

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Nineteenth Legislature
State of Maine

Volume 2

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

In Senate Chamber
Monday
May 17, 1999

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

Prayer by Brother Irene Richard of St. Martins de Poores Shelter for the Homeless in Lewiston.

BROTHER RICHARD: Almighty and eternal God, God of power and might, of wisdom and justice, assist this governing body with: Your spirit of wisdom - that they may have sound judgment; Your spirit of knowledge - that they may know right from wrong; Your spirit of faith - that they may trust in You and Your people; Your spirit of healing - that they may be compassionate toward those who suffer injustices; and your spirit of prophecy - that they may be able to give hope for a better society ahead.

We pray that the deliberations of this body will lead to recognize those who will be committed to work for justice and for the dignity of each person. Be present to those who have been entrusted to guard our political welfare. May they always discharge their duties with honesty and ability. May all those who have been called to serve, be truly the servants of all your people for this, O God, is your kingdom - the kingdom you have entrusted to us.

Pledge of Allegiance led by Senator Peggy Pendleton of Cumberland County.

Doctor of the day, Richard Stephenson, MD, Auburn.

Reading of the Journal of Friday, May 14, 1999.

Off Record Remarks

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

Senator **PINGREE:** Thank you very much Mr. President. Before we get started today, I just wanted to take an opportunity to give a special recognition to some of my Pages who have come to visit today. It's always a pleasure for me when kids come from North Haven. It's a rare thing because they have to actually come over the night before in order to be here in the morning because the ferry doesn't, as you notice sometimes I'm late,

always get us here on time to begin the Session. So, the five students who came from North Haven today, seventh and eighth graders, came last night and are spending the day with us, both being Pages and shadowing a little bit to understand the process better. I wanted to mention a little bit about each of them. Jacob and Emmie Greenlaw, who are here are brother and sister. They are great students, and have been very active in our theater program. Jacob was, O.O. Martinez and Toad in Wind and the Willows last year. He was actually featured on CBS Sunday Morning for his wonderful performance. He is just a great actor, and done some wonderful things, as his sister has as well. Molly Hopkins is here, she has performed on Ring Around the Moon. Some other wonderful students Alexander Curtis, has also done a lot of acting and is a great musician, and his sister Jacqueline Curtis, they are twins, was recently recognized as one of the finalist in a River of Words Poetry Contest. There were 6,000 entries from around the Country, and Jacqueline was one of 36 finalist who went to Washington, D.C. last week. She was recognized along with two other Maine students. Of the 6,000 entries, three students from Maine were in the finalists. One was one of the Grand Champions, she was from Edgecomb, and two of the finalists were from the North Haven Community School, which as many of you know is the smallest K-12 School in the state, less than 80 students, and we were just incredibly proud to have two of our students go down as finalists last year. We are extremely proud of Jacqueline for her work and her great poetry. So, if those five kids could just stand and get some recognition. We are happy to have all of our wonderful Pages here today, but I'm particularly proud of these kids for coming in today.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

In Senate, May 10, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-237).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-237) AS AMENDED BY HOUSE AMENDMENT "A" (H-583)** thereto, in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

Bill "An Act to Improve Access to Residential Care in Rural Maine" (EMERGENCY)

S.P. 717 L.D. 2039
(C "A" S-222)

In Senate, May 7, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-222).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-222) AS AMENDED BY HOUSE AMENDMENT "A" (H-562)** thereto, in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

Resolve, to Establish a Commission to Encourage Incorporations in Maine (EMERGENCY)

S.P. 697 L.D. 1972
(C "A" S-215)

In Senate, May 7, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-215).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-215) AND HOUSE AMENDMENT "A" (H-549),** in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

Bill "An Act to Establish the Early Care and Revolving Loan Program"

S.P. 362 L.D. 1066
(C "A" S-223)

In Senate, May 7, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-223).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-223) AS AMENDED BY HOUSE AMENDMENT "A" (H-588)** thereto, in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

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)

In Senate, May 11, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-261).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-261) AND HOUSE AMENDMENT "A" (H-591),** in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

Bill "An Act to Establish the Maine Dental Education Loan Program"

H.P. 1367 L.D. 1965
(C "A" H-406)

In Senate, May 7, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-406),** in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-406) AND HOUSE AMENDMENT "A" (H-581),** in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

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

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

In Senate, May 3, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-232),** in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-232) AND HOUSE AMENDMENT "A" (H-547),** in **NON-CONCURRENCE.**

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

Joint Orders

The following Joint Order:

H.P. 1581

WHEREAS, on October 13, 1998, the Governor submitted a request to the United States Environmental Protection Agency to discontinue participation in the federal reformulated gasoline program. This request was a direct result of a groundwater study that raised significant concerns about methyl tertiary-butyl ether, or "MTBE," in groundwater; and

WHEREAS, the Environmental Protection Agency granted this request contingent upon several conditions being met, including the identification of a replacement fuel or strategy that provides volatile organic compound reductions equivalent to reformulated gasoline, or "RFG"; and

WHEREAS, the Board of Environmental Protection recently issued a ruling that requires fuel in southern Maine to have a Reid Vapor Pressure, or "RVP," of 7.8 as of May 1, 1999. An RVP fuel of 7.2 is projected for the year 2000; and

WHEREAS, a supplier to Maine of 7.2 RVP fuel has not yet been identified; and

WHEREAS, the supply and delivery of alternative fuels have serious implications for the State's economy and the State's compliance with the federal Clean Air Act; now, therefore, be it

ORDERED, the Senate concurring, that the Stakeholders Group to Explore Options and Alternatives to MTBE and RFG is established as follows.

1. Stakeholders group established. The Stakeholders Group to Explore Options and Alternatives to MTBE and RFG, referred to in this joint study order as the "stakeholders group," is established.

2. Membership. The stakeholders group consists of 12 members appointed as follows:

A. Two members from the Senate who serve on the Joint Standing Committee on Natural Resources appointed by the President of the Senate;

B. Three members of the House of Representatives who serve on the Joint Standing Committee on Natural Resources appointed by the Speaker of the House of Representatives;

C. An employee in the Department of Environmental Protection, Bureau of Air Quality, appointed by the President of the Senate;

D. A representative of the Maine Petroleum Association, recommended by that organization and appointed by the Speaker of the House;

E. A representative of the Maine Oil Dealers Association, recommended by that organization and appointed by the President of the Senate;

F. Two representatives of a fuel industry in the State, appointed by the Speaker of the House;

G. An employee of the Natural Resources Council of Maine, nominated by the executive director of that organization and appointed by the President of the Senate; and

H. An employee or representative of the American Lung Association of Maine, nominated by the executive director of that organization and appointed by the Speaker of the House.

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

4. Appointment; convening stakeholders group. 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. When the appointment of all members is complete, the chairs of the stakeholders group shall call and convene the first meeting of the stakeholders group no later than July 30, 1999.

5. Duties. The stakeholders group shall explore alternatives to the uses of RFG and MTBE. The stakeholders group also shall:

A. Evaluate fuel handling problems that lead to groundwater contamination and expand public education on fuel handling issues;

B. Review issues to help to ensure that the transitions to the low RVP fuels occur without undue price and supply disruptions;

C. Identify opportunities to comply with the state implementation plan; and

D. Review any other appropriate issues relating to the use of alternative fuels.

6. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the stakeholders group.

7. Compensation. Legislative members of the stakeholders group are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings.

8. Report. The stakeholders group shall submit a report on their findings along with any recommended legislation to the Joint Standing Committee on Natural Resources by December 31, 1999. Following the receipt of this report, the Joint Standing Committee on Natural Resources may introduce legislation to the Second Regular Session of the 119th Legislature. If the stakeholders group requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

9. Budget. The chairs of the stakeholders group, with assistance from the stakeholders group staff, shall administer the stakeholders group budget. Within 10 days after its first meeting, the stakeholders group shall present a work plan and proposed budget to the Legislative Council for its approval. The

stakeholders group may not incur expenses that would result in the stakeholders group exceeding its approved budget.

Upon request from the stakeholders group, the Executive Director of the Legislative Council or the executive director's designee shall provide the stakeholders group chairs and staff with a status report on the study budget, expenditures incurred and paid and available funds.

Comes from the House, **READ** and **PASSED AS AMENDED BY HOUSE AMENDMENT "A" (H-582)**.

READ.

House Amendment "A" (H-582) **READ** and **ADOPTED**, in concurrence.

Senator **PINGREE** of Knox moved to place on the **SPECIAL STUDY TABLE**, pending **PASSAGE AS AMENDED BY HOUSE AMENDMENT "A" (H-582)**, in concurrence.

Senator **BENNETT** of Oxford moved to **TABLE** until Later in Today's Session, pending **PASSAGE AS AMENDED BY HOUSE AMENDMENT "A" (H-582)**, in concurrence. Subsequently, the same Senator requested and received leave of the Senate to withdraw his motion to **TABLE** until Later in Today's Session.

On motion by Senator **PINGREE** of Knox, placed on the **SPECIAL STUDY TABLE**, pending **PASSAGE AS AMENDED BY HOUSE AMENDMENT "A" (H-582)**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 258

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

May 13, 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 Judiciary has had under consideration the nomination of Honorable Paul L. Rudman of Veazie, for reappointment as an Associate Justice of the Maine Supreme Court.

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 3

Representatives 10

Longley of Waldo, Benoit of Franklin, Treat of Kennebec Thompson of Naples, Bull of Freeport, Jacobs of Turner, LaVerdiere of Wilton, Madore of Augusta, Mitchell of Vassalboro, Norbert of Portland, Plowman of Hampden, Schneider of Durham, Waterhouse of Bridgton

NAYS 0

ABSENT 0

Thirteen 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 Honorable Paul L. Rudman of Veazie, for reappointment as an Associate Justice of the Maine Supreme Court be confirmed.

Signed,

S/Susan W. Longley
Senate Chair

S/Richard H. Thompson
House Chair

READ and **ORDERED PLACED ON FILE.**

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

The Following Communication: S.C. 259

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

May 13, 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 Judiciary has had under consideration the nomination of Honorable John V. Romei of Machias, for reappointment as a District Court Judge.

LEGISLATIVE RECORD - SENATE, MONDAY, MAY 17, 1999

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	3	Longley of Waldo, Benoit of Franklin, Treat of Kennebec Thompson of Naples, Bull of Freeport, Jacobs of Turner, LaVerdiere of Wilton, Madore of Augusta, Mitchell of Vassalboro, Norbert of Portland, Schneider of Durham
	Representatives	8	
NAYS		2	Rep. Plowman of Hampden, Rep. Waterhouse of Bridgton
ABSENT		0	

Eleven members of the Committee having voted in the affirmative and two in the negative, it was the vote of the Committee that the nomination of Honorable John V. Romei of Machias, for reappointment as a District Court Judge be confirmed.

Signed,

S/Susan W. Longley
Senate Chair

S/Richard H. Thompson
House Chair

READ and ORDERED PLACED ON FILE.

Off Record Remarks

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

The Following Communication: S.C. 260

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

May 13, 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 Judiciary has had under consideration the nomination of Honorable Andrew M. Mead of Bangor, for reappointment as a Superior Court Justice.

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	3	Longley of Waldo, Benoit of Franklin, Treat of Kennebec Thompson of Naples, Bull of Freeport, Jacobs of Turner, LaVerdiere of Wilton, Madore of Augusta, Mitchell of Vassalboro, Norbert of Portland, Plowman of Hampden, Schneider of Durham, Waterhouse of Bridgton
	Representatives	10	
NAYS		0	
ABSENT		0	

NAYS 0

ABSENT 0

Thirteen 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 Honorable Andrew M. Mead of Bangor, for reappointment as a Superior Court Justice be confirmed.

Signed,

S/Susan W. Longley
Senate Chair

S/Richard H. Thompson
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 261

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

May 13, 1999

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

Dear Mr. President:

LEGISLATIVE RECORD - SENATE, MONDAY, MAY 17, 1999

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 Marine Resources has had under consideration the nomination of L. Blair Pyne of Bremen, for appointment to the Marine Resources Advisory Council.

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	MacKinnon of York, Pendleton of Cumberland
	Representatives	9	Etnier of Harpswell, Bagley of Machias, Honey of Boothbay, Lemont of Kittery, Pieh of Bremen, Pinkham of Lamoine, Stanwood of Southwest Harbor, Usher of Westbrook, Volenik of Brooklin
NAYS		0	
ABSENT		2	Sen. Goldthwait of Hancock, Rep. McNeil of Rockland

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 L. Blair Pyne of Bremen, for appointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Jill M. Goldthwait Senate Chair	S/David Etnier House Chair
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READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 262

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

May 13, 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 Marine Resources has had under consideration the nomination of Donald W. Perkins, Jr. of Westbrook, for reappointment to the Marine Resources Advisory Council.

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	MacKinnon of York, Pendleton of Cumberland
	Representatives	9	Etnier of Harpswell, Bagley of Machias, Honey of Boothbay, Lemont of Kittery, Pieh of Bremen, Pinkham of Lamoine, Stanwood of Southwest Harbor, Usher of Westbrook, Volenik of Brooklin
NAYS		0	
ABSENT		2	Sen. Goldthwait of Hancock, Rep. McNeil of Rockland

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 Donald W. Perkins, Jr. of Westbrook, for reappointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Jill M. Goldthwait Senate Chair	S/David Etnier House Chair
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READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 263

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

May 13, 1999

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

Dear Mr. President:

LEGISLATIVE RECORD - SENATE, MONDAY, MAY 17, 1999

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 Marine Resources has had under consideration the nomination of Charlton H. Ames of Cumberland Foreside, for reappointment to the Marine Resources Advisory Council.

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	Mackinnon of York, Pendleton of Cumberland
	Representatives	9	Etnier of Harpswell, Bagley of Machias, Honey of Boothbay, Lemont of Kittery, Pieh of Bremen, Pinkham of Lamoine, Stanwood of Southwest Harbor, Usher of Westbrook, Volenik of Brooklin
NAYS		0	
ABSENT		2	Sen. Goldthwait of Hancock, Rep. McNeil of Rockland

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 Charlton H. Ames of Cumberland Foreside, for reappointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Jill M. Goldthwait Senate Chair	S/David Etnier House Chair
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READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 264

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

May 13, 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 Marine Resources has had under consideration the nomination of David W. Jordan of Scarborough, for reappointment to the Marine Resources Advisory Council.

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	3	Goldthwait of Hancock, Mackinnon of York, Pendleton of Cumberland
	Representatives	9	Etnier of Harpswell, Bagley of Machias, Honey of Boothbay, Lemont of Kittery, Pieh of Bremen, Pinkham of Lamoine, Stanwood of Southwest Harbor, Usher of Westbrook, Volenik of Brooklin
NAYS		0	
ABSENT		1	Rep. McNeil of Rockland

Twelve 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 David W. Jordan of Scarborough, for reappointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Jill M. Goldthwait Senate Chair	S/David Etnier House Chair
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READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 265

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

May 13, 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 Marine Resources has had under consideration the nomination of Marshall E. Alexander of Biddeford, for reappointment to the Marine Resources Advisory Council.

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	MacKinnon of York, Pendleton of Cumberland
	Representatives	9	Etnier of Harpswell, Bagley of Machias, Honey of Boothbay, Lemont of Kittery, Pieh of Bremen, Pinkham of Lamoine, Stanwood of Southwest Harbor, Usher of Westbrook, Volenik of Brooklin
NAYS		0	
ABSENT		2	Sen. Goldthwait of Hancock, Rep. McNeil of Rockland

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 Marshall E. Alexander of Biddeford, for reappointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Jill M. Goldthwait
Senate Chair

S/David Etnier
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 266

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

May 13, 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 Marine Resources has had under consideration the nomination of Marsden Brewer of Stonington, for appointment to the Marine Resources Advisory Council.

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	MacKinnon of York, Pendleton of Cumberland
	Representatives	9	Etnier of Harpswell, Bagley of Machias, Honey of Boothbay, Lemont of Kittery, Pieh of Bremen, Pinkham of Lamoine, Stanwood of Southwest Harbor, Usher of Westbrook, Volenik of Brooklin
NAYS		0	
ABSENT		2	Sen. Goldthwait of Hancock, Rep. McNeil of Rockland

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 Marsden Brewer of Stonington, for appointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Jill M. Goldthwait
Senate Chair

S/David Etnier
House Chair

READ and ORDERED PLACED ON FILE.

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

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **CRIMINAL JUSTICE** on Bill "An Act Governing Privileged Communications between Victims of Crimes and Governmental Victim Witness Advocates"

H.P. 1174 L.D. 1685

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 **CRIMINAL JUSTICE** on Bill "An Act to Simplify the Rule of Reasonable Belief in the Maine Criminal Code"

H.P. 1411 L.D. 2018

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 **CRIMINAL JUSTICE** on Bill "An Act to Amend the Laws Relating to Issuance of a Warrant in the Name of the District Court"

H.P. 1424 L.D. 2031

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 **CRIMINAL JUSTICE** on Bill "An Act to Bring Certain Criminal Code Provisions Addressing Fines Into Conformity with Recently Amended Criminal Code Provisions Addressing Restitution"

H.P. 1491 L.D. 2129

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.

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Reconcile Minor Technical Differences between Forest Practices Laws and Rules"

H.P. 299 L.D. 407

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-551)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-551)**.

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

READ ONCE.

Committee Amendment "A" (H-551) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Regarding Legislative Review of Chapter 20: Forest Regeneration and Clearcutting Standards, a Major Substantive Rule of the Department of Conservation (EMERGENCY)

H.P. 883 L.D. 1240

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-552)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-552)**.

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

READ ONCE.

Committee Amendment "A" (H-552) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Repeal the Maine Criminal Justice Academy Certification Requirements for Sheriffs"

H.P. 139 L.D. 201

Reported that the same **Ought to Pass As Amended by Committee Amendment "C" (H-560)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-560)**.

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

READ ONCE.

Committee Amendment "C" (H-560) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Provide Continuing Financial Support for the Maine Community Policing Institute at the University of Maine at Augusta"
H.P. 1326 L.D. 1909

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-559)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-559)**.

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

READ ONCE.

Committee Amendment "A" (H-559) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to More Accurately Describe the Criminal Conduct Committed When a Person Grows or Cultivates Marijuana"
H.P. 1407 L.D. 2012

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-561)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-561)**.

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

Committee Amendment "A" (H-561) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Minimize the Harmful Effects of Lead"
H.P. 625 L.D. 875

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-566)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-566)**.

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

READ ONCE.

Committee Amendment "A" (H-566) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **JUDICIARY** on Bill "An Act to Facilitate the Establishment of Trail Easements"
H.P. 1340 L.D. 1923

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-563)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563)**.

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

READ ONCE.

Committee Amendment "A" (H-563) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **LABOR** on Resolve, to Require the Workers' Compensation Board to Reverse Its Decision and Find in Favor of Richard N. Pushard, Sr.
H.P. 1342 L.D. 1942

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**.

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 Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Clarify Referendum Wording" H.P. 41 L.D. 55

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-532)**.

Signed:

Senators:

CAREY of Kennebec
FERGUSON of Oxford

Representatives:

LABRECQUE of Gorham
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:

Senator:

DAGGETT of Kennebec

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-532)**.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Set Minimum Standards for Motor Vehicle Safety Inspection Stations"

H.P. 815 L.D. 1138

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

Signed:

Senators:

PARADIS of Aroostook
CASSIDY of Washington

Representatives:

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

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

Signed:

Senator:

O'GARA of Cumberland

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

Reports **READ**.

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

Senate

Ought to Pass As Amended

Senator KILKELLY for the Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, Establishing a Commission to Study the Feasibility of Reestablishing a Brook Trout and Landlocked Salmon Hatchery in Northern Maine

S.P. 332 L.D. 986

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-296)**.

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

READ ONCE.

Committee Amendment "A" (S-296) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator RUHLIN for the Committee on **TAXATION** on Bill "An Act to Amend the Sales Tax Exemption for Prosthetic Devices"

S.P. 494 L.D. 1479

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-294)**.

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

READ ONCE.

Committee Amendment "A" (S-294) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator RUHLIN for the Committee on **TAXATION** on Bill "An Act to Amend the Maine Residents Property Tax Program" (EMERGENCY)

S.P. 776 L.D. 2175

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

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

READ ONCE.

Committee Amendment "A" (S-293) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator CAREY for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the Norridgewock Water District" (EMERGENCY)

S.P. 718 L.D. 2040

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-297)**.

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

READ ONCE.

Committee Amendment "A" (S-297) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House As Amended

Bill "An Act to Impose Stricter OUI Penalties on Operators of Watercraft, ATVs and Snowmobiles"

H.P. 209 L.D. 287
(C "A" H-509)

Resolve, to Establish the State Office Building Location Task Force

H.P. 226 L.D. 304
(C "A" H-292)

Bill "An Act to Strengthen the Child Care Licensing Laws"

H.P. 527 L.D. 734
(C "A" H-533)

Bill "An Act to Require More Timely Court-ordered Psychological Evaluations"

H.P. 1092 L.D. 1539
(C "A" H-534)

Bill "An Act to Increase the Penalties for Persons in Possession of Methamphetamine in Conformity with the Penalties for Similarly Dangerous Drugs"

H.P. 1129 L.D. 1588
(C "A" H-535)

Bill "An Act to Remove the Statute of Limitations for Unlawful Sexual Contact and Sexual Abuse of Minors"

H.P. 1412 L.D. 2019
(C "A" H-536)

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

Bill "An Act to Clarify Free-lance Labor in an Employer/Employee Relationship"

H.P. 875 L.D. 1232
(C "B" H-503)

READ A SECOND TIME.

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

Senate

Bill "An Act to Promote Community Mental Health Services"
S.P. 829 L.D. 2230

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Require That Workers' Compensation Coverage Be Equitably Applied to the Timber Industry"
S.P. 248 L.D. 670
(C "A" S-269)

Bill "An Act to Ensure Prompt Payment of Unemployment Compensation Benefits to Displaced Workers"
S.P. 638 L.D. 1805
(S "A" S-267 to C "A" S-216)

Bill "An Act to Increase Access to Basic Needs for Low-income Maine Children and Families"
S.P. 657 L.D. 1879
(C "A" S-290)

Bill "An Act to Revise Certain Provisions of the Fish and Wildlife Laws" (EMERGENCY)
S.P. 738 L.D. 2088
(C "A" S-292)

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

Sent down for concurrence.

Bill "An Act to Recognize Veterans of the Persian Gulf Conflict"
S.P. 692 L.D. 1938
(C "A" S-291)

READ A SECOND TIME.

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

ENACTORS

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

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Promote Historic and Scenic Preservation
S.P. 429 L.D. 1266
(C "A" S-96)

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

Emergency Measure

An Act to Allow the Use of All-terrain Vehicles on the Extreme Right of a Public Way
H.P. 97 L.D. 110
(C "A" H-511)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with 1 Senator having voted in the negative, and 30 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 Clarify the Voting Rights of Persons Residing in Certain Sanitary Districts
S.P. 187 L.D. 580
(C "A" S-260)

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 Measure

An Act to Amend the Moose Hunting Laws
S.P. 256 L.D. 751

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 Measure

An Act to Amend the Laws Governing Commercial Shooting Area Hunting Licenses

H.P. 561 L.D. 782
(C "A" H-514)

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 Measure

An Act Relating to Tree Growth Reimbursement

H.P. 867 L.D. 1224
(S "A" S-256 to C "A" H-389)

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

Emergency Measure

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

H.P. 993 L.D. 1391
(C "A" H-242; H "A" H-521)

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 Measure

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

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

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 Measure

An Act to Amend the Laws Governing the Maine State Pilotage Commission

S.P. 572 L.D. 1639
(C "A" S-168)

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 Measure

An Act to Amend Motor Vehicle Laws

S.P. 587 L.D. 1667
(C "A" S-219; S "A" S-230)

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

Emergency Measure

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

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

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 Measure

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)

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, Regarding Legislative Review of Chapter 311: Renewable Resource Portfolio Requirement, a Major Substantive Rule of the Public Utilities Commission

H.P. 546 L.D. 767

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

Emergency Resolve

Resolve, to Direct the Maine State Museum and the Maine Historic Preservation Commission to Include, Consult and Involve Local Historical Societies and Affected Municipalities in the Recovery and Local Display of Certain Revolutionary War Artifacts

H.P. 1184 L.D. 1694
(C "A" H-409)

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

Emergency Resolve

Resolve, to Establish the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims

H.P. 1414 L.D. 2021
(S "A" S-232 to C "A" H-455)

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

Mandate

An Act to Require All Voting Places to be Accessible

H.P. 74 L.D. 87
(C "A" H-250; H "A" H-445; S "A" S-258)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Mandate

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)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Mandate

An Act to Improve the Marketability of Real Estate Titles

H.P. 1415 L.D. 2022
(C "A" H-507)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, 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.

Mandate

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

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

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

Acts

An Act to Require All Voting Places to be Accessible

H.P. 74 L.D. 87
(C "A" H-250; H "A" H-445; S "A" S-258)

LEGISLATIVE RECORD - SENATE, MONDAY, MAY 17, 1999

An Act to Clarify the Responsibility of a Municipality in Enforcing Personal Watercraft Regulations

H.P. 16 L.D. 26
(C "A" H-510)

An Act to Make It a Crime to Solicit a Child by Means of Computer to Commit a Prohibited Act

H.P. 71 L.D. 84
(C "A" H-449)

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)

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)

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

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

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

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

An Act to Improve Wild Game Transportation Laws

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

An Act to Extend the Open Water Fishing Season

H.P. 530 L.D. 737
(C "A" H-513)

An Act to Revise Hunting and Fishing License Revocation Laws

H.P. 554 L.D. 775

An Act to Enact the Uniform Foreign Money-judgments Recognition Act

S.P. 380 L.D. 1081
(C "A" S-226)

An Act to Reduce the Limitations on Nonprofit Organizations Holding Games of Chance

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

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

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

An Act to Amend the Laws Regarding Abandoned Property

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

An Act to Provide Equity in Prescription Insurance for Contraceptive Coverage

S.P. 389 L.D. 1168
(C "A" S-200)

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

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

An Act to Amend the Fishing Laws

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

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

H.P. 900 L.D. 1278

An Act to Secure Environmental and Economic Benefits from Electric Utility Restructuring

H.P. 1000 L.D. 1398
(C "A" H-522)

An Act to Propose Changes to the Maine Election Laws

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

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)

An Act to Preserve the Medicaid Home Health Benefit

H.P. 1086 L.D. 1533

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

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

An Act to Control the Sale and Display of Tobacco Products

H.P. 1123 L.D. 1582
(C "A" H-370)

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
(C "A" H-519)

An Act to Improve Access to Dental Care for Children

H.P. 1226 L.D. 1755
(C "A" H-274; H "A" H-529)

An Act Concerning Damage to Lands and Natural Resources Caused by Natural Gas Pipelines

S.P. 679 L.D. 1929
(C "A" S-224)

An Act to Amend the Laws Regarding Unlawful Cutting of Trees

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

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

An Act to Amend the Laws Relating to Slash Disposal along Highways and Railroad and Utility Corridors

H.P. 1445 L.D. 2066
(C "A" H-524)

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

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

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

H.P. 1462 L.D. 2094

An Act to Ensure that Agency Use of Collaborative Decision-making and Stakeholder Processes is Fair and Consistent with the Goals of the Maine Administrative Procedure Act

S.P. 755 L.D. 2131
(C "A" S-181)

An Act to Fund the Costs Associated with Determining Eligibility for Certain Marine Resources Licenses

H.P. 1544 L.D. 2198
(C "A" H-517)

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 Secure Wounded Deer

H.P. 181 L.D. 259
(C "A" H-512)

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

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

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

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

Off Record Remarks

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)

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

An Act to Create a Tax Credit for Licensing Fees Paid for the Use of University Patents on Wood Fiber Reinforced Products

S.P. 282 L.D. 800
(C "A" S-238)

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

An Act to Amend the Laws Relating to Notaries Public

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

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

An Act to Strengthen the State's Drug Laws

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

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

An Act to Amend the Illegal Transportation of Liquor Law

H.P. 706 L.D. 973
(C "A" H-383)

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

An Act to Implement the Recommendations of the Wage Fairness Task Force

S.P. 438 L.D. 1275
(C "A" S-229)

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

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)

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

An Act to Increase the Requirement that Drugs be Confiscated from 48 Hours to 6 Months

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

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

An Act to Create a Historic Preservation Tax Credit
H.P. 1093 L.D. 1540
(C "A" H-492)

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

An Act to Strengthen Maine's Research and Development Capacity in Renewable Energy Resources
H.P. 1152 L.D. 1649
(C "A" H-523)

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

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)

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

An Act to Increase Load Weight on Farm Vehicles
H.P. 1443 L.D. 2064
(H "A" H-506; S "A" S-257 to C "A" H-380)

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

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
(C "A" H-294)

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

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)

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

Resolve

Resolve, to Require the Development of a Basic Needs Budget
H.P. 1258 L.D. 1812
(C "A" H-450)

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

RECALLED FROM ENGROSSING

Bill "An Act to Amend the Laws Pertaining to the Maine HIV Advisory Committee"
H.P. 806 L.D. 1129
(C "A" H-371)

(In House, May 11, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-371).**)

(In Senate, May 12, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-371)**, in concurrence.)

(**RECALLED** from Engrossing, pursuant to Joint Order (S.P. 828), 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.**

On further motion by same Senator, Senate Amendment "A" (S-295) **READ** and **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-371) AND SENATE AMENDMENT "A" (S-295), in **NON-CONCURRENCE.**

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

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

Off Record Remarks

ROLL CALL (#95)

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 Amend the Prevailing Wage Laws" H.P. 728 L.D. 1018

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

Minority - **Ought to Pass** (6 members)

In House, May 13, 1999, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

In Senate, May 14, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

On motion by Senator **DOUGLASS** of Androscoggin, the Senate **ADHERED**.

ORDERS OF THE DAY

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

NOMINATION - of Honorable Paul L. Rudman of Veazie, for reappointment as an Associate Justice of the Maine Supreme Court.

Tabled - May 17, 1999, by Senator **PINGREE** of Knox.

Pending - **CONSIDERATION**

(In Senate, May 17, 1999, Communications (S.C. 258) from the Committee on **JUDICIARY**, **READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** 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.

YEAS: Senators: None

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

EXCUSED: Senator: **KONTOS**

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 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 **Honorable Paul L. Rudman** of Veazie, for reappointment as an Associate Justice of the Maine Supreme Court was **CONFIRMED**.

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

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

NOMINATION - of Honorable John V. Romei of Machias, for reappointment as a District Court Judge.

Tabled - May 17, 1999, by Senator **PINGREE** of Knox.

Pending - **CONSIDERATION**

(In Senate, May 17, 1999, Communications (S.C. 259) from the Committee on **JUDICIARY**, **READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** 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 (#96)

YEAS: Senators: None

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

EXCUSED: Senator: KONTOS

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 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 **Honorable John V. Romel** of Machias, for reappointment as a District Court Judge was **CONFIRMED**.

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

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

NOMINATION - of Honorable Andrew M. Mead of Bangor, for reappointment as an Associate Justice of the Maine Superior Court.

Tabled - May 17, 1999, by Senator **PINGREE** of Knox.

Pending - **CONSIDERATION**

(In Senate, May 17, 1999, Communications (S.C. 260) from the Committee on **JUDICIARY, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** 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 (#97)

YEAS: Senators: None

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

EXCUSED: Senator: KONTOS

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 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 **Honorable Andrew M. Mead** of Bangor, for reappointment as an Associate Justice of the Maine Superior Court was **CONFIRMED**.

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

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

NOMINATION - of L. Blair Pyne of Bremen, for appointment to the Marine Resources Advisory Council.

Tabled - May 17, 1999, by Senator **PINGREE** of Knox.

Pending - **CONSIDERATION**

(In Senate, May 17, 1999, Communications (S.C. 261) from the Committee on **MARINE RESOURCES, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** 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 (#98)

YEAS: Senators: None

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

EXCUSED: Senator: KONTOS

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 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 **L. Blair Pyne** of Bremen, for appointment to the Marine Resources Advisory Council was **CONFIRMED**.

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

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

NOMINATION - of Donald W. Perkins, Jr. of Westbrook, for reappointment to the Marine Resources Advisory Council.

Tabled - May 17, 1999, by Senator **PINGREE** of Knox.

Pending - **CONSIDERATION**

(In Senate, May 17, 1999, Communications (S.C. 262) from the Committee on **MARINE RESOURCES**, **READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** 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 (#99)

YEAS: Senators: None

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

EXCUSED: Senator: KONTOS

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 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 **Donald W. Perkins, Jr.** of Westbrook, for reappointment to the Marine Resources Advisory Council was **CONFIRMED**.

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

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

NOMINATION - of Charlton H. Ames of Cumberland Foreside, for reappointment to the Marine Resources Advisory Council.

Tabled - May 17, 1999, by Senator **PINGREE** of Knox.

Pending - **CONSIDERATION**

(In Senate, May 17, 1999, Communications (S.C. 263) from the Committee on **MARINE RESOURCES**, **READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** 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 (#100)

YEAS: Senators: None

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

ABSENT: Senator: SMALL

EXCUSED: Senator: KONTOS

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator 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 **Charlton H. Ames** of Cumberland Foreside, for reappointment to the Marine Resources Advisory Council was **CONFIRMED**.

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

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

NOMINATION - of David W. Jordan of Scarborough, for reappointment to the Marine Resources Advisory Council.

Tabled - May 17, 1999, by Senator **PINGREE** of Knox.

Pending - **CONSIDERATION**

(In Senate, May 17, 1999, Communications (S.C. 264) from the Committee on **MARINE RESOURCES**, READ and **ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** 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 (#101)

YEAS: Senators: None

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

ABSENT: Senator: SMALL

EXCUSED: Senator: KONTOS

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator 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 **David W. Jordan** of Scarborough, for reappointment to the Marine Resources Advisory Council was **CONFIRMED**.

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

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

NOMINATION - of Marshall E. Alexander of Biddeford, for reappointment to the Marine Resources Advisory Council.

Tabled - May 17, 1999, by Senator **PINGREE** of Knox.

Pending - **CONSIDERATION**

(In Senate, May 17, 1999, Communications (S.C. 265) from the Committee on **MARINE RESOURCES**, READ and **ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** 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 (#102)

YEAS: Senators: None

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

EXCUSED: Senator: KONTOS

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 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 **Marshall E. Alexander** of Biddeford, for reappointment to the Marine Resources Advisory Council was **CONFIRMED**.

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

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

NOMINATION - of Marsden Brewer of Stonington, for appointment to the Marine Resources Advisory Council.

Tabled - May 17, 1999, by Senator **PINGREE** of Knox.

Pending - **CONSIDERATION**

(In Senate, May 17, 1999, Communications (S.C. 266) from the Committee on **MARINE RESOURCES**, **READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** 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 (#103)

YEAS: Senators: None

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

EXCUSED: Senator: KONTOS

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 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 **Marsden Brewer** of Stonington, for appointment to the Marine Resources Advisory Council was **CONFIRMED**.

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

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

Senator **LONGLEY** of Waldo was granted unanimous consent to address the Senate off the Record.

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

Senator **KILKELLY** of Lincoln 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.

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

Senator **CAREY**: Mr. President, colleagues in the Senate, I believe that I vote with the Republicans on more issues than any other Democrat in this Chamber, but then neither Party really has a perfect record. I served with Don Strout for six years in the House and I knew him, and we kept going back and forth with each other for six years, the first six years of my Senate term. I found him to be fair, well informed, and a active Member of the Legislature. The fact that two seats on the Commission are

political, one D and one R, would lead someone to believe that politics are involved. It is not. It was a courtesy to the two Parties when the Ethics Commission was formed. Regretfully, the Governor has withdrawn the nomination of Don Strout at the request of some members. Whether they are in this Body or someplace else, and I think by having done that we have lost a valued contributor to clean elections, if you would call them that. Politics is not played on the Ethics Commission. It is, in fact, the Ethics Law that is followed regardless of what two Members of the entire Commission might come up with. They are still in the Minority representing Party's. By the Minority Party's action requesting his removal from consideration, it leads me to believe that the Republicans, who are behind this move, want to introduce politics at the Commission level. They have committed a gross injustice to the state. The Don Strout that I know, and had known for over 20 years, is an honorable man who put the state over the Party. Half of my Legislative career, if you would, had been served on Legal, and now Legal and Veteran Affairs Committee. If the Commission were ever found to be playing politics I would be the first to submit a Bill to abolish them. Finally, Don Strout did not seek this appointment. He was asked by the Governor because the Legal Affairs Committee informed the Governor that there were too narrow geographic membership and so, the Governor acceded to our wishes and has expanded it, and he asked Don. Don did not look for that job. Finally again, an open mind is the greatest tool in decision-making, and what basically you have done as a Minority Party, whether it's you in here or leadership of the Party further outside of this building, you have not had that open mind and we will have lost the talents of a very good man. Thank you Mr. President.

Senator **MILLS** of Somerset 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

Joint Order

The following Joint Order:

H.P. 1583

ORDERED, the Senate concurring, that the Committee on Sawmill Biomass is established as follows.

1. Establishment. The Committee on Sawmill Biomass, referred to in this order as the "committee," is established.

2. Membership. The committee consists of 17 members as follows:

A. Three members of the Senate, appointed by the President of the Senate, each of whom serves on the Joint Standing Committee on Business and Economic Development, the Joint Standing Committee on Agriculture, Conservation and Forestry, the Joint Standing Committee on Taxation or the Joint Standing Committee on Utilities and Energy;

B. Six members of the House of Representatives, appointed by the Speaker of the House, each of whom serves on the Joint Standing Committee on Business and Economic Development, the Joint Standing Committee on Agriculture, Conservation and Forestry, the Joint Standing Committee on Taxation or the Joint Standing Committee on Utilities and Energy;

C. Two representatives of the forest products industry who have expertise in sawmill operations and sawmill biomass markets, appointed by the Speaker of the House;

D. One representative of the biomass electric energy generation industry, appointed by the President of the Senate;

E. Three members of the public who have expertise in forest resource utilization, sawmill biomass management or forest products research and development, appointed by the Governor;

F. The Public Advocate or the Public Advocate's designee; and

G. The chair of the Public Utilities Commission or the chair's designee.

3. Appointments; chair; quorum; convening of committee. All appointments must be made by July 1, 1999. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. The Speaker of the House and the President of the Senate shall jointly name the chair. The first meeting must be called by the chair no later than July 15, 1999 and the committee may meet no fewer than 5 times before issuing its report. A quorum exists when at least 8 members are present at a meeting.

4. Compensation. Members of the committee who are Legislators are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the committee.

5. Duties. The committee shall investigate opportunities for maintaining markets for the sawmill biomass industry that will enhance the sawmill industry in the State, maintain employment and strengthen rural economies. The committee shall also study barriers to sawmill biomass markets and identify appropriate activities to promote existing or new products.

6. Staff assistance. The State Planning Office shall provide staff assistance to the committee, and the Department of Conservation, the Department of Economic and Community Development, the Department of Environmental Protection and the Bureau of Revenue Services shall provide expertise upon request from the committee. The Public Utilities Commission

may contract with an expert or commission studies to assist the committee.

7. Report. The committee shall submit a report and any recommended legislation to the Speaker of the House of Representatives, the President of the Senate and the Governor no later than December 15, 1999.

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

READ and **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, in **NON-CONCURRENCE**.

Sent down for 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 Regarding Long-term Care" H.P. 1582 L.D. 2231

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 1539).

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE** on Resolve, to Establish the Study Commission to Create and Submit a Master Plan for the Future Use of the Existing Land and Buildings at the Maine Youth Center H.P. 1478 L.D. 2118

Reported that the same **Ought to Pass As Amended by Committee Amendment "A"** (H-558).

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-558) **AS AMENDED BY HOUSE AMENDMENT "A"** (H-587) thereto.

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

READ ONCE.

Committee Amendment "A" (H-558) **READ**.

House Amendment "A" (H-587) to Committee Amendment "A" (H-558) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-558) as Amended by House Amendment "A" (H-587) thereto, **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Ensure a Fair Distribution of Hunting Permits" H.P. 970 L.D. 1368

Reported that the same **Ought to Pass As Amended by Committee Amendment "A"** (H-567).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-567) **AS AMENDED BY HOUSE AMENDMENT "A"** (H-585) thereto.

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

READ ONCE.

Committee Amendment "A" (H-567) **READ**.

House Amendment "A" (H-585) to Committee Amendment "A" (H-567) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-567) as Amended by House Amendment "A" (H-585) thereto, **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

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

COMMUNICATIONS

The Following Communication: H.C. 202

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

May 17, 1999

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

Dear Madam Secretary:

House Paper 630 Legislative Document 880 "An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Employees of Public Higher Education Institutions Who Have Been Employed for Less than 6 Months" having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Seventy-one voted in favor and seventy against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Joseph W. Mayo
Clerk of the House

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Amend the Liability Limit under the Maine Tort Claims Act"
H.P. 1118 L.D. 1577

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-565).**

Signed:

Senators:
LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

Representatives:
THOMPSON of Naples
BULL of Freeport
LaVERDIERE of Wilton
JACOBS of Turner
MITCHELL of Vassalboro
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 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-565).**

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-565) **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

Six members of the Committee on **LABOR** on Bill "An Act to Amend the Maine Workers' Compensation Act of 1992 as it Relates to Compensation for Amputation of a Body Part"
H.P. 163 L.D. 225

Reported in Report "A" that the same **Ought to Pass.**

Signed:

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

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

Signed:

Senator:
MILLS of Somerset

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

1 members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-500).**

Signed:

Senator:
LAFOUNTAIN of York

Comes from the House with Report "A, OUGHT TO PASS READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Reports READ.

Senator DOUGLASS of Androscoggin moved the Senate ACCEPT Report "A", OUGHT TO PASS, in concurrence.

On further motion by same Senator, TABLED until Later in Today's Session, pending motion by same Senator to ACCEPT Report "A", OUGHT TO PASS, 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 Increase the Maximum Benefit Levels Provided for Injured Workers" H.P. 1314 L.D. 1897

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-548).**

Signed:

Senators:
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-548).**

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, in 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:

Emergency Measure

An Act to Reauthorize and Amend the Diesel-powered Motor Vehicle Emission Opacity Testing Program
S.P. 381 L.D. 1082
(H "A" H-546 to C "A" S-184)

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

Emergency Measure

An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1999-00
H.P. 1311 L.D. 1872
(S "A" S-255 to C "A" H-386; H "A" H-545)

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

Emergency Resolve

Resolve, Establishing a Task Force to Study the Need for an Agricultural Vitality Zone Program

S.P. 393 L.D. 1172
(C "A" S-196; H "A" H-543)

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

Emergency Resolve

Resolve, to Create the Task Force to Explore Alternative Payment Mechanisms for Dental Health Care

H.P. 918 L.D. 1296
(H "C" H-541 to C "A" H-146)

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

Emergency Resolve

Resolve, to Establish a Task Force to Study the Improvement of Public Water Supply Protection

H.P. 1103 L.D. 1550
(C "A" H-425; H "A" H-540)

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

**Pursuant to Constitution
Public Land**

Resolve, to Transfer a Parcel of State Land to the Town of Carrabassett Valley

S.P. 699 L.D. 1974
(H "A" H-538 to C "A" S-210)

In accordance with the provisions of Article IX, Section 23 of the Constitution, this requires the affirmative vote of two-thirds of the entire elected Membership of the Senate, 31 Senators having voted in the affirmative and no Senators having voted in the negative, and 31 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 Provide Opportunity for an Increase in Wine-tasting Locations for Farm Wineries

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

An Act to Provide Paralegal Assistants to the Workers' Compensation Advocate Program and an Auditor to the Monitoring, Auditing and Enforcement Program

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

An Act to Amend the Workers' Compensation Laws

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

An Act to Establish a Framework for Management of Emerging Fisheries

S.P. 378 L.D. 1079
(C "A" S-264)

An Act Regulating the Transportation of People in Pickup Trucks

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

An Act to Amend the Victims' Compensation Fund Law

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

An Act to Amend the Laws Relating to Development and Centralized Listing of Municipal Ordinances that Apply to Forestry Practices

S.P. 666 L.D. 1888
(C "A" S-211; H "A" H-527)

An Act to Establish the Birth Defects Program

H.P. 1322 L.D. 1905
(C "A" H-268; H "A" H-544)

An Act to Encourage Continuous Improvement in Pollution Prevention in Maine

S.P. 820 L.D. 2223

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 Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers

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

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

An Act to Amend the Laws Governing the Aroostook Water and Soil Management Board and to Provide Funding for a Low-flow Study

S.P. 430 L.D. 1267
(C "A" S-212)

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

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

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

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

An Act to Establish a Fund to Promote Acadian Cultural Tourism for St. Croix Island

H.P. 1029 L.D. 1451
(C "B" H-272)

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

An Act to Amend the Lobbyist Registration Fee Provisions

S.P. 503 L.D. 1504
(C "A" S-263)

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

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
(S "A" S-265)

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

An Act to Increase Health Insurance Benefits for Retired Educators

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

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

Resolves

Resolve, to Direct the Department of Environmental Protection and the Department of Economic and Community Development to Devise a Proposal for Long-term Funding of the Removal of Tire Dumps

S.P. 539 L.D. 1601
(C "A" S-186; H "A" H-539)

Resolve, Regarding Results-based Certification for Teachers

S.P. 568 L.D. 1635
(H "A" H-542 to C "A" S-170)

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

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 Revise the Fact-finding Process under the Public Employees Labor Relations Laws"

H.P. 495 L.D. 702

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-352)** (4 members)

In House, May 11, 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-352)**.

In Senate, May 11, 1999, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

On motion by Senator **DOUGLASS** of Androscoggin, the Senate **ADHERED**.

Non-Concurrent Matter

HOUSE REPORTS - from 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

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-351)** (6 members)

In House, May 11, 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-351)**.

In Senate, May 11, 1999, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

On motion by Senator **DOUGLASS** of Androscoggin, 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 Require that Members of the Workers' Compensation Board be Subject to Review by the Joint Standing Committee on Labor"

H.P. 953 L.D. 1351

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

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

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

In Senate, May 5, 1999, Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**, in **NON-CONCURRENCE**.

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

Senator **DOUGLASS** of Androscoggin moved the Senate **ADHERE**.

Senator **AMERO** of Cumberland moved the Senate **RECEDE** and **CONCUR**.

At the request of Senator **LAFOUNTAIN** of York a Division was had. 16 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **AMERO** of Cumberland to **RECEDE** and **CONCUR**, **PREVAILED**.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **LABOR** on Resolve, to Require the Workers' Compensation Board to Reverse Its Decision and Find in Favor of Richard N. Pushard, Sr.

H.P. 1342 L.D. 1942

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

Minority - **Ought to Pass** (6 members)

Tabled - May 17, 1999, by Senator **LAFOUNTAIN** of York.

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

(In House, May 14, 1999, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 17, 1999, Reports **READ**.)

At the request of Senator **LAFOUNTAIN** of York a Division was had. 27 Senators having voted in the affirmative and 1 Senator having voted in the negative, the motion by Senator **LAFOUNTAIN** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **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 Clarify Referendum Wording"

H.P. 41 L.D. 55

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-532)** (11 members)

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

Tabled - May 17, 1999, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 14, 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-532)**.)

(In Senate, May 17, 1999, Reports **READ**.)

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

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

Senator **CAREY:** Thank you Mr. President. The Report came out 12 in favor and 1 in opposition. It was the Chair of the Committee that was in opposition, and unfortunately within our system it is the Chair who is usually recognized to make motions. All this Bill does, it puts the Municipalities in the same frame as the State. Many years ago, Don Carter, who some of you may remember, was in the House and he put in that in a Bill if you voted yes it meant yes at Referendum. You voted no it meant no. What this Bill does, it does the same thing, but at the Municipal Referendum level, so I would hope that you upset this pending motion.

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

Senator **DAGGETT:** Thank you Mr. President. Men and women of the Senate, I am kind of quickly trying to review the Amendment here because it's my recollection that this does not simply add in the Municipalities, but the Bill requires a change at the State level, and then requires the Municipalities to adhere to that, as opposed to the information that was presented to us by the other good Senator from Kennebec, Senator Carey. I hope that the Members know that I would not sign out a Report by myself lightly. It is something that I would prefer not to do, but I just had such strong feelings as it was really an unnecessary thing to do, was for us to change the way State Referendum questions are worded. Just by way of elaborating on my opinion. I'm going to quote from a memo that the Committee received from the Maine Municipal Association. With regard to the clarification of Referendum wording they polled their members and got a fairly mixed result, but one of the quotes from one of the towns seemed to me to really best embody this. I don't believe I could have stated it better myself. This was from the Town of Richmond. It said: Seems to be much to do about nothing, the Bill does little to clarify how language cannot be crafted to favor the opposite. What is the definition of issue or subject? Who is going to decide? I say we are better off allowing ourselves to depend on the intelligence of the voter. To smoke out ill-conceived and poorly-crafted questions, which for the most part, they will see right through. My concern with this was that I felt we were just trading one set of problems for another. To change the way we've been wording Referendum questions at this point, we're always going to have people who have difficulty knowing what the question is actually asking. When you ask for a repeal and you say, do you wish to repeal? And the question is yes then you're actually saying no you don't want the Law. It's difficult to word the questions properly, but I think after a good deal of time changing the question at this point just makes it a little more difficult. I would tell you that there was no outcry here. There was no group of people that came in to support this other than the Legislator who presented it. The survey results from Maine Municipal were all over the place and there was no real reason to change it. I guess for that reason it seems appropriate to let things stand as they are for the time being. Thank you.

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

Senator **TREAT:** Thank you Mr. President. Men and women of the Senate, I took a look at this Bill because I was intrigued by the Committee Report. I don't often see the one Senator out on her own on something, and I thought I would just take a look at the language and see if maybe she had a point. You may have some difficulty finding this Bill, it is Number 55. Mine is permanently filed in a location beneath my waste basket under the desk, and yours may be also because it is the first book of Bills. I think if you do read the language, and I'm going to read it to you because it is a three-line Bill. You may find yourself in agreement with the good Senator from Kennebec, Senator Daggett, that the language here does nothing to improve what is already an admittedly obscure piece of Legislation. The current Law says as follows: The question must be phrased so that an affirmative vote is in favor of the people's veto or direct initiative. The new language says: The question must be phrased so that an affirmative vote is in favor of the issue, or subject of the question rather than the position of the petitioner. I don't know what that means, and I suggest that before we change State Law, and also, extend this change to municipal initiated legislation we might want to consider whether we have got it right this time, and I'm not convinced that this language is an improvement.

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

Senator **FERGUSON:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, I beg to differ with my Chair, the lady Senator from Kennebec. Initially the Legislation that came in would have changed State Law, but the Committee, we decided we wouldn't do this. We have the Secretary of State and the Attorney General to interpret the wording of Referendums. So what we did, we went and we changed Title 30 A, which is Municipal Government only, and what we did is yes means yes and no means no. Essentially that is what we have done. The Committee Amendment did replace the Bill, and it says the question must be phrased so that an affirmative vote is in favor of the issue or subject of the question. It's plain and as simple as that. There was some support for that. We did spend a lot of time in the Committee debating this. It only affects municipalities and I would urge you to vote against the pending motion so we can go on and Adopt the 11-1 Ought to Pass Committee Report.

PRESIDENT: The Chair recognizes the Senator from Washington, Senator Cassidy.

Senator **CASSIDY:** Thank you Mr. President. Men and women of the Senate, I was fortunate enough before I arrived here in the Maine Senate to have spent 11 years in local government, both as a City Councilor, and as a Mayor. Often times we would have a Referendum that would go out that would be for some particular reason pertaining to that municipality, our community of Calais. I just have a real difficult time again, letting the State step in doing away with local control. If this municipality, whether it's yours or mine, decides that it's initially important to them, I think that government body should have an opportunity to phrase that question the way that they think best. I think that this is big brother again jumping into small communities saying you need to do it this way. I think I'll tend to vote on the Minority Report if we get an opportunity to do that. Thank you Mr. President.

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

Senator **DOUGLASS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I simply wanted to point out that what sometimes sounds easy to understand is not always. Vote in favor of an issue could become obfuscated in this manner. Lets say that there is a law 100, and someone wants to keep the law. Their question would be posed, do you wish to keep law 100? Yes. For someone who doesn't favor that law their question might be posed in favor of the issue, do you want to Repeal the law 100? Yes. Those are the two different sides of the issue and this proposed Bill doesn't clarify the matter. I think it just sets us in the reverse course of some other law that may confuse the matter further and we ought to get back to basics and not pass this one.

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

Senator **MILLS:** Mr. President, men and women of the Senate, I just took a look at the Amendment and the Bill, and I would say that I think that the Bill does change State Law, and the Amendment adds to the Bill, but does not completely replace the Bill. So that if you voted in the Affirmative for the Majority Report you would be Adopting a change to both the State and the Municipal procedures. Thank you.

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

Senator **CAREY:** Thank you Mr. President. The good Senator from Somerset, Senator Mills, mentioned that we're changing State Law, and I have been around hopefully long enough and will not be much longer. Title 30A deals with Municipal Law and both section 2 and section 3 deal with 30A. So it is Municipal Law we are changing. But one of the interesting points is for some of you who have been reading out-of-town newspapers and what have you, you may be aware there have been a lot of Recalls in this past year and half. The City of Waterville lost its Mayor through a Recall. Selectman all over the state have been losing their positions, and what the paragraph under 2504 says is, a municipality may, and the word not is added, a municipality may not enact any charter provision or ordinance prohibiting the circulation of petitions for any local initiative. And so if they were able to do that some towns felt they didn't have the authority to have petitions circulated. This would make sure that if they're not happy with their municipal officers they can at least get petitions out to Recall them. Thank you Mr. President.

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

Senator **DAGGETT:** Thank you Mr. President. Members of the Senate, I too am looking directly at the Amendment and at the Bill. I just want to make it very clear that actually the section which the good Senator from Kennebec, Senator Carey, was just referring to is not a change in Law but a Revisors correction. Periodically as we go through a Law there are some changes that bring it up to date. It simply changes the words from no municipality may to a municipality may not. So that was not the section of the Bill that was the substance of change. There is no change regarding the circulation of petitions for local initiatives.

The only change in the Amendment by the Committee is to add in requiring the municipality to phrase the question in the same way which the Bill asked for the State to phrase the question. I would say that the emphasis for this seems to be because of the way a question was phrased at the local level. When the Bill came in to us it addressed the State Referendum questions and the Committee was then persuaded to include the municipalities. The Amendment is fairly clear when it says Amend the Bill by inserting after section one. So section one, which is the State component, is added to with the local component, but there is no other change regarding the circulation of petitions at the local level.

PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** Thank you very much Mr. President. I do stand corrected. When we discussed this in Committee it was our intent to just impact Municipal Law, but unfortunately, in the original Bill like the good Senator from Somerset, Senator Mills, said section 21A, which is State Law would be impacted by this if we passed it. The question must be phrased, this would be State Law that I'm quoting right now, the question must be phrased so that an affirmative vote is in favor of the issue or the subject of the question, rather than, the position of the petitioner. We did insert that at the State Level. The other word that I mentioned earlier would impact municipalities. I just wanted to correct the record and not mislead folks. Thank you very much Mr. President.

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

Senator **MILLS:** Mr. President. Men and women of the Senate, the purpose of my rising earlier was not to criticize the Bill adversely or affirmatively it was just to point out that the Bill as finally drafted does have the virtual consistency. The same words that would be used to define the guide for drafting of the State Initiative or Referendum would be exactly the same as those used to define the drafting of the Municipal Initiative or Referendum. So the Bill as drafted is competently done. The question for us is as a matter of policy, do we want to make this change and I have not addressed that issue. Thank you.

The Chair ordered a Division. 17 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **DAGGETT** of Kennebec to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

Off Record Remarks

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

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act Relative to Freedom of Employment in the Broadcasting Industry"

S.P. 616 L.D. 1781

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-282)** (12 members)

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

Tabled - May 13, 1999, by Senator **LAFOUNTAIN** of York.

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

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

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

READ ONCE.

Committee Amendment "A" (S-282) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

The Chair laid before the Senate the following Tabled and Later (5/14/99) Assigned matter:

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Preserve Public Access and Job Opportunities in the Maine Woods"
H.P. 1309 L.D. 1868

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-554)** (3 members)

Tabled - May 14, 1999, by Senator **NUTTING** of Androscoggin.

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

(In House, May 14, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

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

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

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

H.P. 619 L.D. 859
(C "B" H-323)

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

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

Tabled - May 12, 1999, by Senator **BENNETT** of Oxford.

Pending - motion by same Senator to **RECEDE** and **CONCUR**

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

(In Senate, May 11, 1999, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-323)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-323)**, in **NON-CONCURRENCE**.)

(In House, May 12, 1999, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.)

(In Senate, May 12, 1999, Senator **PENDLETON** of Cumberland moved the Senate **ADHERE**. Motion by Senator **BENNETT** of Oxford to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE, FAILED**. Subsequently, Senator **BENNETT** of Oxford moved to **RECEDE** and **CONCUR**.)

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

Senator **GOLDTHWAIT**: Thank you Mr. President. I hope you will Oppose the pending motion. The major provision in the Committee Amendment Report that this motion supports, is that the Director of the State Planning Office be confirmed by the State Senate. My opposition to this stems from the fact that we do hold whatever Executive is serving at the time to the responsibility for devising a plan and policies for the State, and it seems to me rather unfair to hold a person in that position to that standard when we do not allow that person the latitude to select their own team members. This position in particular is the person who puts the bulk of the work into helping to devise and flesh out, and perhaps implement that Executive plan. There has been a question raised of, if we don't have that person subject to confirmation, how then do we provide then for any accountability? Well there are two ways that we do that. One is that we have control over the budget for that office, and the other is the initiatives that are developed in that office do come to the Legislature in the form of Bills, we have a Public Hearing, and we

have an opportunity to vote on those. So I hope you will defeat the pending motion so that we can go on to Accept the Report.

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

Senator **RAND:** Thank you Mr. President. I would like to pose a question.

THE PRESIDENT: The Senator may pose her question.

Senator **RAND:** Does the Recede and Concur motion take precedent over the Adhere motion?

THE PRESIDENT: The Chair would answer in the Affirmative. The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you Mr. President, and you're right I am confused. Because there were two House Amendment "A's" listed in the Calendar.

THE PRESIDENT: The Chair will answer one House Amendment. House Amendment H-505 which Amends the Committee Amendment. The other House Amendment, House Amendment H-496, Amends the Bill in a different place than the Committee Amendment Amends the Bill.

The Chair ordered a Division. 11 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **BENNETT** of Oxford to **RECEDE** and **CONCUR**, **FAILED**.

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

Sent down for concurrence.

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

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

S.P. 545 L.D. 1607
(C "A" S-172)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-172)** (9 members)

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

Tabled - May 12, 1999, by Senator **BENNETT** of Oxford.

Pending - motion by Senator **PINGREE** of Knox to **RECEDE** and **CONCUR**

(In Senate, May 7, 1999, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the **RESOLUTION PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-172).**)

(In House, May 12, 1999, **RESOLUTION** and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.)

On motion by Senator **BENNETT** of Oxford, the Senate **RECEDED** from **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-172).**

On further motion by same Senator, Senate Amendment "A" (S-287) **READ**.

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

Senator **DAGGETT:** Thank you Mr. President. Men and women of the Senate, I would like to pose a question.

THE PRESIDENT: The Senator may pose her question.

Senator **DAGGETT:** Yes I would like to ask the substance of this Amendment?

THE PRESIDENT: The Senator from Kennebec, Senator Daggett poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Oxford, Senator Bennett.

Senator **BENNETT:** Thank you Mr. President. I did intend to present but I didn't say the magic words. I would like to speak to my motion, and so I apologize for to the Senator from Kennebec, as well as, the rest of the Senate. This Amendment does a fairly simple thing, but it's an important thing. It goes back to the genesis for this idea. If you may recall when we previously debated this proposal the Ought to Pass Committee Report was Adopted previously by the Senate. At that time I said that this idea came to me and the knowledge of the problem that it seeks to crack. In consideration of a couple years back when this Legislature sent to the voters a Constitutional Amendment regarding the voting rights for persons under guardianship for reasons of mental illness, as you all know, such persons currently do not have the franchise to vote. It struck me as odd at the time that we would, on the one hand, take the vote away from those folks and we would yet let people convicted of felonies, rape, and murder have the right to vote while they are incarcerated; doing time. So this proposed Amendment to the Constitutional Amendment would link those two issues by continuing, as the original Bill did, to take away the voting franchise from convicted felons during the period of incarceration. And at the same time this Amendment would add to that proposal, at further Amendment to the Constitution to give people under guardianship or reason of mental illness the right to vote. It's a fairly simple Amendment if you're for the issue, if you're for giving people under guardianship or reason of mental illness the right to vote then you should be voting for this Amendment. Thank you.

Senator **DAGGETT** of Kennebec inquired as to whether Senate Amendment "A" (S-172) was **GERMANE**.

TABLED pending **RULING OF THE CHAIR**.

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

Bill "An Act to Clarify Roles and Responsibilities in the Child Development Services System" (EMERGENCY)
H.P. 931 L.D. 1308
(C "A" H-525)

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

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

(In House, May 11, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-525).**)

(In Senate, May 12, 1999, **READ A SECOND TIME.**)

On motion by Senator **LIBBY** of York, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-525), in concurrence.

On further motion by same Senator, Senate Amendment "B" (S-284) to Committee Amendment "A" (H-525) **READ**.

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

Senator **LIBBY:** Thank you Mr. President. Men and women of the Senate, I appreciate your concern about this Bill. I know you share it with me. The Education and Cultural Affairs Committee reported out a Committee Amendment regarding the management and clarification of roles of the Child Development Services System. I think you're familiar with the System but I know that the System is very complex.

I had the good fortune of serving on a task force last year that took a look at the Child Development Services System in great detail; the funding of the System and the management of the System. It's been a very controversial proposition and a lot of it has to do with concern about the way the local sites, there are 15 of them around the state, are managed. It's difficult when you have a disbursed system like this, kind of a semi-privatized system as it is, when you have to manage a vast statewide system like this.

There's no easy answers to the problem of administering beneficial programs to the kids that have special needs. I don't take this lightly, presenting an Amendment like this to a unanimous Committee Bill. I think it's very important that we take a look at the problem with a historical context in mind. First of all if you read this year's budget document you will find that the Preschool Handicap Program has been problematic in terms of funding. The most important detail I would like to point out to you

is the Preschool Handicap Program comes back to the Appropriations Committee every year and asks for further appropriations. They're substantive appropriations. So you need to ask, what is it about the management of these sites that cannot be budgeted? Why is it that we cannot get a handle on the cost of the Child Development Services System? After serving on the Education Committee and this task force, the question has not been answered. You, as Senators, need to know that more scrutiny on this particular program is due. If we continue to take the appropriation requests from the Department without asking for accountability, I think that is a serious problem. I have misgivings about it. Looking at the budget, I want to point out that this Department is asking for 21% more this term than last. The question is, Why? I believe one of the answers is in this Committee Bill. I present to you an Amendment that would change the mechanism that the Committee has reported out. This mechanism includes a new funding formula that would allocate funds to each of the 15 sites and to new proposed sites within school systems. I have no problem with that. I think it's an important mechanism and development of a funding formula may make sense out of this. Unfortunately, there is also a provision in this Bill that allows the Department to hang on to 8% of the State appropriations, instead of sending it on to those counties in need. And instead of asking those counties to submit a substantive budget for the year needs, what this Bill proposes is to have the Department hang on to, potentially over 1 million dollars worth of funds, until later in the year when the State decides through the CDS System that we will meet unanticipated needs as we see fit. I've got some real problems with that. It does not tell the site to come up with a budget and it does not tell us, as Legislators who have jurisdiction over this, what we are funding. What we are saying is, we have a million dollars, we're going to need it, but we're not going to tell you why, how or when. That concerns me greatly.

The other thing that concerns me about this and the reason I present this Amendment, which in fact will not allow Child Development Services System to hang on to a million bucks and dole it out later, the other reason I put this forward to you is, I also believe in all sincerity, that the CDS System, who has come to you with a \$5 million additional appropriation this term, is asking for that additional money so they can create this fund. In effect it is nothing more than a slush fund. That concerns me. That's not accountability. On the other hand, if we go with the current system, if you pass this Amendment, the current system is, if these folks need extra money and very well may, they need to come to the Appropriations Committee, they need to justify their request and ask for it from the Legislature. I think that leads to more accountability. If you think of the funding formulas we have out there, for instance, K-12 it's very similar to that. I am asking for more accountability from a system that has proven that it has not been able to account for the money that it is spending. I think it's a fair request. I have drafted other Amendments. I won't be presenting them today because this is the one particular request that I think is important. I believe there may be another Amendment offered a little bit later today. I think that one is important too. I'm only asking for accountability. We've got quite a Bill that will pass, if you take out this \$1 million slush fund provision. I think what your going to end up with is a pretty good piece of Legislation. I thank the Committee for that. But I have some serious problems with the ability and the wherewithal of this Department to hang on to those funds and then dole them out whatever way that they please. I don't agree with it. I present that for your consideration. I hope you'll support it. I think it's a

good Amendment. It doesn't change the nature of the Bill, it just goes at one piece of the Bill, and says we need accountability. Come back to the Legislature and tell us what you need these funds for. I thank you very much.

On motion by Senator **BENNETT** of Oxford, Senate Amendment "C" (S-289) to Committee Amendment "A" (H-525) **READ**.

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

Senator **BENNETT:** Thank you Mr. President. Fellow members of the Senate, I want to make sure I explain what this Amendment does. First of all I would just like to say, I think this Bill represents overall, some really good work from the Committee on Education dealing with a very difficult issue. There's just one aspect of it that I thought might be improved slightly through the addition of this language I am proposing in Senate Amendment 'C'. As you can see in the Amendment, it takes out some language which is, I think, a little off point, and puts in the following language: The parent of an eligible child may choose not to participate in a pilot project. The decision of the parent is final. In essence this gives parents the opportunity to opt out of the pilot projects that put CDS services in schools. I think this is particularly important for children who are already receiving services. These children would have the right to keep the providers who are already working with them, providing them with continuity of service with the people they are used to working with. I presented some other material to you today, on a bright yellow sheet of paper, I encourage you to read that. I would ask you to look favorably upon my Amendment. Thank you.

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

Senator **RAND:** Thank you Mr. President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **RAND:** Thank you Mr. President. To anyone who cares to answer, while I certainly don't see anything wrong with this Senate Amendment, I would like to know if these pilot projects are mandatory upon the parents at this time. Are we actually forcing parents to participate in them?

THE PRESIDENT: The Senator from Cumberland, Senator Rand, poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator Libby.

Senator **LIBBY:** Thank you Mr. President. I would like to respond to the question. My understanding of this is that the Amendment will make sure the participation by parents and students will not be mandatory in the schools. One of the pilot sites, for example, that may be chosen in the future is in Southern Penobscot County and it may be something in school systems that are losing some kids in this state. It may be something with the resources these schools already have. It may be something that will help those school systems because the funding will go directly to the schools for these sites, rather than go through the CDS System which I think is very unusual, but very interesting.

Senator Bennett's Amendment is allowing parents the right to continue having their sons and daughters receive therapy with the current therapist they have and not force them to go into that school system. I think, what's really important is to understand that some kids who are already receiving services ought to continue receiving those services just as they are now. They may not want to receive those services in the K-12 setting. By allowing that option I think you have a better chance for the pilot sites to be successful. I want to thank Senator Bennett for that Amendment and also thank some of the lobbyists and others here in the Senate who helped out in drafting it, and in making sure that if we're going to have pilot sites and they're going to be in the schools that we've got kids that want to be there.

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

Senator **BENNETT:** Thank you Mr. President. In further explanation to the question, there are no pilot projects yet and there aren't really any details about them. It is my understanding the Department of Education has said they need them to be mandatory. It may be that the money will follow the child which I think a preferable way of doing this because you need active parental involvement to make this work. I think a parent ought to be able to use the CDS services that they're currently using rather than the pilot site. I think those options are good for parents. That is why I propose the Amendment. Thank you.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending motion by Senator **BENNETT** of Oxford to **ADOPT** Senate Amendment "C" (S-289) to Committee Amendment "A" (H-525).

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

HOUSE REPORTS - from 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

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-442) (7 members)

Minority - Ought Not to Pass (6 members)

Tabled - May 13, 1999, by Senator **PENDLETON** of Cumberland.

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

(In House, May 12, 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-442).**)

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

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

Senator **GOLDTHWAIT:** Thank you Mr. President. Ladies and gentlemen of the Senate, I sincerely hope that you will join with me in opposing the pending motion. I feel very strongly about this Bill and I wanted to give you just a few words about its history and the context in which it is in front of us today. First of all, when a Bill comes to most of our Committees I think the first question we ask is who's advocating this and who are the players involved, etc. There were two people at the Public Hearing on this Bill, the Bill sponsor and a representative of the NRA from Pennsylvania. Not a soul in the state of Maine appeared to speak neither for nor against this particular piece of legislation. That made me curious as to why it was in front of us when it seemed to be attracting absolutely no interest in our state. Who is suing gun manufacturers these days? There are 5 or 6 cities currently involved in such lawsuits. The smallest of those cities has a population larger than the entire state of Maine. Suing a gun manufacturer is not something you take on unless you've got an extremely large and flexible bankroll. That does not define any city or town that I know of in our state. It seems to me very unlikely that this is actually going to be an issue in Maine. There are no Maine towns or cities currently suing gun manufacturers. To my knowledge there are no Maine towns or cities currently discussing the possibility of suing gun manufacturers. There are several manufacturers in our state. They are good corporate citizens. I certainly have no desire to interfere with their business practices and in fact I want to point out that one of them, Smith Wesson, has taken on voluntarily a number of measures to make their product safer, including sending out trigger locks with any orders of guns that they receive. I commend them for that. That sort of voluntary effort for gun safety is something that we are glad to see and I certainly don't think that a company that is making those sorts of efforts should be sued. But again, there's no suggestion in our state that they're going to be. I am not opposed to the ownership of guns. If you want to have a gun and target shoot, that's fine with me. If you want to hunt, that's okay too. If you want to have a gun in your house because you think it makes you safer than not having one, that's your choice. The issue in this Bill for me has nothing to do with gun control. It has to do with an outright flat blanket preemption on Municipalities to exercise an option regarding a law suit. I don't care what the issue is. I am not sure that it is our position, in fact I am quite sure that it is not our position to be in to say today, absent any suits, absent any suggestion of suits, that from now on, prior to ever seeing what a suit might look like, that none of those suits could possibly have any merit. I don't think it is appropriate for us to make that decision. I think the decision on whether a suit has merit should be made in a court. I think it's unlikely that it's going to happen in our state. I hope you will join me in opposing the pending motion.

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

Senator **PENDLETON:** Thank you Mr. President. Men and women of the Senate, I'm on the Majority Report which is Ought to Pass as Amended and I hope you'll join me in voting that way. I'd like to tell you the reasons why. Cities around the country are filing law suits against gun manufacturers, that's a fact. It's true and we have the information. When you say that no companies in the state of Maine have been affected by this, we recently

received some information and I kind of had it in the back of my mind because I thought there might be something going on and indeed there was. In my district Saco Defense was purchased by New Colt Holding Corporation in December, 1998. This is a parent company to Colt Manufacturing. Indeed, low and behold, Colt Manufacturing has been named a defendant in several law suits by municipalities including New Orleans, Chicago and Cleveland. Claims of product defects in firearms and requesting extensive money damages for hospital and other municipal costs. So this does affect our state in a way because it's already affecting one business that has holdings from a company that is nationwide. I also think that gun control legislation should be decided by the Legislature not in a back door approach from municipality to municipality. I think that in conclusion I would say to you that another reason that I voted for this particular Bill is because I believe that Maine gun companies really could be hurt by these municipal law suits for the reasons that I have mentioned previously. So I hope that you will vote with me on the Majority Ought to Pass as Amended Report. Thank you.

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

Senator **RUHLIN:** Thank you Mr. President. Ladies and gentlemen of the Senate, what we see now in our nation started out three or four years ago. It is picking up speed. It is nothing more than gun control legislation by litigation. That's what it is. Let's look at the animal and identify it for precisely what it is. Should we allow this to happen in our state where we have attempts to hound legitimate manufacturers who are operating under the laws of this state and this country, creating jobs under those laws, creating products that are not malfunctioning. There is still plenty of grounds for negligent suits here. Should we allow them to be the targets of litigation by taxpayer raised monies vs private corporations. That is money that we taxpayers in the state of Maine pay to our municipal property taxes that will then be taken and used in the suits against legitimate manufacturers who create jobs, not in just this state but throughout this nation, all under the guise of litigation that in fact creates new law. New law comes through here. This is where law should be created; here. The courts are to interpret laws not create laws. I go back and repeat one more time so we all understand the issue. It is the creation of law through litigation. That's what it attempts to do. I would just point out that this preventing municipalities from going forward also coincides with existing law. We presently have preempted the municipalities of this state from enacting fire arm laws of their own, right in our own 2nd Amendment. It's very clear. We have preempted them from doing fire arms other than discharge within municipal limits which we've given them permission to. Other than that they have no right to govern ownership, carrying of a fire arm, we've done that. This is a preemption that we've already done. So this is not a new step to say not only that but you can't go ahead and sue as well. I would just leave you with those thoughts. I would also just go back and repeat to you I feel it is improper use of taxpayers money to allow that money to be used, funneled through the property tax system and then be used to sue private industry, private industry that is working fully and manufacturing fully within the laws of this nation and this state. 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 would like to just read, because I find it a tremendously compelling argument, our current State preemption on fire arms regulations. Current law says, and I quote, the State intends to occupy and preempt the entire field of legislation concerning the regulation of fire arms, components, ammunition and supplies. There is an exception for a Subsection III. The exception says that this section does not prohibit an order, ordinance, rule or regulation of any political subdivision which with the exception of appropriate civil penalty provisions conforms exactly with any applicable provision of State law or which regulates the discharge of fire arms within it's jurisdiction. I think it's clear language. It clearly underscores the argument just made from the good Senator from Penobscot, Senator Ruhlin, and so I think it points to the fact that this proposal is completely consistent with current state policy on fire arms. In my view, this doesn't prohibit sensible law suits, just silly law suits. Firearms manufacturers, dealers and distributors who comply with all applicable Federal, State and Local laws should not be held liable for injuries that occur merely because a properly operating product is criminally or negligently misused. We're not talking about product liability laws where the product fails. We're talking about products working properly but being misused by the users of that product. It is a tremendously important difference. So for those reasons along with the fact that I think that this Bill will discriminate against several of our indigenous industries here, businesses that include Smith and Wesson in Aroostook County, Saco Defense in York County, and Bushmaster in Cumberland County among others. For those reasons I encourage you to Pass this Bill and continue the consistency of State preemption in this important area of law. Thank you. And when the vote is taken I request the Yeas and Nays.

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

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

Senator **TREAT**: Thank you Mr. President. Men and women of the Senate, I ask you to vote against the pending motion. I agree with the good Senator from Oxford, Senator Bennett, that we have a very strong Constitutional provision dealing with guns and regulation of guns in this state. That is a provision that is best left to the courts for interpretation. If the problem is silly law suits, we have a way to deal with those silly law suits right now. Frivolous law suits are thrown out by the courts with penalties assessed against any attorney with the temerity to bring such a silly law suit. My concern with this language is that it is really quite broad and I have a lot of concerns that it not only applies to possibly litigation that no one has yet contemplated bring in this state but it also may apply to other actions that a municipality may wish to bring which have nothing to do with gun control. With that in mind, I would like to pose a question through the Chair if I might.

THE PRESIDENT: The Senator may pose her question.

Senator **TREAT**: Thank you Mr. President. My question is whether or not this legislation as drafted would prohibit future law suits by municipalities dealing with environmental and land use violations, for example, seeking damages for those.

THE PRESIDENT: The Senator from Kennebec, Senator Treat poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator **RUHLIN**: Mr. President, thank you. I'm going to take one real quick shot at that one only because I have read the legislation. I see nothing in there that would set a precedence for other suits in other areas unless the Legislature, in it's wisdom decided to so act.

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

Senator **TREAT**: Thank you Mr. President. Men and women of the Senate, I appreciate the response from the good Senator but I'm not so sure. As I read this language it says specifically that a municipality may not commence a civil action against any firearms or ammunitions manufacturer for damages. Abatement, injunctive relief, which could be cleaning up an environment problem resulting from or relating to the design, manufacture, marketing or sale of firearms. If a company were to create, lets say, a hazardous waste problem as a result of the manufacture of firearms and I can think of a particular manufacturer of firearms in the state of Maine that had a hazardous waste dump that was on the Super Fund List and was the subject of a major clean up action and I don't know if it was subject to damages but might well have been. Then as I read it they would be prohibited from bringing action for damages. There is a section here that says except for certain things. Those aren't covered by this. But what is in that section is purely breech of contract or warrantee for guns or ammunition purchased by the municipality. So as I read it if a municipality buys a gun and it misfires, they can go after the company for a defective product. But if that company is located in a town and pollutes the ground water of the town, the town wants to go after that company for damages, they can't do it under this language.

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

Senator **RUHLIN**: Thank you Mr. President. I would like to enlarge, if I may, on my answer to the good Senator from Kennebec, Senator Treat. If in this case that she makes reference to hypothetically, a manufacturer were to break the laws of not the municipality but of the State of Maine, the EPA, the Federal laws, I should think the least of their concerns at that point would be with what the municipalities were going to do. I would be more concerned about what the State is going to do and what the Federal Government is going to do and that would be the proper venue of future actions in that case.

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

Senator **MILLS**: Mr. President, men and women of the Senate, I myself can't imagine any community in Maine having either the resources or the grounds, for that matter, to file suit against gun manufacturers or the manufacturers of ammunition. This is in my view an entirely hypothetical Bill which, as the Senator from Kennebec has pointed out, is a bit hog-drafted, a bit overly broad for the purpose that it intends to serve. In case you dismiss, however, too quickly the grounds for the law suits that have been

filed in other cities I think we should pay at least some deference to the jurors who sat on those lengthy cases, or at least one that I am familiar with, and who actually heard the evidence. There is a suit in Chicago that was filed by the City of Chicago against manufacturers and against dealers upon grounds that when undercover agents were sent into the suburbs of that city posing as gang members they bought 171 weapons within a three month period of time. All in violation of law, this to be sure. But the evidence as I understand it that has been brought to bare in the action in Brooklin, for instance, showed that the manufacturers had constructive knowledge of the illegality with which their weapons were being sold and that the profitability of selling to gangs was a factor in marketing and manufacturing their products and that the nature of the products they were making, the ways in which they were selling them, the way in which they were advertising them to the public was in direct appeal to people who were buying them for purely illicit and illegal purposes. Now given that evidence, if there were such evidence in a law suit, I would be hesitant to dismiss the law suit as silly or ill-founded or inappropriate. And I would certainly be hesitant in this Chamber to vote to take away the right of any municipality in this state to bring a law suit if it had such grounds and I hasten to add that I don't conceive of that, I don't perceive that a municipality in this state would have such grounds as were laid before the cities where these suits have been mounted. For that reason I don't think it's appropriate for us to be curtailing local control, taking away the privileges of our municipalities for these hypothetical reasons. And for that reason I think the Bill before us ought to be characterized as silly, inappropriate and unnecessary. I urge you to vote against the pending motion.

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

Senator **RAND:** Thank you Mr. President. Men and women of the Senate, regardless of anyone's view on gun control or gun ownership this L.D. is a direct affront to the common sense and good judgment of our municipal leaders in this state. No law prohibiting municipalities from seeking judicial remedy has ever been enacted in any form in this state's 179 year history. I fail to see why we should make this exception for any manufacturer of anything, be it a gun or any other product you can think of. I believe this is going after a non-problem here, particularly in the state of Maine. In 179 years this Legislature has never seen fit to prohibit judicial remedy on the municipal level, never. And I just fail to see why we would be attempting to do so now. I would ask you to please reject this motion so that we can get onto Ought Not to Pass. 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 join Senator Mills, the good Senator from Somerset, and Senator Rand, the good Senator from Cumberland, in their presentations in opposition to the pending Report. I suppose I could easily sit and be quiet and vote in support of the pending Report because my sister and her husband have an ammunition business that is quite successful across the country and does a lot of business in the state of Maine. I am in no way connected with the business else I would be excusing myself from further action. But there's a greater agenda than a personal agenda on any issue as we all know. We're not to vote a personal agenda

because this is the public's business. But it will be a sad day for me if ever I should vote to restrict access to the courts of the State for I see this Bill as the State standing at the Court House door, screening those who can come to court, barring those who cannot and I refuse to vote for that kind of legislation. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Cassidy.

Senator **CASSIDY:** Thank you Mr. President. Men and women of the Senate, as I look at this Bill today what I see is poor legislation that comes from two extremes. I don't have to tell you what those two extremes are when we start talking about gun control. I think last week I spoke on how I enjoyed as a child learning to use guns and to target practice and to hunt and to pass on to my children so on and so forth. But I also stood here earlier today and if you remember I told you that I spent eleven years in municipal government. I won't go through all that again although if I may, Mr. President, during the last debate I was going to see if anyone could remember the movie from which the line 'yes, we have no bananas' came from but I didn't want to disrupt proceedings so I didn't do that at that time. But I must say to you that this is local control and I think you need to be consistent in what we do. I would hate to also prevent municipalities from making a decision if they felt some need for some reason to pursue this thing. I actually belong to the NRA and have had their support over the years, but I think this a Bill that doesn't make a lot of sense and I intend to hopefully see this motion defeated and go on to vote for the Minority Report. Thank you Mr. President.

On motion by Senator **BENNETT** of Oxford, supported by a Division of 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 (#104)

YEAS: Senators: AMERO, BENNETT, DAGGETT, DAVIS, FERGUSON, HARRIMAN, KILKELLY, MICHAUD, PENDLETON, RUHLIN, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, BENOIT, BERUBE, CAREY, CASSIDY, CATHCART, DOUGLASS, GOLDTHWAIT, KIEFFER, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PINGREE, RAND, SMALL, TREAT

EXCUSED: Senator: KONTOS

11 Senators having voted in the affirmative and 23 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **PENDLETON** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

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 (5/14/99) Assigned matter:

Emergency Resolve

Resolve, Establishing the Commission to Study the Educational Needs of Offenders in the State's Correctional System

H.P. 616 L.D. 856
(C "A" H-299)

Tabled - May 14, 1999, by Senator **RAND** of Cumberland.

Pending - **FINAL PASSAGE**, in **NON-CONCURRENCE**

(In House, May 12, 1999, **FAILED FINAL PASSAGE**.)

(In Senate, May 14, 1999, motion by Senator **BENNETT** of Oxford to **INDEFINITELY POSTPONE** Resolve and accompanying papers, **FAILED**.)

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

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 Eliminate the Requirement That the Employment Rehabilitation Fund Reimburse Employers and Insurers for Benefits Paid pursuant to the Benefits Adjustments"

S.P. 269 L.D. 762

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-239)** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-240)** (4 members)

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

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-239)** 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-239) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

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 Clarify the Medical Fee Schedule in Workers' Compensation Cases"

S.P. 509 L.D. 1510

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

Minority - **Ought to Pass** (3 members)

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

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

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

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

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1585

ORDERED, the Senate concurring, that the Joint Standing Committee on Inland Fisheries and Wildlife report out, to the House, a bill implementing the recommendations of the Department of Inland Fisheries and Wildlife regarding surface use on great ponds.

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

READ and **PASSED**, 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 **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Exempt Donnell Pond and Tunk Lake from Personal Watercraft Prohibition"

H.P. 422 L.D. 564

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

Signed:

Senators:

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

Representatives:

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

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

Signed:

Representatives:

- TRAHAN of Waldoboro
- CLARK of Millinocket
- TRACY of Rome

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

Reports **READ**.

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

Emergency Measure

An Act Concerning the Review of State Solid Waste Management Policies

S.P. 391 L.D. 1170
(C "A" S-185; H "A" H-550)

Senator **MICHAUD** of Penobscot moved to place on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

Senator **TREAT** of Kennebec requested a Division.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence. (Division Requested)

Emergency Mandate

Resolve, Authorizing the Knox County Commissioners to Borrow Not More than \$1,000,000 for Construction or Renovation of a District Court and Office Areas in Knox County

H.P. 703 L.D. 970
(H "A" H-569 to C "A" H-407)

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

Acts

An Act to Amend the Local Highway Laws

S.P. 418 L.D. 1207
(C "A" S-169; H "A" H-573)

An Act to Create a Bicycle Safety Education Act

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

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

Resolve

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

S.P. 620 L.D. 1785
(H "A" H-556 to C "A" S-160)

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

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1584

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation report out a bill to provide assistance for the City of Westbrook for education funding for fiscal year 1999-00 calculated to reflect the reduced valuation of the Sappi Plant at \$140,000,000.

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

READ and **PASSED**, in concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (5/14/99) Assigned matter:

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act to Prohibit the Employment of Professional Strikebreakers"
H.P. 756 L.D. 1046

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-484)** (9 members)

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

Tabled - May 14, 1999, by Senator **LAFOUNTAIN** of York.

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

(In House, May 13, 1999, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-484)**.)

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

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

On motion by Senator **RAND** 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 (#105)

YEAS: Senators: **BERUBE, CAREY, CATHCART, DAGGETT, DOUGLASS, FERGUSON, KILKELLY, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND,**

RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

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

EXCUSED: Senator: **KONTOS**

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **LAFOUNTAIN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-484) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Chair laid before the Senate the following Tabled and Later (5/14/99) Assigned matter:

HOUSE REPORTS - from the Committee on **NATURAL RESOURCES** on Bill "An Act to Allow Cutting of Trees in the Shoreland Zone Under Certain Conditions"
H.P. 1036 L.D. 1458

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-481)** (9 members)

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

Tabled - May 14, 1999, by Senator **TREAT** of Kennebec.

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

(In House, May 13, 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-481)**.)

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

Senator **BENNETT** of Oxford requested a Division.

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

Senator **NUTTING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I hope you will vote with me to Reject the pending motion so we can go on to Accept the Majority Ought to Pass Report. This Bill had a Public Hearing and several Work Sessions in the Natural Resources Committee. What this Bill calls for in its Amended form, it allows a community if they choose locally, they can then Amend their ordinances concerning the cutting of trees in the shoreland zone. In this Legislators

opinion the Natural Resources Committee proceeded with a lot of caution in this area. We listened to testimony of professional Foresters, and these are some of the restrictions we put on this optional ordinance that municipalities may adopt if they choose in regards to the cutting of trees. First off no more than 40% of the trees can be cut in any 10 year period, the trees must be marked by a professional Forester, no real vehicle can go in that 75 foot strip, in another words they have to all be harvested with the use of a cable, and I believe I'm leaving out a restriction or two, but maybe that will come to me later. The reason that a professional Forester brought this Bill to the Natural Resources Committee is something I've seen on my own farm. That is you have an old tree that is dead on the shore. The tree out of wind storm or whatever, goes into the water and the roots come right up with the tree when it goes in, and you may have as much as 20 feet of top soil that is thereby loosened and ready to be eroded phosphorus and all right into the water. It would be better for the water body I maintain and the majority of the Committee maintained if that tree was marked and carefully removed. Yes, another restriction has now come to mind Mr. President. The harvesting must be done in the winter. But the environment in my opinion is better served if that tree is removed before it topples over into the water, and loosens all that top soil. So that's why I feel this is reasonable, it's measured, it's cautious, and it deserves your support. Thank you.

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

Senator **TREAT:** Thank you Mr. President. Men and women of the Senate, I rarely disagree with my seat mate and colleague on the Natural Resources Committee, the good Senator from Androscoggin, Senator Nutting. This is the first of what may be only two Divided Reports out of the Natural Resources Committee, which is really quite remarkable given the rather difficult nature of many of the issues that we deal with. I do differ with the good Senator and I would ask that you support the pending motion, which is to go along with the Minority Ought Not to Pass Report. As the Senator from Androscoggin said this Bill came to us from someone the good Representative Foster in the other Body, saying that trees fall down and we need a way to clean up the woods, avoid erosion from occurring and getting into these lakes. This Bill will accomplish the goal. This is not a Bill that is designed to narrowly address blow down or ice storm damage. This is a Bill to allow for cutting of trees, harvesting of trees in the Resource Protection Zone. Okay what's the Resource Protection Zone? I suspect most people know about our Shoreland Zoning Laws pretty well. But just a reminder, the Resource Protection Zone is the zone within the 175 foot zone around Great Pond. This particular Bill just deals with Great Pond. It is a zone that is deemed to be quite sensitive for reasons such as steeper slope, over 20% slope for example, and for, I think it's about the last 15 years, there has been an absolute prohibition of cutting in that area except to pull out trees for safety reasons.

Now, we are blessed in this state with many beautiful lakes and many of those lakes have excellent water quality, although the water quality of many of them has been deteriorating mostly because of development. This is a protection we have had in our lives for some time, and it has worked extremely well. I don't think that the law right now is broken, and I have a lot of concerns about this type of measure, which although, better than the Bill brought to us in Committee, still would allow substantial level of

harvesting in these sensitive areas. The issue was brought to your attention that well these trees fall over, all this dirt just flows into the water, it's a bad thing. Cleaning them out is actually a positive for the environment. Well I would suggest that to you that the information on that is quite mixed. That is certainly what some people had to say before our Committee, but on the other hand, even those supporting the Bill admitted that the blow down and that type of debris can have a very positive effect on the soil. And I will read from the testimony of the Maine Forest Service, which said, research has found that large woody debris and boulders in streams when properly placed has a beneficial effect on the physical and biological processes that result in diverse aquatic habitats. It goes on to say that this can produce, actually good habitat for various wildlife. In addition, the Department of Environmental Protection said as well that the prohibition may also help in maintaining a continued contribution of large woody debris to the lake ecosystem. Debris such as large branches and fallen trees provide important habitat to fish and other aquatic species. The DEP was concerned that this type of cutting done in steep shoreland areas would not be beneficial, and in fact, would hurt lakes. I have gotten many calls from CEO's and Code Enforcement Officers in communities around the state in opposition to this piece of Legislation. They are very concerned about it because current law has worked well and it is simple to enforce. I would encourage you strongly to stick with the Ought Not to Pass Report. Thank you.

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

Senator **LIBBY:** Thank you Mr. President. Women and men of the Senate, I rise today to support my good colleague from Androscoggin, Senator Nutting, in Opposing the pending motion. The pending motion is a Minority Report, and it is not supported by nine members of the Committee. The reason is because this Bill was worked at a particular time when many of us have experienced in our district the wind damage particularly of many trees around these areas. What we would like to see done, by the help of professionals. Foresters, timber harvesters, and so forth, is some very restricted, limited cutting of trees so that we can clean up the areas around these ponds. Let me just read to you some of the testimony from the Department of Environmental Protection. I quote, the Department believes that limited timber harvesting during frozen ground conditions, which this Bill allows, can take place in the above noted areas without causing problems for water quality or wildlife and its habitats, especially in areas where severe slopes are not an issue. Harvest within 75 feet of the Great Pond should be done during the winter when the ground is frozen and done in a manner that causes no significant soil disturbance. That in affect is exactly what we're trying to do with the Bill. It really is a well thought out and reasoned Bill. I actually felt badly because we've had so many unanimous Committee Reports this year in the Natural Resources Committee. I didn't think this would be the one to kind of go by the wayside and break that up, but it did and I urge you to Oppose the Pending Motion.

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

Senator **BEHOIT:** Thank you Mr. President. May I pose a question through the Chair?

THE PRESIDENT: Senator may Pose his question.

Senator **BENOIT:** Am I correct in what I have heard as to debate so far on this measure that storm damaged trees may be removed in this Resource Protection Zone under present law?

THE PRESIDENT: The Senator from Franklin, Senator Benoit poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator Treat.

Senator **TREAT:** Thank you Mr. President. In response to the question, under current law if it poses a safety hazard it may be removed. The language is written though in the language of a safety hazard. The point I was making was if there was a Bill to remove storm damage that is a different Bill than the one that is before us.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate, I also rise in support of the argument from the Senator from Androscoggin, Senator Nutting, and will be opposing the present Report. I reside in juxtaposition to a body of water that's in a Resource Protection Zone, I'm sure to a great extent. As I drive on the Plantation Road and have an opportunity to look into the area, I can tell you that it is almost impossible for man or beast to navigate through what I am seeing in this Resource Protection Zone. Perhaps I can convey a note or message with a bit of humor. Not intending in any way to take away the seriousness of this particular subject. I've noticed lately on the Plantation Road that the Resource Protection Zone is so caught up with growth that I've indicated man nor beast could make it through, and I've noticed lately that the moose are using the Plantation Road to navigate. I frankly see this as a very positive piece of legislature because as Senator Libby, the Senator from York, has pointed out, the ground is to be frozen, no resulted soil disturbance, and you've got to remove the trees using a cable or boom, and you can't go onto the property, the strip, with a tract or wheeled vehicle. Now if they're ever going to allow a reasonable management of this area, why do we need to put in a law to allow it, if this isn't going to do it? I see no reason in the world why Enactment of this is not good forest management. Everything seems to me to be protected, and my constituents support this type of legislation. Thank you sir.

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

Senator **KIEFFER:** Thank you Mr. President. In reading this Amendment, I guess looking at it in retrospect, I was amazed that it wasn't included in the original Bill. Certainly it seems to me that if we can comply with this Amendment and protect the public resources in the Resource Protection Zone, and still have some productivity coming from that land, why in the world shouldn't that be allowed? Inland Fishery and Wildlife supported this Bill. The Department of Environmental Protection did. Maine Forest Service did. Small wood lot owners of Maine did. Who are we listening to? I would ask you to join me in Opposing the pending motion so we can get on and Pass the Ought to Pass Majority vote Mr. President.

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

Senator **LIBBY:** Thank you Mr. President. Men and women of the Senate, I just rise to point out two different details. First that the Department of Environmental Protection actually spoke neither for nor against on the Bill, but certainly did like most of the provisions of the Bill and actually had just some wording problems, and that's the only reason they did speak neither for nor against. The other is to respond to the question from the Senator from Franklin. I wanted to make sure that everybody knew clearly that the current law prohibits timber harvesting within the Resource Protection Zone area within the Great Pond, and within 75 feet of that Great Pond. That is why we are in the mess we're in. I want to make sure that everybody understands that. Actually this piece of Legislation is a reflection of the hard work we have done on the Committee and I hope that you will vote Against the pending motion.

On motion by Senator **TREAT** of Kennebec, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator **NUTTING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just want to rise for a second time just to clarify something the Senator from Kennebec, my seat mate, Senator Treat said earlier in her debate. Yes the Committee did receive testimony that trees and a occasional large branch in a waterway may help habitat. Help diversity. The Committee also received testimony that top soil in any body of water hurts water quality because it's where most of the phosphorus pollution will come from. So I urge you again to Oppose the pending motion so we can go on to Accept the Majority Ought to Pass Report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Cassidy.

Senator **CASSIDY:** Thank you Mr. President. Men and women of the Senate, I also have some interest in this Bill. I think as you know I mentioned before, I do have a small wood lot myself, and also, had an opportunity to serve on the Agriculture Committee years ago. We were concerned about issues along these lines, and as I read this Amendment to this Bill, the first thing that is very important to know, is that also, each one of the trees that would be harvested would have to be marked by a Forester. This isn't just arbitrarily walking on the lot and deciding I want to cut this or that. Also as you know, a certain percentage of the trees are only allowed to be cut. The other thing under the current law, and it was mentioned earlier, that trees that were of a danger could be harvested. What's going to happen if we let these trees mature and go beyond the harvest point that's when you do have a lot of danger created, and it also stunts the growth of other trees. It is going to be that things are left to cause all kinds of havoc, and probably wind up in that body of water. I think the key to this Bill that was missing is that this is gonna be done during the winter, it's going to be done when the ground is frozen, it's going to be done with a cable system. There's a lot of provision here to protect that body of water, and also, to have good harvesting and to have good management of the land. I hope

that we can defeat this and go on to Approve the Minority Report.
Thank you Mr. President.

On motion by Senator **TREAT** of Kennebec, 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 (#106)

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

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

14 Senators having voted in the affirmative and 20 Senators
having voted in the negative, with 1 Senator being excused, the
motion by Senator **TREAT** of Kennebec to **ACCEPT** the Minority
OUGHT NOT TO PASS Report, in **NON-CONCURRENCE**,
FAILED.

The Majority **OUGHT TO PASS AS AMENDED** Report
ACCEPTED, in concurrence.

READ ONCE.

Committee Amendment "A" (H-481) **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 **JUDICIARY** on Bill "An Act to
Amend the Freedom of Access Laws"

H.P. 1296 L.D. 1857

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

Signed:

Representatives:
THOMPSON of Naples

BULL of Freeport
JACOBS of Turner
MITCHELL of Vassalboro
NORBERT of Portland
MADORE of Augusta
WATERHOUSE of Bridgton

The Minority of the same Committee on the same subject
reported that the same **Ought to Pass as Amended by**
Committee Amendment "A" (H-479).

Signed:

Senators:
LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

Representatives:
LaVERDIERE of Wilton
PLOWMAN of Hampden
SCHNEIDER of Durham

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

Reports **READ**.

Senator **LONGLEY** of Waldo moved the Senate **ACCEPT** the
Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-**
CONCURRENCE.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later
in Today's Session, pending motion by Senator **LONGLEY** of
Waldo to **ACCEPT** the Minority **OUGHT TO PASS AS**
AMENDED Report, in **NON-CONCURRENCE**.

On motion by Senator **PINGREE** of Knox, **ADJOURNED**, until
Tuesday, May 18, 1999, at 9:00 in the morning.