

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Senate Legislative Record
One Hundred and Nineteenth Legislature
State of Maine

Volume 3

First Confirmation Session
October 14, 1999

Second Regular Session
January 5, 2000 to April 13, 2000

Pages 1548 - 2331

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

In Senate Chamber
Tuesday
February 15, 2000

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

Prayer by Reverend Jack Fles of Christ Episcopal Church in Gardiner.

REVEREND FLES: The letter did say, and I thank you for the letter from the Office of the Senate and Sharon in particular, that I could make a few brief comments but they had to be non-partisan, non-political and not particularly religious. So that now that I have you standing, I figured who else but a religious man or a politician could make a pointed powerful speech and say, well, not nothing. So just a personal reflection then, however. I came from the lesser State of Texas some years ago, to the great State of Maine. While I was in Texas, I served on a community religious association of clergy, interdenominational, interfaith, and what we did there, our guidance there, was a decision of the group was never to pray in a way that would betray or portray your convictions. The very things you believed in. So we always ended in a very general way in the name of God. And I did that, and yet I thought what we truly have is a pluralistic society. All sorts of different faiths, all sorts of different persuasions. People without faith who want nothing to do with that, but there are and there is a variety and the faith can play an important role in our development. If you remember the argument between the federalist and the anti-federalist paper with John J. Hamilton and Madison saying we need the checks and balances and the anti-federalists are saying let religion and morality play the role of guidance between the democratic extremes of capitalism and yet generosity and caring for others. Well, I happen to fall into the camp of Madison and Hamilton and I think it is our checks and balances and not religious values alone that dictate and guide us, because that can be a power block and unjust, as well as we all know. And yet I would ask you permission to pray as a Christian person, as an Episcopalian, in the faith that I adhere to. Not to persuade you, but to allow me to have those values that shape myself. And as we legislate, I'd like to invite you to come sailing one day with me, because maybe the boundaries will be extended out to a greater way offshore and we'll get past that line where we are no longer permitted to make a politically partisan or religious speech. Please call me in the summer months and we'll go out and we'll talk, but we'll not pray. Almighty and gracious Father, we give You thanks for the fruits of the earth and their season and for the labors of those who harvest them. Make us, we pray, faithful servants of Your great bounty for the provision of our necessities and the relief of those who are in need. To the glory of Your name, through Jesus Christ our Lord, I pray who lives and reigns with You and the Holy Spirit. One God now and forever. Amen and thank you.

Pledge of Allegiance led by Senator Georgette Berube of Androscoggin County.

Doctor of the day, Mark Bolduc, M.D., Auburn.

Reading of the Journal of Tuesday, February 8, 2000.

THE PRESIDENT: Senators should have received a letter from the Commission on Governmental Ethics and Election Practices regarding your statement of specific sources of income. In that letter the Ethics Commission indicated the Ethics Commission was adopting a policy of not fining members if they did not file by the 15th of February because of the lateness in which the Ethics Commission sent out the report. I would just remind Members that you will be in violation of State law if you do not file today. You will still be in violation of State law if you do not file today. The Ethics Commission does not have the ability to waive State law. They're simply saying that they simply will not punish you for being in violation. So my strong suggestion is you get your statement of specific sources of income filed with the Ethics Commission by 5pm today. If you do not have a form with you here at the State House, see the Secretary and she can arrange to get you one. If you have any questions just see someone in my office.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator PINGREE of Knox, the following Senate Order:
S.O. 24

ORDERED, that a message be sent to the House of Representatives proposing a Joint Convention of the two branches of the Legislature to be held in the Hall of the House at 11:00 in the morning for the purpose of extending to the Honorable Daniel E. Wathen, Chief Justice of the Supreme Judicial Court, an invitation to attend the Convention and make such communication as pleases him.

READ and PASSED.

The Chair appointed the Senator from Knox, Senator PINGREE to deliver the message to the House of Representatives. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

Subsequently, the Senator from Knox, Senator PINGREE reported that she had delivered the message with which she was charged.

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Make Supplemental Allocations for the Expenditures of State Government, Highway Fund, and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY)
H.P. 1808 L.D. 2534

Committee on **TRANSPORTATION** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committees on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **TRANSPORTATION**.

REFERRED to the Committees on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **TRANSPORTATION** and ordered printed, in concurrence

Joint Order

The following Joint Order: H.P. 1822

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government report out to the House such legislation as is necessary to revise the salaries of county officers and lay the county taxes for the calendar year 2000.

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

READ and **PASSED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 472

119TH MAINE LEGISLATURE

January 12, 2000

Daniel E. Wathen, Chief Justice
Administrative Office of the Courts
at the Maine Judicial Center
163 State House Station
65 Stone Street
Augusta, ME 04333-0163

Dear Chief Justice Wathen:

We are pleased to invite you to address a Joint Session of the 119th Maine Legislature on Tuesday, February 15, 2000 at 11:00 a.m. concerning the State of the Judiciary and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Mark W. Lawrence
President of the Senate

S/G. Steven Rowe
Speaker of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 473

**STATE OF MAINE
SUPREME JUDICIAL COURT
AUGUSTA, MAINE 04330**

January 19, 2000

Mark W. Lawrence
President of the Senate
3 SHS
Augusta, ME 04333

G. Steven Rowe
Speaker of the House
2 SHS
Augusta, ME 04333

Dear President Lawrence and Speaker Rowe:

I am pleased to accept your invitation to address a joint session of the Maine Legislature. I appreciate your willingness to allow me to report to the people of Maine and their representatives on the cause of justice and the daily operation of the courts. I look forward to seeing you on the 15th.

Sincerely yours,

S/Daniel E. Wathen
Chief Justice

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.P. 1001

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

February 1, 2000

Honorable Mark W. Lawrence
President of the Senate
Honorable G. Steven Rowe
Speaker of the House of Representatives
119th Maine Legislature
Augusta, Maine 04333-0003

Dear President Lawrence and Speaker Rowe:

Pursuant to the Government Evaluation Act, Maine Revised Statutes, Title 3, chapter 35, we submit the findings and recommendations of the Joint Standing Committee on Utilities and Energy with respect to the Public Utilities Commission.

The committee has concluded that the PUC is operating in accordance with its statutory authority. We are satisfied that the PUC is conducting its work in accordance with its duties under the law and believe the PUC is doing a good job fulfilling its statutory mandate.

We conclude that the PUC should, in the development and monitoring of competitive utility markets, continue to pay particular attention to issues related to the rural nature of the State. We believe the commission should also continue its efforts and assign adequate staff to promote Maine's interests before regional entities and federal agencies with jurisdiction over markets that extend beyond Maine's borders but which affect Maine consumers. We recommend that the commission submit annual reports to this committee on these matters. Pursuant to Title 3, section 954, we submit with our report legislation that would implement these recommendations.

Sincerely,

S/Richard J. Carey
Senate Chair

S/Thomas M. Davidson
House Chair

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

Sent down for concurrence.

The Following Communication: S.P. 1002

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

February 1, 2000

Honorable Mark W. Lawrence
President of the Senate
Honorable G. Steven Rowe
Speaker of the House of Representatives
119th Maine Legislature
Augusta, Maine 04333-0003

Dear President Lawrence and Speaker Rowe:

Pursuant to the Government Evaluation Act, Maine Revised Statutes, Title 3, chapter 35, we submit the findings and recommendations of the Joint Standing Committee on Utilities and Energy with respect to the Maine Municipal And Rural Electrification Cooperative (MMRECA).

We have concluded that while the MMRECA has yet to exercise any of its substantive powers, it may have occasion to benefit from exercising them in the newly opening competitive electricity

market. Consequently, we believe the MMRECA enabling law should remain in place. We are recommending no change to the law.

Sincerely,

S/Richard J. Carey
Senate Chair

S/Thomas M. Davidson
House Chair

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

Sent down for concurrence.

The Following Communication: S.C. 483

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

February 3, 2000

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of F. Paul Frinsko of Gorham, for appointment as the Public Member of the Atlantic Salmon Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Kilkelly of Lincoln, Kieffer of Aroostook, Ruhlin of Penobscot
	Representatives	8	Dunlap of Old Town, Bryant of Dixfield, Clark of Millinocket, Cote of Lewiston, Honey of Boothbay, Perkins of Penobscot, Tracy of Rome, Trahan of Waldoboro
NAYS		0	
ABSENT		2	Rep. Chick of Lebanon, Rep. True of Fryeburg

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of F. Paul Frinsko of Gorham, for appointment as the Public Member of the Atlantic Salmon Board be confirmed.

Signed,

S/Marge L. Kilkelly
Senate Chair

S/Matthew Dunlap
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INLAND FISHERIES AND WILDLIFE** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#276)

YEAS: Senators: None

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

ABSENT: Senators: CAREY, LAFOUNTAIN, MILLS

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **F. Paul Frinsko** of Gorham for appointment as the Public Member of the Atlantic Salmon Board was **CONFIRMED**.

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

At this point a message was received from the House of Representatives, borne by Representative SAXL of Portland informing the Senate that the House concurred with the proposition for a Convention of the two branches of the Legislature to be held in the Hall of the House at 11:00 in the morning for the purpose of extending to the Honorable Daniel E. Wathen, Chief Justice of the Supreme Judicial Court, an invitation to attend the Convention and make such communications as pleases him.

Off Record Remarks

The Following Communication: S.C. 479

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

February 1, 2000

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 Banking and Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 2058 An Act Relative to Insurance Compliance Self-audit
- L.D. 2423 An Act to Allow Privately Acquired Catastrophic Insurance Coverage to Supplement the Cub Care Program

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

Sincerely,

S/Sen. Lloyd P. LaFountain III
Senate Chair

S/Rep. Jane W. Saxl
House Chair

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

The Following Communication: S.C. 480

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC
DEVELOPMENT**

February 1, 2000

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 Business and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 526 Resolve, Creating the Commission to Study Economic Development Opportunities for Lewiston and Auburn
- L.D. 1094 An Act to Promote Economic Development in Northern Maine
- L.D. 1895 An Act to Establish Enterprise Zones to Fund Businesses in Areas of High Unemployment
- L.D. 1910 An Act to Promote Economic Development in Central Maine
- L.D. 1917 An Act to Encourage Growth and Development in Cumberland County
- L.D. 1919 An Act to Promote Economic Development in Eastern Maine
- L.D. 1962 An Act to Establish the State Revolving Loan Fund for Small Business Initiatives
- L.D. 2115 An Act to Promote Economic Development in Western Maine
- L.D. 2217 An Act to Promote Economic Development in Androscoggin County

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

Sincerely,

S/Sen. Carol A. Kontos S/Rep. Gary O'Neal
Senate Chair House Chair

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

The Following Communication: S.C. 481

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

February 3, 2000

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 Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 256 An Act to Enhance the Health of Maine Citizens by Improving Community Health Programs
- L.D. 1952 An Act to Simplify the Process of Determining the Eligibility of Homeless Persons for General Assistance
- L.D. 2119 An Act to Enhance Competition and Public Health

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

Sincerely,

S/Sen. Judy Paradis S/Rep. Thomas J. Kane
Senate Chair House Chair

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

The Following Communication: S.C. 482

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

February 3, 2000

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 Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1303 An Act to Amend the Statute of Limitations for Medical Malpractice
- L.D. 1471 An Act to Amend the Laws Governing Wrongful Death
- L.D. 1603 An Act to Amend the Wrongful Death Laws
- L.D. 1771 An Act to Establish a Limit on Noneconomic Damages in Medical Malpractice Actions
- L.D. 2121 An Act Regarding Regulations and Compensation to Property Owners

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

Sincerely,

S/Sen. Susan W. Longley
Senate Chair

S/Rep. Richard H. Thompson
House Chair

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

The Following Communication: S.C. 484

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

February 1, 2000

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

Dear President Lawrence and Speaker Rowe:

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

L.D. 2207 An Act to Eliminate the Personal Property Tax and Make Other Changes in the Tax Laws

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Richard P. Ruhlman
Senate Chair

S/Rep. Kenneth T. Gagnon
House Chair

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

The Following Communication: S.C. 485

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

February 10, 2000

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

Dear President Lawrence and Speaker Rowe:

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

L.D. 855 An Act to Improve the Management of the Allagash Wilderness Waterway

L.D. 1475 An Act to Clarify the Tree Growth Tax Law

L.D. 1674 An Act to Exempt from Certain Regulations Crabmeat That Does Not Cross State Lines

L.D. 2435 An Act to Implement the State Policy to Minimize Reliance on Pesticides

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

Sincerely,

S/Sen. John M. Nutting
Senate Chair

S/Rep. Wendy Pieh
House Chair

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

The Following Communication: S.C. 486

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

February 10, 2000

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. 126 An Act to Expand Maine's Moose Hunt

L.D. 371 An Act to Allow A Disabled Person to Use a Crossbow during Archery Hunting Season

- L.D. 846 An Act to Allow Elderly License Holders and Children to Fish by Any Method
- L.D. 1026 An Act to Allow Crossbow Use During Archery Season by a Person who has Lost the Use of a Hand
- L.D. 1338 An Act to Provide a Free Hunting License to a Person Who Has Lost the Use of One Arm
- L.D. 1390 An Act to Expand Hunting Options for Disabled Military Veterans
- L.D. 1435 An Act to Promote Equitable and Professional Management of Moose
- L.D. 1830 An Act to Provide Complimentary Hunting and Fishing Licenses to Persons on Active Military Duty and Low-cost Licenses to Their Families
- L.D. 1904 Resolve, to Study Issues Related to the Muzzle-loading Season

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

Sincerely,

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

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

The Following Communication: S.C. 487

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

February 1, 2000

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 Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 2265 An Act to Allow a Person with a Disability to Ride in Vehicles Being Towed
- L.D. 2338 An Act to Clarify the Crosswalk Law

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

Sincerely,

S/Sen. William B. O'Gara S/Rep. Joseph M. Jabar, Sr.
Senate Chair House Chair

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

The Following Communication: S.C. 488

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

February 10, 2000

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

Dear President Lawrence and Speaker Rowe:

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

- L.D. 1246 An Act to Protect the Rights of Judicial Employees
- L.D. 1767 An Act to Allow Recovery of Provisional Payments by Employee Benefit Plans
- L.D. 2076 An Act to Move the Monitoring, Auditing and Enforcement of Workers' Compensation Payments to the Bureau of Insurance

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

Sincerely,

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

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

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber, members of the Sanford High School, Class A, State Champion Field Hockey Team. They are here today with their Coach, Diana Walker, and they are the guests of the Senator from York, Senator MacKinnon. Will they all please rise and receive the greetings of the Senate. The Chair recognizes the Senator from York, Senator MacKinnon.

Senator **MACKINNON**: Thank you President Lawrence.

Members of the Senate, it gives me a great deal of pleasure to be able to introduce and to warmly welcome the 1999 Class A, State Champion Field Hockey Team from Sanford. I would also like to especially thank Coach Diana Walker who I believe is the best coach in the State of Maine, male or female, as far as working with her participants. We have certainly watched, cheered and cried over the years as we've lost to South Portland on many occasions trying to reach for that gold ball but this year, through the efforts of her team being well coached, it gave us great pleasure to sit there and watch and to make sure that we finally received that gold ball. As we go into the next millennium I'm sure there will be more to come. I would really like you people to know that I can remember the first day walking on the field with a principal evaluating and meeting Coach Walker the first time and we immediately knew that day that she certainly had the fire, the coaching ability and certainly the dedication to bring this forth and since that time she has worked to bring that and hopefully she will continue to do that, and for that I am very thankful as a former colleague, former coach with her, former building administrator, athletic director and hopefully friend. Thank you very much and congratulations team and Coach Walker.

Senate at Ease.

Senate called to order by the President.

SENATE PAPERS

Bill "An Act to Amend the Charter of Hospital Administrative District No. 4"

S.P. 997 L.D. 2559

Sponsored by Senator DAVIS of Piscataquis.
Cosponsored by Representatives: CROSS of Dover-Foxcroft, RICHARDSON of Greenville, TOBIN of Dexter.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act Regarding the Payment of Child Support in Cases of Delayed Parental Notification"

S.P. 999 L.D. 2564

Sponsored by Senator BERUBE of Androscoggin.
Cosponsored by Representative: SNOWE-MELLO of Poland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

REFERRED to the Committee on **JUDICIARY** and ordered printed.

Sent down for concurrence.

Bill "An Act to Implement the Recommendations of the Task Force to Review Solid Waste Management Policy"

S.P. 1000 L.D. 2565

Sponsored by Senator MITCHELL of Penobscot.
Cosponsored by Representative DAIGLE of Arundel and Senator: LIBBY of York, Representatives: BRAGDON of Bangor, CAMERON of Rumford, CLARK of Millinocket, COWGER of Hallowell, DUPLESSIE of Westbrook, JOY of Crystal, WILLIAMS of Orono.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

REFERRED to the Committee on **NATURAL RESOURCES** and ordered printed.

Sent down for concurrence.

Pursuant to Resolve Joint Standing Committee on Business and Economic Development

Senator KONTOS for the Joint Standing Committee on **Business and Economic Development**, pursuant to Resolve 1999, chapter 89 asked leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy"

S.P. 995 L.D. 2557

Be **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

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

THE PRESIDENT: The Chair would let everybody know you are having distributed to you today, again, the Maine Kids Count. This is the millennium data book, the year 2000 data book. And, as usual, they have done a great job of preparing statistics on the welfare of children around the State broken down by county and it should be in your mail slots now. I'd urge you to take a good look at it. It's a tremendous resource for all of us in decision making here in the State to go through this and understand what is really impacting kids in Maine. I'd also give a little plug for a constituent of mine, Moot Graziano from the Coastal Ridge Elementary School. He's the one who drew the picture on the

front of the book this year. So please enjoy the book and use it in for good use in considering legislation during this legislative session. The Chair is also pleased to recognize Elly Goldberg, the Executive Director of the Maine Children's Alliance. Would you please rise and receive the greetings of the Senate?

Off Record Remarks

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

After Convention

In Senate Chamber

Senate called to order by the President

REPORTS OF COMMITTEES

Senate

Refer to the Committee on Business and Economic Development Pursuant to Joint Order (S.P. 978)

Senator KONTOS for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Improve the Regulation of Occupations and Professions" S.P. 996 L.D. 2558

Reported that the same be **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, pursuant to Joint Order S.P. 978.

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

REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

Ought to Pass

Senator TREAT for the Committee on **NATURAL RESOURCES** on Bill "An Act to Clarify the Laws Governing Solid Waste Disposal Districts" S.P. 900 L.D. 2350

Reported that the same **Ought to Pass**.

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Senator CASSIDY for the Committee on **TRANSPORTATION** on Bill "An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2001" S.P. 950 L.D. 2489

Reported that the same **Ought to Pass**.

Report **READ**.

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

Ought to Pass As Amended

Senator MICHAUD for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Resolve, to Reinstatement Emergency Assistance for Dependents of Veterans S.P. 688 L.D. 1934

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-482)**.

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

READ ONCE.

Committee Amendment "A" (S-482) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

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

Reported that the same **Ought to Pass As Amended by Committee Amendment "B" (S-487)**.

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

READ ONCE.

Committee Amendment "B" (S-487) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Abolish Apportionment in Workers' Compensation Claims" S.P. 197 L.D. 586

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

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

HATCH of Skowhegan
GOODWIN of Pembroke
FRECHETTE of Biddeford
MATTHEWS of Winslow
SAMSON of Jay
MacDOUGALL of North Berwick
TREADWELL of Carmel

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-483)**.

Signed:

Representatives:

DAVIS of Falmouth
MACK of Standish

Reports **READ**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act to Amend the Low-emission Vehicle Program" S.P. 868 L.D. 2278

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-486)**.

Signed:

Senators:

TREAT of Kennebec
NUTTING of Androscoggin
LIBBY of York

Representatives:

MARTIN of Eagle Lake
TOBIN of Windham
ETNIER of Harpswell
McKEE of Wayne
COWGER of Hallowell
DAIGLE of Arundel
DUPLESSIE of Westbrook

CAMERON of Rumford

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

Signed:

Representatives:

CLARK of Millinocket
JOY of Crystal

Reports **READ**.

On motion by Senator **TREAT** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-486) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Amend the Motor Vehicle Laws"

S.P. 893 L.D. 2312

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-485)**.

Signed:

Senators:

O'GARA of Cumberland
PARADIS of Aroostook
CASSIDY of Washington

Representatives:

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

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

Signed:

Representative:

WHEELER of Bridgewater

Reports **READ**.

On motion by Senator **PINGREE** of Knox, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-485) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Amend the Law Regarding Disability License Plates" H.P. 1623 L.D. 2270

Bill "An Act to Amend the Laws Governing the Work Center Product and Services Set Aside" H.P. 1628 L.D. 2275

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

House As Amended

Resolve, to Cable Televisize the Proceedings of the Legislature H.P. 175 L.D. 253 (C "A" H-771)

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

Senate

Bill "An Act to Make Minor Changes to the Community Development Definitions to Maintain Compatibility with Federal Regulations" S.P. 885 L.D. 2300

READ A SECOND TIME and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Prohibit the State from Competing with Private Industry" S.P. 179 L.D. 533 (C "A" S-478)

Bill "An Act to Increase Health Insurance Benefits for Retired Educators" S.P. 607 L.D. 1730 (C "B" S-480)

Bill "An Act to Provide Health Insurance Benefits to Dwight Parsons" (EMERGENCY) S.P. 852 L.D. 2251 (C "A" S-481)

Bill "An Act to Amend the Maine Banking Code Pertaining to Interlocking Directors" S.P. 861 L.D. 2259 (C "A" S-477)

Bill "An Act to Provide Degree-granting Authority to the SALT Center for Documentary Field Studies" S.P. 862 L.D. 2260 (C "A" S-476)

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

Sent down for concurrence.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (1/24/00) Assigned matter:

Resolve, to Ensure Adequate District Court Facilities for Western York County S.P. 956 L.D. 2497

Tabled - January 24, 2000, by Senator **RAND** of Cumberland.

Pending - **REFERENCE**

(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.)

On motion by Senator **RAND** of Cumberland, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (2/8/00) Assigned matter:

Bill "An Act to Restore Federal Protections to Maine State Employees"

H.P. 1803 L.D. 2530

Tabled - February 8, 2000, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

(In House, February 8, 2000, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.)

On motion by Senator **PINGREE** of Knox, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Prohibit State Government from Using Automated Telephone Answering Equipment During Business Hours" (EMERGENCY)

S.P. 777 L.D. 2176

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-488)**.

Signed:

Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
RINES of Wiscasset
McDONOUGH of Portland
TWOMEY of Biddeford
BUMPS of China
KASPRZAK of Newport
JODREY of Bethel
RICHARDSON of Greenville

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-489)**.

Signed:

Representative:

GERRY of Auburn

Reports **READ**.

On motion by Senator **PENDLETON** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-488)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-488) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Make Supplemental Allocations from the Fund for a Healthy Maine and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2001" (EMERGENCY)

H.P. 1823 L.D. 2555

Comes from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

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

Bill "An Act to Amend the Acreage Requirements for a Cemetery to Contain a Columbarium"

H.P. 1825 L.D. 2560

Comes from the House, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

Bill "An Act to Ensure Access to Specialists for Injured Workers"

H.P. 1827 L.D. 2561

Comes from the House, **REFERRED** to the Committee on **LABOR** and ordered printed.

REFERRED to the Committee on **LABOR** and ordered printed, in concurrence.

Off Record Remarks

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:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Grandfather Apprentices in the Lobstering Program for Lobster Management Zone G Entry" (EMERGENCY)
H.P. 1828 L.D. 2562

Comes from the House, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

REFERRED to the Committee on **MARINE RESOURCES** and ordered printed, in concurrence.

Bill "An Act to Increase Public Participation in the Maine Residents Property Tax Program"
H.P. 1824 L.D. 2556

Comes from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** and ordered printed, in concurrence.

Bill "An Act to Repeal the Fort Kent Utility District"
H.P. 1830 L.D. 2566

Comes from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Statutes
Department of Audit**

The **Department of Audit**, pursuant to Maine Revised Statutes, Title 36, section 1604 asked leave to report that the accompanying Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 2000-01" (EMERGENCY)

H.P. 1831 L.D. 2567

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 489

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

February 10, 2000

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Legal and Veterans Affairs has had under consideration the nomination of Michael E. Carpenter of Houlton, for reappointment to the Commission on Governmental Ethics and Election Practices.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Daggett of Kennebec, Carey of Kennebec, Ferguson of Oxford
------	----------	---	--

Representatives 9 Tuttle of Sanford, Chizmar of Lisbon, Fisher of Brewer, Gagne of Buckfield, Heidrich of Oxford, Labrecque of Gorham, McKenney of Cumberland, O'Brien of Lewiston, Perkins of Penobscot

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

NAYS 0

ABSENT 1 Rep. Mayo of Bath

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Michael E. Carpenter of Houlton, for reappointment to the Commission on Governmental Ethics and Election Practices be confirmed.

Signed,

S/Beverly C. Daggett Senate Chair

S/John L. Tuttle Jr. House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LEGAL AND VETERANS AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#277)

YEAS: Senators: None

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

ABSENT: Senators: KIEFFER, LAFOUNTAIN, MICHAUD

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Michael E. Carpenter** of Houlton for reappointment to the Commission on Governmental Ethics and Election Practices was **CONFIRMED**.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 1826

JOINT RESOLUTION MEMORIALIZING THE SECRETARY OF DEFENSE AND THE SECRETARY OF THE NAVY TO SUPPORT THE CUTLER NAVAL STATION AS A CRITICAL PART OF OUR NATION'S DEFENSE

WE, your Memorialists, the Members of the One Hundred and Nineteenth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the United States Secretary of Defense and the United States Secretary of the Navy as follows:

WHEREAS, the Naval Computer and Telecommunications Station located in the Town of Cutler, referred to in this Joint Resolution as the "NCTS," is vital to our national defense as the NCTS handles all Very Low Frequency and High Frequency shore-to-ship, submarine and airplane communications in the North Atlantic theater; and

WHEREAS, the NCTS employs only 224 people but this mix of naval and civilian personnel maintains a 99.999% naval efficiency rating; and

WHEREAS, because of the lean and efficient operation of the NCTS, the United States Navy will not realize any significant savings by downsizing the staff or privatizing the NCTS operations; and

WHEREAS, because of the vital role the NCTS plays in our nation's defense and the high efficiency of the present staff, any downsizing of the staff or privatizing of the NCTS operations threatens the ability of the NCTS to perform its functions to present standards and endangers our national security; and

WHEREAS, the NCTS maintains a solid presence in the Town of Cutler and the surrounding area and a reduction of staff will adversely affect not only the local economy but also the fabric of the local community through the closing of churches and schools; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the Secretary of Defense and the Secretary of the Navy support current operations at the Naval Computer and Telecommunications Center in the Town of Cutler as a critical part of our nation's defense; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the Honorable William S. Cohen, United States Secretary of

Defense, the Honorable Richard Danzig, United States Secretary of the Navy and to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Provide Temporary Relief from the Excise Tax on Diesel Fuel" (EMERGENCY)

H.P. 1832 L.D. 2568

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committees on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **TRANSPORTATION**.

REFERRED to the Committees on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **TRANSPORTATION** and ordered printed, in concurrence

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (2/8/00) Assigned matter:

SENATE REPORT - from the Committee on **TAXATION** on Bill "An Act to Provide Equity in the Taxation of Public Pensions" S.P. 989 L.D. 2542

Report - **Ought to Pass**

Tabled - February 8, 2000, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF THE REPORT**

(In Senate, February 8, 2000, Report **READ**.)

Report **ACCEPTED**.

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

The Chair laid before the Senate the following Tabled and Later (2/8/00) Assigned matter:

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act to Validate Voluntary Collective Bargaining Provisions that May Affect Educational Policies"

S.P. 333 L.D. 987

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

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

Tabled - February 8, 2000, by Senator **DOUGLASS** of Androscoggin.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, February 8, 2000, Reports **READ**.)

Senator **DOUGLASS** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **MILLS:** Mr. President, this is a Bill that I sponsored and wrote and I join in the Majority view of the Committee that this Bill ought not to pass. I join with, indeed, the Education Committee that voted unanimously that this Bill ought not to pass. And I do so for reasons I'd like to state just very briefly on the record. The Bill was written in response to certain complaints that I received from people in the education profession who brought to my attention that the law regarding educational policies as it governs school boards is a very difficult law to live with, difficult law to abide by. The Legislature, in enacting the law about thirty years ago, dealt with this issue in the following way. The issue is, just till we get started on it, how do you deal with matters of educational policy in the context of collective bargaining negotiations. In other words, can one school board bind another by means of a collective bargaining contract in which matters of educational policy might be embedded in the terms and conditions of that contract? Because we are dealing with the wages, the hours and the working conditions of the education profession, it is almost inevitable that a bargaining agreement on that subject will have strong implications for educational policy. Indeed, those conditions that those provisions will incorporate key elements of educational policy. The implementation of learning results, for example, and other matters that are important. The law as I understand it, and it is very difficult to understand, is that the ultimate authority for defining educational policy never leaves the elected officials that serve on the school board. That the school board always has power to change its mind politically. That the educational policies that it may wish to implement are within the jurisdiction that they are elected to. But when they change their mind on an educational policy, they must, at least, consult with the educational bargaining unit on any matters that may affect things like wages and hours and working conditions, and must make, and the law is written, in such a way, that the school board is required to grapple with the local

concerns of teachers and other educators. But the ultimate power always resides with the school board. This concept was recently reaffirmed in a law court decision that came down about a year and a half ago. And I think in response to that case, there were some school board members in some school districts who took it into their heads to say, well we can use this power that we have to abrogate solemn promises that we've made, or that our predecessors on the school board have made, to the bargaining unit here in town. And we can, in essence, break our promises, if we so choose, if those promises were made on a matter that touches or concerns educational policy. And in some instances that I heard about, such promises were broken or there was a threat of breaking such promises in the middle of a contract term, under circumstances where it was being done more for purposes of flexing political muscle on the local scene than for purposes of enhancing the local educational environment. So I wrote a Bill that simply said if you've made a contract or a promise that touches on educational policy and it is embedded in the contract, then it exists and it is valid and remains effective for the duration of the contract and you may change it only after the contract has expired. Some people refer to it as a sort of consenting adult provision. It would have changed Maine's law. It would have made it impossible or difficult for a school board to change matters of educational policy in the middle of a contract term and it would have got rid of the abuse that I perceived was going on, in some cases, in some school districts. I've been persuaded by the Education Committee, a very intelligent lobbyist, and the other members of the Labor Committee that my notion was probably ill conceived and that it came down on the wrong side of a very difficult issue. It doesn't. It is probably essential, I'm persuaded, that school boards retain, ultimately, the power to change their minds on essentials of school policy. But I concede that only by saying that it's the power, in my view, that ought to be exercised only in the extraordinary case, and under extreme conditions. When school boards make promises, they ought to bend over backward to keep them because so much is invested in that negotiative process. If they have that power, and if they are to be entrusted with that power by this Legislature, the power to change contracts based on the change in educational policy, it is a power to be exercised only in the extreme or unusual case and very very rarely. And having said that, Mr. President, I join in the motion Ought Not to Pass.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (2/8/00) Assigned matter:

Resolve, to Promote Natural Resource-based Industries
S.P. 585 L.D. 1665

Tabled - February 8, 2000, by Senator **PINGREE** of Knox.

Pending - **PASSAGE TO BE ENGROSSED**

(In Senate, February 8, 2000, **READ A SECOND TIME**.)

PASSED TO BE ENGROSSED.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (2/8/00) Assigned matter:

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act Concerning the Political Use of Union Dues"
H.P. 1303 L.D. 1864

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

Minority - **Ought to Pass** (2 members)

Tabled - February 8, 2000, by Senator **PINGREE** of Knox.

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

(In House, February 8, 2000, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, February 8, 2000, Reports **READ**.)

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

Senator **MACKINNON** of York was granted unanimous consent to address the Senate off the Record.

Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate off the Record.

Senator **SMALL** of Sagadahoc 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:

ORDERS

Joint Order

On motion by Senator **MILLS** of Somerset, the following Joint Order:
S.P. 1003

ORDERED, the House concurring, that the Joint Standing Committee on Taxation report out, to the Senate, a bill, "An Act to Exempt a Portion of Private Pensions from Income Taxation."

READ and **PASSED**.

Sent down for concurrence.

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

On motion by Senator **PINGREE** of Knox, **ADJOURNED**, until Friday, February 18, 2000, at 10:00 in the morning.