

MAINE STATE LEGISLATURE

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One Hundred and Nineteenth Legislature
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STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Wednesday
May 19, 1999

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

Prayer by Reverend Ralph Miller of the South Thomaston United Methodist Church.

REVEREND MILLER: This is the day that the Lord has made let us rejoice and be glad in it. As we turn to the one who is the Author of life, the Giver of all good things. And let us Pray.

Great and Eternal God who has given to us the precious gift of life. We come before you and stand in awe of all that You have done. We come to You from within our state, from it's shores and islands, to its mountains, hills, and fields. A place of beauty, and of great resource which we are privileged to share together. And as we gather, we are thankful for it's greatest resource, its people.

In these moments we stand before You and recognize the responsibilities that are ours. Help us to have that discerning mind that will enable us to uphold those who are poor and without a voice. And to understand how we, as those gathered here can assist all of the works of our state in making this a good place to live. A place where business and prosperity may prevail.

Hear our Prayer as we lift it up for those in places like Kosovo, for our troops who are there, for the suffering of that land and that people. Hear our Prayer.

We Pray for our youth, and for those who are guiding them in schools and in homes. Pray for laws and for justice, for all of our citizens within this state as we continue to work through this day.

May Your blessing be upon this Senate and its work. For we pray in Your Holy name. Amen.

Doctor of the day, Steven Weisberger, DO, Jonesport.

Reading of the Journal of Tuesday, May 18, 1999.

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

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Amend the Laws Governing Secession"
H.P. 1433 L.D. 2056
(C "A" H-410)

In Senate, May 11, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-410)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-410) AS AMENDED BY HOUSE AMENDMENT "A" (H-608)** thereto, in **NON-CONCURRENCE**.

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

SENATE PAPERS

Bill "An Act to Allow the Cumberland County Domestic Violence Unit to Hire 2 New Assistant District Attorneys Immediately" (EMERGENCY)

S.P. 832 L.D. 2232

Sponsored by Senator **HARRIMAN** of Cumberland.
Cosponsored by Representative **SAXL** of Portland and Senators: **ABROMSON** of Cumberland, **AMERO** of Cumberland, **RAND** of Cumberland, Representatives: **BRENNAN** of Portland, **BRUNO** of Raymond, Speaker **ROWE** of Portland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Reinstate the Death Penalty"
H.P. 1558 L.D. 2214

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

Signed:

Senators:
MURRAY of Penobscot
O'GARA of Cumberland
DAVIS of Piscataquis

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-590).**

Signed:

Representative:

TOBIN of Dexter

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Increase the Deer Hunting Day by 15 Minutes"

H.P. 30 L.D. 39

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-568).**

Signed:

Senators:

KILKELLY of Lincoln
KIEFFER of Aroostook

Representatives:

PERKINS of Penobscot
CHICK of Lebanon
TRAHAN of Waldoboro
HONEY of Boothbay
TRUE of Fryeburg
CLARK of Millinocket
BRYANT of Dixfield
TRACY of Rome
COTE of Lewiston

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

Signed:

Senator:

RUHLIN of Penobscot

Representative:

DUNLAP of Old Town

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**. Committee Amendment "A" (H-568) **READ** and **INDEFINITELY POSTPONED** and the Bill **PASSED TO BE ENGROSSED**.

Reports **READ**.

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

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Resolve, Regarding Legislative Review of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1, Major Substantive Rules of the Department of Professional and Financial Regulation (EMERGENCY)

H.P. 20 L.D. 30

Had the same under consideration and asked leave to report:

That the House **Recede** from **Passage to be Engrossed as Amended by Committee Amendment "B" (H-97) as Amended by House Amendment "A" (H-195)** thereto; **Indefinitely Postpone** Committee Amendment "B" (H-97) as Amended by House Amendment "A" (H-195) thereto; **Read and Adopt** Committee of Conference Amendment "A" (H-601); and **Pass the Resolve to be Engrossed As Amended by Committee of Conference Amendment "A" (H-601) in Non-Concurrence**.

That the Senate **Recede** and **Concur** with the House.

On the Part of the Senate:

Senator **LONGLEY** of Waldo
Senator **HARRIMAN** of Cumberland

On the part of the House:

Representative **HATCH** of Skowhegan
Representative **DUGAY** of Cherryfield
Representative **CIANCHETTE** of South Portland

Comes from the House with the Committee of Conference Report **READ** and **ACCEPTED**, and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (H-601)**, in **NON-CONCURRENCE**.

Report **READ**.

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

Senate

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Discourage Consumption of Alcohol by Minors"

S.P. 422 L.D. 1259

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

Signed:

Senator:

CAREY of Kennebec

Representatives:

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

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

Signed:

Senators:

DAGGETT of Kennebec
FERGUSON of Oxford

Representatives:

CHIZMAR of Lisbon
GAGNE of Buckfield

Reports **READ**.

Senator **DAGGETT** of Kennebec moved the Senate **ACCEPT** the Minority **OUGHT TO PASS** Report.

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

SECOND READERS

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

House As Amended

Bill "An Act to Implement the Recommendations of the Task Force to Study Telecommunications Taxation"

H.P. 807 L.D. 1130
(C "A" H-391; H "A" H-604)

Bill "An Act Regarding Taxation of Clean Vehicle Fuels"

H.P. 940 L.D. 1337
(C "A" H-592)

Resolve, to Enhance Fire Protection Services throughout the State

H.P. 1017 L.D. 1428
(H "A" H-586 to C "A" H-557)

Bill "An Act to Create Statewide Smoking Cessation Services"

H.P. 1264 L.D. 1818
(C "A" H-593)

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

Bill "An Act to Amend the Freedom of Access Laws"

H.P. 1296 L.D. 1857
(C "A" H-479)

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

Sent down for concurrence.

Bill "An Act to Establish a Lobster Trap Tag Freeze to Limit Effort in the Lobster Fishery"

H.P. 1385 L.D. 1982
(C "A" H-579)

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Create the Capital Riverfront Improvement District"

S.P. 760 L.D. 2136
(C "A" S-302)

Resolve, to Establish the Blue Ribbon Commission to Establish a Comprehensive Internet Policy (EMERGENCY)

S.P. 763 L.D. 2155
(C "A" S-303)

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

Sent down for concurrence.

Bill "An Act to Provide Access to Information Services in All Communities of the State"

S.P. 665 L.D. 1887
(C "A" S-300)

READ A SECOND TIME.

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

Bill "An Act to Clarify the Equine Activity Law"

S.P. 749 L.D. 2108
(C "A" S-305)

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:

Emergency Measure

An Act to Amend the Maine Health Data Organization Statutes
H.P. 1003 L.D. 1401
(C "A" H-483)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Act

An Act to Amend Law Enforcement Powers of Maine Forest Rangers

S.P. 397 L.D. 1188
(H "A" H-326)

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

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **MURRAY** for the Committee on **CRIMINAL JUSTICE** on Bill "An Act Concerning Corrections Employees"
S.P. 455 L.D. 1330

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

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

READ ONCE.

Committee Amendment "A" (S-307) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 1586

JOINT RESOLUTION MEMORIALIZING THE ATLANTIC STATES MARINE FISHERIES COMMISSION TO MAKE FISHERIES MANAGEMENT DECISIONS BASED ON INTEREST IN THE FISHERY

WE, your Memorialists, the Members of the One Hundred and Nineteenth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the members of the Atlantic States Marine Fisheries Commission, as follows:

WHEREAS, lobster is the largest and most important marine resource in the State of Maine; and

WHEREAS, Maine fishermen catch 55% of the lobsters caught in the United States; and

WHEREAS, 7,000 Maine fishermen, their communities, the tax base and local businesses and resources are dependent upon continuous income from the lobster resource; and

WHEREAS, Maine has the strongest conservation laws in the nation regarding lobsters; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully call upon the Atlantic States Marine Fisheries Commission to apportion voting rights for each fishery managed by the commission based upon a state's proportional interest in that fishery and to hold meetings on species in the geographic region where most fishermen who catch that species reside; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Atlantic States Marine Fisheries Commission, each member of the Oceans and Fisheries Subcommittee of the Senate Standing Committee on Commerce, Science and Transportation and each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

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

In Senate, May 11, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-493)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-493) AS AMENDED BY HOUSE AMENDMENT "A" (H-613)** thereto, in **NON-CONCURRENCE**.

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

ORDERS OF THE DAY

Unfinished Business

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

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

Bill "An Act to Provide Computers for Use in the Legislature" (EMERGENCY)

H.P. 666 L.D. 922

Tabled - May 14, 1999, by Senator **BENNETT** of Oxford.

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-320)**, 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-320)**.)

(In Senate, May 14, 1999, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**, in concurrence. Committee Amendment "A" (H-320) **READ**.)

On motion by Senator **BENNETT** of Oxford, Senate Amendment "A" (S-306) to Committee Amendment "A" (H-320) **READ**.

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

Senator **BENNETT:** Thank you Mr. President. Fellow members of the Senate, when last this issue was before us, I rose to express some concern about the Appropriations side of this measure. It's my belief that as we use technology to our betterment in the process here that we will be able to reduce some of the voluminous amounts of paper, and other requirements that we currently have in favor of more electronic forms of communication and document keeping. And therefore, I put forward this Amendment as someone who is an ardent supporter of increasing the use of technology, particularly in the use of computers and E-mail. Also, in the work of the Legislature. I put this forward simply to recapture some of those cost savings, and to insure that this technology, which will cost us money, and as this Bill is before us would require three additional people on the staff of the Legislature. This Amendment would simply reduce the existing Budget by the amount that we were proposed to increase it in order to get this new system up and running. This is all this Amendment does, it just makes the Bill revenue neutral. And so for that reason I put it forward, and ask for your favorable consideration. Thank you.

On motion by Senator **PENDLETON** of Cumberland, **TABLED** until Later in Today's Session, pending motion by Senator **BENNETT** of Oxford to **ADOPT** Senate Amendment "A" (S-306) to Committee Amendment "A" (H-320).

Off Record Remarks

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

COMMITTEE OF CONFERENCE REPORT - on Resolve, Regarding Legislative Review of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1, Major Substantive Rules of the Department of Professional and Financial Regulation (EMERGENCY)

H.P. 20 L.D. 30

Report - the House **Recede** from **Passage to be Engrossed as Amended by Committee Amendment "B" (H-97) as Amended by House Amendment "A" (H-195)** thereto; **Indefinitely Postpone** Committee Amendment "B" (H-97) as Amended by House Amendment "A" (H-195) thereto; **Read and Adopt** Committee of Conference Amendment "A" (H-601); and **Pass the Resolve to be Engrossed as Amended by Committee of Conference Amendment "A" (H-601) in Non-Concurrence.**

That the Senate **Recede** and **Concur** with the House.

Tabled - May 19, 1999, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF THE REPORT**

(In House May 18, 1999, the Committee of Conference Report **READ** and **ACCEPTED**, and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (H-601)**, in **NON-CONCURRENCE.**)

(In Senate, May 19, 1999, Report **READ.**)

Senator **PINGREE** of Knox moved the Senate **ACCEPT** the Committee of Conference Report, in concurrence.

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

Senator **MILLS:** If I may ask Mr. President, if anyone could explain the substance of the agreement.

THE PRESIDENT: The Senator from Somerset, Senator **MILLS** poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator **HARRIMAN**.

Senator **HARRIMAN:** Good morning and thank you very much Mr. President. Ladies and gentlemen of the Senate, I will do my best to summarize the Conference Committee Report. The Amendment that is before you moves the licensing of Naturopathic Doctors to a conclusion with two additional and fundamental prohibitions. One is the prohibition to use injectable allergy remedies, and the second is to prohibit non-topical administration of steroids. And with both of those Amendments added in the Conference Committee was a unanimous Report. Thank you Mr. President.

On motion by Senator **PINGREE** of Knox, the Committee of Conference Report **ACCEPTED**, in concurrence.

The Senate **RECEDED** and **CONCURRED**.

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

SENATE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Ensure Adequate Nutrition Services for Maine's Elderly and to Create the Senior One-stop Program"

S.P. 518 L.D. 1552
(C "B" S-142)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-141)** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-142)** (2 members)

Tabled - May 6, 1999, by Senator **RAND** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, May 3, 1999, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-142)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-142).**)

(In House, May 5, 1999, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-141)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-141)**, in **NON-CONCURRENCE.**)

On motion by Senator **RAND** of Cumberland, the Senate **INSISTED.**

Sent down for concurrence.

The Chair laid before the Senate the following matter Tabled pending **RULING OF THE CHAIR:**

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)

Tabled - May 17, 1999.

Pending - **RULING OF THE CHAIR**

(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**.)

(In Senate, May 17, 1999, on motion by Senator **BENNETT** of Oxford, **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**. Senator **DAGGETT** of Kennebec inquired as to whether Senate Amendment "A" (S-287) was **GERMANE**.)

THE CHAIR MADE THE FOLLOWING RULING:

"The Amendment changes the substance of the Bill significantly from what the title reflects and since this Bill had a public hearing in Committee and people affected by this Amendment were not able to attend that hearing, this Amendment therefore would not be Germane to the Resolution."

The Chair **RULED SENATE AMENDMENT "A" (S-287) NOT GERMANE**.

On motion by Senator **AMERO** of Cumberland, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-172)**, **NON-CONCURRENCE**

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (5/18/99) Assigned matter:

SENATE REPORTS - from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding Complementary Health Care Providers"

S.P. 533 L.D. 1595

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-304)** (1 member)

Tabled - May 18, 1999, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, May 18, 1999, Reports **READ**.)

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

Sent down for concurrence.

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

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

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

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

Tabled - May 6, 1999, by Senator **RAND** of Cumberland.

Pending - motion by Senator **BENNETT** of Oxford to **RECEDE** and **CONCUR** (Roll Call Ordered)

(In House, April 13, 1999, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-168)**.)

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

(In House, May 5, 1999, that Body **ADHERED**.)

(In Senate, May 6, 1999, Senator **RUHLIN** of Penobscot moved the Senate **ADHERE**.)

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

Senator **RUHLIN:** Thank you Mr. President. It's been about a week and a half or so, as I recall, since we have discussed this particular piece of legislation. I would just like to take a moment or two to review with you this morning why I feel, and the majority of the Tax Committee feels that the Recede and Concur motion is an unwise step. To start with this has a fiscal note of about \$667,000. That money has got to come out of some program somewhere. Presently it has been on the books for about eight years now. We have this particular type of Lodging Tax, which taxes people after they've stayed in a campground primarily over 30 days that they pay a Lodging Tax, which they do, under 30 days, but it's paid straight through. From that, however, we exempt those residents of the state of Maine who have left their residences to relocate for the purposes of employment. Another is seasonal employment, they may be working on highways, you may move from Millinocket, Maine, we'll say to the Waterville area, up from the Waterville area to the Kittery area. That's exempt, you don't pay any Lodging Tax on that. Because it is a part of your job. We also exempt those people who are students from paying this tax over the 28 days. So we've really done the very best to keep it to taxing discretionary income if you will. Discretionary income that is used for long-term rentals, and I'd say it's primarily seasonal, so that's what the issue is before you. It does have a large fiscal note. I call \$667,000 a lot of money. I gave some math the last time we discussed this and missed a decimal. I'll make my confession now before the whole Senate. But it would require \$14 million of additional income in lodging fees to offset that fiscal note. So the siren song of saying that this will attract more tourists to Maine is really not very valid. Number one its been there for eight years without impacting on the tourism business. I was recently out of state in our

neighboring state, and paid a very dear Lodging Tax I want you to know. That state supposedly doesn't have all these taxes. I'll tell you what they've got, they've got a thousand pin pricks. Every time you turn around they are taxing you for something. So that state we don't really have to be concerned about, I would not want to compete against that. We are bounded on the other three sides geographically by Canada, by the Province of Quebec, and the Province of New Brunswick. They all have a 15% GST. That is in some cases refundable, but they do have that. So the impact on tourism has been very negative, and it's \$667,000 in the first year and goes up even more the next year. So that is the objection to moving forward with the Recede and Concur. This Senate has wisely said it's poor policy to do this. We would like to, after this motion, return to the earlier motion of our previous position, which says that this Bill should not go forward. And I would just like to remind you of that previous action, and ask that you vote against the Recede and Concur motion. 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 will agree with one statement made by the good Senator from Penobscot, Senator Ruhlin, that the law has very negatively impacted our tourism industry, and it has. The good Senator talks about needing to make up \$14 million in income to regain to the State Treasury the amount that will be lost by providing this change in our tax law. But I think it is incorrect to say that it needs to be made up in lodging fees. In fact, we are talking about people who come and spend their entire summer, generally, in the state of Maine. And they do a host of things aside from just parking their RV's, or their camper in a campground. These people who are generally here 60 or 90 days are contributing greatly to the state's economy. They are going out to dinner frequently. They are buying gifts, trinkets, and participating in other activities in our economy, and they are paying other taxes when they do that. And so, I think that \$14 million is admittedly achievable. And I do believe that if, in fact, we had some sort of dynamic forecasting of our revenues, which we do not have in this state, for anything except for cigarette tax income, for some reason, our Office of Fiscal and Program Review I would predict, would say that this Bill would actually generate revenues to the State Treasury. Unfortunately, we don't have the facts on that though. But what I do have facts on is that this Bill has impacted, particularly our campground industry I presented testimony when this Bill was last before us from several campground owners in my district. One of whom, as I stated, has seen a steady attrition of his business and seasonal rentals. That is very unfortunate because it's not only people from away that come into the state, but it's people from Maine who are deciding to go to another state in order to avoid, what could amount to an extra \$150-\$200 in cost. This Bill before you is about encouraging people, whether they are from Maine or from another state to vacation here, to stay here for long periods of time. Not just for the one day business trip or for the weekend away. This is about encouraging people to come to this state and become apart of the fabric of our summer life. I think that it rebounds tremendously in many ways, and not just fiscally.

I want to also point out a couple of other things. One is that these people are already paying a lot of taxes to this State. When you buy a camper or an RV, even if you don't buy it in the state, if you have it here, they are paying Excise Taxes or

Personal Property Taxes. I will also point out that this tax was originally imposed about eight years ago at a time of great economic distress. It was a gimmick at the time and I think it is stated by many people in this Chamber that it is time to revisit those financial band aids that we put on the State Budget, and this is one of them. It was established specifically to help fund the Maine Health Program, which no longer exist as a program. The revenues, however, never seem to go away if we ever turn the corner on the spending. And this is one case of where a revenue stream was passed specifically to help fund that program, and it is no longer here, but the revenues are. And lastly, I just want to say that we are at a tremendous competitive disadvantage with this particular tax. We are the only state that taxes long-term lodging in this way and I think that it does impact clearly, and the people on the front lines have reported to me and others in this Chamber. The people who are trying to encourage those people to come to their campgrounds are contacting us and voicing their concerns precisely because this is a problem for them. They know it, they see it, they see it up close, they watch each individual family that may decide to stay in the state for another couple of seasons. They may grin and bare the extra cost for awhile, but when they're through with their camping experience and they move on to some other recreational aspect of their life we just haven't been seeing those people replaced by new people coming into the state in the numbers that there were before. And this tax is very specifically associated with that trend. It's a disturbing and dangerous trend for the long-term in our tourism industry. I encourage you to Recede and Concur, keep this Bill alive, send it down to the Appropriations Committee where it can fight it out with every other idea that is being offered this year. Already I understand there's around \$100 million on the Appropriations Table. This is one, I think the Appropriators will see as a revenue generator in the long run, rather than just another constant hemorrhaging of dollars. So for those reasons I encourage you to go along with the Recede and Concur motion. Thank you very much.

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

Senator **KILKELLY:** Thank you Mr. President. Men and women of the Senate, I also encourage you to support the Recede and Concur motion. The bottom line of this Bill is that this Bill discourages long-term rentals and the question I have is, why do we want to do that? Why do we want to discourage people from, in fact, having their campers, having their trailers, their RVs, in a particular community for a particular length of time. It does, in fact, support the local economy when they are there. And if we can, in fact, encourage them to stay a little bit longer then that supports a large number of other businesses. So I guess for me, the bottom line is this current law discourages long-term rentals, this Bill eliminates that, and then encourages people to look at the opportunities that they have got in a particular area, and stay there for a longer period of time. So I would urge you to support the Recede and Concur motion. Thank you.

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

Senator **RUHLIN:** Thank you Mr. President, I must respond to one particular fact. The true bottom line is that this proposal changes existing policy. Existing policy that has not damaged the State of Maine's economy. That allows non-residents to

come in and participate more completely in our revenue stream. That has not had a negative impact on tourism in the state of Maine. It has proven that by over eight years. That's the bottom line. The second bottom line I want to ask you is, if this should go through, is that really how you want to spend your \$667,000 for next year and \$700,000 for the year after? I hope you will vote against the Recede and Concur.

Off Record Remarks

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

Senator MILLS: Mr. President. Men and women of the Senate, I rise to join with the Senator from Penobscot, who is the Chair of Taxation, Senator Ruhlin. To ask that you oppose the pending motion so that we may go on to Adhere. I wanted to raise just two or three quick points. One is that I believe he is mistaken in regard to the fiscal note. I think it's on the order of \$750,000 including a \$38,000 or \$40,000 annual contribution to the Local Government Fund. So the fiscal note is somewhat higher than what I believe was previously discussed. Secondly, I think it's very important to bear in mind that the tax that's levied by the State of Maine, is levied only on people who use campers as second homes and not as primary residences. People who are here living maybe as students, people who are here living in campers because they have to, living in campers because they have a temporary construction job here in the state, or people who are using the camper as their principal domicile. All of those people are exempt from the statute that we passed nine years ago. It is only if the camper is a second residence of some kind that it receives the burden of paying a small tax, or for long-term rental, or for other rental in a campground. As I understand the literature that was given to us by the Maine Campground Association, there are actually 24 states that do impose a sales tax on camping. It is true that in many states over some period of time, the long-term feature is eliminated. We do much the same thing, however, because of the exemptions we created to the tax when we Enacted it, And we said, if you're going to live in it if it is long-term living quarters for you, of course we will exempt it in the same way that we exempt apartment rentals from taxation. Even though we tax hotel rentals. So I think the tax that was crafted nine years ago seems appropriate, seems carefully done, this is not a Bill to Amend it. This is a Bill to repeal it. And it seems that at a time when many of us in this Chamber, or at least some of us, are fighting to reduce the rate of sales taxation, it seems highly inappropriate to narrow the base. And for that reason I ask that you vote to Oppose the motion that is pending on the floor. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Bennett, to Recede and Concur. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#110)

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

NAYS: Senators: BERUBE, CAREY, CATHCART, DAGGETT, DOUGLASS, GOLDTHWAIT, LAFOUNTAIN, LONGLEY, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

EXCUSED: Senator: PARADIS

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BENNETT** of Oxford to **RECEDE** and **CONCUR**, **FAILED**.

On motion by Senator **RUHLIN** of Penobscot the Senate **ADHERED**.

The Chair laid before the Senate the following Tabled and Later (5/18/99) Assigned matter:

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Require Testing for HIV and Blood-borne Pathogens of All Prisoners in the Maine Correctional System" H.P. 658 L.D. 914

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-478)** (4 members)

Tabled - May 18, 1999, by Senator **LONGLEY** of Waldo.

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

(In House, May 18, 1999, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-478)**.)

(In Senate, May 18, 1999, Reports **READ**. Senator **LONGLEY** of Waldo moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.)

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

Senator LONGLEY: Thank you Mr. President. Colleagues in the Senate, I stand in support of the Majority Ought Not To Pass Report, and I would like to tell you a little bit about it so you can cast your vote more wisely. Basically, this Bill is an unnecessary

expense, nothing is broken, nobody testified in support of the Bill except the Sponsor. Many testified in opposition to the Bill. It basically says that when you get checked in, as into a prison, you get HIV tested. And when you get checked out you get tested again. That may sound like a normal idea but there is a far more cost effective way of doing it, and it's being done. What they do is physicals. When prisoners come in they look for risk factors. It costs I would bet, a tenth of what this fiscal note is saying that HIV tests on entrance and exit would cost. If you want to spend up to, the fiscal note seems to shift from the Amended version which does nothing, but anyway it looks like it's between \$350,000 to a half million dollar fiscal note for a bunch of tests, HIV tests that are said to be not needed. I would like to just quote from some of the people who testified in opposition. First the Center for Disease Control has made no recommendations for universal screening. It tests also for Hepatitis C and Hepatitis B, and again what physicians do is they look for risk factors. Dr. Dora Mills, Department of Human Services, came and said basically the risk factors, a need for testing for these diseases, are identified as part of the normal screening and physical examination process. Additional testing for HIV is simply costly and has no public health benefits according to Dr. Dora Mills, our public health doctor. Others who testified City of Portland and the Public Health Division, our collective experience, they say, in working with this population is that there is a great need of more extensive HIV prevention and treatment services, yet mandatory testing, and in effect, this L.D. is neither a short-term or long-term solution for meeting these needs. If anything it provides a false sense of security. The solution to meeting the HIV related needs of incarcerated individuals does not lie in blanket testing of all prisoners. It simply is an added cost. If you want to spend another \$350,000 to \$500,000 on something that we are told is not broken, don't be my guest. And be my guest in voting for the Majority Ought Not To Pass Report. Thank you.

Off Record Remarks

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

Senator **MITCHELL:** Thank you Mr. President. Good morning ladies and gentlemen of the Senate. This morning I would like to rise and share some information with you that I obtained from a conference on HIV and Aids. The threat it is giving the states across our Nation on testing versus non-testing and the results. I received a report on where Maine stands in comparison to other states. There were Representatives there from Washington, from Corrections, and various states. They are very concerned because where they have tested, it has proven that there is a very large percentage of those that are tested who do prove positive on HIV and Aids. And by being able to identify, correct, and treat this HIV they prevent that from developing further. And when they come back out into the community it prevents the spreading into the communities. Maine's number of testing is very low and presents concern because we are not testing. So we do not know to what extent this disease is growing and increasing in our state. I would urge you to vote Ought Not To Pass on the current vote so that we can vote for the Ought To Pass measure. We are already doing blood work on our

incarcerated prisoners. All this means is that they need to just take that blood sampling with a little more in the same syringe and do the HIV and the Hepatitis testing. The fiscal note I would definitely question because with the testing they are currently doing it would probably reduce this fiscal note considerably if we did do the necessary testing for the HIV and Aids so that we can get in line with other states and so that we can also identify what this need is, not bring these people back out into the communities where when they're released their sexual relations are going to spread this disease. We don't have any idea of what we're dealing with and it is one of the fastest growing epidemics there is, it's with the incarcerated in our country. So please join me in voting against the Ought Not To Pass so that we can vote the Ought To Pass measure. 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 too rise in support of the Ought Not To Pass motion and I would like to state reasons for that. I will be brief because the good Senator from Waldo, Senator Longley, seems to have touched all the basis for consideration to this matter. I would like to point out that the Center For Disease Control recommends voluntary testing, rather than what this Bill recommends, which is compulsory testing. As the good Senator from Waldo pointed out the testing that is suggested by this measure is not based upon risk factors, but instead amounts to what we would call universal screening. Out of that comes a false sense of security for those who are employed in the correction system. They might put their guard down and not follow procedures set forth in the work place for their protection. I would like to conclude by, perhaps, a comparison. I can remember when I went into the Marine Corp during the Korean War. I quickly learned that I was government property to the extent that you couldn't even get a sunburn because it would effect your ability to soldier. You are restricted from lying too long in the sun. This Bill amounts to me to treating prisoners like government property. We don't have mandatory testing in our society for these situations, but we would for prisoners. Gee, they're government property. There they are incarcerated and why don't we set up something that's mandatory because we got a handle on them. There they are at the prison amounting to government property. Let's treat them differently than we do the rest of society. It's almost as if they have lost entirely every sense of fairness that we recognize in our society. To date, no correctional employee in the Nation has been infected on the job by contact with a prisoner. So I would ask you please to support the pending motion and allow the present system to stay in place. The Committee did hear from municipal health programs that serviced the local jails and the county jails. The place where we have inmates incarcerated, but they have a voluntary program in place, and they have counseling with it. Those particular programs have been in place for a number of years. So it's not to say that our inmates are being neglected in this area. We have programs in place, they're working. I don't see that there is something broke here that needs to be fixed by this Bill. And so I would ask Mr. President that we support the pending motion. Thank you.

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

Senator GOLDTHWAIT: Thank you Mr. President. Ladies and gentlemen of the Senate, I would like only to underscore the remarks of the good Senator from Franklin, Senator Benoit, regarding the fact that simply because we have literally a captive audience in our prisons, and even a known high rate of the incidence of HIV and some of the Hepatitis, that does necessarily mean that because they're available that they should be tested against their will. My second point is if the concern is transmission of any of these diseases to staff that this Bill does absolutely nothing to address that issue. Simply because we identify the population in any setting that doesn't mean that disease will or won't be transmitted. I'm sorry to say that the history of prevention of transmission in other high risk settings, such as hospitals, is a rather embarrassing one because it started out as a very primitive debate about who we should test and whether we could put people's names on lab slips and all sorts of other things. But the system that we have devised to deal with that matter is one that is to be respected and emulated. I am quite sure that there are standards within the Department of Corrections for dealing with this. Briefly the way it is done is by what we call universal precautions, rather than submitting everyone to testing whether it is voluntary or not. And rather than only taking precautions when we have a person identified to have a transmittable disease. It is incumbent on the healthcare providers, or correction staff to employ universal precautions, which means we treat all potentially contaminated body fluids as contaminated. We use gloves all the time, anytime when we might have any contact with blood or other possibly contaminated body fluids. And we simply don't use them when we have a patient who is identified to be HIV positive or carrying Hepatitis C, B, or A, or anything else. So universal precautions is actually the measure that would be most effective regarding avoiding transmission of the disease, rather than simply identifying the population. In fact, if you wanted to identify a population of people in any institution, be it a school, or a jail, or a hospital, who was a serious threat to transmission, it would be those people who have multi-drug-resistant TB, which is an air borne route for transmission which anyone who is in the same environment as that person would be exposed to in the normal course of their work life. So I would urge you to Accept the Majority Ought Not To Pass Report on this Bill because I see it doing very little of anything to be either protective or instructive. 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 am also on the Judiciary Committee and wanted to make it clear that I am in complete agreement with the two Senators who are on that Committee in support of the Ought Not To Pass Report. And also, to mention just a couple of additional pieces of information. One of which is that not only did the Maine Bureau of Health oppose this Bill, but so too did the Department of Corrections, as well as every other person who showed up at the Hearing except for the Legislative Sponsor of the Bill. In addition, you should know that right now there is the ability of the Department of Corrections to require testing for someone against their will through court order, if indeed circumstances warrant that. In addition, there is voluntary testing for anyone who seeks to be tested, and counseling and treatment is provided in those cases. Finally, just the point again, no one came from the Correctional System itself, from the officers that work in that

system requesting it, and indeed, Justice Department reports indicate that not one case of occupationally acquired HIV infection has occurred among correctional officer's around the Country. So this is a solution to a problem that does not exist, and I urge your support of the pending motion.

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

Senator LONGLEY: Thank you Mr. President. Colleagues in the Senate, I will simply be more accurate on the fiscal note. Basically the fiscal note weighs in at \$551, 943 that's an additional \$295,000 for initial tests of inmates currently in the system. Again, I would emphasize that it's trying to solve a problem that doesn't exist. As is they look for risk factors in the normal screening and physical examination process. When they see those risk factors they do the necessary follow-up test. So in my opinion this added expense of over half a million dollars is a waste of our money. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Waldo, Senator Longley to Accept the Minority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#111)

YEAS: Senators: BENOIT, CASSIDY, CATHCART, DAGGETT, DOUGLASS, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MURRAY, NUTTING, O'GARA, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BERUBE, CAREY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MILLS, MITCHELL, SMALL

EXCUSED: Senator: PARADIS

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **LONGLEY** of Waldo to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

Off Record Remarks

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator CASSIDY for the Committee on **TRANSPORTATION** on Bill "An Act to Amend the Laws Governing the Construction of Salt and Sand Storage Facilities"

S.P. 764 L.D. 2156

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

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

READ ONCE.

Committee Amendment "A" (S-308) **READ** and **ADOPTED**. **TOMORROW ASSIGNED FOR SECOND READING.**

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (5/18/99) Assigned matter:

Bill "An Act to Minimize the Harmful Effects of Lead"
H.P. 625 L.D. 875
(C "A" H-566)

Tabled - May 18, 1999, by Senator **PINGREE** of Knox.

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

(In House, May 14, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-566)**.)

(In Senate, May 18, 1999, **READ A SECOND TIME**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-566).

On further motion by same Senator, Senate Amendment "A" (S-298) to Committee Amendment "A" (H-566) **READ** and **ADOPTED**.

Committee Amendment "A" (H-566) as Amended by Senate Amendment "A" (S-298) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-566) AS AMENDED BY SENATE AMENDMENT "A" (S-298) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/18/99) Assigned matter:

Bill "An Act to Amend the Sales Tax Exemption for Prosthetic Devices"

S.P. 494 L.D. 1479
(C "A" S-294)

Tabled - May 18, 1999, by Senator **PINGREE** of Knox.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**

(In Senate, May 18, 1999, **READ A SECOND TIME**.)

On motion by Senator **RUHLIN** of Penobscot, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-294).

On further motion by same Senator, Senate Amendment "A" (S-299) to Committee Amendment "A" (S-294) **READ** and **ADOPTED**.

Committee Amendment "A" (S-294) as Amended by Senate Amendment "A" (S-299) thereto, **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-294) AS AMENDED BY SENATE AMENDMENT "A" (S-299) thereto.

Sent down for concurrence.

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

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

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Increase the Deer Hunting Day by 15 Minutes"

H.P. 30 L.D. 39

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-568)** (11 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - May 19, 1999, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 18, 1999, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**. Committee Amendment "A" (H-568) **READ** and **INDEFINITELY POSTPONED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, May 19, 1999, Reports **READ**.)

Senate at Ease.

Senate called to order by the President.

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

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

Senator **NUTTING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I spent a great deal of time in the last few days thinking about this issue. I knew it was coming and I can't support the Majority Report. I wanted to let the Body know why. I think in Maine we have an excellent Hunter Education System for Maine resident hunters. It's a great program. The problem as I see it, is that there really is no way to have any type of hunter safety education for non-resident hunters. Some of the things I and my family have seen on our several-hundred acre farm, which we do not post, leads me to believe that extending the hunting season beyond sunset is just not a correct and safe thing to do. Once again, I'll say it again, not because of resident hunters but because of non-resident hunters. When you talk to a hunter, as I did last year, who told me, this was towards the end of the hunting season, that this individual hadn't seen anything, but he had a couple of great sound shots. A sound shot is you hear something and you shoot. If you look at the accidents that are happening in our hunting season, in the day, the closer you get towards sunset the more accidents happen. I'm concerned

that adding 15 or 30 minutes on to that is just going to compound the problem. I'll admit that probably is not going to be the case on a sunny day, but on a cloudy, raining type of day five minutes after sunset, on a certain slope of a hill, I don't think you have enough visibility. It's scary, I guess that is the word I will use, to see some of the actions of hunters from away. When you have a whole neighborhood watching a hunter get out of his vehicle and not walk across a 10 acre field to go to the woods to hunt, but to sneak across a 10 acre field to go in to hunt. As if the deer is there on the edge looking at him. I'm just very concerned about that. Mr. President I move the Indefinite Postponement of this Bill and all its accompanying papers and ask for a Roll Call.

Senator **NUTTING** of Androscoggin moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On further motion by same Senator, 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 Lincoln, Senator Kilkelly.

Senator **KILKELLY** Thank you Mr. President. Men and women of the Senate, I would hope that you would defeat the current motion so that we can go on to Pass this Bill. The Bill as Amended by the Committee, which was the previous motion before us, would in fact have increased the hunting day by 30 minutes. However, by substituting the Bill for the Report, or by killing the Committee Amendment it would, in fact, only increase the hunting time by 15 minutes, which is a compromise extending the hunting day by 15 minutes. The Majority of the members of the Committee do not believe sacrifice is safety. We looked at the information from the Department. It didn't show that was a concern. This information came from the Sam Deer Task Force, which in fact, has spent many months looking at various issues regarding deer hunting, and had actually suggested that because we currently have hunting a half an hour before sunrise, that to add the half an hour after sunset, which is the time that we lost about 25 -26 years ago, made sense and is something that we should pursue. Again, eventually I hope there will be an opportunity for you to vote on a compromise which will be 15 minutes.

The issues that the good Senator from Androscoggin has raised in terms of people not behaving appropriately, not having adequate information, is something that we have dealt with for in-state hunters, certainly through education. People who now get a hunting license must go through the Hunter Safety Course. In that course they learn about proper technique, target identification, the range of various firearms, and issues of where you need to be in order to safely discharge a firearm. Those issues are critically important. They're critically important because all of us who care about hunting want hunting to, in fact, be a safe sport. We want hunting to be a sport where people can participate with a good sense that the folks that are around them have the information that they need. There is no way, there is no legislation that we could ever pass that's going to guarantee that every person who walks in the woods is going to do it appropriately, safely, and do it right. We have said before on this Floor and in the other Body, we cannot legislate common sense. And that is the truth of the matter, we can't. But what we can do is to pass legislation that, in fact, will provide reasonable

opportunity, reasonable safety, and reasonable accommodation for the majority of people that, in fact, do participate in this sport and in other activities in a reasonable way.

Night hunting will continue to be illegal if we are able to get past this motion and go on to pass the other Bills. Night hunting is something that should not be legal, and no one on the Committee would advocate that it should be. Hunting after sunset for 15 minutes is not night hunting. When we talk about the issue of visibility, one could make a case for the fact that in the middle of a blizzard, in the middle of the day, does someone, in fact, have enough visibility to hunt safely. Again, that is something that is left to common sense. If we want to really approach this, we might say, well in these certain weather conditions you can hunt for this time to that time, or maybe we will stop hunting altogether when the weather conditions are such that some of us, in some part of the state, may determine that it's not going to be safe out there. We can't do that. We need to leave some opportunity for people to use their best judgment. Certainly, there are times when people get up in the morning and get ready to go hunting, and determine that it's too foggy to hunt in a particular place, or in a particular way, or the snow is causing a problem in terms of visibility. Those issues need to be addressed on an individual by individual basis. We do that by providing education and providing information. Not by doing it through legislation. We have, in fact, done a lot to increase hunter safety in this state. Blaze orange has certainly increased hunters safety; it increases visibility. The Hunter Safety Information Program has increased hunter safety and hunter information. Those things have made sense. Those things are not impacted by this legislation. This legislation merely, if we can get past the current motion, would merely say that there would be an additional 15 minutes of time in which people can, in fact, hunt in the afternoon. I would urge you to Defeat the pending motion so that we can go on to discuss and hopefully Pass this legislation.

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

Senator **KIEFFER:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today to support my friend the good Senator from Lincoln, Senator Kilkelly, in opposing the pending motion. I think it is important to understand exactly what this Bill really does. Presently, for approximately 11 months out of the year you can hunt for 30 minutes after sunset. Now of course, sunset varies from different areas throughout the state but for the purposes of standardization we use the time of sunset here in Augusta, statewide. During the bear season, that starts in August and continues on varying through September and October, the hunting season ends at 30 minutes after sunset. Now it seems to me that from a common sense standpoint, if we can hunt a black bear in this twilight hour certainly we ought to be able to hunt deer. We've gone for years now with no hunting accidents, as is shown in these statistics that were distributed to you. There's been no incident after sunset, for example from 1994 through 1998. Certainly, during the month of November that this Bill deals with, and that is all it deals with, is during the open deer season it extends the hunting time for a 15 minute period of time. Now certainly weather conditions affect the time when you can hunt. And that is as the Senator said a matter of common sense and a matter of judgment. I have seen times that at 3:15 in the afternoon, or 3:30 in the afternoon on a cloudy day, overcast, heavy fog, you shouldn't be in the woods. You

shouldn't be there and there isn't any way we can regulate that. Also, there are scopes today, and I can give you a classic example, the Department sells permits for people to hunt coyotes at night. I'm one of those people and I can call coyotes and shoot them at night without the use of any light without the use of a night hunting scope because I have a scope that is designed to gather enough light. So again its a matter of common sense which you just can't legislate. I think that this is a good compromise Bill. I certainly am one that is very insistent on safety. I believe that this doesn't create an opportunity for more accidents, I don't know why it should. I'm willing to give it a try. I think that it's a good compromise as opposed to the 30 minutes, and I would ask you to join me in Defeating the pending motion so we can go on and support the Majority Committee Report of Ought To Pass. Thank you Mr. President.

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

Senator **NUTTING:** Thank you Mr. President. Very briefly, I do want to remind the Body that I spend a great deal of time in the woods myself hunting. There was a time where a woodchuck at 275 yards had something to worry about from me, but the boys have grown up and that's no longer the case. I want to bring the Body's attention to something that was distributed from the good Senator from Sagadahoc, Senator Small. This is a letter from Gary Anderson, the retired Safety Officer and the head of the Search and Rescue for the State of Maine. When he worked for the Fish and Wildlife Department he talks about opposing this Bill because of poor light, fatigue at the end of the day, people getting lost in the woods, and he talks about the whole problem with light, and it's now essential that we better identify the sex of the deer, because of the bucks only law. And I just wanted to bring these points to this Body's attention as well. Thank you.

Off Record Remarks

On motion by Senator **NUTTING** of Androscoggin, 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 (#112)

YEAS: Senators: BERUBE, CATHCART, DOUGLASS, GOLDTHWAIT, LAFOUNTAIN, MICHAUD, MURRAY, NUTTING, O'GARA, RAND, SMALL, TREAT

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, DAGGETT, DAVIS, FERGUSON, HARRIMAN, KIEFFER, KILKELLY, KONTOS, LIBBY, LONGLEY, MACKINNON, MILLS, MITCHELL, PENDLETON, PINGREE, RUHLIN, THE PRESIDENT - MARK W. LAWRENCE

EXCUSED: Senator: PARADIS

12 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **NUTTING** of Androscoggin to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, FAILED**.

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

READ ONCE.

Committee Amendment "A" (H-568) **READ**.

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

Senator **KILKELLY** Thank you Mr. President. Men and women of the Senate, Committee Amendment "A", in fact, had increased the length of the day to 30 minutes. By removing that we would revert to the Bill which increases the length of the day to 15 minutes, which is a compromise that has been reached by a number of people. I would urge you to go along with Indefinitely Postponing the Committee Amendment which would allow us to then have the Bill before us which would increase the day by 15 minutes. Thank you very much.

On motion by Senator **KILKELLY** of Lincoln, Committee Amendment "A" (H-568) **INDEFINITELY POSTPONED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

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

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Discourage Consumption of Alcohol by Minors"

S.P. 422 L.D. 1259

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

Minority - **Ought to Pass** (4 members)

Tabled - May 19, 1999, by Senator **DAGGETT** of Kennebec.

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

(In Senate, May 19, 1999, Reports **READ**.)

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

The Chair laid before the Senate the following Tabled and Later (5/18/99) Assigned matter:

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Allow Three Hunters to Hunt Deer Together"

H.P. 704 L.D. 971

Majority - **Ought to Pass** (10 members)

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

Tabled - May 18, 1999, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 18, 1999, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, May 18, 1999, Reports **READ**.)

Senator **KILKELLY** of Lincoln moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

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

Senator **RUHLIN:** We just had a Bill that we discussed and many people were concerned about hunter safety in the state of Maine. I want to share with you a little bit of experience that I've had. When I was a younger man, not as long ago as some of you may think but it was a while ago, hunting was considered a dangerous sport. We had a certain amount of fatalities every year. A great amount of people being wounded. We looked at that and tried to address that in a rational, reasonable way. Maine, over the years, has developed and evolved a very safe hunting system so that in this day and age hunting in the Maine woods is safer than driving a car. It's as safe as flying in a major airline. It's a safe sport. This Bill represents today a step away from the previous policies of making safety the number one priority in hunting in Maine. It does so this way: let me explain to you what this Bill would allow. It will allow three people to go hunting together. One could stay in a prearranged central spot, the other two could circle around so they're facing each other with loaded rifles and if a deer comes up between them and if they get excited they could raise their rifles and shoot and somebody's going to get hurt. We recognized many years ago the need to get rid of that type of hunting. If you want to go and hunt, as my brothers and my nephews and niece hunt together as a social group, do it but do it perfectly legal in a different way. I'm going to hunt and that direction, you're going to hunt in that direction, you're going to hunt in that direction, and you're going to hunt and that direction so we stay away from each other. What this Bill allows is it allows them to come together to actually try to drive a deer and put one person in what we call a stand, in other words a central location, and the other two to circle around and come facing each other with loaded rifles. A good hunter, a

safe hunter frankly will not do that. It's unfortunate that we do have to have laws. You can't legislate common sense. Sometimes you just have to have laws that just say you'd be breaking the law if you do that. We have that law in place, it's worked. I absolutely assure you there are people in the state of Maine who are alive today because we have the safety laws in the state of Maine that have been effective. This is a step backwards. This is a step away from those safety rules and regulation habits that we have had in the state of Maine. I hope you will vote Against acceptance of this Majority Report and go along and see to it that we Ought Not to Pass it and protect the safety of the hunting sport in the state of Maine. Thank you.

On motion by Senator **RUHLIN** of Penobscot, 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 Lincoln, Senator Kilkelly.

Senator **KILKELLY:** Thank you Mr. President. Men and women of the Senate, safety in hunting, as was discussed in the previous debate, is of paramount importance to all of us who are concerned about hunting, all of us who participate in hunting and all of us who have family members who participate in hunting because it's our loved ones that are out in the woods as well. What I question is that the issue of driving deer historically, the reason that we moved away from allowing deer driving were long lines of people that in fact went through the woods making lots of noise and driving deer out. That is a very different scenario than what we're talking about here in terms of allowing three people to work together to in fact move deer around. The scenario that was presented by the previous speaker would certainly be a tragedy indeed if people were beside each other and obviously shooting towards each other. However some of us would challenge that one of the best ways to increase safety is for people to know where the other person is. And the best way to know where the other person is in fact to sit down and to do that planning and know where you're going to be in the woods and know who else is going to be in the same area of the woods with you. Who in fact would be standing, who in fact is going to be moving through the woods. That kind of information is the kind of information that's necessary to in fact keep hunters safe. This Bill is very limited in talking about three hunters hunting together. It provides an opportunity for people to work together as opposed to just being sent out into various parts of the woods. And again, it provides that information so that people know from one person to the next who is going to be there, who's going to be in the general area, who's moving and who's standing. There have been, again I hesitate to repeat the previous debate, a number of changes that have taken place over the last 30 years in terms of hunting safety in this state. They have included blaze orange. They have included hunter information and many of us believe that those pieces have been critical in reducing the number of accidents, the number of fatalities that we've seen during hunting season. We also believe it's important to look at the social aspect of hunting. Families do hunt together. People hunt together. One of the first people that ever took me deer hunting was my mother. We would go walking up the woods in back of our house. People hunt together because it's an experience that families share and I think we need to support that. We can support that by taking language out of the law that's unenforceable, that says people can't even have these

discussions and can't hunt together and put something in place that says in these limited ways we are supporting people participating in this activity as a group and doing it in a safe way because you've shared information among the people that are participating that will give you better information about who's out there and make you safer. So I would urge you to support the pending motion which is the Report from the Majority of the Committee on Inland, Fisheries and Wildlife. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Lincoln, Senator Kilkelly to Accept the Majority Ought to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#113)

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, DAGGETT, DAVIS, FERGUSON, HARRIMAN, KIEFFER, KILKELLY, KONTOS, LIBBY, MACKINNON, MICHAUD, MITCHELL, PENDLETON, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: BERUBE, CAREY, CATHCART, DOUGLASS, GOLDTHWAIT, LAFOUNTAIN, LONGLEY, MURRAY, NUTTING, O'GARA, PINGREE, RAND, RUHLIN, SMALL, TREAT

ABSENT: Senator: MILLS

EXCUSED: Senator: PARADIS

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, and 1 Senator being excused, the motion by Senator **KILKELLY** of Lincoln to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senator **DOUGLASS** of Androscoggin was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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. 1587

WHEREAS, the Legislature finds that the Governor Baxter School for the Deaf is a unique institution in Maine, a state-funded school for the deaf and hard-of-hearing, with a statewide obligation and role to help local schools educate deaf and hard-of-hearing children and a critical role in the deaf culture of the State; and

WHEREAS, the Legislature finds that, to take best advantage of its unique features, the Governor Baxter School for the Deaf needs a governance system and management powers that reflect the school's unique status; and

WHEREAS, the Committee to Review the Governance Structure of the Governor Baxter School for the Deaf concluded that the current governance system of the Governor Baxter School for the Deaf does not fit the school's need for effective and efficient governance; and

WHEREAS, both the Department of Education's review committee report regarding the compliance of the Governor Baxter School for the Deaf with the basic school approval statutory requirements and the report of the Committee to Review the Governance Structure of the Governor Baxter School for the Deaf found the school's employment of certified and qualified school personnel and provisions for the security and welfare of residential students to be deficient, and the department's review committee also concluded that significant deficits in the current educational program at the school, including the lack of a cohesive curriculum, instruction and assessment program, warranted the Commissioner of Education to change the status of the Governor Baxter School for the Deaf from "approval" to "provisional approval" and further required the Governor Baxter School for the Deaf to file with the commissioner an acceptable written plan of action for addressing identified deficits, which includes addressing safety concerns at the facility; and

WHEREAS, the Legislature finds that it is necessary to review the efficiency and effectiveness of the educational program at the Governor Baxter School for the Deaf in the context of the range of alternative educational models and placements that are available to deliver appropriate educational programs and services that meet the unique educational needs of children and youth who are deaf and hard-of-hearing; and

WHEREAS, the Legislature finds that there is an urgent need for a task force to review the educational program and the governance system of the Governor Baxter School for the Deaf to ensure that the school is meeting its statewide obligation and role of helping local schools educate deaf and hard-of-hearing children in an efficient and effective manner; now, therefore, be it

ORDERED, the Senate concurring, that the Task Force to Review the Educational Program and the Governance System of the Governor Baxter School for the Deaf is established as follows.

1. Task force established. The Task Force to Review the Educational Program and the Governance System of the Governor Baxter School for the Deaf, referred to in this order as the "task force," is established.
2. Task force membership. The task force consists of 14 members as follows.
 - A. The President of the Senate shall appoint 4 members from the Senate, including one member who serves on the Joint Standing Committee on Education and Cultural Affairs, one member who serves on the Joint Standing Committee on Health and Human Services, one member who serves on the Joint Standing Committee on Judiciary and one member who serves on the Joint Standing Committee on Agriculture, Conservation and Forestry.
 - B. The Speaker of the House of Representatives shall appoint 4 members from the House of Representatives, including one member who serves on the Joint Standing Committee on Education and Cultural Affairs, one member who serves on the Joint Standing Committee on Health and Human Services, one member who serves on the Joint Standing Committee on Judiciary and one member who serves on the Joint Standing Committee on Agriculture, Conservation and Forestry.
 - C. The President of the Senate shall appoint 2 members from the Committee to Review the Governance Structure of the Governor Baxter School for the Deaf who represent the deaf community.
 - D. The Speaker of the House shall appoint one member from the Committee to Review the Governance Structure of the Governor Baxter School for the Deaf who represents an interested party other than a state agency or the deaf community.
 - E. The Commissioner of Education or the commissioner's designee must be a member of the task force.
 - F. The Commissioner of Administrative and Financial Services or the commissioner's designee must be a member of the task force.
 - G. One of the cochairs of the School Board of the Governor Baxter School for the Deaf or the school board cochairs' designee must be a member of the task force.
3. Chairs. The first Senate member named is the Senate chair and the first House member named is the House chair.
4. Appointments; convening task force. 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 task force shall call and convene the first meeting of the task force no later than July 15, 1999.

5. Duties. The task force shall review the educational program of the Governor Baxter School for the Deaf to ensure that the school is meeting its statewide obligation and role in helping local schools educate deaf and hard-of-hearing children in an efficient and effective manner, and, if appropriate, the task force shall recommend a design for a new governance system for the Governor Baxter School for the Deaf and shall prepare a plan that will help the school develop the capacity to implement a system that is more efficient and effective than the current governance system. In conducting this review, the task force shall:

A. Request, as appropriate, the assistance of the Department of Education, the Department of Administrative and Financial Services, the Bureau of Parks and Lands within the Department of Conservation, the Department of the Attorney General, the School Board of the Governor Baxter School for the Deaf, the College of Education within the University of Southern Maine and other appropriate state agencies and educational institutions;

B. Invite the participation of experts and interested parties;

C. Hire an impartial consultant to help the school, the Department of Education and other state agencies to redefine their roles and realign responsibilities; and

D. Review the efficiency and effectiveness of the educational program at the Governor Baxter School for the Deaf in the context of the range of alternative educational models and placements that are available in other states to deliver appropriate educational programs and services that meet the unique educational needs of children and youth who are deaf and hard-of-hearing and, if necessary:

Redefine the basic structure of the governance system, including defining the respective roles and responsibilities of the school board, school administrators and state agencies;

Identify the resources needed for the school board to develop the capacity to perform functions that the school would take over from state agencies, such as personnel and budget management functions. If the School Board of the Governor Baxter School for the Deaf is to bargain directly with employee unions and is to address employee relations issues such as grievance proceedings, the school must build the capacity to undertake these functions as well. This may involve securing additional staff for the school to strengthen its personnel management capacity;

Develop a plan to address the findings and recommendations from the Department of Education's basic school approval review conducted in December 1998, conduct any other necessary reviews, such as a comprehensive review of safety, security and welfare of students in the residential program at the school, and develop a plan to address the results of those reviews;

Consult with Governor Baxter School for the Deaf employees and their representatives so that their interests can be taken into account in designing a new governance system. Employees have an interest in the potential for changes in salary, benefits and working conditions. The task force shall take into account existing employee rights under union contracts or state law that

may affect the timing or scope of change that may occur at the school;

Develop strategies for properly balancing the protection of and public access to the natural resources of the island with the need for managing the state-owned facilities under the provisions of the deed from Governor Baxter granting Mackworth Island to the State. The strategies must address what role, if any, state agencies play in managing school property and Mackworth Island, what improvements are needed in the school's physical plant and who should make those improvements and whether a state agency should continue to be involved in managing the island or only in overseeing the school's compliance with the deed; and establish benchmarks to measure the school's progress toward a more efficient and effective governance system and require that the consultant, the school and the Department of Education make progress reports to interested parties, including the Joint Standing Committee on Education and Cultural Affairs.

6. Staff assistance; interpreter services; consultant. The task force may request staffing assistance from the Legislative Council. The task force, with the approval of the Legislative Council, may contract with interpreter services to provide appropriate interpreting services for the deaf and hard-of-hearing and shall contract with a consultant to provide professional services for reviewing and analyzing the status of the governance system of the Governor Baxter School for the Deaf.

7. Expenses. Legislative members of the task force are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of the task force. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses and a per diem equal to the legislative per diem for their attendance at authorized meetings of the task force.

8. Report. No later than December 3, 1999, the task force shall submit a report that includes its findings together with any recommendations for legislation to the Joint Standing Committee on Education and Cultural Affairs or for supplemental budget appropriations to the Joint Standing Committee on Appropriations and Financial Affairs. The Joint Standing Committee on Education and Cultural Affairs is authorized to report out legislation during the Second Regular Session of the 119th Legislature concerning the findings and recommendations of the task force. If the task force requires an extension of the reporting deadline, it may apply to the Legislative Council, which may grant the extension.

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

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

Comes from the House, under suspension of the Rules, **READ** and **PASSED**.

READ.

On motion by Senator **PINGREE** of Knox, placed on the **SPECIAL STUDY TABLE**, pending **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. 1588

ORDERED, the Senate concurring, that Bill, "An Act to Clarify the Standard for Cause in the Request for Proposal Process for the Department of Mental Health, Mental Retardation and Substance Abuse Services," H.P. 692, L.D. 959, and all its accompanying papers, be recalled from the Governor's Desk to the House.

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

READ and **PASSED**, in concurrence.

On motion by Senator **PINGREE** of Knox, **ADJOURNED**, until Thursday, May 20, 1999, at 9:00 in the morning.