

MAINE STATE LEGISLATURE

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

In Senate Chamber
Wednesday
March 22, 2000

Senate called to order by President Pro Tem Chellie Pingree of
Knox County.

Prayer by Reverend Sylvanus Jackson of the Randolph East
Pittston United Methodist Church in Randolph.

REVEREND JACKSON: It's good to be here again to offer
devotion in this State Senate. Why is it necessary for a minister
to be in this Chamber to offer prayer? The passage I'm going to
read may surprise you because it says exactly why I am here. It
comes from Romans Chapter 13, verses 1 to 7.

Everyone must open State authorities because no authority
exists without God's permission and the existing authorities have
been put there by the grace of God. Who ever opposes the
existing authority opposes what God has ordered and anyone
who does so will bring judgment on himself, for rulers are not to
be feared by those who do good or by those who do evil.

Would you like to be unafraid of the man in authority? Than
do what is good and he'll praise you because that person is
God's servant working for your own good. But if you do evil, than
be afraid of authority because that power will punish you and the
punishment is real. That power is God's servant and carries out
God's punishment on those who do evil. For this reason, you
must obey the authorities, not just because of God's punishment
but also as a matter of conscience. That is also why you pay
taxes, because the authorities are working for God when they
fulfill their duties. Pay them what you owe them. Pay them your
personal and property taxes and show respect and honor for
them all.

In another passage it says, I urge you, that's we ministers
and church people, to give petitions and prayers and requests
and thanksgiving for all people, for kings and all others who are
in authority, that we may live a quiet and peaceful life with all
reverence towards God and with proper conduct. So, in fact, my
being here is my duty, is my obligation, to offer prayers and
petitions for you.

Secondly, I believe you want and need all the help you can
get. I cannot go through your daily schedules but I know how
devoted and dedicated and self-giving you are in the discharge of
your duties. In that respect, you and I share a common trait. We
serve people. We are there for people. Our time is not our own.
It is the people's time. Ministers are called at odd hours in the
night, 2 a.m. to go to the hospital and stand by someone who is
ready to undergo surgery. And so I have come this morning to
support you and to pray for you so that you may have the
strength to continue your good work. This is a lovely place. I
have enjoyed my ministry in Randolph and East Pittston very
much because the people are wonderful. Can you imagine
coming from a temperature of 105 and 150 to come to Maine?
People scared me with all that. But I don't go to places because I
want to, I go because I have to. Because God has sent me to do
that. Continue your good job. We're not praying for you only on

these occasions but remember always in our prayers we
remember you because you do a lot and you need our support.
May God grant you wisdom and understanding so that you may
continue in the way that befits our own calling as servants of the
people and as God's elected. I pray for you and I pray for our
country. I pray for every citizen who lives here in God's place. I
am here because of the work you do.

I had a scare in my office a week ago. I had sat down just
for ten minutes when I heard the fire alarm. In my clerical
training, there is no place that taught me how to respond to fire
alarm except to call 911. If somebody were near me, they would
have asked minister where is your faith? Because I panicked a
little bit. The church doesn't have fire officers to put out fires.
The church turns to the State's workers to do that. So we are
interrelated. We help one another and because of this we bind
ourselves together to serve the people so that our State may be
second to none.

Let us pray. Gracious God, You have called these, Your
servants, to service. They have responded with their whole heart
and at night they try to figure out how to serve the people. Grant
them wisdom and grant them courage for the living of these days
and for the carrying out of their responsibilities. Amen.

Doctor of the day, Laurel Coleman, M.D., Manchester.

Reading of the Journal of Tuesday, March 21, 2000.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **LEGAL AND
VETERANS AFFAIRS** on Resolve, Directing the Bureau of
Liquor Enforcement to License an Agency Liquor Store in the City
of Caribou

H.P. 1413 L.D. 2020

Majority - **Ought to Pass as Amended by Committee
Amendment "A" (H-777)** (12 members)

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

In House, February 18, 2000, the Majority **OUGHT TO PASS AS
AMENDED** Report **READ** and **ACCEPTED** and the Resolve
**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE
AMENDMENT "A" (H-777)**.

In Senate, March 14, 2000, Resolve and accompanying papers
COMMITTED to the Committee on **LEGAL AND VETERANS
AFFAIRS**, in **NON-CONCURRENCE**.

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

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

COMMUNICATIONS

The Following Communication: S.C. 575

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

March 15, 2000

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

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Marine Resources from the review and evaluation of the Maine Sardine Council under the State Government Evaluation Act.

A copy of our report is attached. In its review, the committee found that the Council is operating within its statutory authority. However, the committee found that the limited number of sardine packers in the State may make it impossible for the Council to have at least 3 members as required in statute and that pending changes in ownership of industry assets raise legitimate questions about the continuation of the Council as a public instrumentality of the State.

At the request of the Council, the Marine Resources Committee has submitted legislation (LD 2618) pursuant to its authority under the State Government Evaluation Act that would terminate the Maine Sardine Council effective March 31, 2000.

Sincerely,

S/Senator Jill M. Goldthwait S/Representative David M. Etnier
Senate Chair House Chair

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

The Following Communication: S.C. 580

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

March 20, 2000

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

Dear Mr. President and Mr. Speaker:

The Joint Standing Committee on Legal and Veterans Affairs has completed its review of the Bureau of Alcoholic Beverages and Lottery Operations under the State Government Evaluation Act pursuant to Title 3 Maine Revised Statutes, chapter 35. The committee found that the Commission is operating within its statutory authority.

Sincerely,

S/Senator Beverly Daggett S/Representative John Tuttle, Jr.
Senate Chair House Chair

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

The Following Communication: S.C. 581

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

September 10, 2002

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

Dear Mr. President and Mr. Speaker:

The Joint Standing Committee on Legal and Veterans' Affairs has completed its review of the Bureau of Liquor Enforcement under the State Government Evaluation Act pursuant to Title 3 Maine Revised Statutes, chapter 35. The committee found that the Commission is operating within its statutory authority.

Sincerely,

S/Senator Beverly Daggett S/Representative John Tuttle, Jr.
Senate Chair House Chair

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

The Following Communication: S.C. 576

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE**

March 7, 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 Criminal Justice has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 903 An Act to Amend the Concealed Weapons Permit Laws
- L.D. 2421 An Act to Combat Domestic Violence
- L.D. 2531 An Act to Institute a System of Parole for Certain Maine Criminal Code Prisoners

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

Sincerely,

S/Sen. Robert E. Murray, Jr. S/Rep. Edward J. Povich
Senate Chair House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 577

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE**

March 16, 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 Criminal Justice has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1369 An Act to Transfer Responsibility for Youth Corrections from the Department of Corrections to the Department of Human Services

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

Sincerely,

S/Sen. Robert E. Murray, Jr. S/Rep. Edward J. Povich
Senate Chair House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 578

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

March 9, 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 bills out "Ought Not to Pass":

- L.D. 2527 Resolve, Authorizing Reimbursement to John Calley for Expenses Incurred as a Result of an Overassessment of Sales Tax
- L.D. 2541 An Act to Provide Revenue Sharing to Relieve the Municipal Service Component of the Property Tax

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

Sincerely,

S/Sen. Richard P. Ruhlin S/Rep. Kenneth T. Gagnon
Senate Chair House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Amend the Nutrient Management Laws to Include the Regulation of the Discharge from Fish Hatcheries Except for Aquaculture" (EMERGENCY)

S.P. 1052 L.D. 2642

Sponsored by Senator KIEFFER of Aroostook.
Cosponsored by Representative DUNLAP of Old Town and Senators: KILKELLY of Lincoln, LIBBY of York, NUTTING of Androscoggin, Representatives: BRYANT of Dixfield, CLARK of Millinocket, HONEY of Boothbay, JOY of Crystal, TRUE of Fryeburg.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

On motion by Senator **NUTTING** of Androscoggin, **TABLED** until Later in Today's Session, pending **REFERENCE**.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to increase the Reimbursement Amount for Occupational and Physical Therapy Services Under the Medicaid Program

H.P. 1655 L.D. 2324

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-853)**.

Signed:

Senators:

PARADIS of Aroostook
BERUBE of Androscoggin

Representatives:

KANE of Saco
BROOKS of Winterport
FULLER of Manchester
QUINT of Portland
DUGAY of Cherryfield
WILLIAMS of Orono

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-854)**.

Signed:

Senator:

MITCHELL of Penobscot

Representatives:

LOVETT of Scarborough
BRAGDON of Bangor
SNOWE-MELLO of Poland
SHIELDS of Auburn

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-853)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-853) AS AMENDED BY HOUSE AMENDMENT "A" (H-903)** thereto.

Reports **READ**.

Senator **PARADIS** of Aroostook moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-853)** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-853)** Report, in concurrence.

Senate

Ought to Pass

Senator **RUHLIN** for the Committee on **TAXATION** on Bill "An Act to Exempt a Portion of Private Pensions from Income Taxation"

S.P. 1049 L.D. 2641

Reported that the same **Ought to Pass**, pursuant to Joint Order S.P. 1003.

Report **READ**.

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

Ought to Pass As Amended

Senator **TREAT** for the Committee on **NATURAL RESOURCES** on Bill "An Act to Rid Maine's Waters of Ocean Vessel Sewage"
S.P. 924 L.D. 2375

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

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

READ ONCE.

Committee Amendment "A" (S-567) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator TREAT for the Committee on **NATURAL RESOURCES** on Bill "An Act to Prevent Contamination from Home Heating Oil Tanks"

S.P. 927 L.D. 2377

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

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

READ ONCE.

Committee Amendment "A" (S-566) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

Senator GOLDTHWAIT for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Establish the Public Resources and Information for Maine Foundation"

S.P. 737 L.D. 2087

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-570)**.

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

READ ONCE.

Committee Amendment "A" (S-570) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft under New Title

Senator RUHLIN for the Committee on **TAXATION** on Bill "An Act to Ensure that Certain Land Transfers Accomplished through Stock Transfers are not Exempt from the Transfer Tax"

S.P. 661 L.D. 1883

Reported that the same **Ought to Pass in New Draft under New Title** Bill "An Act Ensuring that Certain Land Transfers Accomplished through Stock Transfers are not Exempt from the Transfer Tax"

S.P. 1053 L.D. 2643

Report **READ**.

On motion by Senator **RAND** of Cumberland, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide for Safety in the Maine Conservation Corps"

S.P. 915 L.D. 2367

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

Signed:

Senators:

MICHAUD of Penobscot
CATHCART of Penobscot

Representatives:

TOWNSEND of Portland
STEVENS of Orono
BERRY of Livermore
MAILHOT of Lewiston
POWERS of Rockport
TESSIER of Fairfield
KNEELAND of Easton
WINSOR of Norway
BRUNO of Raymond
NASS of Acton

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

Signed:

Senator:

HARRIMAN of Cumberland

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-568) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Ensure that an Eligible Work Force is Promptly Certified for Trade Act Assistance and Has Full Access to Training and Education Services as Provided by Law"

S.P. 677 L.D. 1927

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-569).**

Signed:

Senators:

DOUGLASS of Androscoggin
MILLS of Somerset
LaFOUNTAIN of York

Representatives:

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

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

Signed:

Representatives:

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

Reports **READ.**

Senator **DOUGLASS** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

SECOND READERS

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

House

Bill "An Act to Improve the Lives of People with Disabilities"
H.P. 1728 L.D. 2434

Resolve, Regarding Legislative Review of Chapter 25: Leashed Tracking Dog License Rules, Major Substantive Rules of the Department of Inland Fisheries and Wildlife (EMERGENCY)
H.P. 1867 L.D. 2603

Bill "An Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the Department of Conservation Under the State Government Evaluation Act"
H.P. 1891 L.D. 2629

Bill "An Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the Maine Seed Potato Board Under the State Government Evaluation Act"
H.P. 1892 L.D. 2633

Bill "An Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the State Board of Pesticides Control Under the State Government Evaluation Act"
H.P. 1893 L.D. 2634

Bill "An Act to Improve the Accountability of the Child Development Services System"
H.P. 1896 L.D. 2636

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

House As Amended

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in the Maine State Prison in Thomaston
H.P. 1650 L.D. 2319
(C "A" H-862)

Bill "An Act Concerning Disclosure Requirements Under the Used Car Information Laws" (EMERGENCY)
H.P. 1689 L.D. 2395
(C "A" H-880)

Bill "An Act to Increase the Number of Domestic Violence Prosecutors"
H.P. 1699 L.D. 2405
(C "A" H-876)

Bill "An Act to Revise the Funding of the Ground Water Oil Clean-up Fund"
H.P. 1731 L.D. 2437
(C "A" H-877)

Bill "An Act to Relieve all Counties from Expense and Responsibility of Transporting Clients"
H.P. 1733 L.D. 2439
(C "A" H-881)

Bill "An Act to Provide Flexibility in the Distribution of Funds by the Department of Economic and Community Development"
H.P. 1735 L.D. 2441
(C "A" H-884)

Bill "An Act to Clarify the Law on Ownership of Certified Public Accounting Firms and to Establish an Approved Practice Monitoring Program"
H.P. 1738 L.D. 2444
(C "A" H-879)

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

Bill "An Act to Extend the Time Period for Municipalities to Make Recommendations Concerning Great Pond Surface Use Restrictions"(EMERGENCY)

H.P. 1680 L.D. 2346
(C "A" H-883)

READ A SECOND TIME.

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

Senate As Amended

Bill "An Act to Allow Children to Fish from the Banks of Rivers Designated as Quality Fishing Rivers" (EMERGENCY)

S.P. 113 L.D. 310
(C "A" S-551)

Bill "An Act to Validate Pierringer Releases and Reform Procedures in Multiparty Lawsuits"

S.P. 630 L.D. 1795
(C "A" S-558)

Bill "An Act to Encourage Equity Equivalent Loans or Investments in Community Development Financial Institutions"

S.P. 642 L.D. 1824
(C "A" S-553)

Bill "An Act to Amend the Franchise Law"

S.P. 681 L.D. 1931
(C "A" S-554)

Bill "An Act to Facilitate the Implementation of the E-9-1-1 System" (EMERGENCY)

S.P. 939 L.D. 2389
(C "A" S-560)

Resolve, to Ensure Adequate District Court Facilities for Western York County

S.P. 956 L.D. 2497
(C "A" S-556)

Bill "An Act to Promote Historic and Scenic Preservation"

S.P. 983 L.D. 2537
(C "A" S-557)

Resolve, to Ensure Adequate Funding for the Lewiston District Court

S.P. 1029 L.D. 2609
(C "A" S-561)

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

Sent down for concurrence.

Bill "An Act Regarding Retainage on Major State and School Construction Projects"

S.P. 173 L.D. 529
(C "A" S-555)

READ A SECOND TIME.

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

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

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.

On motion by the President Pro Tem, **RECESSED** until the sound of the bell.

After Recess

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

ORDERS OF THE DAY

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

Bill "An Act to Amend the Nutrient Management Laws to Include the Regulation of the Discharge from Fish Hatcheries Except for Aquaculture" (EMERGENCY)

S.P. 1052 L.D. 2642

Tabled - March 22, 2000, by Senator **NUTTING** of Androscoggin.

Pending - **REFERENCE**

(Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.)

On motion by Senator **NUTTING** of Androscoggin, **REFERRED** to the Committee on **NATURAL RESOURCES**.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Increase the Reimbursement Amount for Occupational and Physical Therapy Services Under the Medicaid Program

H.P. 1655 L.D. 2324

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-853) (8 members)

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-854) (5 members)

Tabled - March 22, 2000, by Senator **PARADIS** of Aroostook.

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-853)** Report, in concurrence

(In House, March 21, 2000, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-853)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-853) AS AMENDED BY HOUSE AMENDMENT "A" (H-903)** thereto.)

(In Senate, March 22, 2000, Reports **READ**.)

On motion by Senator **PARADIS** of Aroostook, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-853)** Report, **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-853) **READ** and **ADOPTED**, in **NON-CONCURRENCE**.

TOMORROW ASSIGNED FOR SECOND READING. Subsequently, under unanimous consent, the Senate **RECONSIDERED** whereby the Resolve was **ASSIGNED FOR SECOND READING**.

The Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-853), in **NON-CONCURRENCE**.

House Amendment "A" (H-903) to Committee Amendment "A" (H-853) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-853) as Amended by House Amendment "A" (H-903) thereto, **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

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

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act to Ensure that an Eligible Work Force is Promptly Certified for Trade Act Assistance and Has Full Access to Training and Education Services as Provided by Law"

S.P. 677 L.D. 1927

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-569) (8 members)

Minority - Ought Not to Pass (4 members)

Tabled - March 22, 2000, by Senator **DOUGLASS** of Androscoggin.

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

(In Senate, March 22, 2000, Reports **READ**.)

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

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

Senator **TREAT:** Thank you Madam President. Men and women of the Senate, I just wanted to explain to the members of the Senate what this Bill does before you make your vote. This legislation solves a problem with a few workers who are in a situation where they are laid off but continue to have an attachment to their employers workplace. The way this has worked is that instead of being told, well you are laid off today, go out there and get job training or whatever for the next job that you might have, they continue to be connected to the work force say two days a week or every other week or something of that nature. This only applies in cases where those workers have been certified as being affected by foreign competition and in that case there are additional benefits available that are paid by the Federal government. These benefits allow these workers to, for example, go to a technical college and get more advanced training than they would otherwise get so they can, when they get a different job, be able to get one of these newer jobs that pay more benefits, pay higher wages, have more benefits and are really the kind of jobs that we're creating today. The problem that these particular workers run into is that while they are still both laid off and working at their work place, their unemployment benefits are being used up. When the time comes that they are fully laid off, they don't have the opportunity to have the full 18 weeks of training courses that they would otherwise be able to have because their unemployment has been partly used up during that time. So what this Bill would do is it creates a fund separate from the unemployment compensation fund that would simply assist those particular workers so that they would get the full benefit of the Federal Trade Act Assistance money and training funds that they otherwise would have been available for if they had just been laid off all at once. This also benefits those employers because those same employees, when told they are partially laid off, do have the opportunity to just quit and go get the full training. This allows them to work part time for that employer and then, when the time comes if it turns out that they

are fully laid off, still get the benefit of the training funds. I think it is a really useful thing and it has occurred in a number of mills around the state including the Carlton Woolen Mill, the Baileyville facility paper mill are two that I'm familiar with. So I hope you will support the majority report of the Committee.

At the request of Senator **AMERO** of Cumberland a Division was had. 26 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-569) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

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

Bill "An Act to Extend the Time Period for Municipalities to Make Recommendations Concerning Great Pond Surface Use Restrictions"(EMERGENCY)

H.P. 1680 L.D. 2346
(C "A" H-883)

Tabled - March 22, 2000, by Senator **TREAT** of Kennebec.

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

(In Senate, March 22, 2000, **READ A SECOND TIME**.)

(In House, March 21, 2000, **PASSED TO BE ENGROSSED AS AMENDED**.)

On motion by Senator **TREAT** of Kennebec, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-883), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-571) to Committee Amendment "A" (H-883) **READ**.

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

Senator **TREAT**: Thank you Madam President. Men and women of the Senate, what this Amendment does is it simply amends from one year to two years the time that is allocated for municipalities in the state to make recommendations to the Commissioner of the Inland Fisheries and Wildlife Department concerning watercraft regulation on lakes and ponds in their jurisdictions. This Bill is a Bill that was put in by at least five separate legislators and they were all merged into the one Bill that Representative Thompson ended up sponsoring. There are many good reasons to do this. Many people wanted to simply get rid of the deadlines entirely. This Amendment does not do that, but it does give towns a little more time to engage in what is a pretty involved process. Meeting with all the communities that

border on a lake or a pond. Getting any recommendations through town meetings, which is pretty involved in and of itself, and then putting those recommendations together to the Commissioner. The way the law works right now is then the Commissioner will put a report together with his recommendations and those come to the Legislature, which has the final word on what regulations go into effect. This is a very simple Amendment and it's just sort of common sense and I hope you'll vote for it.

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

Senator **KIEFFER**: Thank you Madam President. I would hope that you would vote against the proposed Amendment. This Bill was worked in Committee long and hard. It came out of Committee with the unanimous vote after much discussion and much compromise. This Bill was passed two years ago. It gave the municipalities a specific deadline and many of them worked very very hard to comply with that deadline. This is merely allowing those that did not comply with the deadline more time. And I think it is a bad example for us to set as a Legislature. This is why I believe we lose our credibility. I really feel strongly that the municipalities that did spend the time and the effort and worked so hard should not now be passed over and let the municipalities that were not serious about this and now are trying to jump on board be extended for two more years. They still have a year to comply and I believe that is ample time. 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, the issue here for me regarding extending the deadline, which I think is quite reasonable, has to do with two factors. One is that some communities may not have had this issue rise to the level of interest and the more ubiquitous these watercraft are, the more likely it is that a municipality, who had no reason to consider it before, will begin to have a reason to do so. The second issue is most often, in their care to make sure that they know how their constituents feel on the issue, in most cases these issues need to go to a town meeting vote and, although there is another year under the current proposal for that deadline, if your in a cross jurisdictional setting where two separate municipalities have to vote on it, both of them have to take it to town meetings, one has town meeting in March, one has town meeting in September. It gets complicated in terms of meeting the posting requirements for a warrant, getting that two town meeting, getting an agreement, etc. given that they have one shot at that in the course of a year unless they can convene a special town meeting which is, of course, expensive for the municipality. So, I would hope that you would support the Amendment to extend the deadline. I would prefer that there be no deadline. However, I think that this extension of an additional year makes sense and would help municipalities to work through this issue with the care that it demands rather than try to do it in a rush to meet this deadline. Thank you.

The Chair ordered a Division. 18 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **TREAT** of Kennebec to **ADOPT** Senate Amendment "A" (S-571) to Committee Amendment "A" (H-883), **PREVAILED**.

Committee Amendment "A" (H-883) as Amended by Senate Amendment "A" (S-571) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-883) AS AMENDED BY SENATE AMENDMENT "A" (S-571) thereto, in NON-CONCURRENCE.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/21/00) Assigned matter:

Bill "An Act to Promote Maine's Dairy Industry"
H.P. 1696 L.D. 2402
(C "A" H-858)

Tabled - March 21, 2000, by Senator **PINGREE** of Knox.

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

(In House, March 15, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-858).**)

(In Senate, March 21, 2000, **READ A SECOND TIME.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-858), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-562) to Committee Amendment "A" (H-858) **READ** and **ADOPTED**.

Committee Amendment "A" (H-858) as Amended by Senate Amendment "A" (S-562) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-858) AS AMENDED BY SENATE AMENDMENT "A" (S-562) thereto, in NON-CONCURRENCE.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/21/00) Assigned matter:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Laws Governing Municipal Elections"

S.P. 878 L.D. 2293

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-552)** (9 members)

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

Tabled - March 21, 2000, by Senator **DAGGETT** of Kennebec.

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

(In Senate, March 21, 2000, Reports **READ**.)

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

Senator **CAREY:** Thank you Madam President. I'm one of those who was here when we passed home rule and I'm hoping that we can sustain what the municipalities have done in their self-governing area and so I would hope that you would accept, as I understood Madam President, the Ought Not to Pass report. Thank you.

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

Senator **ABROMSON:** Thank you very much Madam President. Ladies and gentlemen of the Senate, this does uphold the integrity of home rule. This is merely enabling legislation and this Bill would allow the municipal officers to avoid the conflict that is often inherent when you allow counselors or selectpeople to decide whether defective ballots are indeed defective when they could be ballots for themselves. What this would do is allow the council or the selectpeople to pass an order that would say, in effect, that this would go to an independent panel or to be given to a Superior Court judge for final resolution. The genesis of this Bill is a problem that happened in Portland where there was an election and there were a number of disputed ballots. And the people who were to make the decision on those disputed ballots were people who were either running themselves or had very publicly backed a candidate. So I think that what this would do would be to restore the integrity of the election process by allowing communities to go outside to an independent body panel or to a Superior Court judge for a resolution for these disputed ballots. Thank you. I would urge that the Body vote in the negative to the Ought Not to Pass and go on to a vote for the Ought to Pass. Thank you Madam President.

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

Senator **FERGUSON:** Thank you Madam President. Ladies and gentlemen of the Senate, this is a very simple Bill. All it does is allows the municipal officers to appoint a three member panel to try to find a solution to a municipal election that is in dispute. And as my colleague, Senator Abromson, said this came out of an election which was recently held in Portland where the city council members did have a very difficult time and they did

approach the Legal and Veterans Affairs Committee and Senator Abromson did sponsor some legislation to remedy this situation. The Committee voted 9 to 4 to accept the legislation. It is my hope that you will vote against the pending motion so we can go on and accept the Majority report. The participants may still go to Superior Court if need be. Hopefully, this will be something that will work to the benefit of municipal officers where they may have a conflict by voting against or voting for members who they have served with for a long period of time. I would urge you, once again, to vote against the pending motion. Thank you very much.

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

Senator **DAGGETT:** Thank you Madam President. Members of the Senate, this Bill addresses one situation in one place and attempts to remove controversy and issues of conflict. I wish that we could do that by passing a law. I wish that we could remove controversial issues from all of us so that we didn't have to deal with them. I wish we could bump them to some other place when you have a decision that we'd like to make, but we find that it is difficult to make it. Creating a panel to refer the decision to simply changes the controversy and moves it to a different place. Appointing the panel itself could be controversial. Removing all conflict of interest and all interest in the outcome of an event is actually impossible to do. This Bill allows the municipal officers to delegate their responsibility to someone else. Not that we don't do that at times, but in this case we are talking about deciding an election. Additional costs. Additional time. Sending it to Court requires the parties to have legal representation which can be an expensive solution. I hope you will vote with the pending motion and allow the municipal officials to do their job in a quick and easy way and understand that controversy will never be eliminated. A number of us felt that even this Bill would not eliminate the potential for controversy in the future. Thank you.

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

Senator **ABROMSON:** Thank you Madam President. I don't think that this Bill will cause any additional expense, any more, certainly, than the expense that happened in Portland where both sides had attorneys and it carried on forever and ended up with an attempted recall of three counselors. You have a situation here where in municipalities you could have from three to say nine or fifteen counselors. A very small Body where they are all working together and very often may work for or against a particular candidate who serves on that Body. And I think that what this does is that it just allows the communities, if they feel it is necessary, to, and I know in Portland that both sides would have been more than happy to have this resolved outside because it just is a sticky wicket, as they say across the pond, and is something that I think we could easily avoid by allowing them to go to an independent panel or a Superior Court judge. Thank you.

The Chair ordered a Division. 6 Senators having voted in the affirmative and 25 Senators having voted in the negative, the motion by Senator **DAGGETT** of Kennebec to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, **FAILED**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-552) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

The President Pro Tem appointed the Senator from Penobscot, Senator **MURRAY**, to serve as President ProTem for the session on Thursday, March 23, 2000.

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

On motion by Senator **MURRAY** of Penobscot, **ADJOURNED**, until Thursday, March 23, 2000, at 9:00 in the morning.