

MAINE STATE LEGISLATURE

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One Hundred and Nineteenth Legislature
State of Maine

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

In Senate Chamber
Thursday
May 13, 1999

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

Prayer by Reverend Bill Gordon of the Universal Fellowship of Metropolitan Community Churches in Augusta.

REVEREND GORDON: Please join me by going to that place within yourself where you worship: O Great and Holy One, known to us by many names, including "I Am", Yahweh, Creator, Jehovah, Elohim, Allah, God, and Great Spirit, thank You for hearing my voice this morning. We gather here in this room as both the electors and the elected of the great state of Maine, seeking Your guidance and help. You are, Oh God, like our strong mothers, working for us through the darkest and brightest hours of each day. You create and You nurture, You set up and You take down. We meet You here in this chamber in the long hours these men and women spend designing the laws of our land. Be here, this day, O God, as this body mothers the state of Maine.

You are, Oh God, like our embracing fathers, surrounding us with love and protection during the strains of our living. You hold and You let go as we mature to become the people You have called us out to be. We meet You here in this chamber in the wisdom of the men and women who work here on our behalf. Be here, this day, O God, as this body fathers the state of Maine.

You are, Oh God, like our growing and enthusiastic children, dreaming and playing, refreshing and renewing. In Your idealism, You challenge us to think and rethink, naming injustices, falsehoods, and unkindness'. You show us new ways to imagine solutions to old problems, and You remind us of the importance of taking time each day for play. We meet You here in this chamber in the genius, in the creative, and in the passion for fairness that marks the work of the day. Be here, this day, O God, as this body eagerly serves the state of Maine.

You are, Oh God, like our graying elders, sometimes old, sometimes aching, but quietly and calmly seeing through the falsehoods of our time. You share wisdom, not despair; You seek solutions, not problems; You seek that which matters, not just that which shows. We meet You here in this chamber in the patience and steadiness of the women and men of this body, who lead us with insight and strength. Be here, this day, O God, as this body serves as elders to us.

In these times of isolation-- in a world where violence, hatred, intolerance, and a seeming inability to accept differences and diversity-- we need Your help. We divide ourselves by race and skin color, abilities and perceived disabilities, gender, sexual orientation, and economic class. Great God, You are known by so many names--and yet by whatever name we call you, we meet principles we would hold in common--of generativity and creation, of strength and nurture, of enthusiasm and vision, of wisdom and steadiness. Today, we pray, that these qualities will be showered

upon each and every member of the Senate, and indeed of all leadership across the great state of Maine. help each one seek justice and fairness, goodness and equality, strength and honor-- that in so doing we may reflect Your presence in our governance and in our lives.

This we ask, O God, as we seek to know You better. Amen.

Reading of the Journal of Wednesday, May 12, 1999.

Off Record Remarks

ORDERS

Joint Order

On motion by Senator TREAT of Kennebec (on behalf of the Joint Standing Committee on Natural Resources pursuant to Joint Rule 353), the following Joint Order:

S.P. 827

WHEREAS, both service center communities that are the State's job centers and rural communities whose lands support natural resource-based enterprises are essential to the State's economy; and

WHEREAS, the health of these communities and their lands and the costs of delivering public services are affected by state policies on capital investments, taxation, regulation and the location of state office buildings; and

WHEREAS, a long-standing goal of the State, as expressed in the Maine Revised Statutes, Title 30-A, section 4312, is to encourage orderly growth and development in appropriate areas of each community, while protecting the State's rural character, making efficient use of public services and preventing development sprawl; now, therefore, be it

ORDERED, the House concurring, that the Legislative Task Force on Patterns of Development is established as follows.

1. Task force established. The Legislative Task Force on Patterns of Development, referred to in this order as the "task force," is established.

2. Membership. The task force consists of 14 members appointed as follows.

A. The President of the Senate shall appoint 6 members from the Senate, including at least one from each of the Joint Standing Committee on Natural Resources, the Joint Standing Committee on Business and Economic Development, the Joint Standing Committee on Transportation, the Joint Standing Committee on Taxation and the Joint Standing Committee on Agriculture, Conservation and Forestry.

B. The Speaker of the House of Representatives shall appoint 8 members from the House of Representatives, including at least one from each of the Joint Standing Committee on Natural Resources, the Joint Standing Committee on Business and Economic Development, the Joint Standing Committee on Transportation, the Joint Standing Committee on Taxation, the Joint Standing Committee on Agriculture, Conservation and Forestry, the Joint Standing Committee on State and Local Government and the Joint Standing Committee on Education.

3. Chairs. The first Senate member named is the Senate chair and the first House member named is the House chair.

4. Appointments; meetings. All appointments must be made no later than 30 days following the effective date of this order. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The chairs of the task force shall call and convene the first meeting of the task force no later than 30 days after the adjournment of the First Regular Session of the 119th Legislature. The task force may hold up to 6 meetings and shall conduct at least one public hearing on its recommendations prior to submitting its final report to the Legislature.

5. Responsibilities. The responsibilities of the task force include the following:

A. Reviewing legislation relating to patterns of development carried over by the First Regular Session of the 119th Legislature and making findings on the following issues:

Growth-related capital investments and location decisions by the State, drawing on the concepts contained in Legislative Document 1080, "An Act to Direct State Capital Investments to Locally Designated Growth Areas," and Legislative Document 1414, "Resolve, to Support Downtown Revitalization through the Location of State Facilities and Targeting Economic Development Funding";

Fiscal policies that may have the effect of pushing rural lands out of productive use, including issues raised in Legislative Document 544, "An Act to Value Homestead Exemption Farm Land at Current Use," placing unintended burdens on service center communities or promoting development sprawl;

Coordination of state and local urban transportation planning and streamlining of local and state land use rules and regulations, including highway access management, to permit and encourage efficient neighborhood and economic development in growth areas;

The productive use of farms and woodlands and the preservation of open space around urbanizing areas, including issues raised in Legislative Document 449, "An Act Requiring Disclosures to be Made to Purchasers of Land Abutting Agricultural Land"; and

Such other areas as the task force considers appropriate;

B. Drawing upon past work of the Legislature and state agencies, including the recommendations of the Task Force on Regional Service Center Communities contained in its September 1998 report, "Reviving Service Centers," and the

findings of the State Planning Office in its May 1997 report, "The Cost of Sprawl"; and

C. Based on its findings, making recommendations to the Legislature concerning pending legislation and, as necessary to implement its findings, preparing legislation to promote orderly development, promote rural enterprise and preserve the open lands on which rural enterprise depends, strengthen service center communities and downtowns and discourage development sprawl. In preparing its recommendations, the task force shall rely to the greatest extent possible on nonregulatory means to achieve these objectives, including tax policies, financial incentives and disincentives, capital investment policies, streamlining of regulations for development proposed in locally designated growth areas, downtown and historic preservation reinvestment policies, right-to-farm provisions and similar mechanisms. The task force shall make recommendations consistent with the goals and local planning mechanisms of the Maine Revised Statutes, Title 30-A, sections 4301 to 4349.

6. Working groups. The task force shall form advisory working groups from among affected agencies, trade organizations, organizations devoted to economic growth and environmental protection and the public to help carry out its responsibilities.

7. Compensation. Members of the task force are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of the task force. Participants in the advisory working groups serve without compensation.

8. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the task force.

9. Reporting dates. The task force shall submit an interim report by December 15, 1999 and a final report by March 1, 2000, together with any implementing legislation to the joint standing committees of the Legislature represented on the task force. If the task force requires an extension of time to submit its reports or legislation, it may apply to the Legislative Council, which may grant the extension.

10. Task force budget. The chair of the task force, with assistance from the task force staff, shall administer the task force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for approval. The task force may not incur expenses that would result in the task force exceeding its approved budget.

READ and PASSED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Establish Mandatory Labeling for Genetically Engineered Foods" H.P. 506 L.D. 713

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-490).**

Signed:

Senators:
NUTTING of Androscoggin
KILKELLY of Lincoln

Representatives:
COWGER of Hallowell
VOLENIK of Brooklin
PIEH of Bremen
WATSON of Farmingdale
GAGNE of Buckfield

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

Signed:

Senator:
KIEFFER of Aroostook

Representatives:
CARR of Lincoln
GOOLEY of Farmington
CROSS of Dover-Foxcroft
FOSTER of Gray
GILLIS of Danforth

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

Reports **READ.**

Senator **NUTTING** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE.**

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

Divided Report

Ten members of the Committee on **LABOR** on Bill "An Act to Clarify Free-lance Labor in an Employer/Employee Relationship" H.P. 875 L.D. 1232

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-502).**

Signed:

Senator:
DOUGLASS of Androscoggin

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

Two members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-503).**

Signed:

Senators:
LaFOUNTAIN of York
MILLS of Somerset

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "C" (H-504).**

Signed:
Representative:
GOODWIN of Pembroke

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-502)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-502).**

Reports **READ.**

On motion by Senator **LAFOUNTAIN** of York, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF ANY REPORT.**

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Allow Beverage Sales from Mobile Service Vehicles on Golf Courses"

H.P. 897 L.D. 1254

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-467).**

Signed:

Senators:
DAGGETT of Kennebec
CAREY of Kennebec
FERGUSON of Oxford

Representatives:

TUTTLE of Sanford
CHIZMAR of Lisbon
FISHER of Brewer
LABRECQUE of Gorham
MAYO of Bath
PERKINS of Penobscot
HEIDRICH of Oxford
McKENNEY of Cumberland
SHIAH of Bowdoinham

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

Signed:

Representative:

GAGNE of Buckfield

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Prohibit Law Suits by Municipalities Against Firearm or Ammunition Manufacturers" (EMERGENCY)

H.P. 1537 L.D. 2192

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-442)**.

Signed:

Senators:

PENDLETON of Cumberland
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska
McDONOUGH of Portland
BUMPS of China
KASPRZAK of Newport
GERRY of Auburn

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

Signed:

Senator:

GOLDTHWAIT of Hancock

Representatives:

BAGLEY of Machias
RINES of Wiscasset
TWOMEY of Biddeford
JODREY of Bethel
RICHARDSON of Greenville

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-442)**.

Reports **READ**.

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

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

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Create a Senior Lobster and Crab Fishing License"

H.P. 1006 L.D. 1417

Has had the same under consideration, and asked leave to report:

That they are **Unable to Agree**.

On the Part of the Senate:

Senator **PENDLETON** of Cumberland
Senator **MacKINNON** of York

On the part of the House:

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

Comes from the House with the Committee of Conference Report **READ** and **ACCEPTED**.

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

Senate

Ought to Pass As Amended

Senator **MURRAY** for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Amend the Drug Laws Related to Possession of a Firearm"

S.P. 39 L.D. 49

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-278)**.

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

READ ONCE.

Committee Amendment "A" (S-278) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator O'GARA for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Implement the Recommendations of the 118th Legislative Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators" S.P. 111 L.D. 308

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-279)**.

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

READ ONCE.

Committee Amendment "A" (S-279) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator MURRAY for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Release Juvenile Crime Records to School Personnel" S.P. 578 L.D. 1658

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-277)**.

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

READ ONCE.

Committee Amendment "A" (S-277) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator BERUBE for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Joint Order - relative to Establishing the Task Force to Study the Implementation of Alternative Programs and Interventions for Violent and Chronically Disruptive Students S.P. 598

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-276)**.

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

READ.

Committee Amendment "A" (S-276) **READ** and **ADOPTED**.

PASSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-276).

Sent down for concurrence.

Senator TREAT for the Committee on **NATURAL RESOURCES** on Bill "An Act Concerning Disposal of Solid Waste from Decommissioning Activities" S.P. 515 L.D. 1516

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-285)**.

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

READ ONCE.

Committee Amendment "A" (S-285) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator TREAT for the Committee on **NATURAL RESOURCES** on Bill "An Act to Increase Accessibility to the Department of Environmental Protection Clean-up Funds for Businesses" S.P. 641 L.D. 1823

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

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

READ ONCE.

Committee Amendment "A" (S-286) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act Relative to Freedom of Employment in the Broadcasting Industry" S.P. 616 L.D. 1781

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-282)**.

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York

Representatives:

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

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

Signed:

Senator:

MILLS of Somerset

Reports **READ**.

Senator **LAFOUNTAIN** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Increase the Minimum Wage"

S.P. 669 L.D. 1891

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-280)**.

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-281)**.

Signed:

Representatives:

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

Reports **READ**.

Senator **LAFOUNTAIN** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-280)** 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 AS AMENDED BY COMMITTEE AMENDMENT "A" (S-280)** Report.

SECOND READERS

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

House As Amended

Bill "An Act to Provide a Paralegal Assistant to Each Workers' Compensation Advocate"

H.P. 598 L.D. 838
(C "A" H-350)

Bill "An Act to Provide Funds for a New Historical Atlas of Maine"

H.P. 901 L.D. 1279
(C "A" H-297)

Bill "An Act to Create the Bicycle Safety Act"

H.P. 1096 L.D. 1543
(C "A" H-378)

Bill "An Act Regulating the Transportation of People and Dogs in Pickup Trucks"

H.P. 1179 L.D. 1690
(H "A" H-289 to C "A" H-239)

Bill "An Act to Amend the Victims' Compensation Fund Law"

H.P. 1229 L.D. 1758
(H "A" H-465 to C "A" H-421)

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

Senate As Amended

Bill "An Act to Amend the Maine Milk Laws"

S.P. 667 L.D. 1889
(C "A" S-272)

Bill "An Act to Allow Workers' Compensation Board Advocates to Prioritize and Decline Cases"

S.P. 741 L.D. 2100
(C "A" S-268)

Bill "An Act to Reestablish the Maine Meat Inspection Act"

S.P. 780 L.D. 2190
(C "A" S-274)

Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands

S.P. 805 L.D. 2218
(C "A" S-273)

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

Sent down for concurrence.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (5/12/99) Assigned matter:

Bill "An Act to Reauthorize and Amend the Diesel-powered Motor Vehicle Emission Opacity Testing Program" (EMERGENCY)

S.P. 381 L.D. 1082
(C "A" S-184)

Tabled - May 12, 1999, by Senator **PINGREE** of Knox.

Pending - **FURTHER CONSIDERATION**

(In Senate, May 5, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-184).**)

(In the House, May 12, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-184) AS AMENDED BY HOUSE AMENDMENT "A" (H-546)** thereto, in **NON-CONCURRENCE.**)

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

Off Record Remarks

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

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 Concerning Licensure of Chiropractors

S.P. 784 L.D. 2199
(S "A" S-205)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Study Standardized Periods of Military Service and Other Matters Related to the Award of State of Maine Veterans' Benefits

H.P. 76 L.D. 89
(C "A" H-312)

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

Acts

An Act to Increase Penalties for Standing or Walking on Railroad Tracks

H.P. 56 L.D. 70
(C "A" H-199)

An Act to Provide Equity for Eviction Notification

H.P. 1237 L.D. 1766
(C "A" H-311)

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 Increase Fees for Civil Process of Filing State Papers

H.P. 1212 L.D. 1741
(C "A" H-291)

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

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

COMMUNICATIONS

The Following Communication: S.C. 248

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

May 11, 1999

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

Dear President Lawrence and Speaker Rowe:

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

L.D. 2065 An Act to Amend the Posting Requirements of Harvested Wood Lots

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

Sincerely,

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

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

The Following Communication: S.C. 249

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

May 11, 1999

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

Dear President Lawrence and Speaker Rowe:

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

L.D. 1108 An Act to Create the Home Port Rule

L.D. 1328 An Act Regarding the Shooting of Domestic Animals

L.D. 1652 An Act to Repeal the Atlantic Salmon Authority

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

Sincerely,

S/Sen. Marge L. Kilkelly Senate Chair S/Rep. Matthew Dunlap House Chair

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

The Following Communication: S.C. 250

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

May 11, 1999

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

Dear President Lawrence and Speaker Rowe:

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

L.D. 1659 Resolve, to Investigate State Purchasing of Goods and Services Produced under Conditions that Violate International Standards of Human Rights

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

Sincerely,

S/Sen. Neria R. Douglass Senate Chair S/Rep. Pamela H. Hatch House Chair

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

The Following Communication: S.C. 251

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

May 11, 1999

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

Dear President Lawrence and Speaker Rowe:

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

- L.D. 215 An Act to Amend the Laws Regarding Acceptance of Campaign Contributions during Legislative Sessions

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

Sincerely,

S/Sen. Beverly C. Daggett Senate Chair	S/Rep. John L. Tuttle, Jr. House Chair
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READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 252

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

May 11, 1999

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

Dear President Lawrence and Speaker Rowe:

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

- L.D. 2137 An Act to Prohibit Motor Vehicles on Certain Lakes
- L.D. 2151 An Act to Revise the State's Water Quality Standards

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

Sincerely,

S/Sen. Sharon Anglin Treat Senate Chair	S/Rep. John L. Martin House Chair
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READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 253

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

May 11, 1999

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

Dear President Lawrence and Speaker Rowe:

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

- L.D. 176 An Act to Provide Certain Small Businesses a Tax Credit Against Health Care Costs
- L.D. 1274 An Act to Extend the Machinery and Equipment Exemption to Sales and Leaseback Transactions
- L.D. 1983 An Act to Assist Independent Contractors to Comply with State Tax Laws
- L.D. 2114 An Act to Reduce Sales and Use Taxes and Address Volatility Within the State's Revenue System
- L.D. 2165 An Act to Provide a Sales Tax Credit on the First \$2000 of the Purchase Price of Certain Automobiles
- L.D. 2184 An Act to Exempt from the Sales Tax Feminine Hygiene Products

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

Sincerely,

S/Sen. Richard P. Ruhlin
Senate Chair

S/Rep. Kenneth T. Gagnon
House Chair

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

The Following Communication: S.C. 254

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

May 11, 1999

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

Dear President Lawrence and Speaker Rowe:

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

- L.D. 1915 An Act to Amend Assessment Provisions Within the Charter of the Kennebunk Sewer District
- L.D. 2161 An Act to Prohibit a Telephone Utility from Charging a Toll-call Rate for a Telephone Call Made from a Municipality to a Point in that same Municipality

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

Sincerely,

S/Sen. Richard J. Carey
Senate Chair

S/Rep. Thomas M. Davidson
House Chair

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

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 Bill "An Act to Permit Wine to be Ordered through the Mail"

H.P. 854 L.D. 1211

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-347).**

Signed:

Representative:

PERKINS of Penobscot

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

Reports **READ.**

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

H.P. 1311 L.D. 1872
(S "A" S-255 to C "A" H-386)

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

In Senate, May 10, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-386) AS AMENDED BY SENATE AMENDMENT "A" (S-255) thereto, in NON-CONCURRENCE.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-386) AS AMENDED BY SENATE AMENDMENT "A" (S-255)** thereto, **AND HOUSE AMENDMENT "A" (H-545)**, in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act to Establish the Birth Defects Program"
H.P. 1322 L.D. 1905
(C "A" H-268)

In Senate, May 6, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-268)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-268) AND HOUSE AMENDMENT "A" (H-544)**, in **NON-CONCURRENCE**.

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

Senator **CAREY** of Kennebec was granted unanimous consent to address the Senate off the Record.

Senate at Ease.

Senate called to order by the President.

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

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 **NUTTING** of Androscoggin, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

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

ORDERS

Joint Order

On motion by Senator **GOLDTHWAIT** of Hancock, the following Joint Order: S.P. 828

ORDERED, the House concurring, that Bill, "An Act to Amend the Laws Pertaining to the Maine HIV Advisory Committee," H.P. 806, L.D. 1129, and all its accompanying papers, be recalled from the Engrossing Division to the Senate.

READ and PASSED.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: H.C. 200

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

May 13, 1999

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

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Allow a One-time Double Exemption for Income Tax Filers Who Adopt a Dependent Child" (H.P. 295) (L.D. 403):

Representative GAGNON of Waterville
Representative WILLIAMS of Orono
Representative MURPHY of Berwick

Sincerely,

S/Joseph W. Mayo
Clerk of the House

READ and ORDERED PLACED ON FILE.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Establish Mandatory Labeling for Genetically Engineered Foods"
H.P. 506 L.D. 713

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-490)** (7 members)

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

Tabled - May 13, 1999, by Senator **NUTTING** of Androscoggin.

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

(In House, May 12, 1999, Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.)

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

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

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

Senator **KIEFFER:** Thank you Mr. President Ladies and gentlemen of the Senate, I kind of feel like an old hand at this here today because this is the third Session in a row that I have stood up in opposition of this Bill. I ask that today you please vote against this Bill. Nothing has changed from before, but recently Maine has begun to make a necessary commitment to research and development in a variety of fields. That commitment requires the investment of both private sector and tax payer dollars. We have wisely chosen to make these investments, particularly in the area of biotechnology and generic engineering, so that the agriculture and aquaculture industries can take advantage of these new types of technology. Without it we know that Maine would fall quickly behind in a highly competitive marketplace. These advantages have shown to be enormously beneficial to the food products that Maine produces. First, biogenetic research has allowed Maine farmers to avoid crop failures associated with disease and insect infestation. In

addition, crops are better able to withstand the climate changes here in Maine. These products can better withstand shipping, all of which allows Maine's farmers to be more productive and make better use of their land, and produce superior produce that arrives fresh daily in the cities. This Bill puts all that investment, time, research, people, and ideas at risk for no reason. There's no scientific data at all to suggest that engineered foods pose any health risk to the consumer. The Food and Drug Administration continues to test these foods, and has found them to be safe. The FDA has concluded that it is completely unnecessary to require the labeling of these foods.

Certainly if foods are labeled they should not be done on a state-by-state basis, it should be done on the Federal level. The bottom line is that labeling these Maine food products would cause alarm in the consumers mind. The label would simply state that this product is genetically engineered. Does that tell you what the content of that food actually is? Would the label go on to say that you should not operate a motor vehicle after consuming this bag of potato chips? That women who are pregnant or nursing should not eat this apple, or that long term use of blueberries is known to cause cancer or lung disease. Of course not.

Ladies and gentlemen genetically engineered foods have not been shown to cause any health risk. Labeling would only cause confusion and actually undermine the legitimate labeling already approved by the Federal Government. If the concern is safety I might suggest that all organic foods be labeled because they have been proven to increase the risk of E. coli. In many cases organic means that the foods were grown with animal manure creating the possibility of contamination with fungal toxins. Animal manure is the primary reservoir for a violent strain of E. coli. In 1996 The Center for Disease Control Prevention in Atlanta confirmed nearly 2,500 of this strain of E. coli along with 250 deaths. Although organic foods make up only 1% of the U.S. food supply, during that time organics were implicated in 8% of these confirmed cases. Labeling in safe genetically engineered foods will cause unnecessary concern and would most certainly put Maine at a very serious competitive disadvantage. The result would be lost market shares and jobs. Maine will be the only state in the Nation to dictate labeling of genetically engineered foods. Using labels to alarm consumers about non-existing health and safety risk will only confuse the public and undermine the legitimate purpose of food labeling.

The FDA regulates the safety and nutritional property of all foods. Genetically engineered food products are regulated in the same way as foods produced by other methods. These products will be judged by their individual safety and nutritional value. Biotechnology offers more specific and precise methods to modify plants to aid in the production of new and better foods. The State has identified biotechnology as a critical part of the statewide economic development strategy, positive benefits for a technology based agricultural industry. In summary, I would just like to tell you who are the opponents of this Bill. They are the DECD, the Maine Farm Bureau, the Maine Grocers, the Department of Agriculture, the Maine Potato Board, the Biotechnology Association of Maine, the grocery manufacturers, and the food processors. I thank you Mr. President.

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

Senator **NUTTING**: Thank you Mr. President. Ladies and gentlemen of the Senate, I'm rising today to urge you in this Body to support the Majority Ought to Pass Report. The first point I want to make is that this Bill has been changed considerably from the title. If you look at the Amendment H-490, this Bill calls for genetic engineered labeling on whole foods only. Pretty much a vegetable. That's all that has been genetically engineered so far. This is not concerning processed foods. I think it is very interesting to hear the good Senator from Aroostook, Senator Kieffer's, comments that somehow biotech food is now better than organic food. The real truth of what's happening in the marketplace, and I'm going to talk a little bit this morning about the marketplace, so far biotech engineered vegetables haven't sold. And the fastest growing segment of growing Maine agriculture is the organic movement. It's what consumers want. I'm for the Majority Report pretty much for marketing reasons. I personally don't have any problem buying genetically engineered foods. However, every poll has always shown that a large segment of our population, unless they know it is genetically engineered they are not going to buy anything. The Committee heard testimony from people of the Jewish faith that wanted to know whether or not there were pork genes in their food. The Committee heard testimony from people allergic to peanuts who, felt they had the right to know whether or not there were peanut genes in their food. We received copies of a British researchers report, just issued a couple months ago, that pointed out that the immune system in animals fed genetically engineered foods was affected. He of course lost his job the day after the report was published. I think that the biggest disagreement I have with the good Senator from Aroostook's speech, given here today, is the false assumption that if you're selling genetically engineered foods nobody's going to buy it and you're going to go out of business. I was very pleased to Sponsor the first genetically engineered growth hormone Milk Labeling Law passed in the country. Some of our dairy companies in Maine are synthetic growth hormone free, some are not. The ones that are not are not out of business they are still selling milk to consumers that aren't concerned with this. But we do have the right for companies in Maine to market to consumers milk products that come from cows that are not injected with a synthetic growth hormone. My point in marketing is what we've done with milk and what we are trying to do with this Majority Report is to make each group of consumers comfortable with what they are buying. So in total we are selling the maximum amount of food that we can in Maine, especially that which is grown in Maine.

Now this Bill had a very interesting history and I want to close with this kind of Committee history on this Bill. Most of the biotech industry told me publicly they had no problem with a voluntary type of labeling system that would allow someone, if they were not selling genetically engineered vegetables to say so. For three days that was the Majority Report on this Bill. But as soon as it was a Majority Report the same biotech industry that told me they had no problems with voluntary labeling turned around and lobbied Committee members to just vote Ought Not to Pass. It told me they really didn't want consumers to know and I'd dealt with this issue enough. I've seen numerous times where you had a small Maine business considering doing labeling, and there's a classic scenario, they receive a letter from a Connecticut law firm. That letter states that they better be very careful about doing labeling because they can be taken to court by such and such a large company. In most of the cases they have been too scared to do so. That is why I am supporting the Majority Report I think it is supported by a lot of consumers. The

other point I want to make is, we heard from the good Senator from Aroostook that the Maine Farm Bureau was opposed to this. I had occasion to go to a meeting last week where the President of the National Farmers Union was. National Farmers Union is a farm group that is larger actually than the Farm Bureau and that farm group supports genetic engineered labeling. So all the farmers are not on the same side of this issue. Thank you.

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

Senator **PARADIS**: Thank you Mr. President. Men and women of the Senate, I urge your No vote on this issue. It is rare that we are ever able to deal with issues dealing with the County because we are so far away. In the past the farmers have been able to come to the Agriculture Committee to talk about the genetically engineered potato. They were not able to come this year because they are small business people and they were doing their business. They were trying to get their potatoes shipped.

My major concern is that we have, as an agricultural community, never been able to label potatoes. For example, our farmers tell us year after year that Canadians are dumping on our market and there is never any sign of a Canadian potato in this state. So first of all, I have not heard yet how we would be able to separate the lots and follow each one of these potatoes. As you know, we ship in bulk load. We back up the eighteen wheeler to the potato storage building, we load it up, and we ship it off. We have been waiting for the science ever since the potato planting. We have been urging our companies to find a better way to deal with a healthier potato. A potato that will survive some of these diseases that are causing devastation to our farmers. We are doing that and as a result it is saving us having to spray pesticides. The FDA has approved of this. They are testing for allergens. They certainly test, especially, the peanuts. The report that was so widely touted was debunked almost immediately. There had been no corroborative evidence at all. The Pork Producers of America have their own genetic engineered pork product. To mix it in with this issue is just a diversionary tactic. Again the potato industry in this state, as represented here in Augusta, is one line on the entire State of Maine budget. We are leaving them on their own. We have no money for them. The least we can do now is stay out of their way. We have very, very responsible producers who have purchased this product that is very safe, that is environmentally more appropriate. I urge us to dispense with this Bill with a No vote. Thank you.

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

Senator **BENNETT**: Thank you Mr. President. Fellow members of the Senate, I have been drawn into this debate because of some of the comments I've heard and also some of the concerns that I have. As a leading proponent for our new investment in research and development in this state, biotechnology is a tremendously exciting area for our involvement. We are literally investing millions upon millions of new dollars into biotechnology research and development. This will have a bone chilling effect on those investments. Furthermore, I believe this Bill clearly discriminates against Maine products. In a law which I encourage every member of the Senate to take out and read, it's not terribly long, but it's strangely, narrowly drawn and it is

therefore, tremendously discriminatory against Maine products. Frankly I don't understand why we, as people elected to represent the folks in this state who are struggling to make a living, would impose this additional burden on our citizens.

Furthermore, I have to respond to one of the previous speakers about the introduction of new materials into the foods. Federal law already requires a label if you introduce a possible allergen into a food. Allergens could include paint, milk, and egg products typically. For example, if you put a peanut protein into a new food and you cannot prove that it will not cause an allergic reaction then you must already label it according to Federal Law. Furthermore, if you alter a nutritional value of a food you have to label it under Federal Law. The USDA, the FDA, and the EPA at the Federal level are already involved in this area and I think doing a good job. This is an area which should be left up to Federal jurisdiction not State. For those reasons I move the Indefinite Postponement of this Bill and all its accompanying papers Mr. President. Thank you.

Senator **BENNETT** of Oxford moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**, in concurrence.

Off Record Remarks

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

Senator **KILKELLY:** Thank you Mr. President. Men and women of the Senate, this Bill, as far as I'm concerned, is purely a Right To Know law. It's the Sunshine Act. It's a way of providing information to your constituents, who are consumers, about what it is they're buying and what it is they're eating. I personally believe very strongly that if as much energy went into educating the public about the benefits of genetically engineered foods, the labeling issue would not be an issue. I use the example of the Flavor Savor Tomatoes, which in fact were a genetically engineered tomato. They were touted as such. They were put forward as a better tomato that was going to taste better, that didn't require as many chemicals to grow, all kinds of wonderful things about Flavor Savor Tomatoes. They were also fairly expensive because they were a very unique and interesting product. many years ago, when I was debating this very same issue in the other Body, a person got up and said I like those tomatoes, those are wonderful tomatoes, I don't want to do anything to take tomatoes off the shelf. What they had done in the course of educating the public about that particular product was too garner support for that particular product. People weren't buying them not knowing what they were buying. They were buying them specifically because they were making that choice. They wanted to, in fact, have those Flavor Savor Tomatoes.

Consumers, I believe, have a right to know what it is they are eating. When you take two products and put them next to each other and they're both potato, or they are both tomatoes, or they are both something else, and they look absolutely identical you can't tell from the outside that's a different product, one to the other. When you can't tell, then I believe that it is important that the consumers have information about what that product is. That

product is in a package that resembles another product, but it's not the same. I would urge you to vote against the pending motion and allow us to go on and Pass the Majority Report. As it's been noted before, this does not deal with processed foods, but only deals with whole foods. Foods that have been either not processed at all or minimally processed and just provide your constituents with the opportunity to know what it is they are picking out of the bin. When they're doing that in order to feed their families, and their children, and maybe even provide for those companies that are creating these products a real incentive to do the education that I think is woefully lacking. Education about what are the benefits of a potato that grows its own pesticide? What are the benefits of corn that stays sweeter longer? What is the benefit of a pumpkin that has new characteristics? Maybe those characteristics in any of those products are characteristics that people are willing to, in fact, go out and choose. But as long as they don't know what it is they're choosing they can't make that choice in either a positive way, in terms of choosing to buy that product, or in a negative way choosing not to buy that product and I think that's wrong. Thank you.

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

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

Senator **MILLS:** If we were having this debate in Babylon in ancient Mesopotamia in the year, roughly 8,000 or 9000 B.C., we would be discussing whether it is appropriate to sell grass that hasn't been hybrid into wheat and whether the wheat should be labeled specially as genetically engineered because that, ladies and gentlemen, is where genetic engineering began. When man came down out of the trees and off the plains from hunting whatever he was hunting at the time, he began to grow things in the soil and began to get inventive about blending the genetic characteristics of different plants. That's where and how it started. We have been doing it for more than 10,000 years I think. The mechanics of how this happens was discovered by a monk named Gregor Mendal who lived, before the renaissance I think, in Oxford County, as the Senator from Oxford suggested and we've been doing it ever since. We've refined that process considerably, and the Bill before you has some amusing commentary on the refinements. It takes great pains to say that we only want the label, in this Bill, those methods of alteration that are non-sexual. And it goes on to imply that the sexual method includes traditional methods of breeding such as embryo transfer. Oh, that's traditional; Hybridization, or nondirective multigenesis, so that these scientific improvements on the breeding process invented in the last hundred years. It's the traditional method so we won't have to label embryonic transfer, artificial insemination, and all of these other methods that have somehow come to be traditional by virtue of this Legislation. But, if we do the same thing exactly in a petrie dish in a laboratory that's a no-no, we must put a label on it. I don't get the Bill. No one has come forward on the floor of this Chamber, in the Committee hearing, nor any literature has ever been given to me to say mutating the gene by one method causes harm and mutating the gene by the way which all of us have done with our own children is somehow a foul of humanity that can do us harm. Now I know a lot of genetic combinations up my way in the remote corners of my county that would give me pause about the

natural process. I know many of them ought to be labeled but they voted for me so I won't go any further with this. Thank you.

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

Senator **NUTTING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I wasn't going to speak again, but after the previous speaker from Somerset, Senator Mills, I know that this Body needs a lot more information on the subject, including the Senator from Somerset, Senator Mills. When you take two species and you mate them that is a far cry different than taking genes from a peanut, or genes from an animal and splicing them with genes from a plant. There is a big, big difference between genetic engineering and hybrid breeding. There is not a single scientist or scientific piece of work that I have ever read that would begin to go so far as to say that there is no difference between hybrid breeding and genetical engineering. That is not true at all. I would remind the good Senator from Oxford, Senator Bennett, that the USDA and the EPA have approved two genetically engineered vegetables which had to be withdrawn from the market. So I don't swallow this, sorry about the pun, line that if the USDA looked at it, it's great, it's lovely, they are always right. Already in the last two years they have not always been right.

I want to close with something close to home. A situation we are facing in the state of Maine right now. The fastest growing new market in Maine is the organic cow market. There are now 40 dairy farmers shipping to the organic cow market. I believe some of those are located in Oxford and Somerset Counties. Guess what ladies and gentlemen of the Senate, if those farmer's crops are within five miles of a field that is planted with bioengineered corn they lose their market. They are in support of this Majority Report. They would like to keep their market and the only way they are going to be able to keep that market is if this Majority Report passes and they are given the information so they know where these genetically engineered crops are planted. Thank you.

Off Record Remarks

At the request of Senator **MILLS** of Somerset a Division was had. 24 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator **BENNETT** of Oxford to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in concurrence, **PREVAILED**.

The Chair laid before the Senate the following Tabled and Later Today Assigned (5/13/99) matter:

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Allow Beverage Sales from Mobile Service Vehicles on Golf Courses"

H.P. 897 L.D. 1254

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-467)** (12 members)

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

Tabled - May 13, 1999, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 12, 1999, Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.)

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

Senator **DAGGETT** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

Senator **NUTTING** of Androscoggin moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**, in concurrence. Subsequently same Senator requested a Roll Call.

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

Senator **NUTTING:** Thank you Mr. President. Yesterday, ironically, we Enacted a Bill in the Body that toughens the penalties for OUI if you're driving a snowmobile, four-wheeler, or motorcycle. This particular Majority Report regrettably brings back a situation where drinking and driving is okay. This Majority Report calls for and allows golf courses to be serving alcohol at every single hole. Now, I know I've never played golf and consumed alcohol at the same time myself and frankly my game is so bad it probably wouldn't hurt me any. But seriously, this Bill is flawed and needs to be Rejected, I feel for many, many reasons. In fact, three or four times previously this exact same Bill has been unanimously Rejected by the Legal and Veterans Affairs Committee. It's one thing to have an owner of a golf course liable and responsible for someone who may have a drink in their lounge after playing a round of golf where the person can be checked for their age. They are right in front of the owner and the owner is responsible for them. But this Bill calls for the owner to be responsible for how much alcohol people have consumed on their golf course. Even if the golf course is two hundred acres, which most of them are, that owner is still charged with policing and is going to be held responsible for how much alcohol is consumed by someone on the property.

Another problem I have with this Bill is that in fact, every single owner of a public golf course in my district is opposed to this Bill. One of the other problems that they have is that the newest growing segment of people taking up golf are young people. Do we really want to have, right in front of young people, drinking and golfing. I don't believe so. Neither do they. Another situation is you may have someone of legal age golfing with someone who is not legal age. After the beverage cart pulls away who's going to be policing that? Do we really want our 14 Bureau of Liquor Enforcement personnel charged with covering the whole state of Maine to also now be given the responsibility of policing 141 golf courses, each with an average acreage of a little bit over 200 acres. I think their time can be better spent on what they're currently doing. I think the last concern they have is that if one course does this, and I understand there's a couple of

closed private resort type of golf courses that want this passed, but if one does it then due to competition they're afraid everyone will have to do it. So for the following reasons Mr. President, I ask that this Bill, and all its accompanying papers be Indefinitely Postponed. I request the Yeas and Nays.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate, with enthusiasm I support the pending motion of the good Senator from Androscoggin, Senator Nutting, to give this Bill a fitting finish and Indefinitely Postpone. It is not worthy of anything more. The title is really a cute way of expressing something that almost is a charade. When you look at the title of this Bill it seems so innocent, An Act to Allow Beverage Sales, that ought to be liquor sales, and we all know it. That is what the Bill proposes to do. Mobile Service Bar Vehicles is what it proposes to do. I am really disappointed that the Committee would approve this particular piece of Legislation and say nothing about the operating under the influence of these vehicles on a golf course. There is something really missing here, a large gap. My constituents in Rangely at Mingo Springs Golf Course have called me about this Bill very disturbed about it and I support their agenda in saying this should be quickly disposed of by Postponement. I have a grandson, Keegan, age 7. I wish I could swing a 7 iron with such precision and success that he does, and I enjoy going out with him on the golf course watching him perform. He should not have to contend with booze carts. There is enough out there now with the golf carts, and I say golf carts Yes, booze carts, No. Thank you Mr. President.

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

Senator **DAGGETT:** Thank you very much Mr. President and members of the Senate. As the Chair of the Committee that considered this Bill and had an opportunity to listen to all the facts surrounding it. I would just like to let you know what the elements of our discussion were and the people that we spoke with, and the work that we did on this Bill. Clearly any individuals interest in the passage or non passage of this Bill is entirely up to that member. But I think the Committee handled this Bill in a very responsible way, and it would be of a real concern to me if there was any suggestion that was not the case. This Bill has been in front of the Committee before, and in fact, I have not supported the Bill in the past. I think today there is a problem with drinking on golf courses. There's a serious problem. Today there is no incentive for a golf course to pay any attention whatsoever, but to turn a blind eye to drinking on the golf course because they would prefer to have their golfers there, and not to be hassling them over whether or not they brought their own liquor on to the golf course or not. Their own beer, and this Bill is one way of trying to address that. I have been involved with issues in front of this Legislature for many years regarding substance abuse and I would suggest to you it's an issue I'm very concerned about. Passage of this Bill is not going to put drinking in front of our young people anymore than it is already there. It's a serious issue and I don't disagree with that. I just would let you know that the owners of the golf course, those who are the licensees, would in fact, under this Bill be responsible for every bit of drinking that goes on, on that course while today they

are not. They would be responsible for everything. There is no mandate. There is no requirement that there be a mobile service vehicle. It would be entirely optional to that owner. But if there were any violations the liquor license for the entire establishment would be in jeopardy. Most of these courses today have liquor licenses. There is absolutely nothing that prevents someone from having several drinks after a round of golf and going immediately out and drive their car. The restrictions regarding service to individuals are the same here as there would be in other circumstances. I know there is concern from public courses. I have two public courses in my district, who in fact, encouraged me to support this. I'm sure the stance of different courses depends on who actually runs the course. I would just say again there is no mandate, there is no requirement, and the exact same restrictions follow with this as they do today under any other circumstances. So, I would just suggest that you take those things into consideration when you make your vote. Thank you.

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

Senator **NUTTING:** Thank you Mr. President. I'll be brief, I do have a lot of respect for the good Senator from Kennebec, Senator Daggett. I just disagree with her on this particular issue. I neglected to say when I was up before that I've got two golf course owners that have already been told that their liability insurance, look out for the rates if this Bill passes because usually all these golf courses are insured as a pool. The other comment I have to make is golf course owners do care whether or not somebody drinks and golfs. Because a drunk golfer is the one who is going to damage the course. I have had a son that has worked for years on a golf course and damage on your greens cost a lot of money. And yes damage to a golf course can happen from somebody that has too much to drink, or someone possibly who has the same ability as myself. Also, golfers who have too much to drink are ones that disrupt play. No golf course owner wants play disrupted. It happens, they don't want it expanded. So, I do want to leave the Senate with the impression, my impression and that is, golf course owners do not want drinking on golf courses expanded. I hope you will support the pending motion. 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 would like to make a very brief comment to the good Senator from Kennebec, Senator Daggett's, remark and she's absolutely right when she indicates that this is an optional situation. But you know when the Maine Legislature enacts a law, puts in on the books, it tends to lean towards the promotion of what it puts on the books. It makes it available and I can see her position saying well it's optional. Yes, but to a certain extent it is promotional as well. And I think that she has also indicated there's enough drinking on golf courses as it is. There's no reason to expand it this way. Thank you Sir.

Off Record Remarks

On motion by Senator **NUTTING** of Androscoggin, 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 (#90)

YEAS: Senators: **ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CASSIDY, CATHCART, DAVIS, DOUGLASS, GOLDTHWAIT, HARRIMAN, KIEFFER, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE**

NAYS: Senators: **CAREY, DAGGETT, FERGUSON, KONTOS, MACKINNON**

30 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by Senator **NUTTING** of Androscoggin to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in concurrence, **PREVAILED**.

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 (#91)

YEAS: Senators: **ABROMSON, AMERO, BERUBE, CATHCART, DAGGETT, DOUGLASS, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MILLS, MITCHELL, MURRAY, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE**

NAYS: Senators: **BENNETT, BENOIT, CAREY, CASSIDY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MICHAUD**

ABSENT: Senator: **NUTTING**

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **PINGREE** of Knox to **ADHERE**, **PREVAILED**.

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

H.P. 205 L.D. 283

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-203)** (4 members)

In House, May 10, 1999, Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-203)**.

In Senate, May 12, 1999, 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 requested a Division.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act to Amend the Workers' Compensation Law as it Pertains to Employer-selected Health Care Providers"

H.P. 555 L.D. 776

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-359)** (7 members)

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

In House, May 10, 1999, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-359)**.

In Senate, May 12, 1999, Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

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

On motion by Senator **AMERO** of Cumberland the Senate **RECONSIDER** whereby it **RECEDED** and **CONCURRED**.

Senator **MILLS** of Somerset requested a Roll Call.

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

Senator **MILLS:** I did a little research after the challenge presented to me by the good Senator from Waldo concerning my position on this. What I will tell is a similar, but not identical, issue from the last Session. I don't have a copy of the supplement but I think we're discussing the Ten Day Rule under the Worker's Compensation law for employer controlled access to physicians. I must say that I didn't have an exact opposite position two years ago but in a prior Legislature, if I'm allowed to speak about it briefly, there was another Bill presented that would have allowed certain narrow exemptions to this Ten Day Rule that had considerable merit. And it was that Bill that I was supporting and I supported it at a rather great length I gather from the transcript that's been provided to me. The Senator from Waldo's memory is much better than my own. I appreciate her comments and her efforts to revive my memory. I must say that the deficiency in the Bill before us and the reason I stand to ask you once again to vote against the pending motion to Recede so that we may go on to take an opposing position to the Bill, is that the Bill that is presented this year, unlike the Bill that was presented before, would ask that the Ten Day Rule be repealed in it's entirety so that the employee would have untethered access to any physician of his choosing right from the get-go, right from the day of the injury onwards. And although it may have an appeal to say that an employee ought to have that right, the problem with it is that under the prior law according to the gurus who develop costs associated with these various provisions that feature of our old law was a very expensive feature because of it's impact, because of how it permitted people, employees, to do doctor shopping in the early phases of their injury. And because of the propensity for family physicians and other generalists to take people out of work reflectively rather than thoughtfully after evaluating the employee's circumstances knowing what is available for alternative work within the workplace. There are other ways of dealing with this issue in a fashion that we did deal with more intelligently I suggest in the prior Legislature and the Bill that was brought to you before would be more deserving of consideration to address this issue, but not the Bill that's presently before you. The Bill would create, we are told, very large costs in the Worker's Compensation arena. Lord knows there are things that we should probably change about the current Worker's Compensation system in order to make it a little more friendly or favorable to injured employees but if you did a list of things that we could do and ranked them in order by cost and by priority this particular issue you would put fairly well down on the bottom, at least I would on my range of choices. It's because it is said that it is very expensive, it is a provision of the 1992 law that seems to have worked to reduce costs and, at least in my limited observation because I haven't seen the situation abused by most employers and I think that's the telling consideration for me. If I thought there was wide spread abuse of this right to compel people to go to an employer paid for physician I think I'd be on the other side of the issue. For that reason and all of those reasons, I urge you to vote against the pending motion so that we may go back to Insist or Adhere. Thank you.

On motion by Senator **MILLS** of Somerset, 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 (#92)

YEAS: Senators: CATHCART, DAGGETT, DOUGLASS, KONTOS, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CAREY, CASSIDY, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, KILKELLY, LIBBY, MACKINNON, MILLS, MITCHELL, O'GARA, SMALL

ABSENT: Senator: NUTTING

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **PINGREE** of Knox to **RECEDE** and **CONCUR**, **FAILED**.

On motion by Senator **AMERO** of Cumberland, the Senate **ADHERED**.

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 **LABOR** on Bill "An Act to Restore State Funding for Mediation Services Provided by the Maine Labor Relations Board"

H.P. 564 L.D. 785

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-357)** (6 members)

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

In House, May 11, 1999, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**, and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-357)**.

In Senate, May 12, 1999, Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

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

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Establish Procedures for the Awarding of Loans and Grants to Municipalities and Other Entities"

H.P. 885 L.D. 1242

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-374)** (7 members)

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

In House, May 11, 1999, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-374)**.

In Senate, May 12, 1999, Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

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

Senator **AMERO** of Cumberland moved the Senate **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**.

The Chair ordered a Division. 16 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **AMERO** of Cumberland to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**, **FAILED**.

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

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

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Davis, who requests unanimous consent to address the Senate on the record. The Senator may proceed.

Senator **DAVIS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'd just like to tell you that I went over to the Law Enforcement Memorial. It was a very nice ceremony they had. The drums and the bagpipes are relatively new to the State Police and when were sitting in caucus I kept hearing the music and I wasn't sure if it was Native American Day again or what was going on. Figured it out after a while and it was very moving. I looked at the names on the monument and I don't like to see them because they keep getting longer and the funerals that I've gone to are getting more numerous in number. But one positive thing was Mrs. Merry, who's son I knew well and served with in the State Police, approached me and I had a very nice conversation with her and that was very beneficial at least for me. I would ask, Mr. President, today when we adjourn if we could do

so in memory of those law enforcement officers that have fallen. Thank you.

On motion by Senator **DAVIS** of Piscataquis, **ADJOURNED**, until Friday, May 14, 1999, at 9:00 in the morning, in memory of and lasting tribute to our fallen law enforcement officers.