

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Nineteenth Legislature
State of Maine

Volume 2

First Regular Session (Continued)
May 6, 1999 to June 18, 1999

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

In Senate Chamber
Tuesday
May 25, 1999

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

Prayer by Reverend C. Perrin Radley of St. Marks Episcopal Church in Waterville.

REVEREND RADLEY: Gracious creator, You have set us in the midst of a great land of mountains, lakes and sea coasts and under Your care given us the duty to provide for and direct the people of this state. For here in this Chamber every aspect of life is considered. The hopes of the marginalized, the efforts of those in business, education and health care, the needs of the newborn and the final rest of the dead. The most intimate parts of our lives come under review. Our weakness and temptations may need to be checked. Abuse and violence halted. Our deepest pain and our fervent desires given voice. We know our heroes will here find remembrance and honor in all their deliberations for our well-being. Give, gracious God, to this Senate compassion and understanding. May they ever be faithful to their responsibilities to those whom it is their honor to serve. That through the work of this Body and the cooperation of us all we may live in a society established upon the foundation of justice, truth and love. Amen.

Doctor of the day, Peter Mason, DO, Bath.

Reading of the Journal of Monday, May 24, 1999.

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1594

ORDERED, the Senate concurring, that Bill, "An Act to Create the Sex Offender Registration and Notification Act of 1999," S.P. 597, L.D. 1721, and all its accompanying papers, be recalled from the Engrossing Division to the House.

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

READ.

On motion by Senator **MURRAY** of Penobscot, **TABLED** until Later in Today's Session, pending **PASSAGE**, in concurrence.

COMMUNICATIONS

The Following Communication: H.C. 212

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

May 24, 1999

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

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it Indefinitely Postponed 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)

Sincerely,

S/Joseph W. Mayo
Clerk of the House

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Modify the Laws on Negotiating a Worthless Instrument"

H.P. 888 L.D. 1245

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

Signed:

Senators:
MURRAY of Penobscot
DAVIS of Piscataquis

Representatives:

POVICH of Ellsworth
CHIZMAR of Lisbon
PEAVEY of Woolwich
TOBIN of Dexter
SHERMAN of Hodgdon

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

Signed:

Representatives:

FRECHETTE of Biddeford
MUSE of South Portland
QUINT of Portland
McALEVEY of Waterboro
O'BRIEN of Augusta

Comes from the House with the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-638)**.

Reports **READ**.

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

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

Divided Report

Seven members of the Committee on **LABOR** on Bill "An Act to Treat All Employees Equitably with Respect to Leaves of Absence for Legislative Service"

H.P. 235 L.D. 339

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-354)**.

Signed:

Senator:

DOUGLASS of Androscoggin

Representatives:

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

Four members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-355)**.

Signed:

Senator:

MILLS of Somerset

Representatives:

DAVIS of Falmouth
MacDOUGALL of North Berwick
TREADWELL of Carmel

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "C" (H-356)**.

Signed:

Representative:

MACK of Standish

One member of the same Committee on the same subject reported in Report "D" that the same **Ought Not to Pass**.

Signed:

Senator:

LAFOUNTAIN of York

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-354)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-354)**.

Reports **READ**.

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

ENACTORS

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

Act

An Act to Amend the Laws Pertaining to the Maine HIV Advisory Committee

H.P. 806 L.D. 1129
(C "A" H-371; S "A" S-295)

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

ORDERS OF THE DAY

Unfinished Business

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

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

SENATE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Create Staff Positions at the Maine Commission on Domestic Abuse"

S.P. 689 L.D. 1935
(C "A" S-140)

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-140)** (5 members)

Tabled - May 5, 1999, by Senator **PINGREE** of Knox.

Pending - **FURTHER CONSIDERATION**

(In Senate, May 3, 1999, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-140)**.)

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

On motion by Senator **PINGREE** of Knox, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/20/99) Assigned matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Increase Access to Cub Care for Children"

H.P. 1255 L.D. 1809

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-595)** (8 members)

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

Tabled - May 20, 1999, by Senator **PARADIS** of Aroostook.

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

(In House, May 19, 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-595)**.)

(In Senate, May 20, 1999, Reports **READ**.)

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

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

On motion by Senator **MILLS** of Somerset, **TABLED** until Later in Today's Session, pending motion by Senator **PARADIS** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence. (Roll Call Ordered)

Off Record Remarks

HELD MATTER

On motion by Senator **DAGGETT** of Kennebec, the Senate **RECONSIDERED** whereby it **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-313) AND SENATE AMENDMENT "A" (S-333)** the following:

Bill "An Act to Require a Minor Who is the Underlying Cause of a Liquor Violation to Provide Identification to a Law Enforcement Officer"

H.P. 274 L.D. 382
(C "A" H-313; S "A" S-333)

(**RECALLED** from the Engrossing Division pursuant to Joint Order (S.P. 837), in concurrence.)

(In Senate, May 24, 1999, on motion by Senator **DAGGETT** of Kennebec, under suspension of the Rules, **RECONSIDERED ENACTMENT**. On further motion by same Senator, **RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-313)**. On further motion by same Senator, Senate Amendment "A" (S-333) **READ** and **ADOPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-313) AND SENATE AMENDMENT "A" (S-333)**, in **NON-CONCURRENCE**.)

On motion by Senator **DAGGETT** of Kennebec, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-313), in concurrence.

On motion by Senator **DAGGETT** of Kennebec Committee Amendment "A" (H-313) **INDEFINITELY POSTPONE**, in **NON-CONCURRENCE**.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-333)**, in **NON-CONCURRENCE**.

Pending - **PASSAGE TO BE ENGROSSED** (Division Requested)

(In Senate, May 20, 1999, **READ A SECOND TIME.**)

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

ORDERS OF THE DAY

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

An Act to Clarify Underinsured Motor Vehicle Coverage
S.P. 723 L.D. 2043
(C "A" S-204)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, May 6, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-204).**)

(In House, May 12, 1999, **PASSED TO BE ENACTED.**)

On motion by Senator **LAFOUNTAIN** of York, Bill and accompanying papers **COMMITTED** to the Committee on **BANKING AND INSURANCE**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

JOINT ORDER - relative to "An Act to Create the Sex Offender Registration and Notification Act of 1999," S.P. 597, L.D. 1721 and accompanying papers being recalled from the Engrossing Division to the House

H.P. 1594

Tabled - May 25, 1999, by Senator **MURRAY** of Penobscot.

Pending - **PASSAGE**, in concurrence

(In House, May 24, 1999, **READ** and **PASSED.**)

(In Senate, May 25, 1999, **READ.**)

PASSED, in concurrence.

The Chair laid before the Senate the following Tabled and Later (5/20/99) Assigned matter:

Bill "An Act to Discourage Consumption of Alcohol by Minors"
S.P. 422 L.D. 1259

Tabled - May 20, 1999, by Senator **LAFOUNTAIN** of York.

Senator **BENNETT:** Thank you Mr. President. Fellow members of the Senate, it's been a while since we discussed this so I want to refresh your memory as to what this Bill does. It does in essence two things. First it increases the fines for possession of alcohol by a minor. Secondly it gives the courts the discretion to suspend the drivers license of a minor convicted of possession. Why are we proposing to increase the fines? While there are many reasons which underscore the importance of this provision, let me begin by saying this. It is illegal for individuals under the age of 21 to drink alcohol. If we believe that underage consumption of alcohol is a serious concern, then I believe we need to evaluate and propose measures which provide greater deterrents. I think we're all well aware of the lengths kids will go to obtain alcohol. The production of false IDs has become a sophisticated business. Currently the minimum fine is \$100. Given that kids will spend \$100 for a pair of sneakers I think we might want to consider updating these fines to get their attention. Now some may argue that the suspension of a drivers license is too severe. Well here are some facts about youth and alcohol. First in 1997 nationally there were 7,885 15-20 year old drivers involved in fatal crashes. While that is a 23% decrease from the more than 10,000 involved in 1987, we still have more work to do in reducing this number. Motor vehicle crashes are the leading cause of death for 15-20 year olds. In 1997 14% of all drivers involved in fatal crashes were young drivers. Second, for the same age group, 15-20, 21% of the drivers who were killed in motor vehicle crashes during 1997 were intoxicated. According to the National Highway Traffic Safety Administration intoxication is defined as .1 or greater. Third, according to a presentation made by Secretary of State, Dan Gwadosky to the Joint Task Force on Substance Abuse in June 1998, of the 15-20 years olds who represent 6.4% of the licensed drivers in Maine, they represent 16.8% of the total OUI arrests. Please remember that this Bill does not mandate license suspension. It gives the court discretion. We so often complain that we can't prevent a crime from occurring. Sometimes we know an individual has been abusive but the system can't do anything to prevent the next more serious assault. In this instance all we're saying is this, why wait? Why should we wait until a kid gets behind the wheel of a car drunk and jeopardizes his or her life and the lives of others before we make the connection for them that drinking and driving don't mix. Remember, we're talking about a minor who has already illegally consumed alcohol. A law we already have on the books. Why shouldn't we give the judge discretion to suspend the drivers license for that individual who fits the profile, who clearly could be the next drunk driving accident. Some will argue that license suspension should be tied to a motor vehicle violation. I'm here today to argue that there is strong correlation between this proposal and the privilege to maintain a drivers license. Certainly more of a link here than between delinquent child support payments and license suspensions. We talk about deterrents and prevention. Here is our opportunity. Chief Justice Waltham wants more money for substance abuse treatment of juvenile offenders because of the number of juveniles with alcohol related problems. Let's not just wait until these kids are

desperate for treatment. Let's give the Court another tool to discourage such potentially destructive behavior. Let's not wait to make the connection about drinking and driving at an accident scene when it may be too late. The discretion to suspend the drivers license is the heart and soul of this legislation. I recognize that education has been and will continue to be invaluable in our efforts to discourage underage consumption. For some teenagers the potential loss of their license or the actual loss of their license may be enough to affect their future decisions and choices. I urge you to support passage of this L.D. Thank you very much.

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

Senator **CASSIDY:** Thank you Mr. President. Men and women of the Senate, I'm really pleased to see that the good Senator from Oxford, Senator Bennett, has got some interest in this problem that we have statewide and nationwide. I think all of us are quite aware of that. The only problem I have, I don't know if this is the instrument that we need to try to correct that. Serving on the Transportation Committee for the last three terms, I had an opportunity to work with our Committee and Secretary Gwadosky last year as they did that Study and visited lots of schools and came back to the Transportation Committee with some real common sense issues and ways to deal with teenagers driving. Some of those things that we incorporated into current law was that we required much more training for students. They needed to not only spend time with their instructor, they also had to spend like 30 hours with a guardian or a parent or somebody who had a license. I think 5 of those hours needed to be at night. We did also increase the time that a young person would lose their license if they violated some of the laws. I thought it was a very good move. I think we're going to see some of those numbers that the good Senator mentioned change. Driving is such a responsible thing for these students to understand just how responsible they need to be. I hope we've made some progress in that area. The problem I have with this Bill is that we're going to maybe possibly target young folks who aren't driving or a driving violation and tie that license to it. I understand the intent here is to deter drinking but I was thinking and I heard it said last week what if some young folks were drinking illegally. Somebody decided I'm going to get behind the wheel and cause an accident. We say OK we're taking your license. The other thing, when we start doubling fines for young folks in most cases you're going to find it's the parents probably that wind up paying that fine anyway.

I was so disappointed. I had a Bill that went through the Committee and came out Ought Not to Pass and some of the things I think we should take a look at in the future would be more education; education to the parents. Get at the folks that are supplying alcohol to these young folks. The other thing that in some of my research and statistics, although there are folks that are supplying alcohol, a great deal of the alcohol comes from the home. Parents don't realize that when they're not around the students are stealing this alcohol and beer and these kinds of things. The other thing that we need to do is to educate these folks and give them some training. Maybe also as a punishment, if we looked at community service a few hours a week on the first offense. Those are some of the things that I think we should be doing. I know the good Senator's intent here but I'm just not sure this is the way to go. With some of the work we've done in our

Committee I just won't be supporting this Bill. Thank you Mr. President.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate, this is a bad Bill. Respectfully I say that and should really ought not to see the light of day. We have before us pending Passage for Engrossment, a division has been requested and I will not be able to support the passage of this Bill. First of all, the Bill is out of whack when it attempts to increase the fines for possession of alcohol and the purchase of alcohol and leaves the fines less for those young people who are in possession of alcohol and are transporting it in a motor vehicle. Now to me it's more egregious to find a young person transporting alcohol with a motor vehicle and yet if this Bill passes the fines simply for purchase all by itself and possession all by itself unrelated to a motor vehicle will be higher fines than the transportation of alcohol by a young person using a motor vehicle. I ask you respectfully, does that make sense? It seems to me it's out of whack. The higher fines should be, shouldn't they, for the transportation, the use of a motor vehicle related to alcohol. That's not going to happen. Furthermore the Secretary of State is very gracious in willingness to do something with licenses, taking them from young people when it has nothing to do with a motor vehicle. If the young person purchases alcohol and this Bill is passed, the Secretary of State is going to be asked to pull the person's license when it has nothing to do with a motor vehicle. Possession of alcohol will be the same. The Secretary of State's office will be required to pull the license of the young person when it has nothing to do with a motor vehicle at all. I ask you, is that fair?

Finally I would ask you to consider what we're doing here with young people. Why is it we want to put a law on the books raising the fines for young people related to alcohol and these fines are going to make young people pay almost as much in fines as adults are paying for operating under the influence. Why are we nailing young people to the wall this way and leaving adults scott free to paying fines that ought to be jacked up. If we're going to jack up some fines let's start jacking up fines for the adults as well instead of nailing young people to the wall continually in this area. Take a look at what's proposed. The fines are going to be moved up to \$600. You can open up the newspapers and read about an OUI fine that's less for an adult. It isn't fair. This is not a good piece of legislation. It ought not to see the light of day. Thank you Mr. President.

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

Senator **DAGGETT:** Thank you Mr. President. Members of the Senate, I'd like to, for a moment, just kind of refocus our attention on the purpose of the Bill and how the Bill seeks to accomplish that. The purpose of the Bill is to try to help all of us, and particularly young people, understand the serious problem today of drinking, of alcoholism and the inappropriate use of alcohol. In some of the discussions regarding this Bill there's been talk of responsible drinking below the age of 21. I hope that you will all reject that because there is no responsible drinking under the age of 21. Anyone who is drinking and then chooses not to drive a car because they wish to be responsible doesn't understand the law as it's currently written. Those of us who are familiar with

alcohol, alcoholism and understand the serious damage to developing young brains by drinking alcohol, understand what the term responsible drinking is. There are reasons why it is not legal to drink below the age of 21. So I hope that you will set that piece aside.

In other actions we have linked the withdrawal of a driver's license to something other than driving. The linkage has already been made. For lack of child support enforcement we are allowed to pull a license. The reason we do that is because there are some things that are considered extremely valuable and we look to that item in order to make a point somewhere else. I have rarely supported lifting licenses for other than driving offenses but it seems to me that today it's very important to begin to make the linkage between the inappropriateness of drinking and that driver's license. That is a very important linkage to make. This Bill is one way to make it. There was a suggestion earlier regarding the difference in fines for transportation and consumption of alcohol and I would suggest there is a difference between transportation and consumption. Carrying alcohol in a vehicle is different than drinking. So I would suggest that you consider that when you look at this Bill. There was also some discussion regarding the amount of the fines. It's not uncommon for us to periodically raise fines and today the fine is \$100 for the first offense. The larger fines that were mentioned to you are for subsequent offenses. I think that in the same way that the potential for having your license lifted, the potential for a greater fine makes you concerned about a subsequent offense. This does not require that a license be lifted. It gives the judge the opportunity to use lifting a license as a means to encourage those who might be in court for violation of this. It's an opportunity to use that to accomplish something. There were other discussions regarding community service and that was a part of the discussion when the Committee worked on this Bill. Community service is available today. We do not need to pass a new law to make community service a possibility. But today a judge may not use the withholding of a driver's license as some kind of leverage in encouraging appropriate behavior. I think it's a very good Bill. It's a very good Bill. We need more work to help people understand the seriousness, the very seriousness of underage drinking.

For those people who do not feel that it would be helpful to have better ways to address that than clearly they're not going to be interested in this Bill. But for those people who have serious concerns about the issues of underage drinking and even overage drinking I think that this Bill is something that is worth your taking a look at and considering very seriously the appropriateness of allowing a judge to have the discretion of pulling a driver's license and I think that really the driver's license piece and the linkage there is the only questionable and difficult piece of this Bill to look at. I've heard the arguments on both sides and as a person who serves on the Substance Abuse Services Commission and was Chair of the Joint Select Committee on Substance Abuse I think this Bill has a lot of merit. I hope you will consider it. Thank you.

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

Senator **CATHCART:** Thank you Mr. President. Women and men of the Senate, I think what troubles me so much about this Bill is that I take it very seriously to consider yanking someone's driver's license for an action that is not related to driving a vehicle. The other part is who are the kids here. I think I'll probably not

support this Bill and I ask you to join me in voting against it. I think I would probably support it if this were just for up to age 17. But for purposes of legal alcohol consumption in this state we make 21 the legal age for drinking. I'm not opposed to that. I think that's a good idea because substance abuse is very serious and alcohol is often a deadly drug. We should have fines and we have stiff penalties for drunk driving also. But when we're talking about kids in this Bill we're talking about people up to the day before they turn 21, 18-19-20, who for every other purpose that I can think of are already considered adults. They can vote, they can graduate from high school, they may be college students or they may be full time workers with spouses, families, owning homes and certainly paying taxes to the State of Maine. I think for those ages to put in these extra stiff fines and take away the driver's license when it's not connected to driving is just going way too far. I have been consistent on this thing and I admit that the law regarding child support and taking driver's licenses has been very effective in bringing in the child support dollars but I also must tell you that I opposed that a few years back when that was brought up just because I did not see the connection. I guess I was wrong on that one. But I think I'm absolutely right on this one when it regards people almost 21 years old, up through 20, who are allowed to do everything else that's legal for adults and considered adults even to the point where they are allowed to serve in the Armed Forces and go abroad and die for their Country. So I urge you to join me and vote Against this. Thank you Mr. President.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate, just a couple of points if I may please. As the good Senator from Penobscot, Senator Cathcart, has just indicated that this business is bothersome to her and to many. The idea of taking licenses to seek enforcement. We do have on our laws, it's true, situations where adults licenses are taken in order to force them to comply with laws, generally laws that require them to be paying money to the State. Fines or support moneys. I support that kind of legislation. So far though, we have no similar laws for our young people. This will be a first. The higher you jack up the fines, it seems to me, the more you'll find parents paying them. The less you'll find young people paying them. I don't think we want to start enacting measures that make fines so great that the person paying is a parent instead of the young person because when parents pay the fines for the young people it's a bail out and that's the wrong education we want to give. So it seems to me that there is a disservice being presented in the Bill. The idea that the higher the fines somehow you're going to get some sort of deterrent effect. So far in the argument today I haven't heard statistics, reasons why factually, that these fines need to be jacked up to such an extent as this. I just don't believe setting a fine at \$600 or \$300, means that the young person necessarily is going to be able to pay it. Hopefully fines that are imposed on young people are paid by them. If parents pay them that there's a pay back or something happens so that the punishment is served by the young person and not somebody else. Thank you Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**THE SENATE OF MAINE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

ROLL CALL (#159)

May 20, 1999

YEAS: Senators: AMERO, BENNETT, BERUBE,
DAGGETT, FERGUSON, GOLDTHWAIT,
HARRIMAN, KILKELLY, LIBBY, LONGLEY,
MACKINNON, MILLS, NUTTING, PINGREE,
TREAT, THE PRESIDENT - MARK W. LAWRENCE

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

NAYS: Senators: ABROMSON, BENOIT, CAREY,
CASSIDY, CATHCART, DAVIS, DOUGLASS,
KIEFFER, KONTOS, LAFOUNTAIN, MICHAUD,
MITCHELL, MURRAY, O'GARA, PARADIS,
PENDLETON, RAND, RUHLIN, SMALL

Dear Secretary O'Brien:

Pursuant to my authority under 5 MRSA, Chapter 501, §19202 (EE), I have appointed Senator Carol Kontos of Cumberland to the Maine HIV Advisory Committee.

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, **PASSAGE TO BE ENGROSSED, FAILED.**

Please let me know if you have any questions regarding this appointment.

Sent down for concurrence.

Sincerely,

S/Mark W. Lawrence
President of the Senate

READ and ORDERED PLACED ON FILE.

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:

Off Record Remarks

REPORTS OF COMMITTEES

House

Committee of Conference

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

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Allow a One-time Double Exemption for Income Tax Filers Who Adopt a Dependent Child"

H.P. 295 L.D. 403

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

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

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

That they are **Unable to Agree.**

After Recess

On the Part of the Senate:

Senate called to order by the President.

Senator DAGGETT of Kennebec
Senator CAREY of Kennebec
Senator MILLS of Somerset

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

On the part of the House:

COMMUNICATIONS

Representative GAGNE of Buckfield
Representative WILLIAMS of Orono
Representative MURPHY of Berwick

The Following Communication: S.C. 303

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

Report **READ** and **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 to Allow the Commissioner of Inland Fisheries and Wildlife to Determine the Number of Moose Permits to Be Awarded

S.P. 245 L.D. 667
(C "A" S-313)

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

Emergency Measure

An Act to Revise Certain Provisions of the Fish and Wildlife Laws

S.P. 738 L.D. 2088
(S "A" S-322 to C "A" S-292)

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 Allow the Cumberland County Domestic Violence Unit to Hire 2 New Assistant District Attorneys Immediately

S.P. 832 L.D. 2232

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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 Provide Equity for Veterans of the Vietnam War and the Persian Gulf Conflict

S.P. 692 L.D. 1938
(C "A" S-291; S "A" S-330)

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

Acts

An Act to Increase Access to Primary Health Care Services

H.P. 617 L.D. 857
(C "A" H-630)

An Act to Require Labeling of Fruits and Vegetables to Identify Country of Origin

H.P. 718 L.D. 1008
(C "A" H-615)

An Act to Allow Horse Racing Commencing at Noon on Sundays

H.P. 749 L.D. 1039

An Act to Amend the Uniform Health Care Decisions Act

H.P. 797 L.D. 1120
(C "A" H-616)

An Act to Provide Child Care Subsidies for Families Who Lose Coverage under the Temporary Assistance to Needy Families Program

S.P. 433 L.D. 1270

An Act to Allow the State to Initiate Default Proceedings in Order to Obtain Forfeited Assets When the Defendant Fails to Appear in a Court Proceeding

H.P. 964 L.D. 1362

An Act to Clarify and Improve the State's Solid Waste Management Laws

H.P. 1204 L.D. 1714
(C "A" H-633)

An Act to Amend the Laws Regarding Asset Forfeiture

H.P. 1406 L.D. 2011
(C "A" H-619)

An Act to Update, Clarify and Amend Licensure Requirements for Occupations and Professions and Registrations

S.P. 720 L.D. 2042
(S "A" S-325 to C "A" S-214)

An Act to Amend the Laws Governing the Construction of Salt and Sand Storage Facilities

S.P. 764 L.D. 2156
(C "A" S-308)

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 Amend the Laws Regarding when A Merchant Must Remit Sales Tax

H.P. 306 L.D. 422
(C "A" H-393)

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

An Act to Encourage Economic Development in the State

S.P. 315 L.D. 949
(C "A" S-309)

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

An Act to Improve Alcohol Server Education Courses

S.P. 320 L.D. 954
(C "A" S-228)

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

An Act Concerning Corrections Employees

S.P. 455 L.D. 1330
(C "A" S-307)

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

An Act to Promote Ethanol Production as Alternative Fuel

H.P. 1032 L.D. 1454
(C "A" H-632)

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

An Act to Establish the Northern Maine Transmission Corporation

H.P. 1034 L.D. 1456
(C "A" H-617)

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

An Act to Amend the Sales Tax Exemption for Prosthetic Devices

S.P. 494 L.D. 1479
(S "A" S-299 to C "A" S-294)

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

An Act to Establish the Maine Dental Education Loan Program

H.P. 1367 L.D. 1965
(C "A" H-406; S "A" S-324 to H "A" H-581)

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

An Act to Limit Entry into the Lobster Fishery by Zone

H.P. 1386 L.D. 1992
(C "A" H-629)

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

An Act to Create the Capital Riverfront Improvement District

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

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

Resolve

Resolve, Authorizing the Commissioner of Corrections and the Commissioner of Administrative and Financial Services to Lease Up to 2 Acres of Land at the Maine Youth Center

S.P. 836 L.D. 2237

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

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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Make Certain Provisions for Exceptional Students Consistent with Federal Laws and Regulations"

H.P. 1419 L.D. 2026

Reported that the same **Ought to Pass As Amended by Committee Amendment "C" (H-669)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C"** (H-669).

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

READ ONCE.

Committee Amendment "C" (H-669) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Pertaining to the Management of Atlantic Salmon"
H.P. 1421 L.D. 2028

Reported that the same **Ought to Pass As Amended by Committee Amendment "A"** (H-672).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-672).

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

READ ONCE.

Committee Amendment "A" (H-672) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, 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 Amend the Election Laws"
H.P. 510 L.D. 717
(C "A" H-622)

In Senate, May 21, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-622), in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-622) **AS AMENDED BY HOUSE AMENDMENT "A"** (H-663) thereto, in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Promote Effective Management of Occupational Exposure to HIV"

S.P. 626 L.D. 1791
(C "A" S-326)

Majority - **Ought to Pass as Amended by Committee Amendment "A"** (S-326) (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B"** (S-327) (3 members)

In Senate, May 21, 1999, Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-326) Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-326).

Comes from the House, with the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B"** (S-327) Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B"** (S-327), in **NON-CONCURRENCE**.

On motion by Senator **LONGLEY** of Waldo, the Senate **INSISTED**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Repeal the Snack Tax"

H.P. 42 L.D. 56

Majority - **Ought to Pass as Amended by Committee Amendment "A"** (H-650) (8 members)

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

In House, May 21, 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-650).

In Senate, May 24, 1999, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

Senator **RAND** of Cumberland moved the Senate **ADHERE**.

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

The Chair ordered a Division.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#160)

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

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

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **AMERO** of Cumberland to **RECEDE** and **CONCUR**, **FAILED**.

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

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. 1595

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REAUTHORIZE THE NORTHEAST INTERSTATE DAIRY COMPACT

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 Congress of the United States, as follows:

WHEREAS, Maine has nearly 500 dairy farms producing milk valued annually at over \$100,000,000; and

WHEREAS, maintaining a sufficient supply of Maine-produced milk and milk products is in the best interest of Maine consumers and businesses; and

WHEREAS, Maine is a member of the Northeast Interstate Dairy Compact; and

WHEREAS, the Northeast Interstate Dairy Compact will terminate at the end of October 1999 unless action is taken by the Congress to reauthorize it; and

WHEREAS, the Northeast Interstate Dairy Compact's mission is to ensure the continued viability of dairy farming in the Northeast and to ensure consumers of an adequate, local supply of pure and wholesome milk; and

WHEREAS, the Northeast Interstate Dairy Compact has established a minimum price to be paid to dairy farmers for their milk, which has helped to stabilize their incomes; and

WHEREAS, in certain months the compact's minimum price has resulted in dairy farmers receiving nearly 10% more for their milk than the farmers would have otherwise received; and

WHEREAS, actions taken by the compact have directly benefited Maine dairy farmers and consumers; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress reauthorize the Northeast Interstate Dairy Compact; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, each member of the United States Congress who sits as chair on the United States House of Representatives Committee on Agriculture or the United States Senate Committee on Agriculture, Nutrition and Forestry, the United States Secretary of Agriculture 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:

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **KILKELLY** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Requiring Labeling of Unpasteurized Milk Products"

S.P. 281 L.D. 799

Reported that the same **Ought to Pass As Amended by Committee Amendment "B" (S-346)**.

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

READ ONCE.

Committee Amendment "B" (S-346) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

Senator RUHLIN for the Committee on **TAXATION** on Bill "An Act to Promote Equity Among Health Care Clinics"
S.P. 532 L.D. 1594

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-347)**.

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

READ ONCE.

Committee Amendment "A" (S-347) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Amend the Freedom of Access Laws"
H.P. 1296 L.D. 1857
(C "A" H-479)

In Senate, May 19, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-479)**, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-479) AS AMENDED BY HOUSE AMENDMENT "A" (H-668)** thereto, in **NON-CONCURRENCE**.

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

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Provide Equal Treatment in the Taxation of Public Pensions"
S.P. 431 L.D. 1268

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-348)**.

Signed:

Senators:
RUHLIN of Penobscot
DAGGETT of Kennebec
MILLS of Somerset

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-349)**.

Signed:

Representatives:
BUCK of Yarmouth
CIANCHETTE of South Portland

Reports **READ**.

Senator **RUHLIN** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-348)** Report.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending motion by Senator **RUHLIN** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-348)** Report.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Increase Access to Cub Care for Children"

H.P. 1255 L.D. 1809

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-595)** (8 members)

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

Tabled - May 25, 1999, by Senator **MILLS** of Somerset.

Pending - motion by Senator **PARADIS** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence (Roll Call Ordered)

(In House, May 19, 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-595).**)

(In Senate, May 20, 1999, Reports **READ.**)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#161)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, the motion by Senator **PARADIS** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED.**

READ ONCE.

Committee Amendment "A" (H-595) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595)**, in concurrence.

ORDERS

Joint Order

Out of order and under suspension of the Rules, on motion by Senator **DOUGLASS** of Androscoggin (Cosponsored by Representative **QUINT** of Portland and Senator **ABROMSON** of Cumberland, Senator **AMERO** of Cumberland, Senator **CAREY** of Kennebec, Representative **BOLDUC** of Auburn, Representative **GAGNON** of Waterville, Representative **JABAR** of Waterville, Representative **MUSE** of South Portland), the following Joint Resolution:

S.P. 830

JOINT RESOLUTION RECOGNIZING THE BOYS AND GIRLS CLUBS OF MAINE

WHEREAS, the young people of Maine are tomorrow's leaders; and

WHEREAS, many young people need professional youth development services to help them cope with a wide range of needs and interests; and

WHEREAS, the Boys and Girls Clubs have been serving youths in Maine since 1909 and now have facilities in Lewiston-Auburn, Madison, Portland, South Portland and Waterville that serve over 5,000 young people from those communities and other areas; and

WHEREAS, the Boys and Girls Clubs in the State help ensure that young people are offered a safe and supportive haven to go and provided with high quality programs; and

WHEREAS, Sam Carlo of Portland, April Collins of Auburn, Jamie Mayberry of South Portland and Ian Mette of Waterville were each recently named 1999 Youth of the Year for their local clubs; and

WHEREAS, Peter L. Haynes of Yarmouth, who has been elected chair of the National Board for Boys and Girls Clubs of America, has made the needs of disadvantaged children a top priority nationwide; and

WHEREAS, the Boys and Girls Clubs of Maine will continue to play an integral role in reaching out to serve more youths in need, along with 2,200 clubs nationwide serving more than 3,000,000 young people; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature now assembled in the First Regular Session, take this occasion to recognize the Boys and Girls Clubs of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Angus S. King, Jr., Governor of Maine, Peter L. Haynes of Yarmouth, Sam Carlo of Portland, April Collins of Auburn, Jamie Mayberry of South Portland, Ian Mette of Waterville and the Boys and Girls Clubs of Maine located in South Portland, Portland, Madison, Waterville and Lewiston-Auburn.

READ.

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

Senator **DOUGLASS**: Mr. President, several Senators are with me as Co-sponsors of this Joint Resolution and I do wish to recognize the members of the Boys and Girls Clubs of Maine who were able to attend and are here today. Sam Carlo was chosen as Youth of the Year by the Portland Clubs and I see that he says the Club offers a place to feel safe, to study, to get to know people and to make new friends. Most importantly the Club offered me an environment that moved me into a positive path towards a bright future.

April Collins is from my home district and attends the high school that my children attend, Edward Little. I see that in addition to being active in the Boys and Girls Club, she's active in donating her time to the emergency food pantry, fundraisers to the Good Shepherd Food Bank and the Sara Frye Home.

Another individual in Senator Carey's district is with us today, Ian Mette. He has been active in applying for a Federal Grant to allow a coffee house to be opened for area teens in the Waterville area. He says the best thing about the Club is the chance I've had to work with the community. It's my goal to give back what I've learned at the Club to the community in which I live. I'm very glad to have them here. I won't give a very long speech or won't make it any longer because others may wish to and we have the opportunity to make an appointment for them to meet the Governor and also go to the other Body. I'm very glad that they're here today. Hope you'll extend to them a warm welcome. Senator Amero also is one of the Co-sponsoring Senators of this matter as one of the first Clubs in the state is in her area. We also have Executive Director Robert Clark. He is the Executive Director of the Greater Portland and Lewiston/Auburn Clubs. He's been so wonderful in getting the club in Auburn going. To represent Waterville we have Carmen Raynal here. She is the Development Director for the Waterville Club. I hope that when we get to recognition of them as brought forward by our President that you'll give them a warm welcome. Thank you.

ADOPTED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the Chamber Sam Carlo of Portland, April Collins of Auburn, Ian Mette of Waterville. They are the 1999 Youth of the Year from their respective clubs. Also with them are Robert Clark, Executive Director of the Portland Boys and Girls Clubs and Carmen Raynal, Development Director of the Waterville Club and Ian Mette's mother is here, Myra Mette. Would they please rise and receive the greetings of the Senate.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (5/20/99) Assigned matter:

HOUSE REPORTS - from the Committees on **HEALTH AND HUMAN SERVICES** and **EDUCATION AND CULTURAL AFFAIRS** on Resolve, to Implement the Recommendations of the Task Force to Study Strategies to Support Parents as Children's First Teachers"

H.P. 689 L.D. 956

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-623)** (16 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-624)** (9 members)

Tabled - May 20, 1999, by Senator **ABROMSON** of Cumberland.

Pending - motion by Senator **PINGREE** of Knox to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-623)** Report, in concurrence

(In House, May 20, 1999, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-623)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-623)**.)

(In Senate, May 20, 1999, Reports **READ**.)

On motion by Senator **PINGREE** of Knox, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-623)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-623) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-623)**, in concurrence.

The Chair laid before the Senate the following Tabled and Later (5/24/99) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Create a Sales Tax Exemption for Child Abuse and Neglect Councils"

H.P. 976 L.D. 1374

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

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

Tabled - May 24, 1999, by Senator **BENNETT** of Oxford.

Pending - motion by Senator **LONGLEY** of Waldo to **SUSPEND THE RULES** for the purpose of **SECOND READING**

(In House, May 12, 1999, that Body **ADHERED** to **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-395).**)

(In Senate, May 24, 1999, on motion by Senator **LONGLEY** of Waldo, the Senate **RECEDED** from whereby it **ACCEPTED** the Minority **OUGHT NOT TO PASS** Report. On further motion by same Senator, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-395) **READ** and **ADOPTED**, in concurrence. Same Senator moved to **SUSPEND THE RULES** for the purpose of **SECOND READING**.)

On motion by Senator **LONGLEY** of Waldo, **RULES SUSPENDED** and **READ A SECOND TIME**.

On further motion by same Senator, Senate Amendment "A" (S-363) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-395) AND SENATE AMENDMENT "A" (S-363), in NON-CONCURRENCE.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/24/99) Assigned matter:

Bill "An Act Relating to Medicaid Liens" H.P. 1176 L.D. 1687
(C "A" H-653)

Tabled - May 24, 1999, by Senator **PINGREE** of Knox.

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

(In House, May 21, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-653).**)

(In Senate, May 24, 1999, **READ A SECOND TIME**.)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-653), in concurrence.

The Chair laid before the Senate the following Tabled and Later (5/24/99) Assigned matter:

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, to Address Liquidation Harvesting H.P. 1526 L.D. 2179

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-640)** (7 members)

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

Tabled - May 24, 1999, by Senator **NUTTING** of Androscoggin.

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

(In House, May 21, 1999, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 24, 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 PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Kieffer.

Senator **KIEFFER:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'd like to briefly review exactly what this Bill does and why I will ask you to vote in opposition to the Ought to Pass as Amended Committee Report. This Bill provides that the Maine Forest Service shall develop and define liquidated harvesting and poor forestry practices. I thought we all knew what poor forestry practices were and that's why we have passed the legislation that we have to date, to try to present under the Maine Forest Practices Act what are good forest practices. Something that's positive. Something that we can go forward with. As far as liquidated harvesting is concerned and clear cutting, the present legislation which we changed in the Forest Practices Act this year reduces the size of clear cuts from 75 acres down to 20 acres. I believe existing law certainly creates all the reporting that our woodland owners can stand. The small woodland owners certainly oppose this proposal as in the literature that is being presented to you or will be when it is available. But the present law, for example, States Forest Management and Harvest Plan means a written document that outlines activities to regenerate and improve harvest of a standing crop of timber. It further goes on to require these small landowners to update this proposal every ten years. It says the Forest Management and Harvest plan has been prepared for the parcel and updated every ten years. The landowner shall file a sworn statement with the municipal assessor in a municipality of the State Tax Assessor for parcels in unorganized territory that a Management Plan has been prepared for the parcel. The landowner must comply with the plan developed under subsection 1 and must submit every ten years to the municipal assessor in a municipality of the State Tax Assessor for parcels in that unorganized territory a statement from a licensed professional Forester that the landowner is managing the parcel according to the schedules and the plan required under subsection 1. What else do we want? I believe that this is an example again of overkill. It's an example of something that present law amply provides for. I think it's a negative approach to try to come up with a list of what are poor forest practices. I'd rather look at it from a positive standpoint and let's go on with our Forest Practices Act which we have updated again this year and go forward with some positive forest practices. Once again, ladies and gentlemen of the Senate, I would ask you to Defeat the pending motion. Thank you Mr. President.

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

Senator **NUTTING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm standing today to urge you to support the motion before us, Ought to Pass, to support the Majority Report from the Agriculture, Conservation and Forestry Committee concerning this issue. I want to clear something up. All this Bill calls for is for the Department of Conservation, which already every two years does a report on the state of our forests, when they do that next report in 2001 that they are also to look at liquidation harvesting and compare it to how much liquidation harvesting we've had in the past and whether or not it is a problem and issue some recommendations if they choose to address it. This Bill has no more landowner reporting or anything like that. This is just to make sure that when they do their next regularly scheduled State of the Forest Report that they are also going to look at this area. That's all it is. The good Senator from Aroostook, Senator Kieffer, did quote correctly from current statute about what you have to do with your Forest Management plan and every ten years have it reviewed by a Forester. But, ladies and gentlemen of the Senate, that's if you have your land in tree growth. With these liquidators or developers usually my experience has been that they own the land for a very short period of time. They don't have it in tree growth. They'll cut the small parcel, under 20 acres lots of times, which sort of avoids the Forest Practices Act clear cut rules. They'll own it for six months and then put it on the market. Other New England states have been much more aggressive in this area, namely Vermont, than this Bill proposes. To me I think this is a reasonable measured approach. Just have the Department of Conservation look at it when they do the next regularly scheduled report. I urge you to support the motion before us. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Nutting to Accept the Majority Ought To Pass As Amended 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 (#162)

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

NAYS: Senators: ABROMSON, BENOIT, CASSIDY, DAVIS, FERGUSON, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-640) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-640)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

The Chair laid before the Senate the following Tabled and Later (5/24/99) Assigned matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Amend the Law Governing the Confidentiality of Health Care Information"
H.P. 1156 L.D. 1653

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-280)** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-281)** (2 members)

Tabled - May 24, 1999, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 21, 1999, Reports **READ** and Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**.)

(In Senate, May 24, 1999, Reports **READ**.)

Senator **PARADIS** of Aroostook moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-280)** Report, in **NON-CURRENCE**.

On motion by Senator **PINGREE** of Knox, Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**, in concurrence.

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

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act to Treat All Employees Equitably with Respect to Leaves of Absence for Legislative Service"
H.P. 235 L.D. 339

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-354)** (7 members)

Report "B" - Ought to Pass as Amended by Committee Amendment "B" (H-355) (4 members)

Report "C" - Ought to Pass as Amended by Committee Amendment "C" (H-356) (1 member)

Report "D" - Ought Not to Pass (1 member)

Tabled - May 25, 1999, by Senator RAND of Cumberland.

Pending - **ACCEPTANCE OF ANY REPORT**

(In House, May 24, 1999, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-354) READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-354).**)

(In Senate, May 25, 1999, Reports **READ.**)

Senator **DOUGLASS** of Androscoggin moved the Senate **ACCEPT Report "A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-354)**, in concurrence.

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

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

Senator **MILLS:** Mr. President, if I may, men and women of the Senate, as I understand Report "A", it would require that all employers in the State above a certain level, and I think its five employees in number, would be required to extend unpaid leave for up to eight years to any employee who wanted to engage in public service of the sort that we're now engaging in. While this may be a noble thing to require of our business community, it does seem to me that it is above and beyond the call. It's one thing to suggest that somebody must give unpaid leave for a few days or weeks of jury duty; or to suggest that the employer must give leave for up to two years, which is current law, one term in the Legislature to serve the State in this building, but to suggest that we should require all employers of a very modest size to keep a job open to somebody for eight years while they spend probably half of their time engaging in politics. It just seems to me that's an enormous sacrifice to ask any employer to make. This one Senator and I thought this reflected eight years is actually, in some respects, perhaps beyond the life expectancy of many small businesses in this State, and even some large ones. Remember Woolworth's and Zayre, where are they now? It just seems to me that requiring employers to support public service in a modest way as the current law does by suggesting that, for the first term of office your job should be held open. It does a pretty good job of meeting the public service commitment that we require of all employers. To go to eight years is a rather extreme measure. For that reason, I urge you to vote Against the pending motion so that we can go on to consider one of the many other Reports to this Bill. Thank you.

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

Senator **DOUGLASS:** Mr. President, women and men of the Senate, as one of the newcomers here, I know how valuable this service is. We are a part-time Legislature. Are we to be only the retired or those who can afford to come here part-time while not having a job the rest of the year? Would we get the proper type of representation if that were our policy? I don't think so. We are 151 individuals in the House, 35 here in the Senate and we have the burden and the joy of serving our communities. In the interest of those communities and of the state as a whole, it's important that we make provisions so that service can be truly representative. That is the strongest point I can make in support of the Majority Report. We need to be a part-time Legislature that represents all the people in all walks of life at every stage of life and from every occupation. If we don't support this measure then we will have lost that representative function. I urge your passage of Report "A".

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

Senator **LAFOUNTAIN:** Thank you Mr. President. Men and women of the Senate. I encourage you to vote Against the pending motion so that we can go on and support Report "D", which I call the "Do Nothing Report." If you take a look at the Bill summary for the original Bill, you will see that the whole purpose of submitting this Bill was to create parity between all other employees and teachers. There is a Bill out there dealing with teachers that went to a different Committee. That Bill actually went to the State & Local Committee. If you take a look at your other calendar you will see that it's sitting there on the Unassigned section. Actually if we pass any of these Reports A, B, or C, we will not be in parity with what the State & Local Committee has done with their Report. Therefore, I encourage you to vote Against the pending motion.

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

Senator **GOLDTHWAIT:** Thank you Mr. President. Ladies and gentlemen of the Senate, I too urge you to vote Against the pending motion. As has just been mentioned, this issue has generated not only lots of Reports but lots of Bills. If the issue is one of parity, the Report before you is one that will provide a greater degree of parity, but also, a greater degree of cost. It seems like only yesterday, in fact I think it was yesterday, that I stood on the floor and expressed a concern about the growing list of reasons why people may leave the work place, and the burden is growing on employers. We started with family leave; a perfectly good idea. We went on to dental appointments and parent teacher appointments, also good reasons. Then we included leaving to go to court, or for medical treatment, or for crisis intervention. For people in domestic abuse situations an absolutely essential thing for the protection of people. Now we're doing legislative service. It is going to be pretty lonely at the work place by the time we get through with this list of reasons why you may be away in the course of your day or year. And so, I too would urge you to oppose this Report. If we're going to look at parity, I think we should do so in a vehicle that provides not for an increase of leave for legislative purposes, but for a decrease in any that exceed a single term of office. 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'm with the good Senator from York, Senator LaFountain in thinking that doing nothing is perhaps the best action on this particular Bill. In order to cut straight through to that, I hereby move the Indefinite Postponement of this Bill and all its accompanying papers, and ask for the Yeas and Nays. Thank you.

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

At the request of 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 Knox, Senator Pingree.

Senator **PINGREE**: Thank you Mr. President. Men and women of the Senate, we're always so proud of having a Citizens Legislature. We often debate whether or not we should be a full-time Legislature and how we best want to conduct our business here. I think what I'm hearing today, about how we're discussing this issue, is very troubling to me in light of the fact that we want to have a Citizens Legislature. The good Senator from Somerset, Senator Mills, suggested that we spend six months a year away from our employers engaging in politics, and I have to take a little issue with what he talked about. While certainly I think we have spent a few of the last days engaging in politics, for the most part I feel like my six months, my four months in fact, usually most of my year is taken up with a lot of important issues and a lot of public service. It's trying to better understand the many issues that are in front of us: 2,000 - 3,000 Bills, serving on Committees, answering our constituent phone calls, going to meetings in our districts, helping out people in all kinds of different ways, pursuing public service in the way that the citizens ask us to in representing our constituents. I think in that light we provide a very good service to the State of Maine, to the employers that many of us work for, for the communities that we all represent.

I'm troubled by this issue and the way we are conversing about it because I think, once again, it represents this trend that continues about how we take care of Legislators and how we support the people who we hope will come here. Who we hope will be representative of the State of Maine which includes people who need to earn a living includes people who need to find some kind of work that will support them when they are not here. You know, we come here and we try to cut health care benefits to Legislators, an important support system for many of the people who come here. We have a very hard time raising Legislators pay so that they even can afford to spend six months a year here. Certainly people can't spend all year. Then we talked today, as we often do, about how this is an undue burden on business. Why is it we can't ask the business community to share some of the responsibility for public service? We have decided not to ask the tax payers. We certainly don't pay people a wage that would allow them to work here as anything but part-time Legislators or even do so without a job. Then we can't ask the business community. We can't ask the business community for tax increases. We can't ask the business community even to pay the taxes already assessed. We have to keep cutting them. We

can't ask them for accountability in the tax incentives, tax credits and tax breaks that we give them. We can't ask them to comply with the environmental laws or to support more environmental laws. We can't even ask them to tell us the truth about how many trees they are cutting. Sometimes I have to say who is going to pay the bills for the Legislators that are going to be here? Who's going to support public service in this state, if in fact, we can't ask for this to be a shared responsibility? Once again, I have to say I'm very troubled about the institutional consequences of the kinds of things we have been doing this year alone. I urge you to vote Against the Indefinite Postponement of this Bill.

THE PRESIDENT: The pending motion before the Senate is the motion of the Senator from Oxford, Senator Bennett, to **INDEFINITELY POSTPONE** the Bill and accompanying papers. 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 (#163)

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CAREY, CASSIDY, DAGGETT, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MILLS, MITCHELL, MURRAY, NUTTING, SMALL

NAYS: Senators: CATHCART, DOUGLASS, KILKELLY, KONTOS, MICHAUD, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **BENNETT** of Oxford to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Modify the Laws on Negotiating a Worthless Instrument"

H.P. 888 L.D. 1245

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

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

Tabled - May 25, 1999, by Senator **BENNETT** of Oxford.

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

(In House, May 24, 1999, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-638).**)

(In Senate, May 25, 1999, Reports **READ.**)

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

Senator **MURRAY:** Thank you Mr. President. Men and women of the Senate, very briefly on this Bill, I hope you will support the Majority of the Committee that has recommended that this Bill Ought Not to Pass. I rise basically to express what I think the Committee felt. This is basically a frustration Bill with the issue of merchants who have experienced difficulty with bad checks. Certainly in some parts of the state that is an issue certainly greater than in other parts of the state. But it's an issue primarily based upon whether or not the District Attorney in any particular area in the state decides to enforce vigorously and aggressively or take different approaches as to how to prosecute the existing law. The bottom line, men and women of the Senate, in my opinion and the opinion of the Majority of the Criminal Justice Committee, is that the current law is not the problem. The current law is adequate to prosecute those cases of bad checks and negotiating worthless instruments without trying to make the Amendment proposed in the Minority Ought to Pass Report. The Minority Report proposes doing a couple of different things dealing with how you treat the penalty or how you provide notice to somebody who is given a bounced check. But the testimony we heard at the Committee hearing from the DAs that are prosecuting these cases is that that is not the problem. None of the DAs that came before us suggested that the notice of dishonor that has to go out created a particular problem for them. So the issue really comes down to are there DAs in the State that are taking a certain posture with regards to this kind of conduct that needs to be changed. Unfortunately this Bill, in my opinion and the opinion of the Majority of the Committee, does not change that at all. If we were to make the proposed changes either in the Ought to Pass Report or in the Amendment considered by the other Body, in my opinion that would make no difference as to whether the DAs that aren't prosecuting these cases would prosecute them. So I would urge you to not fiddle with the current law that is perfectly adequate and Accept the Majority Ought Not to Pass Report.

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

Senator **MACKINNON:** Thank you Mr. President. Women and men of the Senate, I rise today to thank the good Senator from Penobscot, Senator Murray, for his explanation on the Majority Report. While I certainly agree and will not ask you not to support that motion, I would like the record to reflect that I do believe that York County has a severe problem with worthless instruments being passed and that hopefully their Committee will see fit to write a letter that has been addressed here or maybe go from there because I've been on a task force in the York County

area for the last fourteen to sixteen months of which this has been a very serious problem. Hopefully we can get the District Attorney to bring more of these cases to court and give the merchants and the people in the area a way of seeking relief. Thank you.

The Chair ordered a Division. 27 Senators having voted in the affirmative and 3 Senators having voted in the negative, the motion by Senator **MURRAY** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

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

ENACTORS

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

Act

An Act to Amend the Definition of "Employment" in the Unemployment Compensation Law

H.P. 875 L.D. 1232
(S "A" S-319 to C "A" H-502)

PASSED TO BE ENACTED and having been signed by the President was 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

Bill "An Act to Create the Sex Offender Registration and Notification Act of 1999"

S.P. 597 L.D. 1721
(C "A" S-332)

RECALLED from **ENGROSSING**, pursuant to Joint Order (H.P. 1594), in concurrence.

In Senate, May 21, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-332).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-332) AND HOUSE AMENDMENT "A" (H-679), in NON-CONCURRENCE.**

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Institute Wild Number Beano" H.P. 610 L.D. 850

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-675).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-675).**

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

READ ONCE.

Committee Amendment "A" (H-675) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-675)**

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Clarify the Definitions of "Contribution" and "Expenditure" under the Campaign Finance Laws" H.P. 1577 L.D. 2224

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-676).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-676).**

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

READ ONCE.

Committee Amendment "A" (H-676) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-676)**

The Committee on **TAXATION** on Bill "An Act to Change the Sales Tax Treatment of Rentals of Audio Equipment and Furniture"

H.P. 252 L.D. 356

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Decrease the Time by Which Rent Is Considered Late"

H.P. 635 L.D. 885

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

Signed:

Senators:

DAGGETT of Kennebec
CAREY of Kennebec
FERGUSON of Oxford

Representatives:

CHIZMAR of Lisbon
FISHER of Brewer
GAGNE of Buckfield
LABRECQUE of Gorham
MAYO of Bath
HEIDRICH of Oxford
McKENNEY of Cumberland
PERKINS of Penobscot

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

Signed:

Representative:

O'BRIEN of Lewiston

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

Reports **READ.**

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

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

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

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-677).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-677).**

Report **READ.**

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

The Committee on **TAXATION** on Bill "An Act to Ensure the Documentation of the Transfer of Ownership of Mobile and Modular Construction Homes"

H.P. 1063 L.D. 1494

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-678).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-678).**

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

READ ONCE.

Committee Amendment "A" (H-678) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-678)**

The Committee on **TAXATION** on Resolve, to Modify the State Valuation for the Sappi Plant in the City of Westbrook (EMERGENCY)

H.P. 1554 L.D. 2211

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-680).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-680).**

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

READ ONCE.

Committee Amendment "A" (H-680) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-680)**

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.

Senator **AMERO** of Cumberland 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.

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

After Recess

Senate called to order by the President.

Off Record Remarks

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

COMMUNICATIONS

The Following Communication: S.C. 305

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

May 25, 1999

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

Dear President Lawrence and Speaker Rowe:

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

L.D. 1924 An Act to Reduce Mercury in Products

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

Sincerely,

S/Sen. Sharon Anglin Treat
Senate Chair

S/Rep. John L. Martin
House Chair

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator PARADIS for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Reduce the Cost of Prescription Drugs to Residents of the State"

S.P. 732 L.D. 2082

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-351).**

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

READ ONCE.

Committee Amendment "A" (S-351) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED.**

Sent down for 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. 1596

ORDERED, the Senate concurring, that the Commission to Review Traffic Congestion on Route 236 from Kittery to Berwick, referred to in this order as the "commission," is established.

1. Membership. The commission consists of 12 members appointed as follows:

A. The President of the Senate shall appoint 2 members from the Senate, one of whom serves on the Joint Standing Committee on Transportation and one of whom represents a Senate district in York County;

B. The Speaker of the House shall appoint 2 members from the House of Representatives, one of whom serves on the Joint Standing Committee on Transportation and one of whom represents a House district in the York County area;

C. The managers of the towns of Kittery, Eliot, Berwick and South Berwick or their designees; and

D. The chiefs of police for the towns of Kittery, Eliot, Berwick and South Berwick or their designees.

2. Chairs. The first named Senate member is the Senate chair and the first named House member is the House chair of the commission.

3. Convening of commission. All appointments to the commission 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 completed, the chairs of the commission shall call and convene the first meeting of the commission, which may occur no later than 30 days after all appointments have been made.

4. Duties. The commission shall conduct a comprehensive review of the following:

A. Past, current and projected traffic flows and patterns along Route 236, the Maine Turnpike and other major roadways in the York County area between Kittery and Berwick;

B. Vehicular accident rates in the Route 236 corridor from Kittery to Berwick;

C. Noise and dust pollution resulting from traffic and its effects on area businesses and residents;

D. Traffic weigh station activities, truck violations and the extent of traffic diverted from the Maine Turnpike in the York County area to avoid weigh station inspections;

E. Current local roadway signage, traffic signals, local traffic conditions and patterns and the increased number of curb cuts and their effect on traffic congestion;

F. Traffic patterns of nonlocal traffic; and

G. State and local law enforcement coverage along the Route 236 corridor from Kittery to Berwick.

5. Participation by state departments. In studying these matters, the commission shall invite the participation of the Commissioner of Public Safety, the Commissioner of Transportation and the Executive Director of the Maine Turnpike

Authority, or their designees. The commission may require the Department of Transportation, the Department of Public Safety and the Maine Turnpike Authority to provide the commission with such highway, traffic and other information as it determines necessary and beneficial to conduct its study of traffic congestion. In addition, the commission may seek relevant information from experts and interested persons.

6. Meetings. In conducting its duties, the commission may meet at such times and locations as approved by the President of the Senate and the Speaker of the House of Representatives, except that at least 2 informational meetings of the commission must be held in York County.

7. Staff assistance. Upon approval from the Legislative Council, the Office of Policy and Legal Analysis shall provide staffing services to the commission.

8. Compensation. Legislative members are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement of necessary expenses for their attendance at authorized meetings of the commission. 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 commission.

9. Reporting date. The commission shall conclude its review and submit a report of its findings and recommendations, along with any suggested legislation, to the Joint Standing Committee on Transportation and to the Commissioner of Transportation by January 14, 2000. If the commission finds it is unable to meet its reporting date, the chairs shall submit to the Legislative Council, in writing, a request for extension of the reporting date, the reasons an extension is requested and a proposed new reporting date prior to the reporting date. The Legislative Council may grant an extension. Upon the submission of its required report, the commission terminates.

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

Upon request from the commission, the Executive Director of the Legislative Council or the Executive Director's designee shall provide the commission 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**.

READ.

On motion by Senator **PINGREE** of Knox, **PLACED ON THE SPECIAL STUDY TABLE**, pending **PASSAGE**, in concurrence.

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Prohibit the Use of Juveniles in a Tobacco Enforcement Action"

H.P. 1429 L.D. 2052

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-361) (8 members)

Minority - Ought Not to Pass (5 members)

Tabled - May 6, 1999, by Senator **PARADIS** of Aroostook.

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

(In House, May 5, 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-361)**.)

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

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

Senator **BERUBE:** Thank you Mr. President. Ladies and gentlemen of the Senate, I hope that you will vote for the Majority Report and oppose the Minority Report which is before you now. When I heard at the Public Hearing and at the Work Session that we were contracting with certain companies or agencies to use young people, juveniles, minors to work in sting operations to nab small stores that might have sold a package of cigarettes, I thought that was inappropriate and frankly I was appalled that kids could be used in illegal procedures. These juveniles, these young people of 15 or 16 years of age, are recruited by these agencies that are under contract to the State of Maine. They are trained for one day and paid anywhere from \$6 to \$7.50 an hour. We were told that most of the time they were paid \$7.25 an hour. I think that is most inappropriate when they could use young looking law enforcement officers to do the very same thing. Now we're told that the parents are delighted and usually extremely pleased that their children are performing those services. They have to sign a paper granting approval but what they don't tell us is that when they sign the paper giving approval they are also releasing the supervising agency, which is under contract, of all claims of liability.

Furthermore, if the child is hurt in any way during the time they perform these services, the parents must pay the doctors bills. These sting operations are conducted with no witnesses other than the law enforcement officer which is outside the establishment and it's the youngster that walks in by himself or herself into that store. There are no cameras, no witnesses and

for the alleged infraction the owner is charged anywhere from \$250 to \$10,000 as a fine. It was interesting to note that out of 500 establishments visited from a year ago last April to I think it was this March, out of 500 stores visited only 11 gave in and sold a package of cigarettes to the young person. It seems to me that rather than resort to these tactics, if we really wanted to get rid of tobacco and not sell tobacco products to our young people, that maybe we should ban the sale of tobacco in our state entirely. But then we'd loose, according to the funding figures I have, about \$77 million a year. So I guess we don't want to do that. We'd rather use the juveniles to go into an entrapment situation. I think it's wrong to hire young people to do that. The thing that bothers me is that as you read history you wonder when will they start wearing brown shirts. If my Country and my State are so desperate to rid our young people of smoking tobacco and they have to stoop to this level for 8 pieces of silver I really think, ladies and gentlemen, that we are in deep trouble. So I hope that you will vote Against the motion for accepting the Minority Report and instead Accept the Majority Ought to Pass. Thank you.

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

Senator **PARADIS:** Thank you Mr. President. Good evening men and women of the Senate, I urge you to support the Ought Not to Pass Report. This is one of these feel good Bills. Let's not forget what the real point is here this evening. We have the highest rate of tobacco usage among our youth in the whole country. We're trying different strategies to attempt to change that reality. Children are 30% of our present but they are 100% of our future. I wish we didn't need to be discussing this today, however society expects us to find solutions. We are facing desperate costs now and later if we don't find ways to curb this. It is an epidemic with our Maine youngsters and young adults. It is a dubious distinction to be the highest smokers in the Country. I urge you, my colleagues, to oppose the passage of L.D. 2052 because it's one facet of our war on this very addictive substance. This effort didn't just spring up. The enabling legislation was passed by very responsible men and women of this Body, many of them are still here this evening. It has had documented success. When the enforcement started 44% of businesses were selling to minors. I believe the latest numbers are 4%. This has worked. If we want it replaced we have been told we can come up with other creative solutions. But in all this debate we have not had one person who has been able to come up with another way of doing this that would be as effective. In the year 2000 fifty States will be doing exactly what we're doing and in all fifty states no one has been able to come up with alternatives. Compliance inspections are required by the Federal Regulations regarding the sale and distribution of tobacco to minors. Passage of this legislation means the Federal Government could take over the compliance check and probably use the same youths without us having any say on it. We are using the Attorney General's office to monitor this effort and we're using them because we wanted to be as super careful, super safe with people who know about these issues. Dozens of protocols were reviewed before our final version was accepted and our version is stricter than the Federal expectations. I became involved in my local assist program as a board member several years ago. I wanted to participate because I was concerned then as I am now about the issue of youth smoking. I attended training workshops and attended

presentations that the students give to their peers at school and never once did a red flag go up about this effort. Maybe it was because the parents are totally involved and sign contracts for their youth to participate. It's a family decision. Many times on the floor of this Body I've heard Senators say let the parents decide. Well they have and they are full partners with their children in this effort. Florida saw smoking among 6th and 8th grade students decline 19% in one year. They have an incredibly aggressive anti-smoking campaign. We are trying to learn from these other States. But one of the things we're doing right is their compliance rate is down to what ours is right now. So we have a long way to go but this is one of the things that has been working. L.D. 2052 would set us back to something that has worked. Very responsible men and women put this plan together, as I mentioned a while ago. We were always taught don't destroy something unless you can build something better. The enabling legislation was right in 1995, it is right this evening. I urge you to support the Minority Ought Not to Pass Report. Thank you very much for your kind attention.

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

Senator **DAVIS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise this evening in support of the good gentle Senator, Senator Berube, from Androscoggin in this matter. I learned about three years ago that the DHS, Department of Human Services, was going to start doing this. I learned a bit over here across the river at a meeting at the Kennebec Sheriff's Department when I was the Chief Deputy of the Somerset County Sheriff's Department. I was appalled that they were going to do this and I still am troubled by it. I believe that using teens in a sting operation is just plain wrong. I want to tell you a little bit if I might about how I feel about tobacco and how I feel about a number of things. One of the reasons I'm going to tell you about my experiences with tobacco in my life is because of an E-mail that I received a few weeks ago from some people right here in Augusta who I feel probably work in this project. In the E-mail they made the statement that anyone, and I felt it was pretty much directed at me, that was opposed to this had to be a clone to big tobacco. That anyone that was opposed to it also wanted to protect the illegal, immoral store owners that were selling cigarettes to children. Well I want to make myself clear. I strongly dislike tobacco. As a young man a long time ago in 1968 I got out of our Armed Services and I was addicted to cigarettes. The last thing at night after I turned my light off I'd butt out a cigarette. The first thing in the morning I'd light up. I smoked three packs a day. It cost 11¢ in the PX in the Army and they encouraged you to do it. I was addicted to them. It was a tremendous struggle both within myself and with my faith but I was able to quit. Other reasons I don't like tobacco is my dad. Three years ago this November he died of lung cancer. He was a mill worker in the town of Dexter. He was immensely proud of his son that became a State Trooper. I know how proud he would be today. One of my most vivid memories of my dad is him sitting on the edge of his bed coughing until he couldn't breath any more because of cigarettes and tobacco. I do not like tobacco. I think, Mr. President, you can clearly see that I am not a clone of the tobacco industry.

In fact, I voted against recently groups that supported me for election to this honorable Body in that my vote will cause our restaurants to be smoke free and I received a lot of comments on

that and some of them not too positive, I might add. I am though, Mr. President, a retired State Police officer. I had the wonderful opportunity and the wonderful experience, one that I'll be grateful for until the end of my days, of wearing the uniform of the finest police organization in our Country, the Maine State Police. I worked for 23½ years. I also wore the uniform of the Somerset Sheriff's Department for 3 years and I wore the uniform of the Town of Newport for 1½ years. A few weeks ago I had a sentiment in our Calendar, honoring one of our State Troopers. A man that had removed in his career 1,100 drunk divers. That is good police work. He has nearly 22 years on the force and 1,100 drunk drivers is unheard of. I love good police work. Sting operations using teenagers is not good police work. It is lazy and it is lousy and what it does to children stinks. A couple of months ago my wife and I went to the Maine State Police graduation up at Colby College in Waterville. I was very proud to think that I was part of that organization and that I received my credentials from Governor Curtis back in those days. As I watched the young men and women graduating I felt how proud I was of them. But then I also thought of using teens in sting operations and I couldn't help but think what was going through these young men and women's minds when they were learning that it was all right to do this. In all my years of government service I never once heard the government sanction the use of teenagers in sting operations. I have talked to police officers as recently as an hour and a half ago, people who have had years of service, and never once have any of them heard of using teens in sting operations. Not once, other than to buy cigarettes. Sting operations at best can be very controversial. At worst they can be down right dirty and sneaky and border on being illegal. You might ask are there other ways? The good Senator from Aroostook, Senator Paradis, mentioned don't tear it apart unless you can build on it. Well I can tell you other ways to do these things. Good old fashion police work will do it. Police officers don't drive by teenagers drinking beer. It's illegal to smoke cigarettes for a teenager. It's illegal to possess them. Why do they drive by them? It's Federal money that's running this. Then use the Federal money to pay them to enforce the law. Do it the old fashion way. If you see a kid and you are a police officer and he's smoking go grab him. Put him in your car, take him home. Do it the old fashion way. If you want to work the stores, have the police officers go in and pose as clerks. There's no difference in the penalty in selling cigarettes and failing to card someone, to ask someone for an ID if they're under the age of 27. There's no difference in the penalty. None at all. There's no need to use teenagers. Now the comment has been made that we're going to loose Federal money. I don't agree with that. The comment was also made that the Federal Government is forcing our State to do that. The Federal Register would tell you different. It would say that it encourage these States to do it in ways that they feel are proper. But even if it is and even if the Federal money goes, do we have to bow down before the alter of the almighty Federal dollar for everything. Can't we control our insatiable desire to spend money and not sell the children into something like this? And I would end, Mr. President, with this remark. If this is so good, if this is such a good Bill, then when we get out of here you go down to your local coffee shop and you tell the folks, every coffee shop's got a nice long table in there, over to Dexter it's in MacDougal's Bakery, we all call it shadow government. You go in there and you tell the folks setting there about this and ask them if they think that this is a good idea. Thank you very much.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate. There's not much more that I can say in light of the comments of the good Senator from Androscoggin, Senator Berube, and the Senator from Piscataquis, Senator Davis, as well. But I would like to offer an observation or two. I think when society needs to resort to this kind of use of children this particular way under the guise of good criminal law it says something about the quality of the life in this state and just doesn't reflect well upon us. It seems to me that the cure is worst than the malady that we seek to eradicate. And what is the answer instead of using children this way? The answer is beef up the law. Senator Davis indicates good police work. That's part of the picture as well. But if in fact we need to do something to stop the illegal sale of tobacco to children, let's take a look at the statutes. Let's beef them up. Thank you, sir.

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

Senator **HARRIMAN:** Thank you very much Mr. President. Good evening ladies and gentlemen of the Senate, the statistics show that the compliance rate of Maine retailers since the implementation of juveniles to participate in sting operations has gone from about 83% compliance with the Federal law to today where Maine retailers are complying with the law 96%. Yet over that same period of time, Mr. President, teenage smoking has gone way up. It seems to me that perhaps we ought to claim victory on retailers, congratulate them for complying with the law, and move on to what I think is the systemic problem. That is teenagers are getting access to cigarettes and it's not through the retailers. In fact, a month or so ago, Mr. President, I happened to be reading one of our favorite newspapers here in the state and on the front page below the fold was an article about teenage smoking habits. There were two teenagers prominently displayed with photographs, names and where they lived, smoking a cigarette. So I called the doctor who's the Director at the Bureau of Health and asked her were we going to enforce the law? To date it is my understanding that no summons have been issued. Recently there was a safety security check at one of the high schools in our state and in the interest of safety backpacks and other devices that students use to carry their personal belongings and books to class were searched. In there a number of students had tobacco products. To my knowledge none of them have been summoned. Further, Mr. President, the Federal law says that retailers must by law ask for positive identification for anyone age 27 or under to verify their proof of age before they can buy tobacco products. And so, Mr. President, I think perhaps this is a good idea whose time has come and certainly in my view is gone. I happen to be in to one of the shadow government stores, as the Senator from Penobscot, Senator Davis, so eloquently stated, and around the counter the proprietor mentioned to me that he had a teenage smoker come into his store the other day trying to buy cigarettes. I said Gary what did you do? He said well I asked for identification for how old he was and he left the store. So then he picked up the phone and he called the police. Called the police to tell them that there was an underage individual in his store trying to buy tobacco products. To the Yarmouth Police Department's credit, a police officer promptly arrived on the scene, approached the individual who had tried to buy the

cigarettes, whereupon a couple of undercover police officers identified themselves as a member of the sting operation. I'm still waiting, and I've asked the Attorney General of the State of Maine, that if we're going to take the time to create entrapment opportunities for retailers to violate the law, that when we have retailers who stand up and not only comply with the law but pick up the phone and call the police department to enforce the law that I would think the Attorney General ought to be able to find a few minutes to recognize the fact that Maine businesses are trying to do their part. I'm still waiting for that day, Mr. President. Thank you.

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

Senator MILLS: Mr. President and men and women of the Senate, as we approach the end of this century it is sometimes appropriate to reflect back a hundred years to examine how people died a hundred years ago and contrast that with how they're dying today. Public health reports reflect that the major causes of death in 1900 were things like cholera, tuberculosis and childhood diseases such as measles and whooping cough. Basically bacteria and viruses that people caught from one another or from the drinking water. Things that spread from one substance to another and caused epidemics within our communities. When you look at the causes of death today we find that people are dying primarily of heart disease or cardiovascular issues, diabetes, cancer and lung ailments. When you look at the statistics behind these diseases there are three major causes. Diet, exercise or lack of it, and tobacco. Tobacco is one of the three most significant producers of death and disease in this state. The interesting thing about all three of these highly exacerbating factors is that they are in large measure completely within human control. They are not some mysterious bacterium or virus that floats through the air or through the drinking water and catches us unaware. These are things that arise out of the habits of life. Of those who are addicted to tobacco 90% of them start when their bodies are still forming in the juvenile years, when they are teenagers, and there is something about the addictive quality of tobacco that it takes hold of the human organism and takes possession of it when you're 16 and 17 years old. It does not let you loose. Somehow if you start when you're 20, 21 or 22, there's something about the habit or the addiction that permits you more gracefully and more easily to give it up in later years. Very few people who start smoking as adults find themselves encased in it or entrapped by the habit. But 90% of all addicted smokers, those who have the greatest difficulty in giving it up, start when their young bodies are still in formation.

There is something peculiar about the association of nicotine and youth that creates a habit that kills 3,000 people a year in Maine. What bothers me most about this discussion tonight is that at least in some cases those who have expressed the strongest moral outrage about using 16 and 17 year old kids, young adults, define them how you will, but to use these folks to express moral outrage at using these folks to buy tobacco products. Those who expressed the greatest outrage are also those who have been the least willing to do anything about controlling this most controllable cause of death. And there is very little that we can do as a state. It's very hard. We can't solve this problem from this Chamber. I have never argued that we can. There are only a few things we can do. And we have done some of them over the objection of many in this Chamber.

We have increased the price of this product to a point where it is somewhat beyond the economic availability of young people. We have prohibited young people from possessing and using the product and to those who say that that law is not being enforced it has been provided to me that we have accessed about \$60,000 in fines during 1997 the first year that this became a civil violation in our state. We went up to \$91,000 in 1998. So we are, for whatever effectiveness it has, imposing fines on kids who smoke. Are some of them scoffing at that? I know they are. Is it working? I don't know. Is it something that this institution can do to try to control or save just a few lives from exposure to this drug? Yes. But I think we should be asking what more can we do. Not talking about how we can constrain or remove or eliminate programs that have been proven to work. I don't know whether more teenagers are smoking now than were smoking a year ago or two years ago. But we have firm statistics that three or four years ago up to 44% of our store owners were flunking the test about selling tobacco to teenagers. They just outright flunked. Then after this program was publicized and put into place it went down to 17% and has since been reduced to 4%. Now that is tangible. How else, except through this program, would we know how successful we have been at cutting off the sale of this product to kids at the store level. Why is it that we fight with such fervor a program that has proven itself as almost no other program ever has to be so successful. There are so many of us in this Chamber who would like to see performance based budgeting. We would like to see our social programs come back and prove themselves. We would love to have the Department of Human Services come back with evidence that some of the things that they embark upon and spend millions of dollars on work, that they function, that they get results. Here's a program that brings with it its own testing mechanism. And it works. The program is administered not by private agencies, it is administered by people who are in law enforcement. They are employees of the State or of the government, the county or local government. This is not something that people are doing for a few pieces of silver or money. It is something that the State is doing in order to control conduct. The sanction that applies to the store owner is a civil sanction. It's not a criminal violation. It is a civil fine. The ultimate sanction against the store owner would be to pull the store owners license. My understanding is that I don't know if that's ever happened. Maybe it's happened very rarely. But in most instances the people that are managing these purchases, the law enforcement people that are managing these purchases, use the violation as a way of educating the store owner and the clerk so that it doesn't happen again. And lord knows it seems to be working very well. For these reasons I do urge that you Accept the Minority Ought Not to Pass Report and leave this program in place. Thank you.

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

Senator BENNETT: Thank you Mr. President. Fellow members of the Senate, let's not kid ourselves. This program in my view, that this Bill targets is not about protecting kids from smoking. This program is about getting Federal revenues into State coffers. If we were truly interested in protecting kids we would not send them into harms way. I think it's time for us to stand up against the Federal Government and protect our kids. In fact, if we care about youth smoking we should focus on the youths who are smoking. We should stop sending conflicting messages to our young people. If there is one thing that our youth pick up on

it is hypocrisy. When, as the good Senator from Piscataquis, Senator Davis, suggested when you have police officers pass kids standing and smoking on the street corner and don't stop and don't do anything, that is a demonstration of state hypocrisy. It is this sensitivity to hypocrisy that the Department of Human Services has targeted in advertising that they've taken on television catching tobacco executives in lies in front of Congressional Committees. I think that we can take a stand against smoking. But we can also stand up here tonight and say that there is a line in our war against the misuse of tobacco. A line that we will not cross. And that not every \$100,000 or \$500,000 or \$2 million worth of Federal money is worth jeopardizing harm and trouble to our children. So for that reason I hope that you vote Against the pending motion. Mr. President, I request that the Secretary read the Committee Report and I request that when the vote is taken we have the Yeas and Nays.

At the request of Senator **BENNETT** of Oxford, Reports **READ**.

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

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

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise tonight to speak on this issue because the good Senator from Somerset, Senator Mills, has indicated that he believes that people who are supporting this prohibition of the use of children in sting operations are people who are opposed to regulating cigarettes and smoking amongst our young people. Well twenty years ago I was a Chair of my local school board and I'm proud to say that we were the first school board in the whole state to prohibit smoking, not only in our school buildings but also on school grounds. We kind of lead the state in providing education for K-12 students in Cape Elizabeth on the dangers of smoking. I feel that this particular Bill has a great goal and that is to try to stop illegal access to cigarettes amongst young people. But the means that are being used are just plain wrong. We're trying to keep cigarettes out of the hands and out of the lungs of children. Yet we're willing to use children and I believe abuse children in order to reach that end. For me the end in this particular operation just does not in any way justify the means. Yes we all want to keep our children from starting to smoke but let's not use those same children in a sting operation that I think is just plain wrong. Thank you Mr. President.

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

Senator **MITCHELL:** Thank you Mr. President. Ladies and gentlemen of the Senate, I ask you this evening to join my seat mate and Committee mate, the good Senator from Androscoggin, Senator Berube, with me to Oppose the motion, the Ought Not to Pass Report, to that we can move on and vote the Ought to Pass Report. My reasoning for that is as follows. We've listened to the testimony tonight and we've listened to the fact that the highest rate of tobacco use in Maine is youths. But it's also lung cancer, deaths are on the rise in Maine due to increased smoking. We have many programs that we've attempted and some of them have worked and some of them haven't as you've heard this

evening. But what we will say is that the current sting operation has served its purpose. It's down to now only 4% in noncompliance. Now it's worked. Why do we need to continue this program. Why do we need to continue to put our teenagers into this situation. It's evident if the noncompliance is down to 4% and the increased smoking is high that it's not really eliminating any smokers. So what we need to do is to be looking at what's more cool for teenagers to do other than smoke. It's not raising the prices and it's not having sting operations. So let's get down to working with the children. Giving peer pressure from other children. Our advertising has worked but I've been told recently that another State has imposed a different type of advertising called the stinky smoke using teenagers with their clothes reeking in smoke and their idea of it not smelling good to them and that they really didn't like the smell of it. So some of this advertising really has been effective and they have reduced a number of their youth smoking in that particular State due to their advertising. Our advertising has been effective. But it boils down to what are our communities doing and the groups in our communities in working with our children and our youth in proposing something else to keep them busy, something else to keep their minds occupied other than lighting up a cigarette to be a little more cool in front of their friends. So I would ask you to vote with us against the Report and move on the Ought to Pass because we know that we need to eliminate this youth smoking but this particular sting operation has served its purpose. So let's move on now into something else that's going to reduce the number of our youths smoking in our state of Maine. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you Mr. President. Men and women of the Senate, I will try to be brief because I know the hour is getting late and I know perhaps as well as anyone here that we have a lot to do tonight. But there were a couple of things I just felt I wanted to say. The good Senator from Oxford, Senator Bennett, started by saying let's not kid ourselves. I guess I'd like to say the same. My feeling is if we're not going to kid ourselves we'll say the reason we're opposing this motion is on behalf of the tobacco industry. I do not think that anyone can say that this has not been effective and is not a good method for discouraging youth smoking.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Bennett, who may state his point of personal privilege.

Senator **BENNETT:** I think the Senator from Knox, Senator Pingree, is imputing motives into members who may have an opposing viewpoint to her on this particular issue.

THE PRESIDENT: The Chair would inform members that it is against the Rules of Mason's Procedure to impute or question the motives of members of the Body. The Senator from Knox, Senator Pingree, may proceed.

Senator **PINGREE:** Thank you Mr. President. I certainly apologize for any imputing of motives that I might have done in an inappropriate manner. I will say based on what the good Senator from Piscataquis, Senator Davis, said that it is true. I often go down to my local coffee shop, Brown's Market, to get a general sense of what the community is feeling. Unfortunately

it's after 6 pm and they've closed for the night. I thought about calling them up just to get their opinion on this. But I do know they've taken a very hard line against making cigarettes accessible to young people. In fact they keep them behind the counter, they support anyone in the community that's trying to quit smoking and they make sure that young people don't have a chance to buy cigarettes or have access to cigarettes through shoplifting. I think that they would be, in fact, very supportive of using juveniles in this action. One thing I really wanted to point out is that we're talking tonight about using young people to assist us in this task. We over and over have talked about children, using innocent youth. Well I kept thinking about my own son who's 17 years old. I've been surprised at how many of his friends and peers smoke today and how many of them didn't smoke ten years ago. I've been very disappointed to see how youth smoking has been on the rise. The fact is that I would be very proud if my 17 year old or any of his friends were willing to participate in such an action to help in tobacco enforcement. If they were to say to me that they were going to go down to a store in our community or some other community and do something that's was a positive action to discourage the availability of cigarettes to youth I would be happy to have them do that. I do not think that it would do anything but help to reinforce a very positive value of not smoking for young people. The fact that we have 96% compliance shows me that this has been working very well and I do hope that the rest of the Senate will vote to Accept the Minority Ought Not to Pass Report so we can go on to continue a practice that I think has been very successful.

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

Senator **HARRIMAN:** Thank you very much Mr. President. I hope you'll forgive me ladies and gentlemen of the Senate for rising a second time to speak on this issue but I couldn't let the comments from my good friend from Knox, Senator Pingree, go unresponded to for several reasons. To suggest that my comments earlier on the record and the vote I will cast is in some way connected to supporting tobacco companies is unfair and untrue. I do not smoke cigarettes. In fact, as the good Senator from Knox, Senator Pingree, pointed out, I have a daughter who is 17 years old whose friends do smoke and I'm appalled too at the level of smoking. But you know what? They're getting the cigarettes from their friends who are old enough to buy them and they're getting the cigarettes in some cases from their parents. That seems to me to be the crux of the matter that we really must be addressing. I don't stand here tonight to support tobacco companies. In my campaigns for public office I do not take tobacco money from them directly or indirectly. I want the record to clearly reflect that. thank you Mr. President.

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

Senator **O'GARA:** Thank you Mr. President. Ladies and gentlemen of the Senate, first of all I would like to call you're attention to, if you haven't already taken a look at, the sheet that was passed out by the gentlemen from Somerset, Senator Mills, I hop that you will find it on your desk and take a look at it. Especially the third bullet down. I think it really is a significant paragraph. Secondly I want to emphasize in response to the Senator who has just spoken before me but actually to a remark that he made earlier. I would submit to the members of this

Senate that the compliance that he touts by many stores is not because they themselves have decided that it is the right thing to do. But in fact because using young people, if that's the word you want to use, employing, asking to serve in this capacity, that in fact in many cases is why the small store owners and other store owners have complied because they realize that it has been effective and they'd better get with it and be a little more careful about who they're selling cigarettes to. And about the young people themselves. It's interesting to hear some people talk about them as children when it's convenient to talk to them about children and then on other Bills, on other issues, I hear them talking about young adults. You've got to make up your minds, ladies and gentlemen. They are either children, which they are not, or they are young adults, which in fact they are. The fact of the matter is that these young adults have to agree to do this. That's number one. They are not dragged into this kicking and screaming. They are not forced into this like child slavery or child labor. That's number one. Number two is that their parents have to agree. They have to have parental support. That's number two. Number three is that law enforcement also has to be involved and there is training. Ladies and gentlemen, there may be reasons for you to vote against this Report that's on the board which I hope that you will not. But believe me, the abuse of children is not one of them. Thank you.

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

Senator **KIEFFER:** Thank you Mr. President. Ladies and gentlemen of the Senate, I find it interesting in here listening to the quoting of statistics. I know in my teenage years when I was in high school I smoked and I will assure you that the inability to my being able to go into a store and buy cigarettes certainly wouldn't have stopped my smoking. In raising seven children, I also know that it's a matter of education. Some of them smoke, some of them didn't. But the fact that they were prohibited from going in a store to buy cigarettes wouldn't have stopped them from smoking. The quotation I hear of 96% success reminds me statistically, I've spent my lifetime in a business that was based on statistics, and I'm always reminded of the person statistically that was barefoot and he was standing with one foot on a block of ice and the other foot on a wood fired stove and statistically he should be very comfortable. But I really don't think that he was. Thank you Mr. President.

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

Senator **HARRIMAN:** Thank you Mr. President. I request leave of the Senate to speak a third time on this issue.

THE PRESIDENT: The Senator from Cumberland, Senator Harriman, requests leave of the Senate to speak for a third time on this matter. Is it the pleasure of the Senate? It's a vote. The Senator may proceed.

Senator **HARRIMAN:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, I would only suggest to you that the Federal law requires that anyone who wishes to purchase tobacco products must show proof of identification that they are of age 27 or less. That's the Federal law. So if we really want to see if our compliance with the law is effective then let's use young adults, people old enough to be of age to purchase

these products, not children who aren't. Use children who are 18 years or older and see how the compliance with the law works. You know why we don't do that? No Federal money to do that. Thank you Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Paradis 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 (#164)

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

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CAREY, CASSIDY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MITCHELL, PENDLETON

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **PARADIS** of Aroostook to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

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

HOUSE REPORT - from the Committee on **TAXATION** on Bill "An Act to Change the Sales Tax Treatment of Rentals of Audio Equipment and Furniture"

H.P. 252 L.D. 356

Report - **Ought to Pass As Amended by Committee Amendment "A" (H-677).**

Tabled - May 25, 1999, by Senator **RUHLIN** of Penobscot.

Pending - **ACCEPTANCE OF THE REPORT**

(In House, May 25, 1999, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-677).**)

(In Senate, May 25, 1999, Report **READ.**)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-677) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-677).**

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 Amend the Water Quality Laws to Establish a New Standard for Mercury Discharges

S.P. 716 L.D. 2038
(C "A" S-316)

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

Emergency Measure

An Act to Enhance Communications Between the Department of Corrections, the Judiciary and Law Enforcement Agencies

H.P. 1518 L.D. 2166
(C "A" H-634)

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

Emergency Measure

An Act to Implement the Recommendations of the Department of Inland Fisheries and Wildlife Regarding Surface Use on Great Ponds

H.P. 1590 L.D. 2235

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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.

Acts

An Act to Exempt Certain Trusts from the Rule Against Perpetuities
H.P. 371 L.D. 496
(C "A" H-636)

An Act to Implement Recommendations of the Maine Indian Tribal-State
Commission Relating to Child Welfare Services for Indian Children
H.P. 392 L.D. 523
(C "A" H-658)

An Act to Amend the Laws Governing the Land Application of Municipal
Wastewater Treatment Plant Sludge
S.P. 307 L.D. 909
(C "A" S-317)

An Act to Make Technical Changes and Improvements to the Employment
Tax Increment Financing Program
H.P. 932 L.D. 1309

An Act to Improve Access to Education for Parents as Scholars Program
Participants
H.P. 1115 L.D. 1574
(C "A" H-656)

An Act to Amend the Electric Industry Restructuring Laws
H.P. 1509 L.D. 2154
(C "A" H-620)

An Act to License Interpreters for the Deaf and Hard-of-Hearing
S.P. 833 L.D. 2233

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

An Act to Increase the Availability of Prescription Drugs for the State's Elderly
H.P. 228 L.D. 332
(C "A" H-657)

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

An Act to Provide Tax-exempt Status to Organizations That Teach Reading
H.P. 271 L.D. 379
(C "B" H-647)

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

An Act to Protect Victims of Crimes in the Workplace
H.P. 688 L.D. 944
(C "A" H-642)

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

An Act to Amend Criminal Law Procedures Regarding Defendants Found
Incompetent to Stand Trial
H.P. 1076 L.D. 1523
(C "A" H-637)

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

An Act to Improve Medical Support for Children
H.P. 1078 L.D. 1525
(C "A" H-655)

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

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)

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

An Act to Reimburse Collectors of Sales and Use Taxes
H.P. 1150 L.D. 1647
(C "A" H-646)

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

An Act to Increase the Amount of Revenue Dedicated to Local Revenue
Sharing
H.P. 1286 L.D. 1847
(C "A" H-651)

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

An Act to Promote Participation in the Maine Residents Property Tax
Program
H.P. 1527 L.D. 2180
(C "A" H-648)

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

An Act to Prohibit Law Suits by Municipalities Against Firearm or Ammunition Manufacturers

H.P. 1537 L.D. 2192
(C "A" H-442)

Senator **RAND** of Cumberland moved to **TABLE** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

At the request of Senator **BENNETT** of Oxford a Division was had. 29 Senators having voted in the affirmative and no Senators having voted in the negative, the motion by Senator **RAND** of Cumberland to **TABLE** until Later in Today's Session, pending **ENACTMENT**, in concurrence, **PREVAILED**.

Resolves

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

H.P. 1279 L.D. 1840
(C "A" H-645)

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

Resolve, to Help Homeless Young People Returning to Home or Safe Living Situations

H.P. 1528 L.D. 2181
(C "A" H-654)

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (5/20/99) Assigned matter:

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act to Exclude Claims for Intentional Criminal Acts from the Application of the Workers' Compensation Act of 1992"
S.P. 47 L.D. 118

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-227)** (9 members)

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

Tabled - May 20, 1999, by Senator **PINGREE** of Knox.

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

(In Senate, May 20, 1999, Reports **READ**. Motion by Senator **PINGREE** of Knox to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **FAILED**.)

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate, I will be brief because we have already debated this on two prior occasions. Briefly, to refresh your memory, what is attempted here by this Bill is to remove certain provisions of the Criminal Law into the Workers Compensation statute and then authorize employees to sue employers on the basis of those criminal provisions. I've already indicated to you in prior discussion that the Maine Supreme Court has pointed out to us that whenever an egregious act occurs by an employer against an employee the criminal sanctions are available when that happens. I would ask you please not to water down the process that's working for our employees which is the criminal process. If an employer assaults an employee or commits any other act which is considered a criminal one, the process that's been working well is the Criminal Law. Enacting this provision will water it down. It will allow prosecutors instead of bringing a criminal case, if this law is on the books, to wait and see if the employee is going to bring a civil action. If one is brought, perhaps delay the criminal case to see how that case comes out. Why would we enact a statute to water down the criminal process requiring our employees when they are assaulted to run to their private attorney, take up the matter of counsel fees and have to pay the expenses of the suit when we have a criminal process in place that's keeping these cases down in number, that does not require the employee to pay one penny of counsel fees nor any expense of a suit. Those who support this legislation admit that there aren't many of these cases and they are right. The reason there aren't many cases is that the Criminal law is working. There is one other particular, Mr. President, that I would like to mention that bothers me about the matter. If you take a look at the Bill you will notice it is one sentence. It is this sentence - this section, meaning a portion of the Workers Comp law, does not bar a separate court action, a separate civil action, against the employer, that's the word employer, for injury or death caused by the employer's intentional act. Now when an act occurs by an employer against an employee it is not something by Bath Iron Works, Great Northern, Shop n Save, or Shaws or Wal Mart. It is something that happens between people. Supervisors and co-workers. So an employer is mentioned here. An employer cannot be sued under this act civilly for something done by a supervisor or co-worker because there is no agency relationship that covers a criminal act and ties people together thereby. Neither does this reach the assault by the supervisor or other person working, the supervisor or co-worker, because they're not the employer. We have a question right off the bat with the word employer in the statute. What does it reach? It reaches nothing. A good question of law will be created if you enact this measure. The first time this gets brought up in court you can be sure they'll be delay in the civil suit. Please we don't need delay here. Helping our employees who are assaulted by employers. We don't need delay. That's the last thing we need is delay. We're going to get delay with this on the books. You know as well as I do a civil case can drag out for weeks and years even. Criminal cases are always promptly brought to a conclusion. The process in place is working. Please don't water it down. Thank you Mr. President.

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

Senator **DOUGLASS:** Mr. President, women and men of the Senate, I think the good Senator from Franklin, Senator Benoit, confuses the matter here. This could be called the Murdering Employer Act. What this Bill does is to eliminate the immunity granted to a murderous employer or one who commits a crime of gross sexual assault against an employee. It eliminates the immunity that they now have under the Workers Compensation statute. That was an oversight I am sure on the part of the framers of the Workers Compensation reforms of 1992 and 1993. This Bill corrects it. What's more it saves the insurers harmless from any costs they might have already paid out because the insurers are able to recover against the murdering employer as well. It's really very simple. This Act eliminates the protection that we think employers should generally have in a very limited number of situations. It does not apply to reckless conduct, it does not apply to manslaughter. It only applies to the murderous or the assaultive or the sexually abusive employer. And for them it allows the employee to have the same type of rights against that employer as they now have against a third party. This Bill has nothing what so ever to do with delay in the criminal justice system or watering down of the criminal justice system. That system will go on as well after this Bill as it does now. Having served as a prosecutor, I can tell you that civil actions that might arise out of a criminal act were never a consideration as a second best that might occur. I have never seen a delay based upon this sort of act, especially one that is as egregious as those that currently immunized under our Workers Compensation Act. I urge you to Pass this Bill.

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

Senator **BENOIT:** Thank you Mr. President. Just a comment or two please to the good Senator from Androscoggin, Senator Douglass. She titles this measure Murdering Employer Act. Let's follow it through if that's what this is. The employee is dead. Is the employee then going to be suing civilly under this statute. It's a legal impossibility. The employee is dead. Furthermore, if you want to reach the egregious act of murder and see it punished, people don't run to their lawyers and take a civil case to get justice. They go to the cops. The law enforcement community is where they go. I don't know of a single murder case in this state that was addressed for justice in a civil manner. Those cases are reached by the criminal process. That's the process that we have in place. I like the title Senator Douglass gives to this because to me it's a good title. But it does show the difficulty in her argument. Now I can tell you about delay in the criminal process because I was in the criminal process for 16 years as a prosecutor for the State of Maine in the Attorney Generals Office. You'll get delay if this is on the books. Here's an example. There is a criminal act that occurs against an employee by an employer. Let's assume a criminal case starts right off the bat. Promptly brought as they are today. This law is on the books. Now a civil suit starts under this statute. Now you've got two cases going against the employer. One is criminal, the other is civil. I will bet you that in the criminal case the process that works here that that employer can complain about not having the effective assistance of counsel. His counsel is tied up in two suits. If you've got discovery or depositions

going on in the civil action, which can happen, you may very well see the criminal case delayed because the employer says my lawyer is all tied up judge in two cases. You will get delay of both cases. Thank you, sir.

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

Senator **DOUGLASS:** Good people of the Senate, this Bill is about who should have the immunity that we give to employers under the Workers Compensation Act. Employers who commit the crimes outlined in the Bill should not have that immunity. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#165)

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

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

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **PINGREE** of Knox to **RECONSIDER** whereby the Senate **FAILED** to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **FAILED**.

The Minority **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.

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

Bill "An Act to Amend the Freedom of Access Laws"
H.P. 1296 L.D. 1857
(C "A" H-479)

Tabled - May 25, 1999, by Senator **RAND** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, May 19, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-479)**, in **NON-CONCURRENCE**.)

(In House, May 20, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-479) AS AMENDED BY HOUSE AMENDMENT "A" (H-668)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **LONGLEY** of Waldo, the Senate **RECEDED** and **CONCURRED**.

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

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Provide Equal Treatment in the Taxation of Public Pensions"

S.P. 431 L.D. 1268

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-348)** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-349)** (2 members)

Tabled - May 25, 1999, by Senator **BENNETT** of Oxford.

Pending - motion by Senator **RUHLIN** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-348)** Report

(In Senate, May 25, 1999, Reports **READ**.)

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 don't know whether you're aware of what we're doing here but what we're doing is we're going to tax Social Security recipients. I want to make you all aware of that. What we're going to do is give the State, Federal and Military retirement folks a \$6,000 exemption on the backs of the Social Security recipients. I did some calculations and I estimated that this would cost \$13 million of folks that are probably high income Social Security recipients, folks that have joint filings in excess of \$44,000. I took a hypothetical situation of \$10,000 and a person currently has an exclusion of \$10,000 on their Social Security income and at the 8½% rate which would extend out to \$850. I divided \$850 into \$13 million and that would impact 15,300 tax returns. Joint filers. This would be in excess of 30,000 of our citizens. In my judgment this is an ill-conceived idea and I have no problem with exempting pension. In fact previous we had a Bill before us and I did vote for that Bill. I think it's a good idea. Report "B" would exempt \$5,000 worth of income for the same folks, Government pensions. But Report "B" steps up to the plate and funds it. It amounts to about \$11,000,300 and I have no problem with that. I would certainly vote for Report "B" and I would hope you will. If we want to go

this route we should be honest with ourselves and put the money right up front. It is an ill-conceived idea and I certainly hope that you will join me and vote Against the prevailing motion so we can go on and Adopt the Minority Report. I can assure you that if we pass this the exodus will be as large as when Moses lead the Israelites out of Egypt, because everyone is going to be going to Florida where they don't tax pensions. That's all I have to say at this time. I was brief and I hope you all listened to me. Presidents, Congressmen and Senators of the United States are very fearful of doing anything with Social Security and I would hope members of this Body would do likewise. I thank you Mr. President.

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

Senator **RUHLIN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I am constantly amazed at those people who call themselves fiscal conservatives and who come in here happy to vote for a \$16 million Retirement Exemption Program and then when they have one that comes in that pays for itself, all of a sudden they don't like it. You know I would say that that person belongs to another party that's a tax and spend kind of an outfit. I don't know about that in Oxford County. But I do know that this Bill is aimed at fairness. It's aimed at taking the people who work for the State of Maine both for the schools, for the State, for the letter carriers on the street, for those people who have to depend upon Federal retirement plans, those people who depend upon the State retirement plan and says to them we are no longer going to discriminate against you. In the State of Maine, I believe it's only one of six in the nation, if you in private industry have a Social Security retirement you can make a million dollars and we will not tax one penny. Not one penny of that Social Security regardless of your income. The Federal government, those same Presidents that I heard talked about, those same Senators and those same members of the US House of Representatives, who won't touch Social Security, they've gone out and made laws by the way to tax Social Security. \$44,000 for married couple, \$32,500 for a single person filing separately. Those people have said this is the proper thing to do and we've been asked and we've been working now three years on trying to get some relationship between our income system and the Federal tax system. So we said fine, we will go out and mirror the Federal tax system. We want to get one of our own, we won't gouge our natives who get Social Security. We won't try to undertax or we won't try to overtax. We'll try to use the principle that we have put in place in the Committee and use the very first test. Is it fair? The answer was yes it is fair. If a person has right now an obligation through income tax to the Federal government, why should the State of Maine exempt the Social Security people beyond that and gouge unfairly and discriminately those people who have given their careers to public service. That's what this is about. This is about fairness. It says that we will take, though we really should be going much higher, the first \$6,000 of your retirement income and it will be income tax exempt. It's a first time effort. You had these, I call them feel good schemes, where you want to spend \$60 million and say I'm going to help everybody, you know it won't go anywhere but the Table, it'll die on the Table. You have Report "B" that says we'll give you a little bit less but we're going to charge you \$11 million. You know that's going to die on the Table. Why don't you do something that will actually help somebody and won't have to die on the Table, it can Pass. The

119th, all of us, can go home and look everybody in the face and say for once this Legislature is going to treat the public employees of this State with the dignity and fairness that they deserve for a lifetime of dedication and public life. That's what this is about. And it will not cost one cent. The mirroring of the Federal system will bring in enough to pay the entire cost of this program. Consequently I ask you to overwhelmingly vote for fairness, vote for the people who have dedicated themselves, the teachers of the state of Maine, to the letter carriers, to the people who plow the roads in the wintertime and remember them when you vote. Vote for the Majority Ought to Pass Report. Thank you.

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

Senator **DAGGETT:** Thank you Mr. President. Members of the Senate, I am sure that it is a concern of people to have the focus placed on the taxation of Social Security but I would suggest to you that if you take a look at really what this Bill attempts to do you'll find it is a lot more than simply taxing Social Security. It addresses an unfortunate inequity in the way Maine tax policy is currently established. That is that Maine taxes certain pensions and does not tax others. This Bill is a very good effort and a well crafted Bill that would bring equity or attempt to bring some equity, a degree of equity, to the taxation of pensions. Currently, as you heard, private pensions, Social Security, are not taxed at all by the State of Maine. They are taxed at the Federal level. They are taxed at the Federal level but not by the State of Maine. What this Bill does is begin to bring us into some degree of conformity in the taxation of pensions. I know there's been some information passed out to you and I'm reluctant to read numbers because I think it's hard to follow. But I would say to you that the numbers we have are a married couple 65 and over filing jointly on Social Security could have an income of \$38,000 without paying any Maine income tax. A public employee with the same annual income pays over \$1,000 in income tax. Over \$1,000 vs nothing. This Bill is an effort to bring some degree of equity. It's also somewhat ironic that those public employees that for some reason or another get a Social Security pension as well because not by virtue of what they have done in the public sector but because they have perhaps worked in the private sector and get some Social Security. Interestingly this also tends to affect women who have a spouse who was employed in the private sector. That is that for those who have a public pension and Social Security from the second source have their Social Security reduced by Federal law so they in fact get doubly penalized by having their public pension then taxed. It's a double hit and it frequently and most usually happens to women. Earlier there was a reference made to the number of tax returns that this might effect. Those Social Security recipients in the higher income levels who might be taxed. It was suggested that it was 15,000 tax returns. I would tell you that the numbers we have here of the people who could benefit from this Bill equals 51,000 people. This covers the US Civil Service, the military, State, teachers and the participating local districts. Has a great impact. It's clearly an issue of fairness. So I would urge you to focus on what the Bill accomplishes. Whenever we're looking at an issue we have to look at the entire issue not some minor piece of it, not some small piece, the whole issue. That's what the Taxation Committee has done in looking at this Bill. I urge you're support of the bi-partisan Report. I think there was clear understanding

and acceptance from the Committee that this is an issue that needs to be addressed. I urge your support of it. Thank you.

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

Senator **MILLS:** Mr. President and men and women of the Senate, I think what motivated me to sign the Report that's under discussion this evening is the fact that is indeed an inequity in the current treatment of pensions by our Tax Code and this Bill will not solve them. It will address them. It will make some small change in perhaps the right direction. What compelled me more than anything else is to recognize that we do have a number of people, sometimes retired employees or teachers and in other cases widows or widowers of State employees and teachers and public employees, who are living on pensions that are very limited. \$8,000, \$9,000, or \$10,000 a year. Because they were in public employment either they were not eligible for Social Security benefits at all or their Social Security benefits are dramatically reduced by the offset. The Federal government says that you have a State pension, a public pension, then there is a complicated formula that comes into play to reduce the Social Security benefit that you might be entitled to having worked forty quarters in the private sector. We tax those public pensions from dollar one subject to the personal exemption and the like. But we have a very special line on the tax return to make sure that we do not tax Social Security at all even though the Federal Government taxes at one level 50% of your Social Security benefit and at a much higher level of gross income 85% of the Social Security benefit. The Federal tax comes into play only when your aggregate personal income is well up into the five figures and I can't quote the exact number. It's a very high level of income at which the Federal return begins to tax the first dollar of your Social Security benefit. This Bill, if you pass it, would actually simplify our tax return by removing an adjustment that puts us out of concurrence with the Federal return. This Bill, if you pass it, will mean that we will treat Social Security income in exactly the same way that the Federals do and that generates money. And what will we do with the money under this Bill? We will exempt the first \$6,000 of pension income for all public employees. We found when checking the law that we are not able to do it just for State pensions or for teacher's pensions or for town pensions. When we address public pensions we have the burden of treating all public pensions equitable and for that reason it will include military pensions, which has been the subject of another Bill that we've discussed, and it will include Federal pensions as well. So that all public pensions will be treated the same and will be given a \$6,000 exemption from taxation. It will help those who are struggling to survive on a small \$9,000 - \$10,000 pension. The exemption becomes progress in a sense in that if you have a high income the exemption of only \$6,000 does not treat you with terribly great favoritism but on the other hand the exemption from tax will mean a lot to someone who is only living \$10,000 or \$12,000 or \$15,000 and may not have the benefit of any Social Security at all because of the particular offset provisions of the Federal Tax Code. None of this will make it perfect but the Bill before you will improve things substantially. Therefore I urge that we Accept the Majority Ought to Pass Report.

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

Senator **FERGUSON**: Thank you very much Mr. President. We've heard quite a lot of commentary on this Bill and I agree with a lot of it. I have no problem with exempting Government pensions but we have Report "B" here which does that. But it makes us step up to the plate and pay for it. Like I said before it doesn't provide the money on the backs of Social Security recipients. But what I really stood up for was to ask for the Yeas and Nays when the vote is taken, Mr. President. Thank you.

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

Senator **AMERO** of Cumberland inquired as to whether the Bill was **PROPERLY BEFORE THE BODY**.

TABLED pending **RULING OF THE CHAIR**.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Protect Medicaid Recipients and Providers from Unintended Consequences of the Noncompliance of the Department of Human Services with Year 2000 Readiness" H.P. 1597 L.D. 2242

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

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

COMMUNICATIONS

The Following Communication: H.C. 214

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA, MAINE 04333-0002**

May 25, 1999

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

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it accepted the Minority Ought Not to Pass Report of the

Committee on Agriculture, Conservation and Forestry on Resolve, to Address Liquidation Harvesting (H.P. 1526) (L.D. 2179)

Sincerely,

S/Joseph W. Mayo
Clerk of the House

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

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

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Modify the Laws on Negotiating a Worthless Instrument" H.P. 888 L.D. 1245

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

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

In House, May 24, 1999, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-638)**.

In Senate, May 25, 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 **MURRAY** of Penobscot, the Senate **ADHERED**.

Off Record Remarks

On motion by Senator **AMERO** of Cumberland, **ADJOURNED**, until Wednesday, May 26, 1999, at 9:00 in the morning.