

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

Pages 747 - 1547

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

In Senate Chamber
Friday
June 4, 1999

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

Prayer by Senator John W. Benoit of Franklin County.

SENATOR BENOIT: Thank you Mr. President. My prayer poem would be greatly aided if we would be in a Prayerful state.

Lord, November voters gave us possession
of this particular Legislative Session.
We pray we've toiled in a purposeful direction.
We tried to fix things set to be broke.
Putting out fires, dispelling the smoke,
clearing the air with a smile and a joke.
Lord soon we will all be heading back home,
no longer shadowed by our Capitol Dome,
leaving behind our Historic tome.
We read our lines Lord, acted our parts.
Motivated we Pray by purposeful hearts.
But waiting at home our barrows and carts. Amen

Reading of the Journal of Thursday, June 3, 1999.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

An Act to Ameliorate Penalties for Late Filing of Municipal Tax Returns

S.P. 198 L.D. 587
(C "A" S-49)

In House, April 13, 1999, **PASSED TO BE ENACTED.**

In Senate, June 3, 1999, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

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

On motion by Senator **RUHLIN** of Penobscot, the Senate **RECEDED** and **CONCURRED** and the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Non-Concurrent Matter

An Act to Improve Alcohol Server Education Courses
S.P. 320 L.D. 954
(C "A" S-228)

In House, May 25, 1999, **PASSED TO BE ENACTED.**

In Senate, June 3, 1999, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

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

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

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Extend Term Limits for Elected Officials and Constitutional Officers"
S.P. 377 L.D. 1078

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

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

In Senate, May 27, 1999, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-262)**, in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

Bill "An Act to Revise the Salaries of Certain Androscoggin County Officers" (EMERGENCY)

H.P. 1604 L.D. 2250
(S "A" S-384)

In House, June 3, 1999, **PASSED TO BE ENGROSSED.**

In Senate, June 3, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-384)**, in **NON-CONCURRENCE.**

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

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

An Act to Implement the Recommendations of the State Compensation Commission

S.P. 770 L.D. 2168
(H "C" H-735 to C "A" S-364)

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$26,850,000 for Maine's 7 Technical Colleges" H.P. 451 L.D. 614

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-751)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-751)**.

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

READ ONCE.

Committee Amendment "A" (H-751) **READ**.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-751), in concurrence.

ENACTORS

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

Emergency Measure

An Act to Revise Certain Provisions of the Fish and Wildlife Laws
S.P. 738 L.D. 2088
(S "A" S-322; H "A" H-747 to
C "A" S-292; S "A" S-358;
S "B" S-368; S "C" S-377)

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.

Act

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

The Chair noted the absence of the Senator from Kennebec, Senator **DAGGETT** and further excused the same Senator from voting on this matter.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#201)

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

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

ABSENT: Senator: SMALL

EXCUSED: Senator: DAGGETT

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

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

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

On motion by Senator **AMERO** of Cumberland, **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. 315

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

June 4, 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 Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 2221 An Act to Restore Majority State Funding of Public Education in Maine

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

Sincerely,

S/Sen. Michael H. Michaud
Senate Chair

S/Rep. Elizabeth Townsend
House Chair

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

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 (6/3/99) Assigned matter:

An Act to Provide Tax-exempt Status to Organizations That Teach Reading

H.P. 271 L.D. 379
(C "B" H-647)

Tabled - June 3, 1999, by Senator **PINGREE** of Knox.

Pending - motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE** (Division Requested)

(In Senate, May 24, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-647)**, in concurrence.)

(In House, May 25, 1999, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE**. (Roll Call Ordered)

The Chair laid before the Senate the following Tabled and Later (6/3/99) Assigned matter:

An Act to Allow Certain Companies' Operations that Started in 1996 to Qualify for Employment Tax Increment Financing Treatment

S.P. 208 L.D. 597
(C "A" S-50)

Tabled - June 3, 1999, by Senator **PINGREE** of Knox.

Pending - motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE**

(In Senate, March 31, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-50)**.)

(In House, April 13, 1999, **PASSED TO BE ENACTED.**)

Senator **RUHLIN** of Penobscot requested a Roll Call.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE**. (Roll Call Requested)

The Chair laid before the Senate the following Tabled and Later (6/3/99) Assigned matter:

An Act to Amend the Tax Law Regarding Tax Liability of Innocent or Injured Spouses

S.P. 308 L.D. 910
(C "A" S-173)

Tabled - June 3, 1999, by Senator **PINGREE** of Knox.

Pending - motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE**

(In Senate, May 5, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-173).**)

(In House, May 11, 1999, **PASSED TO BE ENACTED.**)

Senator **RUHLIN** of Penobscot requested a Roll Call.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE**. (Roll Call Requested)

The Chair laid before the Senate the following Tabled and Later (6/3/99) Assigned matter:

An Act to Provide Computers for Use in the Legislature
H.P. 666 L.D. 922
(C "A" H-320)

Tabled - June 3, 1999, by Senator **BENNETT** of Oxford.

Pending - motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE**

(In Senate, May 20, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-320)**, in concurrence.)

(In House, May 24, 1999, **PASSED TO BE ENACTED.**)

On motion by Senator **AMERO** of Cumberland, **TABLED** until Later in Today's Session, pending motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE**.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (3/9/99) Assigned matter:

SENATE REPORT - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Establish Limits on Contributions to Political Action Committees That Support Candidates"

S.P. 72 L.D. 175

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-18)**

Tabled - March 9, 1999, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF THE REPORT**

(In Senate, March 9, 1999, Report **READ.**)

On motion by Senator **PINGREE** of Knox, Bill and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (6/3/99) Assigned matter:

An Act to Promote Equity Among Health Care Clinics
S.P. 532 L.D. 1594
(C "A" S-347)

Tabled - June 3, 1999, by Senator **PINGREE** of Knox.

Pending - motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE** (Division Requested)

(In Senate, May 25, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-347).**)

(In House, May 26, 1999, **PASSED TO BE ENACTED.**)

Senator **MICHAUD** of Penobscot requested and received leave of the Senate to withdraw his motion to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **PINGREE** of Knox, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**, 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 Today Assigned matter:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Extend Term Limits for Elected Officials and Constitutional Officers"

S.P. 377 L.D. 1078

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

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

Tabled - June 4, 1999, by Senator **PINGREE** of Knox.

Pending - **FURTHER CONSIDERATION**

(In Senate, May 27, 1999, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In House, June 3, 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" (S-262)**, in **NON-CONCURRENCE**.)

Senator **PINGREE** of Knox moved the Senate **RECEDE** and **CONCUR**.

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

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

Senator **BENNETT:** Thank you Mr. President. Fellow members of the Senate, the hour is late, the Session is long, and I won't belabor this issue. We all know what we are voting on. I am having distributed, at this time for your interest, some information regarding a poll of Maine voters conducted earlier this year. I think it is abundantly clear that sending this issue to Referendum at this point, so soon after the voters adopted it, is a waste of our energies and our resources. We should just continue with the action that this Body took earlier and kill this Bill. I believe that the voters have spoken loudly on the issue of Term Limits. They want to see Term Limits work. I think that any time the voters of Maine collect enough signatures, and at the time it was significantly more than now, to put an issue on the ballot, get the issue thoroughly debated in the public, then send it to a

Referendum vote, and get it overwhelmingly approved on a two to one margin, I believe, that we ought to respect that and give at least some time to intervene before we start tinkering with it. I believe that this is not the time to have this issue go before them. I fear that they may be insulted by our action by coming out with a Legislatively initiated action to send this before them again. If this were, and I would encourage any member of the Legislature that is concerned with this, to follow another route, that would be to go out and get the 40,000 signatures required, put the issue on the ballot again, and take it up that way rather than use the short circuit of allowing the Legislature to put this directly to the people. It's in my view, as I say, nothing but a waste of time. I think we could predict the outcome now and why bother doing it? Thank you.

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

Senator **CAREY:** Thank you Mr. President. I don't know how the people of Oxford County feel, but the Sentinel in Waterville ran a survey. They asked a very simple question. If you could repeal one law, which law would it be? They had three quarters of a page of answers and of those 80% were, in fact, we would repeal the Term Limits law. They didn't know at that time who they were knocking off, apparently, so they would like to be able to get some of the people who were termed-out of office at that time to come back. Senator Kontos from Cumberland ran a survey of her own and I would tell you that she found that the average length of stay of the people who are here today is 3.8 years. This, considering the fact that the first year you are working to find out where the cafeteria and where the restrooms are, gives you a little less time to do the work that we have to do here, all of which is very important. An institutional memory will certainly be lost in the long run. Thank you Mr. President.

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

Senator **LONGLEY:** Mr. President, I would like to pose a question through the Chair.

THE PRESIDENT: The Senator may pose her question.

Senator **LONGLEY:** I would be interested in knowing if anyone here knows what the turn out was at the election for this Term Limits law?

THE PRESIDENT: The Senator from Waldo, Senator Longley, poses a question through the Chair to anyone who may be able to answer.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

Senator **BERUBE** of Androscoggin who would have voted NAY requested and received leave of the Senate to pair her vote with Senator **DAGGETT** of Kennebec who would have voted YEA.

ROLL CALL (#202)

YEAS: Senators: ABROMSON, CAREY, CATHCART, DOUGLASS, KILKELLY, KONTOS, LAFOUNTAIN, MURRAY, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, NUTTING, SMALL

PAIRED: Senators: BERUBE, DAGGETT

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators having paired their votes, the motion by Senator **PINGREE** of Knox to **RECEDE** and **CONCUR**, **FAILED**.

On motion by Senator **BENNETT** of Oxford, the Senate **ADHERED**.

(See action later today.)

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Establish the Endowment Incentive Fund
H.P. 77 L.D. 90
(C "A" H-47)

Tabled - March 24, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 17, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-47)**, in concurrence.)

(In House, March 23, 1999, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-47)**.

On further motion by same Senator, Senate Amendment "A" (S-399) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-47) AND SENATE AMENDMENT "A" (S-399), in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to State Earned Income Credit

H.P. 90 L.D. 103
(C "A" H-119)

Tabled - April 14, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 8, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-119)**, in concurrence.)

(In House, April 13, 1999, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-119)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-119), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-421) to Committee Amendment "A" (H-119) **READ**.

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

Senator **HARRIMAN:** Thank you very much Mr. President. Good afternoon ladies and gentlemen of the Senate, I hope that you will join me in defeating the pending motion which has been amended to add a State Earned Income Tax Credit, not in this fiscal year, which would affect the budget that we are wrapping up, but rather it will affect the next budget as the effective date of this Amendment does not go into affect until January 1, 2001, effective for that tax year which will be filed in 2002. So I ask you, Mr. President, to join me in defeating the pending motion.

The Chair ordered a Division.

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

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

THE PRESIDENT: The Senator may pose her question.

Senator **GOLDTHWAIT:** To anyone who can answer. Is there some estimate of the average amount of money that would be returned to people under this proposal?

THE PRESIDENT: The Senator from Hancock, Senator Goldthwait poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY:** Thank you Mr. President. I heard \$7.

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

Senator **KIEFFER:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm not exactly sure of where that figure arrived from. The fiscal note in this Amendment states that in the year 2001 to 2002 the reduction in General Fund Revenue would be \$237,250, and if that is correct, if there are a million people in the state it would come out to about 25 cents. Thank you Mr. President.

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

Senator **LONGLEY:** Thank you Mr. President. Very quickly, I think it applies to those, I think it's means tested, so it comes all the way up from 25 cents to \$7, but we can double check. That is just what I heard.

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

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

Senator **BENNETT:** Thank you Mr. President. Fellow members of the Senate. Perhaps, I could ask permission to pose a question through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **BENNETT:** It was just brought to my attention, reading the fiscal note of this, that the annual cost beginning with fiscal year 2001 to 2002 of this proposal is about \$237,000. The cost for implementing this proposal in terms of administrative cost, I believe, according to the fiscal note, is estimated to be \$70,000 annually. And I'm just wondering if somebody could provide me some sort of satisfaction not to believe what I'm reading here. Thank you.

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

Senator **MICHAUD:** Thank you Mr. President. Men and women of the Senate, the Office of Fiscal and Program Review, as you well know, does the fiscal notes. So if that is what it says, than it more than likely is accurate. The Majority of the Committee on Appropriations, when they amended the Bill, more or less just wanted to get the law on the books and see how it's going to work. And that is why they amended it down to the small minimum amount that you see in this fiscal note.

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

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, a question was posed earlier about the number of people who would be eligible and the amount of money or the amount of credit they would receive. There would be 38,000 people eligible and they would receive a \$6 credit.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Michaud, to Adopt Senate Amendment "A" (S-421) to Committee Amendment "A" (H-119). 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 (#203)

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

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

ABSENT: Senator: DAGGETT

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **MICHAUD** of Penobscot to **ADOPT** Senate Amendment "A" (S-421) to Committee Amendment "A" (H-119), **PREVAILED.**

Committee Amendment "A" (H-119) as Amended by Senate Amendment "A" (S-421) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-119) AS AMENDED BY SENATE AMENDMENT "A" (S-421) thereto, in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Make Minor Substantive Changes in the Tax Laws
H.P. 131 L.D. 162
(C "A" H-695)

Tabled - May 27, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 27, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-695)**, in concurrence.)

(In House, May 27, 1999, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-695)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-695), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-419) to Committee Amendment "A" (H-695) **READ.**

On motion by Senator **RUHLIN** of Penobscot, **TABLED** until Later in Today's Session, pending motion by Senator **MICHAUD** of Penobscot to **ADOPT** Senate Amendment "A" (S-419) to Committee Amendment "A" (H-695).

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Improve Access to Electronic Filing for Businesses
S.P. 77 L.D. 180
(C "A" S-337)

Tabled - June 1, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 27, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-337).**)

(In House, May 28, 1999, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-337).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-337).

On further motion by same Senator, Senate Amendment "B" (S-422) to Committee Amendment "A" (S-337) **READ** and **ADOPTED.**

Committee Amendment "A" (S-337) as Amended by Senate Amendment "B" (S-422) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-337) AS AMENDED BY SENATE AMENDMENT "B" (S-422) thereto, in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Increase the Appropriation to the Saco River Corridor Commission

H.P. 155 L.D. 217
(C "A" H-160)

Tabled - April 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-160)**, in concurrence.)

(In House, April 26, 1999, **PASSED TO BE ENACTED.**)

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

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Laws Relative to Vesting in the Maine State Retirement System and to Protect Retirement Benefits Once the Right to those Benefits has Attached

H.P. 189 L.D. 267
(H "A" H-670 to C "A" H-652)

Tabled - May 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 24, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-652) AS AMENDED BY HOUSE AMENDMENT "A" (H-670)** thereto, in concurrence.)

(In House, May 25, 1999, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-652) AS AMENDED BY HOUSE AMENDMENT "A" (H-670)** thereto, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-652) as Amended by House Amendment "A" (H-670) thereto, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-431) to Committee Amendment "A" (H-652) **READ** and **ADOPTED.**

Committee Amendment "A" (H-652) as Amended by House Amendment "A" (H-670) and Senate Amendment "A" (S-431) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-652) AS AMENDED BY HOUSE AMENDMENT "A" (H-670) AND SENATE AMENDMENT "A" (S-431) thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Increase the Availability of Prescription Drugs for the State's Elderly

H.P. 228 L.D. 332
(C "A" H-657)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, May 24, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-657)**, in concurrence.)

(In House, May 25, 1999, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-657)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-657), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-432) to Committee Amendment "A" (H-657) **READ** and **ADOPTED.**

Committee Amendment "A" (H-657) as Amended by Senate Amendment "A" (S-432) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-657) AS AMENDED BY SENATE AMENDMENT "A" (S-432) thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

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

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

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

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

Tabled - May 17, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 11, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-451)**, in concurrence.)

(In House, May 14, 1999, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-451)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-451), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-427) to Committee Amendment "A" (H-451) **READ** and **ADOPTED**.

Committee Amendment "A" (H-451) as Amended by Senate Amendment "A" (S-427) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-451) AS AMENDED BY SENATE AMENDMENT "A" (S-427) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Resolve

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

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

Tabled - May 11, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 6, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-334)**, in concurrence.)

(In House, May 10, 1999, **FINALLY PASSED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-334)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-334), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-428) to Committee Amendment "A" (H-334) **READ** and **ADOPTED**.

Committee Amendment "A" (H-334) as Amended by Senate Amendment "A" (S-428) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-334) AS AMENDED BY SENATE AMENDMENT "A" (S-428) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Expand Opportunities for Education, Training and Employment for Displaced Homemakers

S.P. 409 L.D. 1198

Tabled - April 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 8, 1999, **PASSED TO BE ENGROSSED**.)

(In House, April 26, 1999, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion by same Senator, Senate Amendment "A" (S-405) **READ** and **ADOPTED**.

On motion by Senator **HARRIMAN** of Cumberland, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-405)**, in **NON-CONCURRENCE**.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Increase Payments to Foster Parents
H.P. 871 L.D. 1228
(C "A" H-131)

Tabled - April 14, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 8, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-131)**, in concurrence.)

(In House, April 13, 1999, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-131)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-131), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-393) to Committee Amendment "A" (H-131) **READ** and **ADOPTED**.

Committee Amendment "A" (H-131) as Amended by Senate Amendment "A" (S-393) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

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

Senator **HARRIMAN:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, this is yet another very worthy program that had the opportunity to be heard and presented into the Part 2 State Budget and, as the Amendment has been Adopted, indicates that this is another program that will come to life in the second year of the biennium. It has a fiscal note of \$461,000 and will grow significantly beyond that. Thank you Mr. President.

The Chair ordered 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.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

The Chair noted the absence of the Senator from Kennebec, Senator **DAGGETT** and further excused the same Senator from voting on this matter.

ROLL CALL (#204)

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

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL

EXCUSED: Senator: DAGGETT

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-131) AS AMENDED BY SENATE AMENDMENT "A" (S-393)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Concerning Corrections Employees
S.P. 455 L.D. 1330
(C "A" S-307)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, May 20, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-307)**.)

(In House, May 25, 1999, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-307)**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-307).

On further motion by same Senator, Senate Amendment "A" (S-423) to Committee Amendment "A" (S-307) **READ** and **ADOPTED**.

Committee Amendment "A" (S-307) as Amended by Senate Amendment "A" (S-423) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-307) AS AMENDED BY SENATE AMENDMENT "A" (S-423) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Establish the Northern Maine Transmission Corporation
H.P. 1034 L.D. 1456
(C "A" H-617)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, May 21, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-617)**, in concurrence.)

(In House, May 25, 1999, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-617)**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-617).

On further motion by same Senator, Senate Amendment "A" (S-424) to Committee Amendment "A" (H-617) **READ**.

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

Senator **HARRIMAN:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, the Adoption of the Amendment being asked for today will create the establishment of the Northern Maine Transmission Corporation to undertake, what I think, is indeed a very worthy and important public policy discussion that was left out of the electric restructuring debate in the last Session, specifically in the name of electric competition.

Maine's existing law prohibits that from happening to Northern Maine. In fact, there is approximately a 20 mile disconnect between the end of Bangor Hydro service and the beginning of Maine Public Services territory. So, to me, I think that the discussion and, in fact, the solution is a worthy one so that all of Maine can participate in the promises that the electric deregulation reported when it was passed. I pause briefly, Mr. President, to make sure that everyone understands that the \$400,000 funding for this legislation is coming from two sources. First, the \$250,000 one-time appropriation and, second, \$150,000 of proposed lapsed balances at the end of the fiscal year June 30. Thank you Mr. President.

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

Senator **CAREY:** Thank you Mr. President, this Bill is a result of a Public Hearing that we held on the Utilities Committee and all of us on that Committee tried to do something for Northern Maine. That is a goal that we had set. Right now the Metco Line, which is owned by CMP, Bangor Hydro, and a little of Maine Public Service, runs through the state and goes into New Brunswick. There is an entrance fee for going into New Brunswick. It runs northerly along the border, but in New Brunswick there is a heavy line charge that the people up in the northern part of the state are charged. Then it comes back into the United States and there is an exit fee that New Brunswick Power charges. All of these things, when added together, makes the price of electricity up there a little higher than if they had bought power generated in New Brunswick itself. What this line will do is it will run on the Maine side along the border and will, in the long run, benefit the people in Northern Maine who have been stuck with very high power rates for quite a while. I would hope that you endorse this move that was made unanimously by the Utilities Committee.

The Chair ordered a Division. 26 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **MICHAUD** of Penobscot to **ADOPT** Senate Amendment "A" (S-424) to Committee Amendment "A" (H-617), **PREVAILED**.

Committee Amendment "A" (H-617) as Amended by Senate Amendment "A" (S-424) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-617) AS AMENDED BY SENATE AMENDMENT "A" (S-424) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

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)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, May 19, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-142).**)

(In House, May 25, 1999, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-142).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "B" (S-142).

On further motion by same Senator, Senate Amendment "A" (S-396) to Committee Amendment "B" (S-142) **READ** and **ADOPTED.**

Committee Amendment "B" (S-142) as Amended by Senate Amendment "A" (S-396) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-142) AS AMENDED BY SENATE AMENDMENT "A" (S-396) thereto, in NON-CONCURRENCE.

Sent down for concurrence.

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

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Fund a Minimum Level of Services for Deaf and Hard-of-Hearing Persons in all Regions of the State

S.P. 693 L.D. 1939
(C "A" S-206)

Tabled - May 12, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 7, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-206).**)

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

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-206).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-206).

On further motion by same Senator, Senate Amendment "A" (S-420) to Committee Amendment "A" (S-206) **READ** and **ADOPTED.**

Committee Amendment "A" (S-206) as Amended by Senate Amendment "A" (S-420) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-206) AS AMENDED BY SENATE AMENDMENT "A" (S-420) thereto, in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Promote Participation in the Maine Residents Property Tax Program

H.P. 1527 L.D. 2180
(C "A" H-648)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, May 24, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-648)**, in concurrence.)

(In House, May 25, 1999, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-648)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-648), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-425) to Committee Amendment "A" (H-648) **READ** and **ADOPTED.**

Committee Amendment "A" (H-648) as Amended by Senate Amendment "A" (S-425) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-648) AS AMENDED BY SENATE AMENDMENT "A" (S-425) thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Resolve

Resolve, to Modify the State Valuation for the Sappi Plant in the City of Westbrook for Purposes of Education Funding
H.P. 1593 L.D. 2241

Tabled - May 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 24, 1999, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, May 25, 1999, **FINALLY PASSED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-426) **READ.**

On motion by Senator **RUHLIN** of Penobscot, **TABLED** until Later in Today's Session, pending motion by Senator **MICHAUD** of Penobscot to **ADOPT** Senate Amendment "A" (S-426).

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Confirmation Procedure

An Act to Promote Research and Development Activities in Maine

H.P. 1598 L.D. 2243

Tabled - May 27, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 26, 1999, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, May 27, 1999, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-429) **READ** and **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-429), in **NON-CONCURRENCE.**

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Nutrient Management Laws

S.P. 846 L.D. 2246

Tabled - June 1, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 27, 1999, **PASSED TO BE ENGROSSED.**)

(In House, May 28, 1999, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED.**

On further motion by same Senator, Senate Amendment "A" (S-430) **READ** and **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-430), in NON-CONCURRENCE.

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Provide State Funding for the Wells National Estuarine Research Reserve

S.P. 68 L.D. 171
(C "A" S-166)

Tabled - May 12, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 5, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-166).**)

(In House, May 11, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Provide Equal Treatment in the Taxation of Public Pensions

S.P. 431 L.D. 1268
(C "A" S-348)

Tabled - June 2, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 28, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-348).**)

(In House, June 1, 1999, **PASSED TO BE ENACTED.**)

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

On motion by Senator **LIBBY** of York, 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 Chair noted the absence of the Senator from Kennebec, Senator **DAGGETT** and further excused the same Senator from voting on this matter.

ROLL CALL (#205)

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

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MITCHELL, SMALL

EXCUSED: Senator: DAGGETT

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

The Chair laid before the Senate the following Tabled and Later (6/3/99) Assigned matter:

Resolve, to Increase Reimbursement for Chiropractic Manipulation under the Medicaid Program
H.P. 1313 L.D. 1896
(H "A" H-625 to C "A" H-602)

Tabled - June 3, 1999, by Senator **PINGREE** of Knox.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 20, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-602) AS AMENDED BY HOUSE AMENDMENT "A" (H-625)** thereto, in concurrence.)

(In House, May 24, 1999, **FINALLY PASSED**.)

(In Senate, June 3, 1999, motion by Senator **MICHAUD** of Penobscot to **SUSPEND THE RULES, FAILED**.)

FINALLY PASSED and was signed by the President.

(See action later today.)

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

Bill "An Act to Expand Opportunities for Education, Training and Employment for Displaced Homemakers"

S.P. 409 L.D. 1198
(S "A" S-405)

Tabled - June 4, 1999, Senator **HARRIMAN** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-405)**, in **NON-CONCURRENCE**

(In House, April 26, 1999, **PASSED TO BE ENACTED**.)

(In Senate, June 4, 1999, on motion by Senator **MICHAUD** of Penobscot the Senate **RECONSIDERED PASSAGE TO BE ENGROSSED**. On further motion by same Senator, Senate Amendment "A" (S-405) **READ** and **ADOPTED**.)

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-405), in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (6/3/99) Assigned matter:

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

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

Tabled - June 3, 1999, by Senator **RUHLIN** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 19, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-391) AND HOUSE AMENDMENT "A" (H-604)**, in concurrence.)

(In House, May 21, 1999, **PASSED TO BE ENACTED**.)

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

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

An Act to Provide Tax-exempt Status to Organizations That Teach Reading

H.P. 271 L.D. 379
(C "B" H-647)

Tabled - June 4, 1999, by Senator **RUHLIN** of Penobscot.

Pending - motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE** (Roll Call Ordered)

(In Senate, May 24, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-647)**, in concurrence.)

(In House, May 25, 1999, **PASSED TO BE ENACTED**.)

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

Senator **RUHLIN:** Thank you Mr. President. I would hope that the members of this Chamber would vote against the Indefinite Postponement motion. Usually, I am one who would argue against tax exemptions. This goes a step beyond a normal tax exemption. It does not change the codes. It does not, as such, add a brand new exemption to our Sales Tax, but it does, in fact, allow the expansion of existing exemptions to include organizations that serve a useful purpose and that otherwise are presently exempted. Because of that, I would withdraw any previous objections that I may have had to it and urge all the members of this Chamber at this time to please vote against the Indefinite Postponement motion.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Michaud to Indefinitely Postpone this 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.

The Chair noted the absence of the Senator from Kennebec, Senator **DAGGETT** and further excused the same Senator from voting on this matter.

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Statutes
Revisor of Statutes**

The **Revisor of Statutes**, pursuant to Maine Revised Statutes, Title 1, section 94 asked leave to report that the accompanying Bill "An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)
H.P. 1605 L.D. 2252

Be **REFERRED** to the Committee on **JUDICIARY** and ordered printed, pursuant to Joint Rule 218.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Division.

ROLL CALL (#206)

YEAS: Senators: CAREY, CATHCART, GOLDTHWAIT, MICHAUD

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

EXCUSED: Senator: DAGGETT

4 Senators having voted in the affirmative and 30 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, **FAILED**.

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

Off Record Remarks

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

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

On motion by Senator **AMERO** of Cumberland, **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:

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 Fund the Collective Bargaining Agreements and Benefits of Employees Covered by Collective Bargaining and for Certain Employees Excluded from Collective Bargaining
S.P. 847 L.D. 2247
(C "A" S-415)

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

Emergency Measure

An Act to Fund the Collective Bargaining Agreements and Benefits of Employees Covered by Collective Bargaining and for Certain Employees Excepted from Collective Bargaining for the Judicial Branch

S.P. 848 L.D. 2248
(C "A" S-414)

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

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

ORDERS

Joint Order

On motion by Senator LONGLEY of Waldo, the following Joint Order: S.P. 853

ORDERED, the House concurring, that Bill, "An Act to Provide Fairness to Victims of Medical Malpractice," S.P. 450, L.D. 1325, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

READ and PASSED.

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

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

COMMUNICATIONS

The Following Communication: S.C. 317

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

June 4, 1999

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

Dear President Lawrence and Speaker Rowe:

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

L.D. 1507 An Act to Limit Fishing Regulations for a Portion of the Big Machias River

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

Sincerely,

S/Sen. Marge L. Kilkelly
Senate Chair

S/Rep. Matthew Dunlap
House Chair

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

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 **TRANSPORTATION** on Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY) H.P. 690 L.D. 957

Reported that the same **Ought to Pass As Amended by Committee Amendment "C" (H-752).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-752) AS AMENDED BY HOUSE AMENDMENT "B" (H-755)** thereto.

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

READ ONCE.

Committee Amendment "C" (H-752) **READ.**

Senator **BENNETT** of Oxford moved to **TABLE** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "C" (H-752), in concurrence.

At the request of Senator **CAREY** of Kennebec a Division was had. 23 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **BENNETT** of Oxford to **TABLE** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "C" (H-752), in concurrence, **PREVAILED.**

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. 1606

ORDERED, the Senate concurring, that Bill, "An Act to Allow Three Hunters to Hunt Deer Together," H.P. 704, L.D. 971, and all its accompanying papers, be recalled from the Governor's Desk to the House.

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

READ and **PASSED**, in concurrence.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **LONGLEY** of Waldo, the Senate **RECONSIDERED** whereby it **ADHERED** on the following:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Extend Term Limits for Elected Officials and Constitutional Officers" S.P. 377 L.D. 1078

(In House, June 3, 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" (S-262)**, in **NON-CONCURRENCE**.)

(In Senate, June 4, 1999, on motion by Senator **BENNETT** of Oxford, **ADHERED** to **ACCEPTANCE** of the Minority **OUGHT NOT TO PASS** Report.)

The same Senator moved to **TABLE** until Later in Today's Session, pending the motion by the same Senator to **RECONSIDER** whereby the Senate **ADHERED**.

Senator **BENNETT** of Oxford requested a Division. Subsequently, the same Senator requested and received leave of the Senate to withdraw his request for a Division.

On motion by Senator **LONGLEY** of Waldo, **TABLED** until Later in Today's Session, pending the motion by the same Senator to **RECONSIDER** whereby the Senate **ADHERED** to **ACCEPTANCE** of the Minority **OUGHT NOT TO PASS** Report.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (5/26/99) Assigned matter:

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act to Amend the Workers' Compensation Laws Pertaining to Attorney's Fees"

H.P. 1452 L.D. 2073

Majority - **Ought to Pass** (7 members)

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

Tabled - May 26, 1999, by Senator **LAFOUNTAIN** of York.

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

(In House, May 26, 1999, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 26, 1999, Reports **READ**.)

Senator **LAFOUNTAIN** of York requested and received leave of the Senate to withdraw his motion to **ACCEPT** the Majority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**.

Senator **DOUGLASS** of Androscoggin moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

The Chair noted the absence of the Senator from Kennebec, Senator **DAGGETT** and further excused the same Senator from voting on this matter.

ROLL CALL (#207)

YEAS: Senators: **ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CAREY, CASSIDY, CATHCART, 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**

EXCUSED: Senator: **DAGGETT**

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being excused, the motion by Senator **DOUGLASS** of Androscoggin to **INDEFINITELY POSTPONE** the Bill and accompanying papers, **PREVAILED**.

Senate at Ease.

Senate called to order by the President.

Senator **MURRAY** of Penobscot moved the Senate **RECONSIDER** whereby it **FINALLY PASSED** the following:

Resolve, to Increase Reimbursement for Chiropractic Manipulation under the Medicaid Program
H.P. 1313 L.D. 1896
(H "A" H-625 to C "A" H-602)

(In House, May 24, 1999, **FINALLY PASSED**.)

(In Senate, June 4, 1999, **FINALLY PASSED**, in concurrence.)

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **RECONSIDER** whereby the Resolve was **FINALLY PASSED**, in concurrence.

ORDERS OF THE DAY

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Ensure the Quality and Safety of Child Care
H.P. 938 L.D. 1315

Tabled - April 15, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 13, 1999, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, April 14, 1999, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** where by the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-435) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-435), 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 Today Assigned matter:

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$26,850,000 for Maine's 7 Technical Colleges"
H.P. 451 L.D. 614

Tabled - June 4, 1999, by Senator **PINGREE** of Knox.

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-751)**, in concurrence

(In House, June 3, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-751)**.)

(In Senate, June 4, 1999, Report **READ** and **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-751) **READ**.)

Committee Amendment "A" (H-751) **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-751)**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Division.

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

An Act to Provide Computers for Use in the Legislature
H.P. 666 L.D. 922
(C "A" H-320)

Tabled - June 4, 1999, by Senator **AMERO** of Cumberland.

Pending - motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE**

(In Senate, May 20, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-320)**, in concurrence.)

(In House, May 24, 1999, **PASSED TO BE ENACTED**.)

At the request of Senator **BENNETT** of Oxford a Division was had. 16 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (6/3/99) Assigned matter:

SENATE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Promote the Cranberry Industry"

S.P. 400 L.D. 1191

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-416)** (1 member)

Tabled - June 3, 1999, by Senator **BENNETT** of Oxford.

Pending - motion by Senator **MICHAUD** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, June 3, 1999, Reports **READ**.)

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

Senator **CASSIDY:** Thank you Mr. President. Men and women of the Senate, I am glad I have an opportunity to speak about this Bill before we go ahead and vote on the pending motion. As you know, some of us were kind of busy last evening working on the highway proposal and I was running back and forth and didn't have an opportunity to speak to you. I'm real excited about having an opportunity to talk to you about this Bill. I think what has happened here, obviously by the Committee Report, is that there are so many requests for Bonds this year that people are looking at how to pare this list down. I can understand that. I know there are some other priorities that people are very concerned with, but the other thing that I don't know is if everybody understood exactly what this would do.

I would like to, in a short way, try to explain to you what our intent was with this Bill. A few years ago, in the 80's, the Legislature put forth a similar Bill where we set up a rotating loan fund for the folks in Aroostook County and Central Maine, but mostly Aroostook for potato storage buildings. At that time the Bond was \$5 million and it has since grown, since two years ago when I last discussed this, to over \$14 million with the interest and the pay back. We had also, at that point, built 239 potato storage buildings and, talking with the folks at FAME, they hadn't lost nickel one to bad debts because, as the fellow said, I've never met a farmer that wasn't honest or that I didn't like. The people obviously work very hard and this was a great help to Northern Maine. This Bill we have before us proposed a Bond that is quite similar. As you know, cranberries have become a real potential industry for the state of Maine and, obviously, I've

had calls even from Senator Treat's area and some other areas here this fall. I've worked with some folks; tried to help them through the process, and to some of the folks they needed to talk to. There is a great deal of this going on up in our area in Washington County and the Hancock area. It seems as though the climate and the soil are very conducive to this. I was hoping that we might do something to help expedite this industry. The problem with the cranberry industry is that it is quite costly. It is \$30,000 an acre to get this started. So this is an opportunity where folks could borrow money. It's not a grant, it's not given, it has to be paid back, but the unique thing about this Bond is it gives them four years before they start paying back the principal and interest because it takes roughly three years to realize a paying crop. Unfortunately, the loan that we put through four years ago was for agriculture. There has not been one cranberry grower able to use that because it's so restrictive in the amount of money that they have to put in there to satisfy a bank.

The banks aren't really interested in helping them get started, whereas with this loan they can borrow 90% of the project, put up 10% as they start to grow with more and more productive acres. I'm sure banks would then be much more interested in seeing this happen. The other thing that we have seen is folks from all over the state, I listened to them during campaigns. And, talking with some of you in the corridors, everybody is really concerned to see what we could do as a Legislature or just, you know no matter where we are in the state, to see what we can do to promote economic development in Northern Maine. This is a rule tool that would help do that. It's been successful, obviously. It's just going to help the individual farmers for a while but if you ever take a trip through Hancock and Washington County and see some of the blueberry processing plants, Maine wild blueberry, blueberry food, and I'm sure some in the good Senator Goldthwait from Hancock's area as well. Once we have enough of these in, we will be able to see some permanent jobs in processing plants. The good Senator from Franklin today gave me this cover that lists the seven states that grow cranberries in the United States. I was proud to see Maine was listed on here. So you can see we are becoming significant. I won't go on and on with you but, as you know, when we ask to send the Bond out to the folks, what we're asking is their opinion. This isn't something that we're spending the \$5 million. We're not going into debt for \$5 million. We are competing with other Bonds and I know a lot of you have your favorite projects you want to do. I know there is a big Bond for land purchase. This is a real economic promotion for Northern Maine. It's going to be used all over the state, however, but I just feel, perhaps, a lot will be in Eastern and Northern Maine because of the weather and the soil there. I would just hope that you would consider supporting this. Put this out in the fall, see if the citizens of Maine are willing to support these folks as they go into this new endeavor. I think we can use every new product in this state that we can find and we need to increase our agriculture products in the state, as everyone knows. With that I will just sit down and ask you to reject this pending motion so we can go on and approve this Bond. Thank you Mr. President.

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

Senator **GOLDTHWAIT:** Thank you Mr. President. Ladies and gentlemen of the Senate, I too would urge you to defeat the pending motion. The cranberry industry is not a new one actually but, at the scale to which it is developing, it certainly is new in

Eastern Maine. It's an area where we have had a certain amount of difficulty, as you well know, getting economic development up and moving. One unique aspect of cranberry growing is that it is one of the few things that has appealed to some of the fishermen who are losing their jobs on the ocean and it meets some of the same criteria that they have for quality of life. They work outdoors, they work for themselves, and it's one of the jobs that has successfully attracted a couple of fishermen who are no longer able to work on the water.

I would also like to say that the issue, as the Senator from Washington, Senator Cassidy described, is that the length of time before there is a cash return when you're starting a cranberry field can be from four to five years. That is a difficult proposition for commercial lenders due to the restrictions placed on them about the types of loans they are able to make with an extensive delay on the beginnings of a return on that. So this Bill is a very important gap, one that we thought we filled when we passed a loan program in the last Legislative Session but, as you have heard, it has not really met the needs of these growers and now we are back again asking for some support for what looks to be a very promising industry for our state. If I may Mr. President, I would like to pose a question.

THE PRESIDENT: The Senator may pose her question.

Senator **GOLDTHWAIT:** Thank you Mr. President. My question is, given the Bond package that is unfolding before us this evening, at its current level, I would like to know if this Bond will put the package over the 90% rule?

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

Senator **MICHAUD:** Thank you Mr. President. Men and women of the Senate, since we have not enacted any Bonds, it does not put us over. But we're currently working on the Bond package. We voted out two Bonds the other day. We still have two more Bonds in Committee. The Lands Bond we voted out, as well. Right now we're struggling with the Public Television Bond and the Solid Waste Bond to try to get us down, at least somewhere near to the so-called 90% rule. This is a very important issue and it was a struggle amongst the members of the Appropriations Committee as far as trying to prioritize the Bonds. This came lower than some of the other important Bonds that you are about to see over the next day or so. So to answer your question, it depends on what we do with the Solid Waste Bond and the MPBN Bond. This very well could put us over the 90% rule.

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

Senator **KILKELLY:** Thank you Mr. President. Men and women of the Senate, I would urge you also to reject the pending motion so we can go on to pass this Bond which is critically important to agriculture. One of the things that we talk a lot about is our interest in maintaining a diverse economy and doing everything we can to provide opportunities for people to have jobs in their small communities. Not always having to commute to a larger community for an office job. Not always having to leave their state or their community in order to find a more urban setting in which to work. Several months ago I had a Bill dealing with

agriculture marketing and a farmer from my district came in to the hearing. There was a comment that he made that I carry with me for the rest of the Session. He said the State Government needs to understand that there are some people that want to farm. There are some people that want to do things different from just sitting at a desk and being behind a computer all day long. I really thought a lot about that and a lot of different pieces of legislation that I have worked on. This is an opportunity for us to be able to say that we've listened to that and we understand that there are people out there who do want to do agriculture. That do, in fact, want to find different ways to support their families. We want them to live in small towns. We want them to live in rural areas. We want them to be able to be successful. This is a way for us to go ahead and say that. It is economic development. It is a business loan for a different kind of business. A business where you don't see a return on your investment for four years. A business that, in fact, is agriculture but requires construction. It's very, very different. It's very important. I would urge you to please defeat the pending motion, go on to pass this Bond, and support job creation in rural Maine. Mr. President has a Roll Call been requested?

On motion by Senator **KILKELLY** of Lincoln, 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 find myself in a very unusual position to stand up in support of a Bond but this is a little different type of a Bond. I have seen it work very, very successfully in the potato industry. Back when the first \$5 million Bond was issued for potato storage facilities many people questioned the logic behind it. But it has worked very successfully, and, as the good Senator from Washington County, Senator Cassidy has said, this Bond, with the pay back provision in it and the interest, has grown from some \$5 million to in excess of \$13 million. The last time I checked with FAME there had not been one default under this program. I don't have any reason to believe that the cranberry farmers in Washington County, or anywhere in the state, are really any different from an honesty standpoint than the farmers in the potato industry. If this Bond is equally as successful as the Potato Storage Facility Bond has been, I think we will be able to look back on it 10 years from now and say that we certainly did the right thing. Therefore, I would ask you in this particular case to reject the pending motion so we can go on to pass this Bond Issue. 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'm pleased to rise on this, I hope this penultimate day of our Legislative Session, to ask you to vote for the pending motion. We all in the Appropriations Committee think the cranberry industry is a very important one. We have done what we can to help it to grow by providing an on-going Entomologist position for the cranberry industry within the Cooperative Extension and we strongly supported that. The fact is we just have more worthwhile Bond proposals than we can afford to fund and the cranberry Bond Issue was not one that

made the final cut in the Committee. I'm sorry about that too. However, I have heard it said, and I seem to remember from the public testimony at the hearing, that the State does have other loan funds. I ask if anyone can answer the question, Mr. President, if we already have a loan fund that would apply to the cranberry growers, why haven't we fixed that to make sure that it is made available to them instead of passing another Bond and indebting the people of the state to give loans to the cranberry growers? It just doesn't seem sensible to set up a new fund if we already have one that could be tweaked so that the cranberry growers could make use of it. Thank you Mr. President.

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

Senator **DAVIS:** Thank you Mr. President. Ladies and gentlemen, I can't answer the good Senator from Penobscot's question other than to say that my understanding of the other loans are that it requires a much larger investment by both banks and the individuals that are involved and it's cost prohibitive. In the last year or so I've had a number of people approach me about this issue, the cranberry industry. In Piscataquis County and in Penobscot County, I had people that wanted to get into it and asked me different questions about what was available. I sent them to the Department of Agriculture and they came back with many of the same answers as have been posed here tonight. It was too expensive and that the return of the money is too long. There is no return on the money for four or five years. I would just like to say that this is an emerging industry. It is coming if we invest in it. It's our future. We need the jobs and we need the taxes that those jobs would produce. The towns north of here need the people that would come to live there. I would urge that you not support this motion, that you vote this down and let's vote this Bond Issue in. I think in a few years we will have a good return and then we can use the money for something else. It will pay itself back. 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 too want to weigh in on the side of defeating the pending motion so we can go on and adopt the Ought to Pass Minority Report. I just want to suggest four reasons for my doing so. The first is that this State Legislature and the State of Maine Government has been involved for decades in economic development work, long before the word economic development was commonly used, and we were involved by helping Maine agriculture. I think that has been a hallmark of Maine Legislative history. This is a continuation of that legacy. My second reason is that this year, having served on the Research and Development Committee, I was pleased to support and work toward the creation of what's called the MTI, the Maine Technology Institute, with the grants and other assistance that that will be providing to commercialization and emerging industries that are dependent on technology in research and development. It's sort of the development side of research and development. I can't help but think in that context that the notion of both helping on the financing side an industry, which is reliant on technology and has the benefit of taking advantage of the research that the State is now making commitment to, is useful as well as the fact that this is a revolving loan fund. It is reliant, as we have heard, on the business people to pay it back and for

it's continuation for it to grow in the future. I think that is an important addition. My third reason is that this is a statewide industry. This isn't a Washington County issue. It's not an Aroostook County issue or Piscataquis. It is everywhere across this state. Western Maine, Androscoggin and Oxford Counties. This industry is beginning to grow. Entrepreneurs and farmers all across the state are taking advantage of the opportunity here and investing thousands and millions of dollars into building facilities in order to properly cultivate this product. It does have statewide significance and I think it is because of that that we ought to also consider. My fourth reason, I would like to suggest tonight, is that I really think this represents a tremendous opportunity for the people of Maine to become engaged in this industry because, if we approve this Bond Issue here tonight, this will go to the voters. There will be some education involved in the importance of this industry to this state. That is going to be tremendously worthwhile whether or not they approve the Bond Issue. Whether they think that is worthwhile, I think it rises to the level to at least put it before them. But they are going to learn about the importance of this industry in their own backyard. Frankly, I think this is one of the few industries in this state, growing sort of new industries, which may turn the tide for Maine agriculture and provide us the secure underpinnings for a solid agricultural future. For that reason, I encourage you to oppose the pending motion. Thank you.

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

Senator **CASSIDY:** Thank you Mr. President. Men and women of the Senate, just briefly a couple of thoughts while you were all speaking and I appreciate the comments on both sides of the issue. Last year I did have an opportunity to be a member of the Research and Development Committee and we worked very, very hard to come up with the Bond that you all supported, and the voters did, for \$20 million for Research and Development for our University System. I think it's just wonderful the money they have generated from that. I have talked with you about the proposed Land Bonds, anywhere from \$50 to \$75 to \$100 to \$125 million. I've talked with some of you about some of the Environmental Bonds which we need. I've mentioned many times about being a member in Municipal Government and how important that is to the local Government as well and to our environment. But the point that I'm going to make here is this, when you think of all those wonderful projects, and I know that we will pass many of those and I know the folks in Maine will pass them as well, you have to have a balance with all those issues with economic development. When we are talking \$5 million in line with all those other Bonds, I think you've got to have some sort of balance here. This is the only economic proposal that I see on the whole table. I think it is only fair to the people of Maine that we do that. I thank you for that consideration Mr. President.

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

Senator **NUTTING:** Mr. President. Ladies and gentlemen of the Senate, I don't want to prolong the debate. I think the comments have been excellent on both sides of the issue. I think there is just one thing I have to add that hasn't been said tonight. One of the leading states in the growing of cranberries has been the State of Massachusetts. Because of development pressures and

other, in my opinion, unreasonable environmental regulations, that industry is shutting down and shrinking. Those people are hunting for a place to go. This Bond Issue, in my opinion, would help attract those people here and that would help rural development, I feel. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Michaud to Accept the Majority 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.

The Chair noted the absence of the Senator from Kennebec, Senator **DAGGETT** and further excused the same Senator from voting on this matter.

ROLL CALL (#208)

YEAS: Senators: CATHCART, MICHAUD, MURRAY, PINGREE, RAND

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

EXCUSED: Senator: DAGGETT

5 Senators having voted in the affirmative and 29 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **MICHAUD** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-416)** Report, **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-416) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-416)**.

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

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

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 Appropriate Funds for Acquisitions for the Maine State Library and for Library Resource Sharing

H.P. 374 L.D. 499
(S "A" S-391)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with 1 Senator having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act to Promote the Cranberry Industry and to Encourage Cultivation of Cranberries in the State

H.P. 587 L.D. 827
(S "A" S-392 to C "A" H-156)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with 1 Senator having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Study the Changes in Lobster Morbidity and Mortality

S.P. 501 L.D. 1502
(S "A" S-395)

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

Emergency Resolve

Resolve, to Provide for the Implementation of a Maine Meat Inspection Program

S.P. 780 L.D. 2190
(S "A" S-388 to C "A" S-274)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with 1 Senator having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Mandate

An Act to Include the Income of a Lessee for the Purpose of Determining Eligibility in Farm and Open Space Tax Laws

H.P. 1077 L.D. 1524
(S "B" S-385)

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

Acts

An Act to Assist Students with Disabilities in the Transition from School to Employment or Postsecondary Education

H.P. 291 L.D. 399
(C "A" H-26; S "A" S-400)

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

H.P. 316 L.D. 432
(S "A" S-390 to C "A" H-464)

An Act to Encourage Economic Development in the State

S.P. 315 L.D. 949
(S "A" S-411 to C "A" S-309)

An Act to Extend the Maine Residents Property Tax Program to Persons Living in Subsidized Housing Who Receive Certain Disability Payments

H.P. 811 L.D. 1134
(S "A" S-403 to C "A" H-219)

An Act to Provide Funding for the Education Research Institute

H.P. 820 L.D. 1143
(S "A" S-404 to C "A" H-174)

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

S.P. 430 L.D. 1267
(S "A" S-394 to C "A" S-212)

An Act to Enhance Tourism Promotion and Provide Additional State Revenue

H.P. 914 L.D. 1292
(S "A" S-406)

An Act to Renew Maine's Economy

S.P. 569 L.D. 1636
(S "A" S-408 to C "A" S-190)

An Act to Amend the Law Governing the Confidentiality of Health Care Information

H.P. 1156 L.D. 1653
(S "A" S-382; S "B" S-383
to C "C" H-705)

An Act to Ensure that Displaced Workers Have Access to Appropriate Job Training, Education and Employment Services through a Peer Support Program

S.P. 594 L.D. 1718
(S "A" S-413 to C "A" S-242)

An Act to Appropriate Funds for Marketing to Promote Economic Development

S.P. 664 L.D. 1886
(S "A" S-409 to C "A" S-120)

An Act to Establish the Maine Dental Education Loan Program

H.P. 1367 L.D. 1965
(S "A" S-324 to H "A" H-581;
S "A" S-410 to C "A" H-406)

An Act to Implement Funding the Recommendations of the Interagency Task Force on Homelessness and Housing Opportunities in the November 1997 Task Force Report

H.P. 1471 L.D. 2111
(S "A" S-398 to C "A" H-294)

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 Fund Public School Alliances

H.P. 474 L.D. 681
(C "A" H-95; S "A" S-402)

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

Senator **HARRIMAN:** Thank you Mr. President. Mr. President, I set this one aside for your consideration simply because this is yet another, perhaps, good idea that has flown through the Body today and this evening. Yet, in my view, it is an example of many others that have gone before us that we really don't need for the continuing safe operation of the State. I chose this one, Mr. President, simply because this is a Grant of \$100,000 a year, an ongoing expenditure designed to, I suppose, reward public school systems for coordinating and talking to each other. It seems to me that we shouldn't be appropriating funds from State Treasury to motivate people to talk to each other. I hope you will join me in defeating this Act. Thank you Mr. President.

At the request of Senator **HARRIMAN** of Cumberland a Division was had. 17 Senators having voted in the affirmative and 13 Senators having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

Resolves

Resolve, to Increase Access to Medicaid for People who Need Psychological Services

H.P. 447 L.D. 610
(S "A" S-401 to C "A" H-208)

Resolve, to Require the Development of a Basic Needs Budget
H.P. 1258 L.D. 1812
(S "A" S-397 to C "A" H-450)

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

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

COMMUNICATIONS

The Following Communication: S.C. 318

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

June 4, 1999

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

Dear Secretary O'Brien:

With reference to the Senate's action whereby it insisted and Joined in a Committee of Conference on the disagreeing action between the two branches of the Legislature on the Bill, "An Act to Improve Alcohol Server Education Courses" (S.P. 320) (L.D. 954)

I have appointed as conferees on the part of the Senate the following:

Senator Norman K. Ferguson, Jr. of Oxford
Senator Richard J. Carey of Kennebec
Senator Betty Lou Mitchell of Penobscot

Sincerely,

S/Mark W. Lawrence
President of the Senate

READ and ORDERED PLACED ON FILE.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

On motion by Senator **RUHLIN** of Penobscot the Senate extend until 10:00 p.m., pursuant to Senate Rule 514.

Off Record Remarks

ORDERS OF THE DAY

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

Bill "An Act to Make Minor Substantive Changes in the Tax Laws"
H.P. 131 L.D. 162
(C "A" H-695)

Tabled - June 4, 1999, by Senator **RUHLIN** of Penobscot.

Pending - motion by Senator **MICHAUD** of Penobscot to **ADOPT SENATE AMENDMENT "A" (S-419) TO COMMITTEE AMENDMENT "A" (H-695)**

(In House, May 27, 1999, **PASSED TO BE ENACTED.**)

(In Senate, June 4, 1999, **RECONSIDERED ADOPTION OF COMMITTEE AMENDMENT "A" (H-695)**. On motion by Senator **MICHAUD** of Penobscot Senate Amendment "A" (S-419) to Committee Amendment "A" (H-695) **READ.**)

On motion by Senator **MICHAUD** of Penobscot, Senate Amendment "A" (S-419) to Committee Amendment "A" (H-695) **ADOPTED.**

Committee Amendment "A" (H-695) as Amended by Senate Amendment "A" (S-419) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-695) AS AMENDED BY SENATE AMENDMENT "A" (S-419) thereto, in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Relating to the Sales Tax Treatment of Certain Rentals and Leases

H.P. 252 L.D. 356
(C "A" H-677)

Tabled - May 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 25, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-677)**, in concurrence.)

(In House, May 26, 1999, **PASSED TO BE ENACTED.**)

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

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

An Act to Provide Tax-exempt Status to Organizations That Teach Reading

H.P. 271 L.D. 379
(C "B" H-647)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, May 24, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-647)**, in concurrence.)

(In House, May 25, 1999, **PASSED TO BE ENACTED.**)

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

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

An Act to Allow Certain Companies' Operations that Started in 1996 to Qualify for Employment Tax Increment Financing Treatment

S.P. 208 L.D. 597
(C "A" S-50)

Tabled - June 4, 1999, by Senator **RUHLIN** of Penobscot.

Pending - motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE** (Roll Call Requested)

(In Senate, March 31, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-50).**)

(In House, April 13, 1999, **PASSED TO BE ENACTED.**)

Senator **MICHAUD** of Penobscot requested and received leave of the Senate to withdraw his motion to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE.**

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

Senate at Ease.

Senate called to order by the President.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Laws Regarding when A Merchant Must Remit Sales Tax

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

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

Pending - **ENACTMENT**, in concurrence

(In Senate, May 21, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393)**, in concurrence.)

(In House, May 25, 1999, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-393), in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393)** Report, in concurrence.

On further motion by same Senator, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-394)** Report **ACCEPTED**, in **NON-CONCURRENCE.**

READ ONCE.

Committee Amendment "B" (H-394) **READ** and **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-394), in **NON-CONCURRENCE.**

Sent down for concurrence.

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

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Increase Access to Cub Care for Children
H.P. 1255 L.D. 1809
(C "A" H-595)

Tabled - May 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 25, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595)**, in concurrence.)

(In House, May 26, 1999, **PASSED TO BE ENACTED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-595), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-437) to Committee Amendment "A" (H-595) **READ** and **ADOPTED.**

Committee Amendment "A" (H-595) as Amended by Senate Amendment "A" (S-437) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595) AS AMENDED BY SENATE AMENDMENT "A" (S-437) thereto, in **NON-CONCURRENCE.**

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

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

Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY)

H.P. 690 L.D. 957

Tabled - June 4, 1999, by Senator **BENNETT** of Oxford.

Pending - **ADOPTION OF COMMITTEE AMENDMENT "C" (H-752)**

(In House, June 4, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-752) AS AMENDED BY HOUSE AMENDMENT "B" (H-755)** thereto.)

(In Senate, June 4, 1999, Committee Amendment "C" (H-752) **READ.**)

On motion by Senator **MITCHELL** of Penobscot, Senate Amendment "A" (S-439) to Committee Amendment "C" (H-752) **READ.**

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

Senator **MITCHELL:** Thank you Mr. President. Women and men of the Senate, I present to you this Amendment, which I ask that you please follow my lead and vote to approve. The reason for this is because when we think of our Budget and the Maine people, the majority of them think of why we are here and what our Budget consists of. If you ask them what their top priorities are, they would tell you infrastructure; meaning our highways, bridges, education, healthcare; and do not increase taxes, increase revenues. Now we have done a great job with increasing our educational funding, taking care of many healthcare needs, and worked very diligently at that. But now we have in front of us a situation with our Highway Budget. Roads and bridges definitely need to be addressed and we need to put money into this Highway Budget. However, our agriculture and transportation industry is concerned with the amount of the increase in cost we may legislate. They realize that this is a user fee that subsidizes this Highway Fund and will accept a normal increase in that user fee. However, because we had \$295 million

sitting in front of us and have taken that money and used it very diligently on various big projects, we needed to have some of that money go along with the increase that we are proposing on our gas tax as a user fee to show the responsibility of using some of the excess taxes we have collected from the people in conjunction with the increased tax that we wish them to pay on gasoline.

Now many of our businesses have called us and talked to us about this increase. I had one trucking industry as recently as yesterday talk to me and mention the facts and figures that to them alone each penny of gas tax increase equates to \$5,000 a year. So that is \$15,000 if we go with the three cents as proposed on the original Amendment. That is one larger trucker. We have many individual truckers who have their own rigs that are hauling to and from. We have our agriculture industry and the gasoline prices in Aroostook County that are far more than they are in the southern part of our state. So again, we're increasing their cost. We are also increasing the cost of our tolls. So it is important for us to try to create a balance on how we're going to fund our Highway Budget. We did not have the \$22 million in our surplus amount to put with the original plan of the two cents increase. My proposal on this Amendment is to decrease the three cents to two cents and to take the \$22 million from the Rainy Day Fund. Now before you all gasp and say no we can't possibly do that, we can't take money from the Rainy Day Fund, we have taken some money from it. If we ever have an incident where we can repay the money, it's in the Rainy Day Fund. As the revenues come in, we can make a commitment to put the money back into the Rainy Day Fund, as we have done this prior year. But if we increase the registration fee, we're not going to be decreasing it. We don't have the opportunity. By increasing taxes in two methods, people say what are you doing? You're increasing not only the gasoline tax, you're increasing your registration fee, which may not be much money, but it's two tax increases.

I have in front of me calls received yesterday. The most recent was regarding the Bangor Daily News, discouraged about gas tax compromise. Please oppose the car registration fees. Support minimal gas tax. How about the money you had in surplus? So I would ask you to please vote with me on this Amendment to show our sincerity in increasing the gas tax just to two cents and taking the money out of the Rainy Day Fund so we can put it back and replenish it later. But let's show sincerity in some way of trying to use some of the money that we have collected in taxes from the people and put that into our highways and bridges. We must support the Highway Fund and I'm very supportive of the plan we have, but let's be fair to our tax payers and not increase this tax at this time in an unfair amount and go with the two cents and the \$22 million. Thank you very much.

Senator **O'GARA** of Cumberland moved Senate Amendment "A" (S-439) to Committee Amendment "C" (H-752) be **INDEFINITELY POSTPONED**.

On motion by Senator **MITCHELL** of Penobscot, 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 Chair noted the absence of the Senator from Kennebec, Senator **DAGGETT** and further excused the same Senator from voting on this matter.

ROLL CALL (#209)

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

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, DAVIS, HARRIMAN, KIEFFER, MACKINNON, MILLS, MITCHELL, SMALL

EXCUSED: Senator: DAGGETT

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **O'GARA** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-439) to Committee Amendment "C" (H-752), **PREVAILED**.

House Amendment "B" (H-755) to Committee Amendment "C" (H-752) **READ** and **ADOPTED**, in concurrence.

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, I don't really think I need to speak for a long time. You all have been extremely patient, maybe not as patient as I went away thinking that you had been. We have been talking about this for a long time. It's been a long day. I offer to you a compromise between people who have worked very hard on the Transportation Committee. Even when we were far apart, we tried desperately to stay together. Obviously, as you know from the previous action in the other Body, the proposal we had just wasn't going to be there. As a result of some very hard work on the part of several people of both political parties on the Committee, we have offered you a proposal that we really believe is in the best interest of the Transportation program throughout this state and the citizens of the state of Maine that benefit thereof. It is a compromise for all of us because we have all come a long way from where we were the first day, the second week, the last month. It is a compromise that we feel the public-at-large will accept. It is a compromise that does react to the gas tax issue and also does add \$2 to the registration of vehicles, the last time being eight years ago. I'm not going to speak any longer on the issue at this point in time. I am asking you for your support. I am asking you to respond to the work of the Transportation Committee and to acknowledge the unanimous Committee Report. Thank you Mr. President.

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

Senator **CASSIDY:** Thank you Mr. President. Men and women of the Senate, as the good Senator from Cumberland was speaking, I could just picture those roads all lined with cranberries along the edges there. I just want to say all of you folks have been so patient as we have tried to work through this whole process on the Highway Committee. Obviously, I think some of us weren't real excited about the way the whole thing went and where we were at the end. But that's just the way the process works here in the building. We had to live with what we had. So we had to go back to the Committee process. We looked at it. Folks were here and folks were here. I spoke to a person today who said how do you think the people in the Committee felt? To be honest with you, in the beginning, I don't think anyone in the Committee is where we are tonight. So I said I think a good analogy would be if you would consider that you and your spouse were going to go on vacation and you wanted to go to California and your spouse wanted to go to Florida and you wound up in Texas. I said you're both on vacation but probably quite unhappy and I think maybe that's the way the Committee felt. No one on the Committee, obviously, got exactly what they wanted. But in the spirit of compromise we did meet again this week. I was real pleased that we found some common ground and broke the deadlock and, obviously as I mentioned so many times, I think education is probably the number one priority in this state. I also think our highway and infrastructure is second and probably cranberries are third. But I do want to say that I appreciate the hard work of the Committee and I must apologize to the good Senator from Cumberland, Senator O'Gara. I told him so many times, Senator O'Gara you will never get a unanimous vote of this Committee. I just know we never will. He always kept being optimistic and I must apologize and say he was right. I too hope that we can go on and move this forward as we wind down all our responsibilities here at this Session. I hope that you would go on and support this. Mr. President I'd ask for a Division.

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

Senator **LIBBY:** Thank you Mr. President. Men and women of the Senate, I need to talk to you today about why we should oppose this motion. I think it is important to know that by raising this gasoline tax, which is part of the Budget, we will move ahead of our neighbors in New Hampshire, ahead of our neighbors in Massachusetts, and ahead of our neighbors in Vermont in terms of the amount of gasoline tax per gallon charged. We also, I think, need to talk about tax burden as it relates to this proposal in front of you today. I brought with me today a recent article from Downeast Magazine which appeared this past March and it's on the tax bite that we face here in Maine. It was really sad in many ways to read the article because this is a magazine that is read by a lot of vacationers that come to the state of Maine. The effect of this kind of discussion to those not just within but outside of this state is to make others believe that we are a high taxed state and the truth is that we are. So let me talk a little bit about that, if you don't mind, because this will add to our tax burden a great deal.

Remember, it doesn't matter how rich or how poor you are, you've got to drive to work and this proposal in front of us is going to increase the cost of that substantially. As you know, it will also

increase the cost of registration. Maine's tax burden is, according to this article, at 13.34%. Now let me just tell you folks here in the building, I think you are probably aware of this, that is 104% higher than the state of New Hampshire. What are we looking at here, we are looking at the amount of taxation, overall taxation we have in Maine, comparing that to an average family income. That is the tax burden that they are talking about. 17% higher than the state of Massachusetts. 11.8% higher than the state of Rhode Island, who is known for their high taxes. 20% higher than Delaware. 19.9% higher than Maryland. In fact, this article in Downeast Magazine identifies every northeast state and there is only one that has a higher tax burden than the state of Maine. And in our Budget, Mr. President, this year we had an opportunity to lower the sales tax and I'm glad that we did that because that was the first step in taking an approach to this problem. But what you're doing when you're looking at the supplemental Highway Budget here is you're taking one giant step back. And I think that is really unfortunate. In my part of the state, not only are we looking at this increase, but we are also dealing currently with a huge increase in the amount of tolls collected on the Maine Turnpike. For me and some of you to come just to this building round trip the tolls would cost you about \$3.50 from my area; further away more. There are other reasons to be concerned. They don't relate closely enough with this Bill, but they are going to cost us a lot of money. We just don't have the people with the resources to be able to fund this. I would love to have this but, unfortunately, when we came up here the people of Maine told us you've got a surplus, use it. You've got \$290 million, use it. Make up for all the times you have raided the Highway Fund, take some of that surplus money and bring it right back into that Budget. That is how you should pay for it. This is what the people of the state of Maine have told me in my district about 100 to 1. Only one person I have talked to in my district has said it's okay, I will pay the gas tax, and that was at 5 cents.

We've got an awful lot of other problems as it relates to this. The growth in our job market. Did you realize that according to a study from the state of Pennsylvania, a major economic group there, that we are 50th in the Nation including the District of Columbia, so we are next to last in job growth. 50th in the Nation, as well, in income growth. There are other sources of data that might disagree with that but most every source that you read you're going to find that we're in the lowest percentile in every single one of those indicators. So you've got to explain to me, those who will vote for this, I know there are many that will vote against, but for those who will be voting to raise taxes in this manner I think an explanation is due to the people of Maine. Who do you expect to pay for this along with all the other brand new programs that we've funded this year? We cannot. That is the answer, we cannot pay for this increase in this way and that is why we've had so much trouble crafting a Budget in the Transportation Committee. I respect those that came from this Committee, that put the hard work in. I respect those with philosophies different than mine that think that it's okay to tax and spend. But I disagree and I not only disagree, Mr. President, I disagree strongly. I have great concerns for some of the measures that we've passed this Session. And you may have noticed that I voted earlier against a State Budget Part II because of this reason in front of us now. I could have voted for that Bill if we had taken the money that it is costing us, the \$51 million or so that it is costing us to bring the Transportation Budget up to a satisfactory level, if we had taken that from the General Fund or maybe found some other way to do it. For example, if we had taken some of the money from the Rainy Day Fund. Or if we had

transferred, which I think was an outstanding idea, the remaining balance of the State Police Budget from the Transportation Budget back to the General Fund, where some of us think it belongs. That, despite all the rhetoric that I have heard, was an excellent solution to the problem at hand. There was another proposal early on by the Senator from Washington that was an excellent proposal and it really got pooh-poohed by a lot of people despite the fact that it was a proposal that would lead to an increasing amount of revenue to the Highway Fund. This, ladies and gentlemen, doesn't even do that. So I have to ask the question, what have you really solved? Nothing.

This Bill in front of us does not solve the problem as it was presented to me. So I'm disappointed, Mr. President, with what I see. I realize that there are a lot of other people that disagree with me. But this is what I believe. I believe that the people of Maine cannot afford a tax burden that is 20% and 25% higher than our neighbors. We just shouldn't live this way. I invite you to come to my district, it is a rural district in York county, and see whether or not the folks in my district, as I imagine in yours, have enough money to continue this tax and spend philosophy. If I thought they did, I would vote for this. I know they don't. They've all told me to come here and oppose this, please stop this, and that is what I'm trying to do. I invite you to join me in my effort to stop the raising of taxation when we have surplus money and we will probably book more money by the end of this fiscal year, a lot more money. I think we are all going to look pretty foolish around here when we start booking \$30, \$40, \$50, maybe \$60 million by the end of this fiscal year of additional revenue that may very well come right into our laps and we raise taxes on the people of Maine. Mr. President, I disagree and I hope that you will oppose the pending motion. I thank you very much for your time.

The President requested the Sergeant-At-Arms escort the Senator from Knox, Senator **PINGREE** to the rostrum where she assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **CHELLIE PINGREE** of Knox County.

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

Senator **CAREY:** Thank you Madam President. The good Senator from down south has talked about New Hampshire. New Hampshire lives and dies on liquor and lottery sales. They refuse to accept much money from the Federal Government because then they could not live free and die. I would tell you that all you have to do is look at our bridges. We had one over the Kennebec in Norridgewock. It's a concrete structure built in 1933 and it is becoming less and less safe every day. I'd point you to a little place called Fairfield, further downstream, where we have three bridges, which are spanning the Kennebec River, again which are in danger of collapse at most any time. I would point out that you cannot paint the Kittery bridge for \$5.95, that we built a new bridge to replace the Carlton bridge, and that the bridge in Portland Harbor was not something that we were able to get for \$150. I am very concerned about the conditions of the roads that

we have and much of this money is going to go toward the Local Road Fund. Something that we have not been able to keep up with in the rural areas. Some of it obviously would go to yours. But I am concerned that if I spend \$2 more for registration, I'm going to be spending more than that for gasoline. But when spending money for gasoline, I'm going some place. And so I have no problems at all in supporting this Bill.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Lawrence.

Senator **LAWRENCE:** Thank you Madam President. Men and women of the Senate, I had not intended to get up on this issue but I'm concerned about something that was repeated. I've heard it repeated many times in the course of debates and things in this Chamber and outside of this Chamber too by other people. When I was in law school, one of the interesting things in my first year of law school, everybody was very concerned about grades and everybody asked the professor if there was a grading curve, and how it was going to work. The professor thought for a long time and he answered, well as near as I can tell 50% of you are going to end up in the top half of the class and 50% of you are going to end up in the bottom half of the class.

Lawyers are never good with numbers but I learned then that you can always get numbers to say things you want them to say. There is a quote, I think it was by President Kennedy. It said, the most dangerous thing in the world is not the lie which is intended to deceive, but the myth which leads one to presume something is true and misleads them into believing that fact. I rise simply to dispute the conclusion that has arisen that I've heard suggested so many times that Maine is the 4th highest or one of the highest taxed states in the Nation. A few years ago when we were in the Legislature we heard from the Chief Executive we're the 10th highest taxed state in the nation. We passed a lot of tax reductions. I was at a panel later on when it was said we're now the 7th highest. We passed more tax reduction. Now I hear we are the 4th highest. My question is, if we keep passing tax reductions are we going to go up to be the highest taxed in the country? So I probed and looked at the underlying statistics that are argued making us the highest. What happens is certain people have taken studies, well one study for example, Money Magazine, that says we're the 4th highest in the Nation is looking at households with incomes of \$88,000 or more. I would put forward to you that that is not the average Maine income.

It is not fair to compare Maine to other states based on that income. I've heard often from the State Planning Office figures quoted on tax comparisons. And they've said they take certain revenues generated in Maine and average them over the per capita income of people in Maine, now that would seem to be a logical thing to do, and compare that with other states to show tax burden. But when I probed underneath that, I found only certain revenues are included. For example, tolls aren't included. Somebody mentioned tolls in this debate. I drive through the toll in New Hampshire. If we paid the same toll rate in Maine as they do in New Hampshire, we would pay over \$7 to drive from Kittery to Augusta. So states that raise revenue from other things that aren't considered taxes don't appear to be highly taxed states in these studies because they look at what are considered traditional taxes like sales tax and income tax, which Maine has. The second thing a lot of these studies, and especially those I've seen done by the State, don't include pay backs. For example, if we collect something in a State tax, and reimburse a local tax, they count those taxes twice. They count the local tax and they

count the State tax. But they don't credit for what goes back to reduce the local taxes. The third and most convincing thing I found is that they include taxes paid by people from out-of-state and average them over the incomes here in Maine to compare with other states. For example, all the people paying high property taxes along the coast who own property from away are averaged over the income of the people living inland in Maine with much lower incomes, and you exclude the income of those people who own that property on the coast. And they say that's a fair assessment of taxes paid by people from Maine. To make the example clearer, one of my towns is the Town of York. The Town of York is 50% non-resident property. A lot owned by waterfront people, people who live on the waterfront, who have incomes much higher than the people in the Town of York. Well, to use this formula you take all the property taxes paid in the Town of York and average them over the income of the people who live in town. That would not be a fair assessment of the taxes paid by Maine people. The reality is the studies I've seen that fairly assess the taxes paid by Maine people, actually paid by Maine people, show that we're in the 20's among states in taxation. Is that too high? Someone argued, yes. I would argue yes, that's why we've been moving to reduce it over the period of time that we have been reducing it. We passed over \$350 million of tax cuts and we have reduced it. The thing that clued me into this was a report by the Council of State Governments. They compared spending, on behalf of states, around the state and took State spending and averaged it over per capita income. When that was done Maine appeared down in the 20th percentile among states. We have a policy in this state that you can't tax more than you spend. So my question is, if we are spending at the 20th rate how can we be taxing at the 4th highest rate? That's illegal and if we are, where's all the money staying around in the State Government? The reality is when you do a realistic comparison of taxes, realistic comparison based on what Mainers pay in taxes we're down in the 20 to 25th percentile. That is the truth and we should be debating on the actual facts. Thank you very much.

Off Record Remarks

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

Senator **AMERO:** Thank you Madam President. Ladies and gentlemen of the Senate, I've listened carefully to the remarks of the good Senator from York, Senator Lawrence, and I feel I have to respond because the good Senator from York has posed a question to all of us as to why is it that we in the state of Maine over the last few years have begun to cut some taxes. And yet we still have, or seem to have amongst other states, one of the highest tax burdens in the whole country despite the fact the we have cut some taxes. Well the truth of the matter is that other states have been much more aggressive in the amounts of taxes that they have cut in reducing their tax rates. I think what we found across the country during these good times of great growth and revenues is that the economies of these states that have been aggressive in cutting their taxes, that these economies have grown at the greatest rate. So that is why we in the state of Maine are still amongst the highest taxed people in the whole

country. We haven't reduced our rates aggressively enough during these good times. I think what is telling for me is not the figures or whichever report you want to look at, but the one thing that I think counts the most is at the end of the day how much money do people have left in their pocket after they pay their taxes and pay all their bills. That is where we fall short. Dead last in the whole country in the amount of disposable income that our people have at the end of the day. That is what I think we have to correct in this state. I think we have moved in the right direction with our Budget in reducing the sales tax. But you know, I don't think it's any wonder that people are cynical about State Government. When just last week we passed a Budget that says we're going to cut your sales tax, but hold on, this week we're going to raise your gas tax, and lo and behold we're also going to raise the amount of money it costs you to register your car each year. So you know, I think we have to be realistic about the fact that we are a low income state and we ask people to pitch in, pitch in very heavily, to pay for the services they get from the State. I just don't think it's fair during a time when our economy is good, we have plenty of money, that we are asking people again to increase their taxes. So I hope that you will vote Against the pending motion and give the people of Maine a chance to keep a few more cents in their pockets at the end of each day. Thank you Madam President.

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

Senator **GOLDTHWAIT:** Thank you Madam President. Men and women of the Senate, about 30 minutes ago, or so, we heard some debate about taxes, a very legitimate debate about taxes, turn into a debate about roads. And that's where we are now. We could have taken some of the money for this proposal out of the General Fund. I think we could have, maybe we should have, but we didn't. We could have raised a nickel on the gas tax in one year. We could have, maybe we should have, but we didn't. We decided not to do 3 and 2, or 3-1-1, or 1-1-1-1-1, or any of those other combinations. And here we are. And now we're ready for an up or down vote on the roads of Maine. It is no longer a tax issue, it's a roads issue. My favorite movie is The Lion in Winter and I think the protagonist at the time, the King and Queen of England, who I believe are played by Sean Connery and Kathryn Hepburn, are at that point in a dungeon, much battered veterans of many battles, and the King says to his Queen, how my good lady did we ever get here? and she looks at him and she says, step by step. And that is where we are now. The decisions about where the money should come from are behind us. We are looking at whether we are going to launch into a very carefully thought out program of redeveloping Maine's Transportation Infrastructure or not. The Senator from York, Senator Libby said something that got me started thinking about work in my district. And he said rich or poor you have to drive to work. And that is really true in Maine. There are very few of us who are as fortunate as I am to be able to walk to work where I live. Most people do depend on their cars for work and in my district this is how the condition of the roads affects the worker. There is a quarry in the town of Lemoine and in the winter and the spring the roads are posted so people who are acquiring material out of those quarries can't drag it out over the roads. Construction projects are delayed because that material can't be transported. The Town of Stonington is fortunate to be one of the really vital fishing communities left in our state and they send, on a daily basis, very large trucks full of very heavy fish off of their

island. That's a good thing but it's a very difficult thing when you have a truck that is really too big for a small road. Driving down a small road with dirt shoulders on either side, pot holes, etc., that is not a good thing and it influences their ability to get a fresh product to market quickly. The people who are working in the boatyards at the end of the many peninsulas in my district are affected because during the spring, again when the roads are posted, no materials can be shipped into the boatyards. A truck full of resin is too heavy for a posted road. So those yards who actually have orders and could keep people employed year round can't do so for the simple fact that they can't transport the materials over inadequate roads into the boatyards. The people of Deer Isle and Stonington will soon be marooned because that rather amazing bridge that covers the water between Sedgewick and the Brooksville area on to the island needs to be rebuilt and the money from that will be coming from the package that depends on your vote tonight for funding. The people of Bucksport, if this package were to fail, if they wanted to come to Augusta to lobby for money for roads will soon have to drive all the way up to Bangor and around to get to Augusta because the bridge across the river where they live is about to fail as well and the next place across the river is Bangor. So all of us who live at that end of Hancock County will have an awfully long trip and even longer trip to get to Augusta.

Finally I'll say that if you want to see the good side of what we're doing for transportation in Maine and if you want to see what's possible when you make a step to improve the transportation infrastructure then come down to the Hancock, Sullivan area the first week in August and join us for the celebration of the new bridge across the Skillings River. In my first year in this Legislature the First Selectmen in the Town of Sullivan said to me we'll never get it. We'll never see this in our lifetime. I have heard Legislators from the most rural Counties express that same sense of despair and frustration that these good things will never come to us. Well one has in my County and it was based on a significant commitment of resources from the Department of Transportation. There is more excitement about this bridge in my area than I've seen about anything in a very long time because we are about to have a brand new gateway to Coastal Downeast Maine. We're excited about that. In fact, we are having a day long celebration about that. That is the kind of thing that the money we're talking about tonight can bring to all areas of Maine. Is this the package that I personally would have constructed to fund this? I don't think so. Would I have made other decisions about where to get the money? I think I might have. But right now this is the package we have been presented with. It will get the job done and I intend to support it. I hope you will too.

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from York, Senator **LAWRENCE** to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Knox, Senator **PINGREE** to her seat on the floor.

Senate called to order by the President.

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

Senator **RUHLIN:** Thank you Mr. President. Ladies and gentlemen of the Senate, first of all I want to share with you as Chair of the Taxation Committee. We do have to study taxes, I know that's a test you have to pass before they let you go there or not. I've heard some mythology tonight. I've heard some wise words tonight. I've heard some facts and I've heard some misfacts on taxes. What I really felt when it came to decision-making time on this issue wasn't so much taxes, which I will get back to in a moment, but my primary reason for supporting this all along has been, number one, do we need the roads? Do we need the improvements to our infrastructure? The Committee that we charged with advising us on that matter, everybody that has looked at that matter, has said unanimously yes, yes, yes. The question comes about, how are you going to pay for it? When the formula is broken up, and now we will talk about taxes for a moment, if you go and leave it to the communities to pay for much of that, as we have in education, you put the pressure on the most onerous tax that we have in this state. How can you, with a straight face, sit in these Chambers and say that this is a bad tax when if you don't do it you will be putting it on the property tax. If you don't think that the property tax is the worse tax we've got, go and talk to your voters. Go and knock on their doors and hear what they will tell you. You won't hear them complain about the sales tax, you won't hear them complain about the income tax, but I will tell you one thing, the first thing they are going to say to you is I pay too much taxes on my house. That, Senators of Maine, is a property tax. If you don't do something to assist local roads through a user fee, which we're talking about here, then you're going to put it on the property tax and the property tax is the most onerous tax there is. So please keep that in mind when you are getting ready to vote. Those of you who vote against this tonight are voting for an increase in your constituents property taxes. Plain, simple and the choice is yours. Thank you.

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

Senator **NUTTING:** Mr. President. Ladies and gentlemen of the Senate, I wasn't planning on speaking on this Bill but a constituent of mine feels very strongly on this issue and wanted me to briefly relay a situation this businessman has found himself in for the last two years. This particular businessman in my district, in the Town of Litchfield, doesn't like to pay taxes. He writes me a lot of letters and he has made that very clear. Three months ago, on a two-year-old car that he had purchased new, he had to pay \$250 to put four brand new shock absorbers on his car. He maintains to me, and I believe it to be true, that it would be much cheaper in the long run to pay an extra three cents in gas tax and possibly avoid having to put that amount of money in new shock absorbers in a new vehicle. He has to do that, regrettably, because we haven't had a long range plan for our roads. He felt very strongly and he wanted me to relay to the members of this Body that this admitted compromise that is before us tonight in the long run, in his opinion, is going to save him money. Not cost him money. I urge you to support the motion before us. Thank you.

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, I would like to respond to a couple of comments that were made earlier. It is a fact some of the numbers that the Senator from York gave earlier in regards to our comparison with the New England States, in fact, we will go from \$.19 to \$.22, and that is an accurate statement. But I would caution and urge everybody to understand that we will still be below the New England average and we will still be below the National average. Another remark made by the gentlemen was about New Hampshire. I for one am so terribly tired of hearing about New Hampshire. But since it was mentioned, I just want to make a couple of points that I try to stress every time New Hampshire comes up. New Hampshire has the highest property taxes in all of America. New Hampshire provides the lowest General Purpose Aid to Education in all of America. They provide less money to their highways. They accept, as was pointed out, less Federal Funds but that's because of their own personal philosophy on that. So I think it is very important and obviously the Senator from Kennebec pointed out where they do receive a lot of money that we don't receive here in the state of Maine from there. A couple of things that were mentioned there.

Ladies and gentlemen of the Senate, just a concluding remark, I must say about the Transportation Committee because I didn't really stress it enough in the beginning. This Committee has worked terribly, terribly hard and I am very proud of what they have done. I am very proud of them coming together on this compromise. The Senator from Washington, Senator Cassidy's comments are now heard about the husband and wife deciding is a very humorous one, and a very accurate one, and it probably does accurately describe the feelings of the Transportation Committee at times. This is not about using one-time money. This is not about using money out of the Rainy Day Fund. All of those suggestions are using one-time money, whereas the gas tax and the registration fee are sustainable income. They are ongoing sustainable income. One of the comments I heard earlier in the day was about a local community here in Maine from a person who had been involved in Local Government. He described the situation where if the 5 cents had gone through it would have cost his constituents in his particular town a certain amount of money. If the 3-1-1 would have gone through, he went on to point out what that would have cost his constituents, and if this proposal is passed, he was explaining what it would cost his constituents. Then he pointed out what it would cost his constituents if this Budget is not passed and the difference between those was significant. In his comments he pointed out to those who were listening to him that he would have no problem going back to his constituents and pointing that out. I submit to you, ladies and gentlemen of the Senate, that you can very comfortably vote for the measure that you have before you and if you take the time to explain it to your constituents what it means to their roads, what it means to their community, that they will understand it and they will accept your explanation. Once again, Mr. President, ladies and gentlemen of the Senate, I urge you to support the motion before you. Thank you.

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

Senator BENOIT: Thank you Mr. President. May it please the Senate, I rise in support of the pending motion, and will speak briefly. Sometimes you can define something by telling what it is not. This Report is not a 5 cent gas tax. It is not even a 4 cent

gas tax. It is a 3 cent gas tax. It is something less than what the Governor proposed some weeks ago. When the Governor first mentioned the 5 cent gas tax plan, I had occasion to talk to many of my constituents. They didn't like it but they saw it was something necessary. Some of them were willing to accept the 5 cent program. I think in my district, which is one and a quarter times larger than Rhode Island, we have a lot of roads. Many need repair. The reason that my constituents support this particular situation of 3 cents and \$2 on the registration is very simple. They see the roads being repaired. On this Floor, in my first Senate term, I told you about the two bridges in Madrid that were so unsafe that when the ambulance was going south to the hospital and the logging truck was going north mirrors were flying off the ambulance as they met on those two bridges. Those bridges have been replaced. If you could go up and take a look at them you would say gee it's New York City. When I drive over them, I just really can't believe how well constructed they are, landscaped and all. They are beautiful and my constituents appreciate that. If you drive from Farmington, north of town in Fairbanks toward Strong, there is a seven mile stretch that is being repaired. Seven miles from north of Farmington to Strong. Both sides of the road are being ditched and there is going to be some further construction. My constituents appreciate that.

Finally Mr. President, if you were to drive in the Avon area, just north of Strong, you would find major construction taking place in the area of that highway that I complained about four years ago here. When constituents of mine, the Ferguson family, were pinned in a pickup truck because they headed home in the spring and the bank on the left side of the road on the hairpin turns gave way, the mud came down, and pinned the pickup truck against the guardrail on one side, they couldn't get out because of the mud. On the other side the rail was up against the door and there was the Sandy River at flood stage. I mentioned that here. Guess what, that whole stretch in there for two or three miles is being replaced. Being rebuilt. That is positive and my constituents appreciate that. And so in my district, when my constituents see the roads are being improved so that tourists can go to Rangeley and other parts of the district, they support this kind of legislation. I support it and I know it's old hat. You've heard it before. I'm not pleased about this personally. Frankly, if I had my choice, I would vote against this Report. But I've told you before, and I believe it sincerely, my constituent's agenda leads and my agenda follows. And I will support this Report for that reason. Thank you.

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

Senator LIBBY: Thank you Mr. President. Men and women of the Senate, I'll be very brief. Since I walked in to the Maine State Legislature back in 1993, the State Budget has risen by a accumulated total percentage of 50%. In the last year of the last biennium, we had a \$300 million surplus that we had to deal with. This year, the very next year, we had a \$300 million surplus with which to deal with problems like the Highway Budget. No one, let's not confuse the issue, no one is disagreeing that we need good roads. What we are saying here is that we must live within our means. That is what you're asking my family to do. That is what we ask every family to do. So we've gone from a billion and a half or so, when I walked into the Maine State Legislature way back in 1993, to somewhere around \$2 ½ billion Budget, slightly below that. And I know that because we have in the Part 2 Budget that we just passed about \$100 million in new spending

on social programs. I know that we could have done it, we could have come up with the highway that we need from the money that we have. So there is no disagreement on the roads, make no mistake, it's where the money is coming from, why it's being spent in the way it's being spent, and why we cannot live within our means. Thank you Mr. President.

On motion by Senator **LIBBY** of York, 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 Chair noted the absence of the Senator from Kennebec, Senator **DAGGETT** and further excused the same Senator from voting on this matter.

ROLL CALL (#210)

YEAS: Senators: **BENOIT, BERUBE, CAREY, CASSIDY, CATHCART, DOUGLASS, FERGUSON, GOLDTHWAIT, KONTOS, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE**

NAYS: Senators: **ABROMSON, AMERO, BENNETT, DAVIS, HARRIMAN, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MITCHELL, PENDLETON, SMALL**

ABSENT: Senator: **KIEFFER**

EXCUSED: Senator: **DAGGETT**

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, Committee Amendment "C" (H-752) as Amended by House Amendment "B" (H-755) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-752) AS AMENDED BY HOUSE AMENDMENT "B" (H-755)** thereto, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Division.

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

ENACTORS

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

Acts

An Act to Establish the Endowment Incentive Fund
H.P. 77 L.D. 90
(C "A" H-47; S "A" S-399)

An Act to Improve Access to Electronic Filing for Businesses
S.P. 77 L.D. 180
(S "B" S-422 to C "A" S-337)

An Act to Amend the Laws Relative to Vesting in the Maine State Retirement System and to Protect Retirement Benefits Once the Right to those Benefits has Attached
H.P. 189 L.D. 267
(H "A" H-670; S "A" S-431
to C "A" H-652)

An Act to Increase the Availability of Prescription Drugs for the State's Elderly
H.P. 228 L.D. 332
(S "A" S-432 to C "A" H-657)

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 Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to State Earned Income Credit
H.P. 90 L.D. 103
(S "A" S-421 to C "A" H-119)

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

Senator **HARRIMAN:** Thank you Mr. President. Good evening ladies and gentlemen of the Senate. Mr. President, the Act to Implement the Recommendations of the Committee on Poverty Among Working Parents is a worthy goal. It is one that deserved our utmost consideration and I can assure you that it did. In the scheme of all of the priorities and all of the spending that was talked about, this particular piece of legislation did not reach the top of the priority list. But nonetheless, as the Appropriations Table was run, it was inserted into the Budget and let me tell you how it is going to work. First we're going to spend about \$70,000 hiring a person and creating a computer program. We're going to do that in the second year of the biennium late in the year. Then, when the 120th Maine Legislature comes in and is sworn into office, they will find out that this program has a unexpected fiscal impact of almost \$620,000 and growing from there. That is because this program is going in at .5%, not 5 percent, .5%. Thank you Mr. President.

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

Senator **GOLDTHWAIT**: Thank you Mr. President. Ladies and gentlemen of the Senate, I would add to the comments of the speaker before me that the amount of money that we estimate that each person will get, which is \$6, would pay the gas tax on 200 gallons of gas and that wouldn't last very long. The \$70,000 that is going to the administrative cost of this program would probably buy a house for a family that could use that. I think that might be a better use of the money than this particular proposal, which is heavy on the overhead side, given the very small value that it brings to families who are no doubt in need of this relief. But in this particular proposal I don't see very much of it and I would urge you to oppose the pending motion. Thank you.

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

Senator **MILLS**: Thank you Mr. President. Men and women of the Senate, this is a revenue or tax refunding program. As I understand, it actually contemplates sending a check back to the taxpayer. The cost of preparing and sending out the check exceeds, I believe, the benefit represented by the check. If there was ever a program that made no sense whatsoever it is to implement an Earned Income Tax Credit that is based on 1/2 of 1% of the Federal Tax credit. This is an example of what happens when the Appropriations Committee does the tax policy in the middle of the night. Thank you.

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

Senator **CATHCART**: Thank you Mr. President. Men and women of the Senate, I just wanted to tell you the origin of this piece of Legislation. This came out of a Commission that we set up a few years ago called the Commission to Study Poverty Among Working Families and they, I believe, unanimously recommended a State Earned Income Tax Credit. It's a very established way and recognized widely as a way to assist hard working families who have low incomes. It's a way of giving a little bit of money back to those families. Whether it buys a tank of gas or puts another meal on the table, I think it would be appreciated and I hope you will vote for this. Thank you Mr. President.

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

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

Senator **BENNETT**: Thank you Mr. President. This isn't an Earned Income Tax Credit. This is a sham and it's a sham on the people that it purports to help. If we're really going to do something useful and meaningful for these people then we ought to have the courage to pass some significant money behind it so it becomes something real and not just something that is just a beginning to something which we may or may not fund in the future. If we're to adopt it in this form, we're failing the purpose. And I encourage you to vote against Enactment.

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

Senator **HARRIMAN**: Thank you very much Mr. President. Ladies and gentlemen of the Senate, my good friend from Penobscot, Senator Cathcart, and my good friend from Oxford, Senator Bennett are both right and this is a worthy program. But it's a perfect example of what's going on with the Budget, off of the Appropriations Table because we are trying to make new friends by sprinkling just a few dollars to get them into statutory language so that the next Session they can come in and say well this was the intent of the Legislature. Just take it from .5% to 5% so it would be meaningful and this program will start to cost \$6 and \$7 million over the biennium. If that is what we want to do, then do it now. Thank you Mr. President.

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

The Chair noted the absence of the Senator from Kennebec, Senator **DAGGETT** and further excused the same Senator from voting on this matter.

ROLL CALL (#211)

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

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CAREY, CASSIDY, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, HARRIMAN, LIBBY, MACKINNON, MILLS, MITCHELL, PENDLETON, SMALL

ABSENT: Senator: KIEFFER

EXCUSED: Senator: DAGGETT

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, **PASSAGE TO BE ENACTED**, in concurrence, **FAILED**

Sent down for concurrence.

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

H.P. 381 L.D. 512
(S "A" S-427 to C "A" H-451)

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 pending question before you, again, is another very worthy public policy decision and one that was thoroughly discussed. I'd like to tell you just a little bit about how this Bill came out of the Appropriations Committee so that you can fully appreciate the vote that you're going to make. An Act to Increase the Length of Probation for a Person Convicted of Domestic Violence is a very important public policy and I'm sure you would all agree with me that it is one that is worthy of support.

This is how it works; the Bill, as written, says that if you are convicted of domestic violence part of your sentence will be a stiffer penalty requiring at least three months more of probation. The Bill before us in the Appropriations Committee had a fiscal note of close to \$500,000. When asked, the Office of Policy and Fiscal Review, the people who I have come to admire and respect as I'm sure you have, but having to work close with them every single day, they amaze me with their professionalism, their integrity and their knowledge. Let me tell you about the research that they did on this Bill. The research indicated that the Department of Corrections said to implement this Law they will need nine new positions. The Fiscal Office, sharpening their pencils and digging a little deeper to understand more fully what the Bill was trying to accomplish, determined that the Department could get by with four, not nine, new State employees to implement this Law. So what did we do? The Appropriations Committee's movement was to erase the fiscal note, tell the Department to absorb it, and it's now in front of you for Enactment. Thank you, Mr. President.

On motion by Senator **CATHCART** of Penobscot, 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 Chair noted the absence of the Senator from Kennebec, Senator **DAGGETT** and further excused the same Senator from voting on this matter.

ROLL CALL (#212)

YEAS: Senators: BENNETT, BERUBE, CATHCART, DAVIS, DOUGLASS, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MICHAUD, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENOIT, CAREY, CASSIDY, FERGUSON, GOLDTHWAIT, HARRIMAN, LIBBY, MACKINNON, MILLS, SMALL

ABSENT: Senator: KIEFFER

EXCUSED: Senator: DAGGETT

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

Off Record Remarks

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

ENACTORS

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

Emergency Measure

An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine

H.P. 1605 L.D. 2252

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.

Acts

An Act to Enhance Maine's Relationship with Aomori, Japan by Hosting a Cultural Exchange

S.P. 69 L.D. 172
(S "A" S-389 to C "A" S-144)

An Act to Increase Payments to Foster Parents

H.P. 871 L.D. 1228
(S "A" S-393 to C "A" H-131)

An Act Concerning Corrections Employees

S.P. 455 L.D. 1330
(S "A" S-423 to C "A" S-307)

An Act to Establish the Northern Maine Transmission Corporation

H.P. 1034 L.D. 1456
(S "A" S-424 to C "A" H-617)

An Act to Ensure Adequate Nutrition Services for Maine's Elderly

S.P. 518 L.D. 1552
(S "A" S-396 to C "B" S-142)

An Act to Fund a Minimum Level of Services for Deaf and Hard-of-Hearing Persons in all Regions of the State

S.P. 693 L.D. 1939
(S "A" S-420 to C "A" S-206)

An Act to Promote Participation in the Maine Residents Property Tax Program

H.P. 1527 L.D. 2180
(S "A" S-425 to C "A" H-648)

An Act to Promote Research and Development Activities in Maine

H.P. 1598 L.D. 2243
(S "A" S-429)

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

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

ENACTORS

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

Bond Issue

An Act to Authorize Department of Transportation Bond Issues in the Amount \$56,042,031 to Match Available Federal Funds for Improvements to Highways and Bridges, Airports and State-owned Ferry Facilities; Development of Rail Corridors and Marine Infrastructure; and Replacement of Public Transportation Fleets Statewide

S.P. 740 L.D. 2089
(C "A" S-417)

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the Members present and voting, was **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

The Chair laid before the Senate the following Tabled and Later (6/3/99) Assigned matter:

An Act to Create the Capital Riverfront Improvement District
S.P. 760 L.D. 2136
(C "A" S-302)

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

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

(In Senate, May 19, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-302).**)

(In House, May 25, 1999, **PASSED TO BE ENACTED.**)

(In Senate, June 3, 1999, on motion by Senator **MICHAUD** of Penobscot, **RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-302).**)

On motion by Senator **PINGREE** of Knox, Senate Amendment "B" (S-440) **READ** and **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-302) AND SENATE AMENDMENT "B" (S-440), in NON-CONCURRENCE.

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

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

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (6/3/99) Assigned matter:

An Act to Change the Tax Treatment of Truck Campers
H.P. 767 L.D. 1090
(C "A" H-120)

Tabled - June 3, 1999, by Senator **HARRIMAN** of Cumberland.

Pending - motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE**

(In Senate, April 8, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-120), in concurrence.**)

(In House, April 13, 1999, **PASSED TO BE ENACTED.**)

On motion by Senator **MICHAUD** of Penobscot, Bill and accompanying papers **INDEFINITELY POSTPONED, in NON-CONCURRENCE.**

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

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

RECALLED FROM GOVERNOR'S DESK

An Act to Provide Fairness to Victims of Medical Malpractice
S.P. 450 L.D. 1325
(S "A" S-381 to C "A" S-352)

(In Senate, June 3, 1999, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order S.P. 853, in concurrence.)

On motion by Senator **LONGLEY** of Waldo, **UNDER SUSPENSION OF THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**:

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-352) AS AMENDED BY SENATE AMENDMENT "A" (S-381)** thereto.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-352) as Amended by Senate Amendment "A" (S-381) thereto.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "A" (S-381) to Committee Amendment "A" (S-352).

On further motion by same Senator, Senate Amendment "A" (S-381) to Committee Amendment "A" (S-352) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

On further motion by same Senator, Senate Amendment "B" (S-436) to Committee Amendment "A" (S-352) **READ and ADOPTED.**

Committee Amendment "A" (S-352) as Amended by Senate Amendment "B" (S-436) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-352) AS AMENDED BY SENATE AMENDMENT "B" (S-436) thereto, in **NON-CONCURRENCE.**

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

ORDERS OF THE DAY

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Implement the Recommendations of the 118th Legislative Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators
S.P. 111 L.D. 308
(C "A" S-279)

Tabled - May 20, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 14, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-279).**)

(In House, May 20, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE**, in **NON-CONCURRENCE.**

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Change the Reimbursement Rate for Law Enforcement Personnel Who Testify in Court

H.P. 894 L.D. 1251
(C "A" H-277)

Tabled - May 7, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 3, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277)**, in concurrence.)

(In House, May 6, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **JUDICIARY**, in **NON-CONCURRENCE.**

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Establish and Fund Conflict Resolution Education and Civil Rights Team Programs in the Public Schools

H.P. 928 L.D. 1305
(C "A" H-317)

Tabled - May 12, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 7, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-317)**, in concurrence.)

(In House, May 11, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Promote Healthy Maine Families

S.P. 492 L.D. 1477
(C "A" S-339)

Tabled - May 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 24, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-339)**.)

(In House, May 25, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Provide Assistance to Low-income Energy Consumers

H.P. 1069 L.D. 1500
(H "A" H-692)

Tabled - June 2, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, June 1, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-692)**, in concurrence.)

(In House, June 2, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **UTILITIES AND ENERGY**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Allow the Surviving Veteran Spouse of a Veteran to Continue to Receive the Property Tax Exemption

H.P. 1128 L.D. 1587
(C "A" H-388)

Tabled - May 12, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 7, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-388)**, in concurrence.)

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

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Increase Health Insurance Benefits for Retired Educators

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

Tabled - May 17, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 11, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-187)**.)

(In House, May 17, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Require an Assessment Evaluation of Juveniles Entering the Juvenile Justice System

H.P. 1130 L.D. 1589
(C "A" H-689)

Tabled - May 27, 1999, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 26, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-689)**, in concurrence.)

(In House, May 27, 1999, **PASSED TO BE ENACTED**.)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Off Record Remarks

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

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

ENACTORS

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

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$26,420,000 for Maine's 7 Technical Colleges

H.P. 451 L.D. 614
(C "A" H-751)

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the Members present and voting, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **AMERO** of Cumberland, **ADJOURNED**, until Saturday, June 5, 1999, at 10:00 in the morning.