed,

S/John M. Nutting Senate Chair
S/Wendy Pieh House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#85)

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, KILKELLY, LAFOUNTAIN, LIBBY, MACKINNON, MICHAUD, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: DOUGLASS, LONGLEY, MILLS, PENDLETON, SMALL

EXCUSED: Senators: KONTOS

No Senator having voted in the affirmative and 29 Senators having voted in the negative, with 5 Senators being absent, and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Carol A. Eckert, M.D.** of Windsor, for reappointment to the Board of Pesticides Control was **CONFIRMED**.

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

ORDERS

Senate Order

On motion by Senator PINGREE of Knox, under unanimous consent on behalf of President LAWRENCE of York, the following Senate Order: S.O. 16

ORDERED, that pursuant to Joint Rule 353, subsection 8, a special study table is established in the Senate.

READ and PASSED.

Joint Resolution

On motion by Senator KILKELLY of Lincoln (Cosponsored by Representative PIEH of Bremen and Senator KIEFFER of Aroostook, Senator NUTTING of Androscoggin, Representative CARR of Lincoln, Representative COWGER of Hallowell, Representative CROSS of Dover-Foxcroft, Representative FOSTER of Gray, Representative GAGNE of Buckfield, Representative GILLIS of Danforth, Representative GOOLEY of Farmington, Representative VOLENIK of Brooklin, Representative WATSON of Farmingdale), the following Joint Resolution: S.P. 823

JOINT RESOLUTION RECOGNIZING MAY 14, 1999 AS UNIVERSITY OF MAINE COOPERATIVE EXTENSION SERVICE DAY

WHEREAS, May 14, 1999 marks the 85th anniversary of the University of Maine Cooperative Extension Service partnership with the Cooperative State Research, Education, and Extension Service of the United States Department of Agriculture; and

WHEREAS, the federal Smith-Lever Act, ch. 79, 38 Stat. 372 (1914) has fostered through the United States Department of Agriculture the development of a national system of state cooperative extension services in conjunction with our nation's land-grant colleges and universities, encouraging the application of research-generated knowledge and leadership techniques with rural and urban adults and youth who value learning as one way to create the life they choose; and

WHEREAS, the University of Maine Cooperative Extension Service action plan reaffirms our mission to bring trustworthy information and education to improve the lives of individuals, families, communities, businesses and the natural landscape we call Maine; and

WHEREAS, the 3-way partnership of federal, state and county governments has provided for citizen involvement in the research and educational mission of cooperative extension, the land-grant university at Orono and the United States Department of Agriculture; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred Nineteenth Legislature now assembled in the First Regular Session proclaim May 14, 1999 University of Maine Cooperative Extension Service Day; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Angus S. King, Jr., the University of Maine Cooperative Extension Service and the Cooperative State Research, Education, and Extension Service of the United States Department of Agriculture.

READ.

On motion by Senator **KILKELLY** of Lincoln, **TABLED** until Later in Today's Session, pending motion by same Senator to **ADOPT**.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Require a Minor Who is the Underlying Cause of a Liquor Violation to Provide Identification to a Law Enforcement Officer"

H.P. 274 L.D. 382

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-313)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-313)**.

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

READ ONCE.

Committee Amendment "A" (H-313) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Require Schools to Begin After Labor Day"

H.P. 943 L.D. 1340

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

Signed:

Senator:
BERUBE of Androscoggin

Representatives:
RICHARD of Madison
WESTON of Montville
WATSON of Farmingdale
STEDMAN of Hartland
BRENNAN of Portland
BELANGER of Caribou
DESMOND of Mapleton

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-376)**.

Signed:

Senators:
MURRAY of Penobscot
SMALL of Sagadahoc

Representatives:
ANDREWS of York
BAKER of Bangor
SKOGLUND of St. George

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

Reports **READ**.

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

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Reduce Operating Under the Influence by Requiring Certification of On-premise Alcohol Servers"

H.P. 259 L.D. 363

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

Signed:

Senators:
DAGGETT of Kennebec
FERGUSON of Oxford

Representatives:
LABRECQUE of Gorham
CHIZMAR of Lisbon
TUTTLE of Sanford
HEIDRICH of Oxford
MCKENNEY of Cumberland
FISHER of Brewer

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-346)**.

Signed:

Senator:
CAREY of Kennebec

Representatives:
MAYO of Bath
GAGNE of Buckfield

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

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Authorizing the Family of Adam Wilson to Sue the Town of Rockport

H.P. 1345 L.D. 1945

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

Signed:

Senators:

DAGGETT of Kennebec
FERGUSON of Oxford

Representatives:

FISHER of Brewer
CHIZMAR of Lisbon
GAGNE of Buckfield
LABRECQUE of Gorham
PERKINS of Penobscot

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-348)**.

Signed:

Senator:

CAREY of Kennebec

Representatives:

MAYO of Bath
McKENNEY of Cumberland
HEIDRICH of Oxford
TUTTLE of Sanford
SHIAH of Bowdoinham

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

Reports **READ**.

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

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

Senate

Ought to Pass As Amended

Senator **FERGUSON** for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Lobbyist Registration Fee Provisions"

S.P. 503 L.D. 1504

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-263)**.

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

READ ONCE.

Committee Amendment "A" (S-263) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator **GOLDTHWAIT** for the Committee on **MARINE RESOURCES** on Bill "An Act to Establish a Framework for Management of Emerging Fisheries"

S.P. 378 L.D. 1079

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-264)**.

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

READ ONCE.

Committee Amendment "A" (S-264) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Extend Term Limits for Elected Officials and Constitutional Officers"

S.P. 377 L.D. 1078

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-262)**.

Signed:

Senators:

DAGGETT of Kennebec
CAREY of Kennebec
FERGUSON of Oxford

Representatives:

TUTTLE of Sanford
CHIZMAR of Lisbon
FISHER of Brewer
GAGNE of Buckfield
LABRECQUE of Gorham
MAYO of Bath
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:
PERKINS of Penobscot

Reports **READ**.

Senator **DAGGETT** of Kennebec 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

Bill "An Act to Base Sales Tax for Net Energy Billing Customers on Net Energy Deliveries"

H.P. 900 L.D. 1278

Bill "An Act to Require Disclosures in Connection with Transfers of Residential Property"

H.P. 1368 L.D. 1966

Bill "An Act to Change the Fine for Speeding in a School Zone"

H.P. 1462 L.D. 2094

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

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

READ A SECOND TIME.

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

House As Amended

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
(C "A" H-449)

Bill "An Act to Create the Maine Tax filer's Prescription Medication Plan"

H.P. 144 L.D. 206
(C "A" H-493)

Bill "An Act to Prohibit the Transportation of Open Containers that Contain Liquor"

H.P. 154 L.D. 216
(H "A" H-345 to C "A" H-134)

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
(C "A" H-463)

Bill "An Act to Establish Victims' Rights for the Victims of Juvenile Crimes"

H.P. 276 L.D. 384
(C "A" H-457)

Bill "An Act to Adopt the Uniform Child Custody Jurisdiction and Enforcement Act"

H.P. 316 L.D. 432
(C "A" H-464)

Bill "An Act to Increase the Length of Probation for a Person Convicted of Domestic Violence"

H.P. 381 L.D. 512
(C "A" H-451)

Bill "An Act to Provide for Increased Penalties, Enforcement and Education Regarding Dangerous Dogs"

H.P. 433 L.D. 575
(C "A" H-488)

Bill "An Act to Amend the Laws Relating to Notaries Public"

H.P. 643 L.D. 893
(C "A" H-411)

Bill "An Act to Strengthen the State's Drug Laws"

H.P. 694 L.D. 961
(C "A" H-454)

Bill "An Act to Remove the Limitation on Nonprofit Organizations Holding Games of Chance"

H.P. 779 L.D. 1102
(C "A" H-468)

Bill "An Act Regarding the Calculation of Child Support When the Child Receives Disability Benefits"

H.P. 787 L.D. 1110
(C "A" H-462)

Bill "An Act to Amend the Laws Regarding Abandoned Property"

H.P. 832 L.D. 1155
(C "A" H-461)

Bill "An Act to Provide Long-term Funding for the Land for Maine's Future Program"

H.P. 947 L.D. 1344
(C "A" H-390)

LEGISLATIVE RECORD - SENATE, TUESDAY, MAY 11, 1999

Bill "An Act to Increase the Requirement that Drugs be Confiscated from 48 Hours to One Year"

H.P. 963 L.D. 1361
(C "A" H-458)

Bill "An Act to Amend the Maine Health Data Organization Statutes"

H.P. 1003 L.D. 1401
(C "A" H-483)

Bill "An Act to Propose Changes to the Maine Election Laws"

H.P. 1061 L.D. 1492
(C "A" H-469)

Bill "An Act Concerning the Regulation of Certain Commercial Contracts of Insurance"

H.P. 1068 L.D. 1499
(H "A" H-486 to C "A" H-401)

Bill "An Act Requiring Maine to Adopt the Federal Rules Regarding Universal Waste"

H.P. 1073 L.D. 1520
(C "A" H-482)

Bill "An Act to Grant Immunity to Medical Professionals Conducting Body Cavity Searches for Drugs"

H.P. 1091 L.D. 1538
(C "A" H-460)

Bill "An Act to Create a Historic Preservation Tax Credit"

H.P. 1093 L.D. 1540
(C "A" H-492)

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
(C "A" H-409)

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
(C "A" H-453)

Bill "An Act to Require the Development of a Basic Needs Budget"

H.P. 1258 L.D. 1812
(C "A" H-450)

Bill "An Act to Establish an Appeals Process for Lobster Fishing License Denial"

H.P. 1387 L.D. 1993
(C "A" H-396)

Bill "An Act to Amend the Laws Regarding Unlawful Cutting of Trees"

H.P. 1389 L.D. 1994
(C "A" H-459)

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
(C "A" H-456)

Bill "An Act to Amend the Laws Governing Secession"

H.P. 1433 L.D. 2056
(C "A" H-410)

Bill "An Act to Require that Employees in 24-Hour Convenience Stores Have Access to Telephones and Alarms"

H.P. 1458 L.D. 2090
(C "A" H-485)

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
(C "A" H-432)

Bill "An Act to Authorize York County to Hold Bond Referenda for New County Facilities"

H.P. 1533 L.D. 2186
(C "A" H-447)

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

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
(C "B" H-323)

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

Sent down for concurrence.

Senate

Bill "An Act to Amend the Moose Hunting Laws" (EMERGENCY)

S.P. 256 L.D. 751

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

Bill "An Act to Encourage Continuous Improvement in Pollution Prevention in Maine"

S.P. 820 L.D. 2223

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Clarify the Laws Pertaining to the Importation of Fish"

S.P. 153 L.D. 473
(C "A" S-249)

Bill "An Act to Improve Wild Game Transportation Laws"

S.P. 182 L.D. 536
(C "A" S-248)

Bill "An Act to Clarify the Voting Rights of Persons Residing in Certain Sanitary Districts" (EMERGENCY)

S.P. 187 L.D. 580
(C "A" S-260)

Bill "An Act to Provide Opportunity for an Increase in Wine-tasting Locations for Farm Wineries"

S.P. 222 L.D. 644
(C "A" S-246)

Bill "An Act to Amend Maine's Boating Laws Pertaining to Noise Limits on Watercraft"

S.P. 240 L.D. 662
(C "A" S-250)

Bill "An Act to Clarify the Powers of Game Wardens When Stopping Motor Vehicles"

S.P. 241 L.D. 663
(C "A" S-251)

Bill "An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers"

S.P. 288 L.D. 806
(C "A" S-189)

Bill "An Act to Amend the Workers' Compensation Laws"

S.P. 364 L.D. 1067
(C "A" S-241)

Bill "An Act to Create Accountability in the Management of Trout and Salmon in Maine"

S.P. 406 L.D. 1195
(C "A" S-252)

Bill "An Act to Amend the Fishing Laws"

S.P. 415 L.D. 1204
(C "A" S-253)

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
(C "A" S-261)

Bill "An Act to Increase Health Insurance Benefits for Retired Educators"

S.P. 607 L.D. 1730
(C "A" S-187)

Resolve, to Establish the Citizens' Advisory Committee to Secure the Future of Maine's Wildlife and Fish

S.P. 725 L.D. 2045
(C "A" S-254)

Bill "An Act to Authorize Matinicus Isle Plantation to Implement a Disposal Fee for Motorized Vehicles"

S.P. 768 L.D. 2158
(C "A" S-259)

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

Sent down for concurrence.

RECALLED FROM ENGROSSING

Bill "An Act to Allow the Town of Cornville to Receive its 1997 Tree Growth Tax Reimbursement"

H.P. 867 L.D. 1224
(C "A" H-389)

(In House, May 6, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-389).**)

(In Senate, May 7, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-389)**, in concurrence.)

(**RECALLED** from Engrossing, pursuant to Joint Order (S.P. 822), in concurrence.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-389)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-389), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-256) to Committee Amendment "A" (H-389) **READ and ADOPTED.**

Committee Amendment "A" (H-389) As Amended by Senate Amendment "A" (S-256) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-389) AS AMENDED BY SENATE AMENDMENT "A" (S-256), in **NON-CONCURRENCE.**

Sent down for concurrence.

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

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

ENACTORS

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

Acts

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

Comes from the House, Bill and accompanying papers **COMMITTED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY.**

On motion by Senator **NUTTING** of Androscoggin, Bill and accompanying papers **COMMITTED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in 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 **JUDICIARY** on Bill "An Act to Change Reporting Requirements of Certain HIV Test Results"
H.P. 43 L.D. 57

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

Signed:

Senators:
LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

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

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

Signed:

Representatives:
PLOWMAN of Hampden
WATERHOUSE of Bridgton

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

Reports **READ.**

On motion by Senator **LONGLEY** of Waldo, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in 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 **JUDICIARY** on Bill "An Act Regarding the Composition of the Maine HIV Advisory Committee"
H.P. 44 L.D. 58

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

Signed:

Senators:
LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

Representatives:
THOMPSON of Naples
BULL of Freeport
LaVERDIERE of Wilton
JACOBS of Turner
NORBERT of Portland
MITCHELL of Vassalboro
SCHNEIDER of Durham

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

Signed:

Representatives:
PLOWMAN of Hampden
MADORE of Augusta
WATERHOUSE of Bridgton

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

Reports **READ**.

On motion by Senator **LONGLEY** of Waldo, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in 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 **JUDICIARY** on Bill "An Act to Amend the Laws Concerning HIV Testing" H.P. 1132 L.D. 1591

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

Signed:

Senators:

- LONGLEY of Waldo
- TREAT of Kennebec
- BENOIT of Franklin

Representatives:

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

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

Signed:

Representative:

- WATERHOUSE of Bridgton

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

Reports **READ**.

On motion by Senator **LONGLEY** of Waldo, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in 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 **LEGAL AND VETERANS AFFAIRS** on Resolve, to Develop a Disaster Relief Food Assistance Program (EMERGENCY)

H.P. 1246 L.D. 1775

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

Signed:

Senators:

- DAGGETT of Kennebec
- CAREY of Kennebec
- FERGUSON of Oxford

Representatives:

- TUTTLE of Sanford
- CHIZMAR of Lisbon
- FISHER of Brewer
- GAGNE of Buckfield
- LABRECQUE of Gorham
- MAYO of Bath
- HEIDRICH of Oxford
- 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-368)**.

Signed:

Representative:

- PERKINS of Penobscot

Comes from the House with the Resolve and accompany papers **INDEFINITELY POSTPONED**.

Reports **READ**.

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

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

ENACTORS

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

Emergency Measure

An Act Relating to Governmental Aggregation Services

H.P. 497 L.D. 704
(C "A" H-331)

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

Emergency Measure

An Act Confirming the Charter of the Addison Point Water District
H.P. 1153 L.D. 1650
(C "A" H-333)

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 Restore the Distribution Formula Between Private and Public Colleges within the Maine Student Incentive Scholarship Program

S.P. 635 L.D. 1802
(C "A" S-158)

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

Emergency Measure

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

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 565: Nutrient Management Rules, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources

H.P. 460 L.D. 623
(C "A" H-334)

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 301: Standard Offer Service, a Major Substantive Rule of the Public Utilities Commission

H.P. 547 L.D. 768
(C "A" H-328)

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 304: Standard of Conduct for Transmission and Distribution Utilities and Affiliated Competitive Electricity Providers, a Major Substantive Rule of the Public Utilities Commission

H.P. 548 L.D. 769
(C "A" H-329)

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 307: Sale of Capacity and Energy of Undivested Generation Assets, Extension of Divestiture Deadline, a Major Substantive Rule of the Public Utilities Commission

H.P. 1172 L.D. 1683
(C "A" H-332)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with 1 Senator having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Mandate

Resolve, to Authorize the Knox County Commissioners to Hold a Referendum Election in November 1999 to Borrow Not More than \$500,000 to Construct the Knox County Communications Center
H.P. 40 L.D. 54
(C "A" H-324)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 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 to Allow Former Employees of Head Start Credit in the Maine State Retirement System
H.P. 743 L.D. 1033
(C "A" H-360)

An Act to Bring Certain Maine Drug Test Levels into Conformity With Federal Standards
S.P. 351 L.D. 1055
(C "A" S-156)

An Act Authorizing the Release of Information to a Competitive Electricity Provider
H.P. 857 L.D. 1214
(C "A" H-330)

An Act to Amend the Liquor Licensing Laws Regarding Bed and Breakfasts
H.P. 913 L.D. 1291
(C "A" H-314)

An Act Promoting Technology in Business Recordkeeping
H.P. 985 L.D. 1383
(C "A" H-362)

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

An Act to Promote Maine's Family-friendly Business and Investment Strategies
S.P. 487 L.D. 1447
(C "A" S-147)

An Act to Amend the Qualifications for Appointment of the Adjutant General and Assistant Adjutant General
S.P. 527 L.D. 1560
(C "A" S-151)

An Act to Implement the Recommendations of the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities
S.P. 530 L.D. 1563

An Act to Amend the Maine Administrative Procedure Act
H.P. 1195 L.D. 1705
(C "A" H-364)

An Act to Allow Child-placing Agencies to License Preadoptive Homes as Foster Care Homes for a Child Placed in that Home Awaiting Adoption
H.P. 1215 L.D. 1744

An Act Regarding Funding for Applied Technology Centers
S.P. 628 L.D. 1793
(C "A" S-159)

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

An Act to Protect Customers of Nonbank Cash-dispensing Machines
H.P. 1384 L.D. 1991
(C "A" H-344)

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

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 Establish a License for the Marine Shrimp Fishery
S.P. 649 L.D. 1829
(C "A" S-153)

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

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

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

Resolve

Resolve, That the Director of the Maine State Museum Shall
Include the Portraits of Outstanding Indians in the State House
H.P. 1315 L.D. 1898
(C "A" H-325)

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

ORDERS OF THE DAY

Unfinished Business

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

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

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

Majority - **Ought to Pass as Amended by Committee
Amendment "A" (H-271)** (9 members)

Minority - **Ought to Pass as Amended by Committee
Amendment "B" (H-272)** (4 members)

Tabled - May 4, 1999, by Senator **MICHAUD** of Penobscot.

Pending - motion by same Senator to **ACCEPT** the Minority
**OUGHT TO PASS AS AMENDED BY COMMITTEE
AMENDMENT "B" (H-272)** Report, in **NON-CONCURRENCE**

(In House, May 3, 1999, the Majority **OUGHT TO PASS AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-271)** Report
READ and **ACCEPTED** and the Bill **PASSED TO BE
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT
"A" (H-271).**)

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

At the request of Senator **AMERO** of Cumberland a Division was
had. 21 Senators having voted in the affirmative and 6 Senators
having voted in the negative, the motion by Senator **MICHAUD** of
Penobscot to **ACCEPT** the Minority **OUGHT TO PASS AS
AMENDED BY COMMITTEE AMENDMENT "B" (H-272)** Report,
in **NON-CONCURRENCE, PREVAILED.**

READ ONCE.

Committee Amendment "B" (H-272) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

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

HOUSE REPORTS - from the Committee on **APPROPRIATIONS
AND FINANCIAL AFFAIRS** on Bill "An Act to Implement Funding
the Recommendations of the Interagency Task Force on
Homelessness and Housing Opportunities in the November 1997
Task Force Report"

H.P. 1471 L.D. 2111

Report "A" - **Ought to Pass as Amended by Committee
Amendment "A" (H-294)** (7 members)

Report "B" - **Ought to Pass as Amended by Committee
Amendment "B" (H-295)** (4 members)

Report "C" - **Ought to Pass as Amended by Committee
Amendment "C" (H-296)** (1 member)

Tabled - May 5, 1999, by Senator **MICHAUD** of Penobscot.

Pending - motion by same Senator to **ACCEPT** Report "B",
**OUGHT TO PASS AS AMENDED BY COMMITTEE
AMENDMENT "B" (H-295)**, in **NON-CONCURRENCE**

(In House, May 4, 1999, Report "A" - **OUGHT TO PASS AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-294)** **READ**
and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-294).**)

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

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

Senator **CATHCART:** Thank you, Mr. President. Mr. President
and men and women of the Senate, I ask that you reject the
Committee Report "B" so that we can go on to pass Committee
Report "A" which I support strongly. Our homeless shelters in the
state of Maine have been under-funded always and many efforts
have been made to study the problem and secure more funds for
these shelters. The 1997 Interagency Taskforce on
Homelessness recommended a fivefold increase in State support
for our shelters from the ½ million dollars which has been flat
funded for 10 years despite the growth in business, despite the
numbers of people in the state who are homeless and who need
this assistance desperately to keep on living. So last year the
Legislature chose to give only \$600,000 more. That is totally
inadequate. This Majority Report, Committee Report "A", would
fund the shelters at a cost of \$2 million per year and I believe that
is what is necessary. This is strongly supported by groups such
as the Maine Counsel of Churches, which has urged us to pass
this Legislation. I hope that you will vote with me and reject this
motion so that we can go onto the Committee Report "A". Thank
you, Mr. President.

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

Senator **MURRAY**: Thank you, Mr. President. Men and women of the Senate, I rise today to join with my colleague from Penobscot, Senator Cathcart, to urge you to reject the pending motion. I hope to take just a couple of minutes of your time to focus on this crucial issue. We are pummeled, as you all know, by reports and a lot of those reports are difficult to even sift through. Many of them are well done but there's one that we were presented with 1 ½ years ago that I was able to read through and I thought it was one of the better reports that we were ever presented with. That's the report that Senator Cathcart just referred to. It looked at homeless in Maine and the homeless shelters and those issues with regard to those in our society that need perhaps our greatest attention and service. That report was well done because it documented the problem. It not only documented the problem but it focused on a path of how we, as a state, ought to be addressing the issue. That, quite simply, suggested to us that the state of Maine was the component or the part that was lacking the most in contributing to the issue of homelessness. It suggested that the state of Maine needed to step up to the plate and do its share. That's all, just its share, not take over or take the entire burden onto itself, but to simply do its part in making sure that the 35 or 36 shelters throughout the state can operate in a way that addresses this most pressing need to provide a shelter and a place for someone to lay their head at night. This Bill simply does that. It simply says the state of Maine, now more than ever, needs to meet its part of the problem and does so by asking for the amount of contribution that Report "A" asks for, not the pending Report "B".

I am struck over and over again by the problem and the seeming disconnect between what we have here as relatively good times. A booming economy. Last weeks report trumpets the fact that all of a sudden Maine seems to have job creation at a higher rate than anywhere else. And yet the disconnect is that the homeless rates continue to go up. I don't know why. But that's the sad fact. For as long as that happens, we must face the fact that we have a responsibility as a state to step up to the plate, to address this need that doesn't seem to go away. The mechanism that we have is a straight appropriation that is a pass through to those shelters that are right on the front line. The dollars that we allocate will be dollars that go directly to the shelters throughout the state of Maine. Those shelters exist, as I've suggested, in 34 - 35 different locations throughout the state. Not just Bangor. Not just Portland. Not just Lewiston. These shelters, these homeless populations, exist in Rumford, in Ellsworth, in Waterville, in Brunswick. These are the communities that are having right now to shoulder the disproportionate share. The homeless don't simply come from those communities, they come from throughout the state and beyond. Unfortunately the system we have set up requires that only those communities are the ones that have to step up to the plate now to shoulder all of the burden or certainly a disproportionate share of it. It's time for the state of Maine to simply do their share, nothing more, just their share, so that we are not imposing upon these 35 communities throughout the state an undue burden to respond to the homeless that does exist and unfortunately continues to increase. I urge you to wholeheartedly support Report "A" which hopefully we'll have an opportunity to consider after the pending motion is defeated. So I hope that you would join with me in voting no for the pending motion so we can move on to address the appropriate levels of funding that are needed.

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

Senator **HARRIMAN**: Thank you very much and good morning. Mr. President and ladies and gentlemen of the Senate, I rise just to say that I totally agree with my colleagues from Penobscot, Senator Cathcart and Senator Murray. The needs have been documented and what is before you is a motion that was compromised within our Committee. If you look at the calendar, the Majority of the Committee which is Report "A" for \$500,000 and the Minority of one is on for \$2 million. So I believe that if you will go ahead and support the pending motion we can take a step towards the funding that was clearly identified in our Committee and I'm confident that we can, as our budget process works towards a conclusion, earn the support of those who are on the Majority members of the Committee. Thank you, Mr. President.

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

Senator **MICHAUD**: Thank you, Mr. President. Men and women of the Senate, I hope that you do support the pending motion that you have before you. The original Bill called for a \$2 million one-time appropriation. What Report "B" does is splits that \$2 million to \$1 million in each fiscal year and makes it an on-going appropriation. I think it's the right approach. It's an approach that I think is fiscally responsible. I know there's been talk about having the State do their fair share but there's also been a lot of talk about the State doing their fair share in GPA as well. I think this is a fiscally responsible Report. It does start to address a greater amount of the need that's out there and I hope that you will support Report "B". Thank you, Mr. President. I request a Division.

At the request of Senator **LAFOUNTAIN** of York, Reports **READ**.

At the request of Senator **MICHAUD** of Penobscot a Division was had. 14 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by same Senator to **ACCEPT** Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-295)**, in **NON-CONCURRENCE, FAILED**.

On motion by Senator **CATHCART** of Penobscot, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-294)**, **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-294) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

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

JOINT ORDER - relative to Establishing the Commission to Study Single-sales Factor Apportionment
S.P. 771

Tabled - May 7, 1999, by Senator **TREAT** of Kennebec.

Pending - **PASSAGE**

(In Senate, May 7, 1999, **OUGHT TO PASS** Report from the Committee on **TAXATION READ** and **ACCEPTED**.)

On motion by Senator **PINGREE** of Knox, placed on the **SPECIAL STUDY TABLE**, pending **PASSAGE**.

The Chair laid before the Senate the following Tabled and Later (5/10/99) Assigned matter:

SENATE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-242)** (8 members)

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

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

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

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

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

READ ONCE.

Committee Amendment "A" (S-242) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

The Chair laid before the Senate the following Tabled and Later (5/10/99) Assigned matter:

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

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

Pending - **FURTHER CONSIDERATION**

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

(In House, May 7, 1999, **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 **DAGGETT** of Kennebec, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-250)**.

House Amendment "A" (H-445) **READ** and **ADOPTED**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-258) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-250) AND HOUSE AMENDMENT "A" (H-445) AND SENATE AMENDMENT "A" (S-258), in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/10/99) Assigned matter:

Joint Order - relative to Establishing a Commission to Examine the Adequacy of Services at the Veterans Administration Medical Center
H.P. 1052

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

Pending - **PASSAGE AS AMENDED**, in concurrence

(In House, May 7, 1999, Report from the Committee on **LEGAL AND VETERANS AFFAIRS**, **READ** and **ACCEPTED** and **PASSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-466)**.)

(In Senate, May 10, 1999, **OUGHT TO PASS AS AMENDED** Report from the Committee on **LEGAL AND VETERANS AFFAIRS**, **READ** and **ACCEPTED**, in concurrence. **READ**. Committee Amendment "A" (H-466) **READ** and **ADOPTED**, in concurrence.)

On motion by Senator **PINGREE** of Knox, placed on the **SPECIAL STUDY TABLE**, pending **PASSAGE AS AMENDED BY COMMITTEE AMENDMENT "A" (H-466)**, in concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

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

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

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Clarify the Definitions of "Contribution" and "Expenditure" under the Campaign Finance Laws"
H.P. 1577 L.D. 2224

Comes from the House, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed, in concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Improve the State's Democracy by Increasing Access to the Ballot and Other Election Processes"
S.P. 217 L.D. 639

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-266)**.

Signed:

Senators:
DAGGETT of Kennebec
CAREY of Kennebec
FERGUSON of Oxford

Representatives:

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

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

Signed:

Representative:
LABRECQUE of Gorham

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-266) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Protect the Right of Employees to Freely Decide Whether to Support Labor Organizations"
H.P. 880 L.D. 1237

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

Signed:

Senators:
DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

HATCH of Skowhegan
MUSE of South Portland
GOODWIN of Pembroke
FRECHETTE of Biddeford
MATTHEWS of Winslow
SAMSON of Jay
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" (H-501)**.

Signed:

Representatives:

MacDOUGALL of North Berwick
MACK of Standish
TREADWELL of Carmel

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

Reports **READ**.

On motion by Senator **DOUGLASS** of Androscoggin, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in 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 **LABOR** on Resolve, to Modify the Retirement Laws for a Certain School Principal (EMERGENCY)

H.P. 1100 L.D. 1547

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

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

HATCH of Skowhegan
MUSE of South Portland
GOODWIN of Pembroke
FRECHETTE of Biddeford
MATTHEWS of Winslow
SAMSON of Jay
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 to Pass as Amended by Committee Amendment "A" (H-499)**.

Signed:

Representative:
DAVIS of Falmouth

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

Reports **READ**.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Preserve the Medicaid Home Health Benefit" H.P. 1086 L.D. 1533

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 **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Revise Hunting and Fishing License Revocation Laws" H.P. 554 L.D. 775

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 **UTILITIES AND ENERGY** on Resolve, Regarding Legislative Review of Chapter 311: Renewable Resource Portfolio Requirement, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 546 L.D. 767

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

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Amend the Laws Relating to Slash Disposal along Highways and Railroad and Utility Corridors"
H.P. 1445 L.D. 2066

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-524)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-524)**.

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

READ ONCE.

Committee Amendment "A" (H-524) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Clarify Roles and Responsibilities in the Child Development Services System" (EMERGENCY)
H.P. 931 L.D. 1308

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-525)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-525)**.

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

READ ONCE.

Committee Amendment "A" (H-525) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Clarify the Responsibility of a Municipality in Enforcing Personal Watercraft Regulations"
H.P. 16 L.D. 26

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-510)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-510)**.

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

READ ONCE.

Committee Amendment "A" (H-510) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Allow the Use of All-terrain Vehicles on the Extreme Right of a Public Way" (EMERGENCY)
H.P. 97 L.D. 110

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-511)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-511)**.

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

READ ONCE.

Committee Amendment "A" (H-511) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Secure Wounded Deer"
H.P. 181 L.D. 259

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-512)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-512)**.

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

READ ONCE.

Committee Amendment "A" (H-512) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Extend the Open Water Fishing Season"
H.P. 530 L.D. 737

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-513).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-513).**

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

READ ONCE.

Committee Amendment "A" (H-513) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Amend the Laws Governing Commercial Shooting Area Hunting Licenses"
H.P. 561 L.D. 782

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-514).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-514).**

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

READ ONCE.

Committee Amendment "A" (H-514) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **JUDICIARY** on Bill "An Act to Improve the Marketability of Real Estate Titles"
H.P. 1415 L.D. 2022

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-507).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-507).**

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

READ ONCE.

Committee Amendment "A" (H-507) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **MARINE RESOURCES** on Bill "An Act to Fund the Costs Associated with Determining Eligibility for Certain Marine Resources Licenses"
H.P. 1544 L.D. 2198

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-517).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-517).**

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

READ ONCE.

Committee Amendment "A" (H-517) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **NATURAL RESOURCES** on Bill "An Act to Clarify Certain Laws Administered by the Department of Environmental Protection, Bureau of Remediation and Waste Management"
H.P. 1140 L.D. 1625

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-519).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-519).**

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

READ ONCE.

Committee Amendment "A" (H-519) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Secure Environmental and Economic Benefits from Electric Utility Restructuring"

H.P. 1000 L.D. 1398

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-522).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-522).**

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

READ ONCE.

Committee Amendment "A" (H-522) **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

Ought to Pass As Amended

The Joint Select Committee on **RESEARCH AND DEVELOPMENT** and the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Strengthen Maine's Research and Development Capacity in Renewable Energy Resources" H.P. 1152 L.D. 1649

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-523).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-523).**

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

READ ONCE.

Committee Amendment "A" (H-523) **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

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

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Control the Sale and Display of Tobacco Products"

H.P. 1123 L.D. 1582

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-370).**

Signed:

Senators:

PARADIS of Aroostook
BERUBE of Androscoggin
MITCHELL of Penobscot

Representatives:

KANE of Saco
FULLER of Manchester
QUINT of Portland
DUGAY of Cherryfield
WILLIAMS of Orono
LOVETT of Scarborough
BRAGDON of Bangor
SHIELDS of Auburn

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

Signed:

Representative:

BROOKS of Winterport
SNOWE-MELLO of Poland

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-370).**

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (H-370) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Amend the Laws Pertaining to the Maine HIV Advisory Committee"

H.P. 806 L.D. 1129

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-371)**.

Signed:

Senators:

LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

Representatives:

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

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

Signed:

Representative:

WATERHOUSE of Bridgton

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-371)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-371) **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 **LABOR** on Bill "An Act to Revise the Fact-finding Process under the Public Employees Labor Relations Laws"

H.P. 495 L.D. 702

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

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

GOODWIN of Pembroke
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 to Pass as Amended by Committee Amendment "A" (H-352)**.

Signed:

Representatives:

HATCH of Skowhegan
MATTHEWS of Winslow
SAMSON of Jay
DAVIS of Falmouth

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-352)**.

Reports **READ**.

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

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent 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)

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

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

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

Non-Concurrent Matter

Bill "An Act to Increase Load Weight on Farm Vehicles"
H.P. 1443 L.D. 2064
(S "A" S-257 to C "A" H-380)

In House, May 5, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-380)**.

In Senate, May 10, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-380) AS AMENDED BY SENATE AMENDMENT "A" (S-257)** thereto, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-380) AS AMENDED BY SENATE AMENDMENT "A" (S-257) AND HOUSE AMENDMENT "A" (H-506)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **RAND** of Cumberland, **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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Provide a Paralegal Assistant to Each Workers' Compensation Advocate"

H.P. 598 L.D. 838

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-350)**.

Signed:

Senators:
DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

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

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

Signed:

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

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-350)**.

Reports **READ**.

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

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

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (5/10/99) Assigned matter:

HOUSE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-395)** (10 members)

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

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

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 7, 1999, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-395).**)

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

On motion by Senator **RUHLIN** of Penobscot, the Minority **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:

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Require Schools to Begin After Labor Day"

H.P. 943 L.D. 1340

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-376)** (5 members)

Tabled - May 11, 1999, by Senator **PINGREE** of Knox.

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

(In House, May 10, 1999, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**)

(In Senate, May 11, 1999, Reports **READ.**)

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

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

Senator **MURRAY:** Thank you, Mr. President. Men and women of the Senate, I rise today to ask that you oppose the pending motion so that we can go on to Accept the Ought to Pass as Amended Committee Report. The Bill before you is very straight forward. It's not complicated in any way. It basically asks us to ponder for a minute the issue of what I see as a traditional concept that has somehow slipped a little bit in the past several years. I recall, as I suspect many of you have, that in the past there were a few things you could count on. You could count on the end of Summer was basically when school started and school started after Labor Day. That's something I grew up with and perhaps all of us grew up with. I suspect we did. But all of a sudden, for reasons that aren't particularly clear to me, in the last several years we are seeing changes where all of a sudden school's starting a week before Labor Day, the last week of August, some still after Labor Day. There's no particular rhyme or reason to it. It creates a situation where we've not only lost that traditional sense of summertime in Maine and the school year and when the school year begins, but we've also created a problem for not only our families who tended to rely on those, what I call traditional facts, but also we've created problems for some of our tourist industries and businesses that depend upon Labor Day as being the day upon which the season ends basically, at least you could count on going through Labor Day.

Now that's a question that business throughout our state, and in particularly in the more tourist sensitive areas, can't count on any more. That creates problems not only because it potentially dries up the source of customers and people who can go and travel to those tourist spots but it also dries out a labor pool that some of these same small businesses have tended to rely upon. We heard testimony from some of those businesses that suggested that it was no longer practical for them to maintain their businesses through Labor Day because up to half or more of their labor pool simply disappears. So it's for all of these reasons I think it makes perfect sense for us as a body that looks upon statewide policy to make the judgment that is appropriate that we here today say Labor Day is the time that we ought to say summertime ends and the school year can begin. The argument that you have heard, and I suppose will hear again, is we ought not make these decisions. These should be made on a locality by locality basis. There's a ring to that. Obviously we all appreciate home control and those sorts of issues. But I think, quite frankly, that this is the kind of decision that requires uniformity and without the uniformity loses whatever value you may get. It makes no sense and it does no good for one area that depends upon tourist business and perhaps even tourist employees to say we want to stay open and we don't want the school year to start until after Labor Day if the next town nearby decides well we're going to start opening our schools August 25th. So this is the type of issue that I think begs to have a uniform application. This opportunity through this Bill allows us to make that decision, which I think is a perfectly appropriate decision to make. Finally the Amendment that the Minority of the Committee supported respects the tradition of Aroostook County as well in that they have traditionally started before for good reasons that relate to the agricultural nature of that area. The Amendment will respect that ability for Aroostook County to continue that practice. I would urge you to consider this, ponder it, look a little bit beyond the argument that you'll hear about local control. This is the kind

of question that requires a uniform application. It's one that I think we should feel good about supporting. I would urge you to vote against the pending motion so that we can move on to Accept the other Report.

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

Senator **BERUBE:** Mr. President and ladies and gentlemen of this Chamber, you've just heard a wonderful argument. One of the best to vote for the Majority Report, Ought Not to Pass and that is that it's local control. Aroostook County has the opportunity, they can do so now if they want to remain going to school before Labor Day. Any other community can do as they please. They could defer school until after Labor Day. They have that prerogative now. I think that mandating statewide that all schools should open only after Labor Day is not good. We have a high school in Lewiston which has always opened up prior to Labor Day and they've got a wonderful academic record. This Bill was brought up by those in the recreation industry, the innkeepers industry and the campground industry. But none the less, if their communities feel that they should defer the opening of classes, they have the ability to do so now. So I would urge that you respect the wishes of the school boards, the superintendents, the Department of Education, and the majority of the Legislators on the Education Committee in voting Ought Not to Pass. Thank you.

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

Senator **ABROMSON:** Thank you, Mr. President. I have a question.

THE PRESIDENT: The Senator may pose his question.

Senator **ABROMSON:** To anyone who may be able to answer. I'm concerned about the effect that this Bill may have on existing contracts between educators and school boards. I'm not sure when it begins. Let's say it begins in the next academic year. Are there any contracts out there that have dates that say when the teachers must show up and when they're through. What effect might this have? I'd be interested in hearing if anybody knows.

THE PRESIDENT: The Senator from Cumberland, Senator Abromson, poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Penobscot, Senator Murray.

Senator **MURRAY:** Thank you, Mr. President. I don't recall if that was an issue that was presented as a particular problem.

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

Senator **MACKINNON:** Thank you, Mr. President. Women and men of the Senate, I rise today to ask you to support the Majority Ought Not to Pass Report. Not only for the home rule issue. I believe I negotiated a contract that I worked under in the system that I was at. The administration, school committee and teachers negotiated their times to come in before hand. I think that does

effect some contracts if not the majority of them. I rise to point out another thing that I think we should be mentioning and that is that we're trying to change, again, education to fit what we tried in an agrarian society. We talk about change today. We talk about entering the age of technology. We talk about looking at making changes in education. Yet we're trying to force 20 lbs. into a 10 lb. bag. We should be looking at seeing if you want to change your educational structure so we deliver our services at a different time of year. Who says that 17 and 18 year olds and 16 year olds have to go to school at that particular time. You might be in a tri-semester situation. We may not have to build new buildings. We may extend our school year. We may have a year round school where teachers go that way. I would suggest on the other side of it, my family would much rather support maybe Memorial Day as the day off. Why do we have to have Labor Day. I think we're looking at this for the wrong reasons and I think if we look at it philosophically, what we should be doing for education, we should be looking at how we deliver our services and the time frame. Not simply changing arbitrary times and forcing it on people. Thank you.

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

Senator **DAVIS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I join with my good friend, Senator MacKinnon, in that calling the we do observe Memorial Day. It is perhaps to me the most important of all the holidays we have. We can observe those who gave huge sacrifices so that I can stand here today and disagree with my good friend, Senator MacKinnon, on this issue. I have heard a lot this afternoon about home rule. I spent 9 years on the local school board, ladies and gentlemen. You make laws and you have made laws that have destroyed home rule. There is very little home rule. There is hardly any home rule. I would put at the bottom of my list of importance the effect that this will have on businesses. I think it will have a very positive effect on businesses. I would have to reword that, it will be next to the bottom. I do think that it will effect businesses. It will effect them favorably. A lot of businesses in my area, I represent the Moosehead Lake area, they run out of people to work in their businesses about the 15th of August. They don't have anybody through then and yet they still stay pretty busy right through to Veteran's Day. The next thing that would be on the bottom of the list would be taxes. Obviously, if the tourism industry is booming then we have more money to feed into our unquenchable desire to spend tax money. We need that very badly. The most important thing I feel this effects is what I've heard over and over and over on national TV. I've heard it here. I've heard it everywhere. You hear it in churches. You hear it in Legion halls. You hear it everywhere. That's the disintegration of the family. We have all kinds of remedies to cure violence, to cure this and to cure that and yet the thing that would make it all the better, so much better than all the other things that we dream up to do, would be having ways to cause the families to stay together. I think that to have the families take vacations at the end of the summer, to be allowed to have this extra two weeks, would be a very positive thing. I would urge you this afternoon to vote with me and my good friend, Senator Murray, and let's get this passed. Thank you, Mr. President.

Off Record Remarks

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator **SMALL:** Thank you, Mr. President. Men and women of the Senate, I rise to speak today not only for our position on the Minority Ought to Pass Report but to explain this departure of mine from voting with local control and with the local school boards and superintendents. I think in the 22 years I've been up here and the 14 years I've been on the Education Committee I can count on one hand the number of times that I have voted against local control because I do believe that most times the decisions are best left back in the local districts. But I found this argument for the delay in going back to school until after Labor Day to be very compelling for three reasons. I apologize if I touch upon any that were spoke prior to my rising but I was out of the Chamber. My three reasons for going along with the Minority Ought to Pass Report was because of the testimony we heard from a number of business people, particularly in the coastal area, in the Southern area, about jobs going unfilled at the end of the summer. They basically had to shut down operations prior to Labor Day because they don't have the help that they need to run their operation. We've heard of resorts that would hire out-of-state students over Maine students because many of the children from out-of-state colleges start after Labor Day. Many of our students went to school prior to Labor Day. I helped my niece recently write a resume. She was applying for a job in Bar Harbor. She does cooking. She's going away to college this Fall but her college date doesn't start until September 15th in New York. We did a résumé and I wrote her a cover letter and the most important part of that cover letter was "I will be available to work until September 14th". Within 3 days she had 7 calls from employers to come up and do an interview. I realize that when I did the cover letter that was probably the number one criteria that they were looking for was having good help and having help that would be there when their tourist season was hopefully still going on but when all the kids were going back to college and high school. Another important point was what the students are missing by going back to school before Labor Day. I don't know about the rest of you, but I have two children, one who's a junior in high school, and she's expected to pay part of her college education. The way she earns that money is during the summer. So by going back to school one or two weeks before the end of the tourist season she loses out on a couple of weeks paychecks. That could be very critical for us when it's time to pay for her education. I guess the third reason and probably the most important for me, and I guess it's been expressed by others as well, is the family time that you have together. I know that when we're finishing up here in June and when the kids are getting done at school in June, we don't really start to coalesce as a family and get into our summer mode until about July because everything's winding down. They're finishing up sports and activities, and around July 1st or so we start to get into our summer mode and really spend some time together and take advantage of the summer. It used to be when I was growing up, and the same thing held true then, that we really did this up until Labor Day. Labor Day you started to get ready to go back to school. Now that can be interrupted up to a week before. If your students are going back to college or to technical schools, that can be two weeks prior. You could be looking at the middle of

August when you start to kind of break away from your family time and get back into your work time and your student time and school time. So I guess I looked at this from the economic standpoint, but I think what really won me over was the fact that I have one child that's going away to college in two years and another one that's quickly approaching the time when they're leaving the nest and I look to any way that I could have some additional time to spend with them. This was just one small step. I don't believe this will inconvenience any schools. We have many schools in the state already that are starting after Labor Day and are finishing up well before the end of June. They're able to do it. I don't know why the others wouldn't be able to. If it hasn't already been mentioned, we did put an Amendment on right from start, my good colleague from Aroostook, Senator Kieffer, was concerned about the potato harvesting season that they have up there and how they have a kind of tradition of having their students get off in the middle of the fall to help harvest potatoes. We did accommodate that. There is an Amendment on this that would keep Aroostook County traditions as they are and as they should be. So for those reasons I hope you will Reject the Majority Ought Not to Pass so that we can then Accept the Minority Ought to Pass. Thank you.

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

Senator **BENNETT:** Thank you, Mr. President. I request permission to pose a question through the chair.

THE PRESIDENT: The Senator may pose his question.

Senator **BENNETT:** Thank you, Mr. President. Just reading the text of the Bill here, and admittedly I'm a layman when it comes to such things, it says here under Section 2 that the school year for all, and I'm quoting, for all public post secondary educational institutions must commence after Labor Day. I'm wondering, it appears to me that it's applying to colleges and universities, technical colleges, the University of Maine campuses, and I'm wondering if somebody can clarify that for me. 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 Sagadahoc, Senator Small.

Senator **SMALL:** Thank you, Mr. President. I'll give it my best effort. Men and women of the Senate, I believe, if I can recall and all my colleagues realize that I am suffering from major memory deprivation at some points in time, but I believe during the hearing that we did hear testimony that the colleges and the University and the technical colleges were working towards this. I did not hear any opposition from them. I would look to my committee-mates if I'm incorrect. I do not believe there was opposition from them, formal opposition at the hearing. Thank you.

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

Senator **MURRAY:** Thank you, Mr. President. Also I am following up in what I hope addresses the question. I believe the language the Senator from Oxford is referring to relates to just

Section 2 of the Bill. My understanding is that the other section under Section 1 would apply to public and post secondary institutions.

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

Senator **DOUGLASS:** Mr. President, men and women of the Senate, I rise to speak to the Majority Report, Ought Not to Pass. In my community we are dedicated to doing what is best for the education of our children. That is regardless of what the employers of the area might want for any summer. Actually we take into account the needs for citizens who are well educated in the final analysis to the greatest degree. That means occasionally starting before Labor Day and usually it's not many days before, depending on the calendar. That calendar is variable. What's more is there are certain times when the calendar is put off by the various holidays that we have that fall on the date of the holiday, particularly the Christmas holiday and New Years. We have in the past made an effort not to have weeks that are only two days long. The results of this may mean that we have to begin school two days before Labor Day. We ought to have that right in our local communities. We ought to set local policy according to the calendar as it exists in that year and not be hampered by this law, which I hesitate to call another State Mandate but I will. That is really what it's trying to do, to set a policy for all the state. I do understand the arguments for uniformity. However, we're different. Different communities have different needs and, in particular, different school boards who set the calendar may wish to look at various ways of setting the school year. In our local district of Auburn we, as I said, make an effort not to have two day weeks and as a result felt that we did get our children to pay more attention when they were in school. That's a prime factor. In June we seem to have a certain amount of lack of attention but in the beginning of school there is so much to be done in terms of getting ready, refreshing student's memories about what they had learned the year before, that that time is actually well spent even in the sort of summer mode. So I hope you will pass the Majority Report.

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

Senator **AMERO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise to support also the Majority Ought Not to Pass Report. I think this proposal is a totally unnecessary one. I have every trust in our local school boards. There is a process, a procedure in place for any parent, any business people who want to go to their local school board and make their case as to what the school year should look like, when the calendar should begin, when the school year should end. Anybody who wants to make a change back home can do that by going to their local school board. I think that all of us here in the state of Maine treasure that ability of local school boards to have local control. Sure we have taken away many of the features of that local control but setting the school calendar I think is a sacred one, best left to the local communities. Even in the Minority Report we're already giving an exception to Aroostook County. I say there are traditions all over the state of Maine that should be honored and they should be honored at the local school board level. This one size fits all doesn't make sense in the state of Maine. Thank you, Mr. President.

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

Senator **GOLDTHWAIT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, one year when our children were teenagers, my husband took off April vacation to spend some time with them. He always says it was the loneliest week of his life. For those of you who have or have had teenagers, I hope those of you with younger children will not delude yourselves into thinking that starting school after Labor Day will give you a week of wonderful family time. The beds have been slept in, the milk always disappeared, so we knew they were alive and well but that was about all we saw of them until school did start. Athletic programs, where I live, start in the middle of August and most of the kids in high school get out of their summer jobs by then and it does not seem to be an issue for them to get back into their athletic training and start all the fall sports. So why we are concerned about starting the academic program before Labor Day I'm not sure. But the bottom line for me on this Bill is that educational policies should not be driven by the needs of the business community. I say that coming from a town, as it has already been testified to on the floor today, where a pearl of great price is a person who will stay and work after Labor Day. I know it is an intense need of the business community in the town of Bar Harbor. But never the less I do not feel that we should be looking at educational policy with any other goal other than a strong education for our children and I feel that schools should start in a manner that the local area determines as best for the educational needs of our children and with no other factors involved in that decision. Thank you.

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

Senator **PENDLETON:** Thank you, Mr. President. Men and women of the Senate, I hate to belabor this issue on Labor Day but this issue always, always comes forward in my district because we do have the tourist industry in my district and there are several different school districts in that same area. Every year it's the same issue. It's school board versus the tourist population. So I do hope that you will vote against the pending motion Ought Not to Pass and help out the local areas because the local areas, in my area anyway, have been arguing about this for years and years. Perhaps we could put the argument to rest. 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 rise to state reasons for opposing the Majority Report and would like to comment on the comment made by the good Senator from Cumberland, Senator Amero, that this is really a local issue and we ought to leave it that way. I would agree with that if, in fact, the local school boards were taking a stance on the subject in keeping with the local community. Their community's desires. In the Rangeley area, my constituents there, who have a variety of businesses catering to tourism, have for years tried to get the school board to start the school year after Labor Day. They, for some reason, refuse to do it. So this type of Legislation to me is needed. The business community that I represent wants this provision to pass as in the Minority Report. The students want it to pass. Families want it to pass. I think it's got a good

ring to it, Mr. President. Baseball, apple pie and Labor Day off. Thank you.

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

Senator **MICHAUD:** Thank you, Mr. President. May I pose a question through the chair?

THE PRESIDENT: The Senator may pose his question.

Senator **MICHAUD:** Thank you, Mr. President. To who can respond, how does this effect the school district that borders Aroostook County that might want to set down, like Aroostook County schools do, because they have towns in Aroostook County? If someone could answer that question.

THE PRESIDENT: The Senator from Penobscot, Senator Michaud poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator **SMALL:** Men and women of the Senate, since we are well represented by Aroostook County on the Education Committee, having two of the thirteen members. And since neither of them raised this issue nor did anyone appear, apparently it wasn't that big an issue that we discussed it or took it up during the debate on this issue. I'm sure had that been an issue that one of the two members from Aroostook County would have raised that issue. Thank you.

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

Senator **DAVIS:** Thank you, Mr. President. I just want to stand here and tell you, Mr. President, that I have admired how you have conducted yourself and how you have been able to admit when you were in error. I'm going to follow suit today, Mr. President. I have, unlike you, sitting beside me excellent advisors here. On the left, of course, is the good Senator from Penobscot, Senator Murray. And on the right is also the good Senator from Penobscot, Senator Mitchell. And it is my understanding when I address a Senator from another county I'm supposed to mention the county, which I did not do with Senator MacKinnon of York or Senator Murray of Penobscot. For that, Mr. President, I tip my hat to you for you being so able to apologize and I will do the same. When this discussion is done, Mr. President, I would like a Roll Call. Thank you very much.

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

Senator **CAREY:** Thank you, Mr. President. The comments from the gentle lady from Sagadahoc, Senator Small, have driven me to the Senate and House Register. While she may be proud as she is very well represented by the people in Aroostook County, Representative Mabel Desmond is up in Mapleton which is not necessarily on the border with Penobscot or Washington County and Representative Irvin Belanger is out of Caribou which is some distance from the border, closer to Canada than any place in the United States. So they don't have that problem and that's why it was not brought up by them.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator **SMALL:** Thank you, Mr. President and men and women of the Senate. I do understand what the good gentleman from Kennebec, Senator Carey, was referring to. I was looking at it from the point of view of the potato harvest and they did bring up that issue and that's why we had the Amendment on it. They did not mention the fact that people from outside of Aroostook came up and participated nor was there any sort of concern raised during our deliberations about these people, only that there would be people available for the harvest. That's what I meant. I did not try to infer that they were close to the border because even I know a little geography in Aroostook County. They did bring this issue up and this one was debated, probably more than any other point, about the potato harvest in Aroostook. I admire them for being able to hold that tradition and find the unity to do that voluntarily up in Aroostook. I wish this was something we could do down here because then this discussion wouldn't be there. But as the good Senator from Cumberland, Senator Pendleton, said some employers hire from 8 or 10 different communities and that would be 8 or 10 different school boards and superintendents that you'd have to appeal to in order to get those students. What you may find is discriminating on your hiring on where the student lives. If they're from this town, you will hire them, but if they're from that town, no because they're going to leave you a week early. I just hate to see students put at that sort of disadvantage. But I will take the concerns raised by the good gentlemen from Kennebec and Penobscot and should this Bill pass, I can assure you that we will look into this as well as other exceptions that might come up. I do want to say that the Committee, as they have so often done when we kill a Bill and we actually did it when we didn't kill a Bill, has sent a letter to all the superintendents across the state asking them to please be aware of this issue and when they do the deliberations on their time schedule to try to accommodate this. I felt that first we were a little premature, since we hadn't killed the Bill yet, by sending out that letter but I thought second that perhaps a good strong vote out of the House or the Senate might add just a little bit more weight to that letter that went out from the Committee than just the letter. So that's one of the reasons that I supported this position. I'd like us to send the superintendents a message that it is possible that they should try to accommodate this because I don't believe that the families support going ahead of Labor Day. I believe that perhaps for the school system it's easier but I have not heard from a parent back home that says oh, good, we're starting a week early or we're starting August 28th or whatever the date is. Hopefully, whatever the outcome of this debate and this vote, that there will be a message sent back home that they need to look very carefully at the school schedule. Thank you.

On motion by Senator **DAVIS** of Piscataquis, 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 (#86)

YEAS: Senators: ABROMSON, AMERO, BENNETT, BERUBE, CAREY, CASSIDY, CATHCART, DAGGETT, DOUGLASS, FERGUSON, GOLDTHWAIT, KIEFFER, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, NUTTING, O'GARA, RAND, RUHLIN, TREAT

NAYS: Senators: BENOIT, DAVIS, HARRIMAN, KILKELLY, MURRAY, PARADIS, PENDLETON, SMALL, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senator: PINGREE

EXCUSED: Senator: KONTOS

24 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being absent, and 1 Senator being excused, the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Off Record Remarks

Senator **MURRAY** of Penobscot was granted unanimous consent to address the Senate off the Record.

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 Extend Term Limits for Elected Officials and Constitutional Officers"
S.P. 377 L.D. 1078

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-262) (12 members)

Minority - Ought Not to Pass (1 member)

Tabled - May 11, 1999, by Senator **DAGGETT** of Kennebec.

Pending - motion by the same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-262)** Report

(In Senate, May 11, 1999, Reports **READ**.)

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

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

Senator **BENNETT:** Thank you, Mr. President. Fellow members of the Senate, I hope that you vote against the pending motion. In my opinion actions like this, which directly pertain to all of us, which were initiated by the people through the petition and referendum process ought to be changed just by that process. I don't find as palliative the notion that we're sending this out to the people. I think, frankly, if people want to change the Term Limits Law they ought to go through the effort, which is considerably easier now than the proponents of this original law did. Which is go to the people again, get the matter on the ballot and have the vote that way. To me it is very unfortunate to have this change being done in this way and I encourage you to vote against the pending motion. Thank you.

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

Senator **HARRIMAN:** Thank you very much, Mr. President. Good afternoon, ladies and gentlemen of the Senate. I hope you will join my very good friend from Oxford, Senator Bennett, in opposing the pending motion. Seems to me that we have sent a message here today that there is some misunderstanding about what the citizens of Maine meant when they voted overwhelmingly to support term limits. What part of this vote from the people of Maine do we not understand? I think it's legislation like this, while well intended to be sure, that causes the citizens of Maine to want to opt out of the political process. That they use the power that's invested in them in the Constitution to send a message to the very people they send here and we then turn around and say well, maybe you didn't get it right, let's try it again. The message was clear, it was succinct. It was overwhelming that Maine citizens believe that four terms in a row is enough. Many of my colleagues here in this Chamber have gone from one branch of the Legislature to another because of term limits. Indeed, some members of the Legislature have left and come back, proving that indeed the term limit system does work. To suggest that we have designed a legislative system that is so important that we should go against the wishes of the citizens just validates the objection that they have to suggest that we have a system that is so complicated, so unyielding that only a select few seasoned people here know how to run it. I would suggest that we listen very carefully to the citizens and their message and that we find ways to simplify the process, to shorten the time that we spend here so that we can welcome a broad cross-section of Maine citizens who can come here and participate and leave and go home and let their neighbor come and have their turn. Actually it'd be pretty easy for me to want to support this, I love the opportunity to be here. This Bill would enable me to continue to do so. But to vote for this mess would be an insult to the very people who gave me the honor of sitting in this seat. Thank you, Mr. President.

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

Senator **MILLS:** Mr. President and men and women of the Senate, I think we do not avail ourselves often enough of the great opportunity that is presented to us as representatives of the people to frame appropriate questions for the people themselves to decide on a ballot out in general elections that we call from time to time. I think this is a perfect issue to send out to the people and to have them resolve one way or the other. If they

reject this measure, if they say no eight years is enough, twelve years is too long, than we know. But we're not being presumptuous or high handed by passing the measure that's now before you because we're not passing it into law, even though we have that power. We have power allocated to us as representatives to change this law in any way we might see fit. Do I think we should do that? No. I think that if we're going to make or suggest a change to this law, it is highly appropriate to do as the Committee has recommended and that is to send this measure out and have people look at the narrow issue. Having accepted the principle that term limits are appropriate, the principle that I personally accept and the people of Maine have accepted, should we have an intelligent and focused discussion on the duration of those limits. I think we have all been witness to what happens, particularly in the House of Representatives. We have someone who struggles up through the ranks, grapples with the confusions, school funding, unemployment comp, pension systems, utilities law, and passes through two or three terms, becomes cognizant or familiar with all of these complex systems that we, as a board of directors, are in charge of managing. Achieves the pinnacle of Leadership in either party and is almost immediately ousted from office just at the time when that person might conceivably be on the verge of making the difference in how this state governs itself. I think it's a shame how many people I have seen in my short tenure here of only 4½ years, how many capable, qualified people in both parties I have seen turned out the door at a time when I know very well that their constituents would have been happy to have sent them back here for a term or two in a Leadership position. So I think we ought to bring this discussion back to the people. When the people were presented with this issue last time the drafters of the document in their wisdom hit a term of 8 years and the people had no choice about how many. There wasn't a multiple choice box available on the ballot. The question was do you accept terms limits in principle or do you reject them. And, as both Senators who have just spoken remind us, they accepted the principle overwhelmingly. But how many of them would have said 8 years if they'd had the choice of looking at say 12 or perhaps another number. But in any case, let's work towards refining this very difficult democratic process that we all serve. Let's send out to the people this discussion that we're now having and let's see what they say. If they reject it, then we'll have their answer. If they accept it, then I think these institutions that we serve would be the better for it. Thank you.

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

Senator **DAGGETT:** Thank you very much Mr. President and members of the Senate. When the Legal Affairs Committee discussed this issue much of the debate that's been made today was brought forward. We discussed the issue of term limits over several work sessions in an attempt to try to come to some understanding and majority feeling as to the purpose of putting something out on the ballot and exactly what kind of question that might be. In my own opinion, this has nothing to do with getting it right. It has to do with allowing a very full discussion of the ramifications of term limits in front of the people and allowing the people to be a part of that. The Bill, as it's presented to you, is a compromise. It's a compromise between those people who would like to see term limits repealed, in which I am one, and those people who feel that term limits should stay in place with 4 terms is really not enough. This is a very intricate and involved

process and just as Legislators are beginning to learn how to accomplish the kinds of things they want to they do not have the option of running again. I personally feel that it does not serve the citizens of this state well when, as we are learning how to do our jobs, we are automatically prevented from running again. I fail to see where that serves the people well. Prior to term limits enactment here, the Maine Legislature, because it's a citizen part-time Legislature, had almost a 30% turnover every Session. We had a fairly high turnover. As those of you who serve here know, this is not a place where you make a living. This is not a career unless you have some other means of support. Every single Session we see Bills that seek to overturn laws, to change laws, to refine laws, to look at them again. This is an opportunity to look at this issue again. It's an opportunity for us all to be involved in the public debate. I think we have more information now than we did when this was first passed and I think it's appropriate for the citizens of Maine to have the opportunity to make a decision based on additional information. I know I would like to do that. When there's an issue in front of me, I make the best decision I can given the information I have. If there is new information, other information or experience, I'd like to have that and have an opportunity to revisit a previous decision. I don't think we're doing anything here by sending this out to the people then allowing them to have a more fuller understanding of what it is like to be a Legislator and I think it gives them the opportunity to be more closely allied with those of us who represent them. This is a good opportunity for Maine citizens and for Legislators. For those who are in favor of term limits or who are against term limits, it gives us all an opportunity to engage citizens in that debate. I urge you to support this and allow the debate to go forward based on what we know now, not what we knew some years ago. Thank you.

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

Senator **CAREY:** Thank you, Mr. President. Members of the Senate, I hope we never get to the point where we are like California. You are allowed terms in office then you are banned for the rest of your life from holding public office. If we've opened the door to term limits, that can be the only thing that comes up next in my mind. I have to tell you that I've had over my career and still do have, a term limit of two years. The people themselves will decide whether I come back or not. That's the same thing for all of you. Senator Kontos of Cumberland made a study and while we were sitting in the Utility Committee on one day she just spelled out the whole thing to me and she said I've taken the terms that all of the House members who are currently here and all the Senate members who are currently here and then I divided it by the number of people and the experience that these people have, all of us, averages out to 3.8 years. I would tell you if we're going to have a changeover as often as we do, then you will continue to get 3,000 or 3,200 or 3,400 Bills per Session. They're called perennials to some of us who are veterans here. They pop up and they pop up in different forms and they somehow or another multiply. As for Senator Bennett of Oxford's comments, Central Maine Sentinel for a week ran an editorial on the editorial page with a question thing. If you had the ability to cancel one law, only one law, in the state of Maine, which would it be? Overwhelmingly it was to do away with the Term Limit Law. Thank you, Mr. President.

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

Senator **O'GARA:** Thank you, Mr. President. Ladies and gentlemen of the Senate, if this were a Bill we were debating right now on the value or the quality or the reasonableness of term limits, that would be one thing. But in my judgment we are not debating that, we are debating a question, a decision, made by the voters of the state of Maine or at least a number of them. A decision which I disagreed with very strongly. I hate term limits. I never supported them when they came in for President nor for Governor. I argued against them if they were ever brought up for local officials for the City of Westbrook. I feel the decision was a wrong decision by the voters of the state of Maine when they voted for term limits. But as strongly as I feel about that, I feel even more strongly that it was their decision. However it got started, whether it was because it was financed by a person who had incredible wealth and didn't know what to do with it, that is neither here nor there. It did grow and it did develop into a ground swell and right or wrong they voted and that's the way it will be. I shall never support, nor encourage anyone else to support, a piece of legislation that we initiate. If the voters of Maine, and I hope it will be soon, themselves decide, however they're encouraged to make that decision, that term limits are in fact wrong or they should be lengthened or whatever, I would be right there at the front urging the voters of Maine to do away with them. I do agree that I think lots of citizens and probably the survey that the good Senator is talking about is probably very accurate and I suspect that they're right. Because, as probably a lot of you found out, many of the voters in my district when they found out about it were very apologetic and pointed out that obviously they didn't mean me. They didn't mean me, they meant those other people around the state that should have term limits. I urge the members of this Body to defeat the motion and leave it up to the public. If they want to initiate a Referendum than that's another story. Thank you.

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

Senator **LONGLEY:** Thank you, Mr. President. Colleagues in the Senate, I stand in support of term limits. Maybe it's because when my class entered we knew our contract was at most for eight years. But I think the biggest reason is our founders. When they talked about how we were going to develop this country, what was really critical was the importance of dispersing power because understanding our human frailties and our need for power. Basically the goal was power dispersed even among the three Branches and then there's a Madison writing that talks about the importance of using, my words, rotary tilling and making sure that new people and new rocks, new whatever, could surface and have a chance to serve. For that reason I'll be voting against the pending measure. I also think in terms of the Senator from Somerset's point about Leadership. Yes, we will be seeing Leadership just arrive and have to say good-bye but I think that speaks to all of us in the Legislature to realize we need to develop a new definition of Leadership. We need to have more of a team ethic about Leadership. We need to develop the freshmen so that they can grab that baton and run with it and be better leaders in different styles of leaders. Again I come back to my point that power dispersed is a founding ethic of our society and with that in mind I'll be voting against the pending measure. Thank you.

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 also urge you to vote against the pending motion because I think term limits have been good for the people of the state of Maine. We have seen new faces in Leadership and I think that's refreshing. People do have to have a faster learning curve but that's okay too. Remember we are a citizen Legislature and I really think that one of the benefits of the term limits that we have in Maine is that more people have had an opportunity to serve and more people have had an opportunity to serve in Leadership positions as well. Our Term Limit Law is one of the more liberal term limit laws in the country. Unlike California and other states, you can go from one Body to another, you can take one term off and come back and we have several examples of that. I think that this law was a good one. It was well thought up and when 2/3 of the people say yes, that's what they want, I think we ought to listen. I haven't heard a whole ground swell of people out there in the state of Maine saying let's get rid of term limits. It's not coming from the people. This is a legislative initiative. If the people don't want term limits, I believe they ought to come forward with their petitions just like they did saying that we needed term limits. So for those reasons, I hope that you will oppose the pending motion. Thank you, Mr. President.

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

Senator **BENNETT:** Thank you Mr. President. Fellow members of the Senate, I just rise to respond to a couple of the arguments that I've heard presented today. Over the past several months there's been a lot of talk about the dysfunction of this institution, the Legislature, and how we have so many Bills and these various problems internally that we have to resolve. I agree with some of that. I think that we do have to manage ourselves better. I hate to hear the suggestion that the number of Bills or other problems internally here is a problem of term limits because I don't believe it is. If it is I think it's remediable by changing our internal structure here. As a matter of fact, if you look at the figures about the Bills being introduced, it's not the first termers that are introducing most of the Bills. The 2,900 - 3,000, whatever the figure is now, Bills that are being introduced into the Legislature this year were introduced predominately by members who are serving more than first terms but are in their second, third or fourth terms. Maybe they're feeling that they need to get their ideas out there and give them air before the big term limits axe comes falling. I think not, I think that there are other structural considerations that we need to accommodate and, as a member of Leadership in this Legislature, I am going to commit myself this summer immediately following this Session to try to work with the rest of the members of the Legislative Counsel to begin to address those problems. This measure before us is not a multiple choice issue either. Let's be clear about it. This measure would extend term limits. It would extend term limits to 12 years instead of the current 8. This is not a question which we're putting out there that asks voters well what about one term, what about two terms, what about three. This is a specific number that was generated here by Legislators. So I think it's a bit disingenuous to suggest that we're giving a lot of options here. We're giving one option. It's an option that we chose. I

encourage every member of this Senate to go down the hall to just outside the other Body and to go into the hallway behind us and to look at the photographs, I think they're all photographs or maybe they're some drawings in there too, of the presiding officers of the Senate and the other Body that reside there. Look at the years of service under them. The notion of having long serving presiding officers in our Legislative Chambers is a recent phenomenon. It's not the good old days. The good old days were the days that were represented by the plethora of pictures there, people who served one year or two years. Maybe an extraordinary one would be four years.

In my view, as others who have spoken before me have suggested, that is good because Leadership, in my view, is about stewardship. It's about moving this institution forward. It's not about having a career here. In my view, this issue goes right to the heart of the value of term limits which is that it insures a steady turnover of not just rank and file members but of Committee Chairs, our Officer positions, and Leadership positions in this Legislature. Before the imposition of term limits, this Legislature had a healthy turnover. It wasn't uncommon to have years when 40% of the Legislature would turnover. But if you look below the statistics you'd see who was turning over. It was the people who would come in, serve a term or two and for one reason or another, I think because of frustration in many respects, leave and say I can't break into the power structure here because power was concentrated in the hands of a few, a few very long serving members. It didn't afford the rank and file members the opportunity to get into those positions. That's a real shame. Power tends to concentrate in the hands of a few inside of any organization with as many members as we have here. Term limits insure that those powerful positions are turned over on a regular basis. Let me, in closing, offer a prediction. I think that if this measure passes this Legislature and goes out to the people and is approved by the people, which I don't think will happen, but if it is, I vouch safe that we'll back here, maybe not me or maybe not you, but probably a lot of us, four years from now asking to extend term limits to 16 years or to 20 years. That will be the gradual and incremental eroding of this very useful reform mechanism passed by the people and imposed upon us. So again I encourage you to vote against the pending motion. Thank you very much.

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

Senator **DAVIS:** Thank you, Mr. President and I'll be very brief. All the arguments I've heard today to extend term limits, to abolish term limits, I have heard very few arguments for term limits, very little about the advantage of incumbency and that type of thing. All of this, every bit of it, was thoroughly debated four or five years ago by the people. The people spoke. Thank you very much.

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

Senator **LAFOUNTAIN:** Thank you, Mr. President. Men and women of the Senate, I would like to remind this Chamber that sending this issue out to the voters would not be precedence setting in any way. If I recall correctly, the citizens several years ago initiated the Sensible Transportation Act and at that time the voters supported the Act and indicated their lack of enthusiasm for widening the Maine Turnpike. A few years later, this

Legislature in it's wisdom decided to put the question back out to the voters. At that time the voters supported the widening. 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 (#87)

YEAS: Senators: **ABROMSON, CAREY, CATHCART, DAGGETT, DOUGLASS, KILKELLY, MILLS, MURRAY, PARADIS, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE**

NAYS: Senators: **AMERO, BENNETT, BENOIT, BERUBE, CASSIDY, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MITCHELL, NUTTING, O'GARA, PENDLETON, RAND, SMALL**

ABSENT: Senator: **PINGREE**

EXCUSED: Senator: **KONTOS**

12 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 1 Senator being absent, and 1 Senator being excused, the motion by Senator **DAGGETT** of Kennebec, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-262)** Report, **FAILED**.

Senator **RAND** of Cumberland, moved the Senate **RECONSIDER** whereby it **FAILED** to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report and further moved to **TABLED** until Later in Today's Session, pending motion by same Senator to **RECONSIDER** whereby the Senate **FAILED** to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

At the request of Senator **HARRIMAN** of Cumberland a Division was had. 20 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **RAND** of Cumberland to **TABLE** until Later in Today's Session, pending motion by same Senator to **RECONSIDER** whereby the Senate **FAILED** to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

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 Reduce Operating Under the Influence by Requiring Certification of On-premise Alcohol Servers"

H.P. 259 L.D. 363

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-346)** (3 members)

Tabled - May 11, 1999, by Senator **DAGGETT** of Kennebec.

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

(In House, May 10, 1999, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 11, 1999, Reports **READ**.)

On motion by Senator **DAGGETT** of Kennebec, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in 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 **LABOR** on Bill "An Act to Provide Binding Arbitration for Police Departments, Sheriff Departments and Professional Fire Departments"
H.P. 600 L.D. 840

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

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

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 to Pass as Amended by Committee Amendment "A" (H-351)**.

Signed:

Representatives:

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

SAMSON of Jay

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-351)**.

Reports **READ**.

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

At the request of Senator **RAND** of Cumberland a Division was had. 22 Senators having voted in the affirmative and 7 Senators having voted in the negative, the motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Increase Load Weight on Farm Vehicles"
H.P. 1443 L.D. 2064
(S "A" S-257 to C "A" H-380)

Tabled - May 11, 1999, by Senator **RAND** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate May 10, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-380) AS AMENDED BY SENATE AMENDMENT "A" (S-257)** thereto, in **NON-CONCURRENCE**.)

(In House, May 11, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-380) AS AMENDED BY SENATE AMENDMENT "A" (S-257) AND HOUSE AMENDMENT "A" (H-506)** thereto, in **NON-CONCURRENCE**.)

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

The Chair laid before the Senate the following Tabled and Later (5/6/99) Assigned matter:

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Expedite Removal of Invalid Voter Names from Voter Lists"

H.P. 322 L.D. 438

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-384)** (6 members)

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

Tabled - May 6, 1999, by Senator **PINGREE** of Knox.

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

(In House, May 5, 1999, Report "B", **OUGHT NOT TO PASS READ** and **ACCEPTED**.)

(In Senate, May 6, 1999, Reports **READ**.)

On motion by Senator **PINGREE** of Knox, Report "B", **OUGHT NOT TO PASS ACCEPTED**, in concurrence

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

On motion by Senator **RAND** of Cumberland, **ADJOURNED**, until Wednesday, May 12, 1999, at 9:00 in the morning.