

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Nineteenth Legislature
State of Maine

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October 14, 1999

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

In Senate Chamber
Monday
March 27, 2000

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

Prayer by Chaplain Glenn Palmer of the Maine Army National Guard.

CHAPLAIN PALMER: Let's bow our heads in prayer. Lord of life, energy and renewal, we thank You for the gift of this new day and for these men and women gathered here in this Maine State Senate this morning. May the past be behind us and the future in front of us even now. In whatever way You would call us, might we all move forward in service. Service towards You and service toward our neighbor. Guided by Your will and Your word. Moving humbly ahead with honor, duty integrity, selfless service, honesty, dignity and courage. Now and always. Amen

Pledge of Allegiance led by Senator Norman K. Ferguson, Jr. of Oxford County.

Doctor of the day, Phil Tedrick, D.O., Readfield.

Reading of the Journal of Thursday, March 23, 2000.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Amend the Motor Vehicle Laws"
S.P. 893 L.D. 2312
(C "A" S-485)

In Senate, March 16, 2000, **ADHERED** to **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-485)**.

In House, March 21, 2000, that Body **RECEDED** and **CONCURRED** to **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-485)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-485) AS AMENDED BY HOUSE AMENDMENT "B" (H-905)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **O'GARA** of Cumberland, the Senate **ADHERED**.

Sent down for concurrence.

House Papers

Resolve, to Establish the Commission to Study Domestic Violence (EMERGENCY)

H.P. 1906 L.D. 2651

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

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

Bill "An Act to Ensure that Maine Citizens Injured While Working in Foreign Countries are Provided with Workers' Compensation Benefits"

H.P. 1907 L.D. 2652

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

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

Bill "An Act to Allow Registration of Low-speed Vehicles"

H.P. 1904 L.D. 2649

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

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

Joint Resolution

The following Joint Resolution: H.P. 1905

JOINT RESOLUTION COMMEMORATING MARCH 25TH AS GREEK INDEPENDENCE DAY

WHEREAS, the United States Senate passed by unanimous consent for the 15th year in a row a resolution commemorating March 25th as Greek Independence Day, A National Celebration of Greek and American Democracy; and

WHEREAS, the resolution noted words spoken by President Clinton during a visit to Greece on November 20, 1999 when he referred to modern Greece as a "beacon of democracy, a regional leader for stability, prosperity and freedom, helping to complete the democratic revolution that ancient Greece began..."; and

WHEREAS, Greece is only one of 3 nations in the world, beyond the former British Empire, that has been allied with our nation in every major international conflict in the last 100 years; and

WHEREAS, America's founders drew heavily upon the political experience and philosophy of ancient Greece in forming our representational democracy and these and other ideals have forged a close bond between our 2 modern nations; and

WHEREAS, the State of Maine would like to join its thousands of residents of Greek ancestry who are justly proud of their Greek heritage to recognize Greek Independence Day as a gesture of goodwill and recognition of the close bond between our 2 nations and their people; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature of the State of Maine now assembled in the Second Regular Session, on behalf of the people of the State of Maine, commemorate March 25th as Greek Independence Day as we all celebrate Greek and American democracy; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Ambassador of Greece to the United States in Washington, D.C. and to the Consulate General of Greece in Boston, Massachusetts, as a symbol of our recognition of Greek Independence Day.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 583

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 14, 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 Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 2304 Resolve, to Evaluate Accountability of the Child Development Services Delivery System

L.D. 2538 An Act Requiring Professional Development for Administrators, Teachers and Educational Technicians

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

Sincerely,

S/Sen. Georgette B. Berube
Senate Chair

S/Rep. Michael F. Brennan
House Chair

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

The Following Communication: S.C. 584

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

March 21, 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. 2051 An Act to Clarify the Immunity of Law Enforcement Officers in Enforcing Protective Orders

L.D. 2178 An Act to Amend the Act to Implement the Maine Indian Claims Settlement Concerning the Houlton Band of Maliseet Indians

L.D. 2511 An Act to Preserve the Integrity of Court-ordered Child Support Obligations

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. 585

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

March 21, 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 Legal and Veterans Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2329 An Act to Designate as Public Assistance
Emergency Assistance for Dependents of
Veterans

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

Sincerely,

S/Sen. Beverly C. Daggett S/Rep. John L. Tuttle, Jr.
Senate Chair House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 586

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

March 21, 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 bill out "Ought Not to Pass":

L.D. 2601 An Act to Implement the Transportation
Recommendations of the Task Force Created to
Review Smart Growth Patterns of Development

We have also notified the sponsor and cosponsors 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. 587

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

March 21, 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 Utilities and Energy has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 105 An Act to Clarify Great Northern Paper, Inc.'s
Status to Furnish Electricity

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

Sincerely,

S/Sen. Richard J. Carey S/Rep. Thomas M. Davidson
Senate Chair House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 588

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

March 23, 2000

LEGISLATIVE RECORD - SENATE, MONDAY, MARCH 27, 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 Dr. Harold H. Brown of Bangor, for reappointment to the Inland Fisheries and Wildlife Advisory Council.

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	1	Kieffer of Aroostook
	Representatives	7	Dunlap of Old Town, Bryant of Dixfield, Clark of Millinocket, Cote of Lewiston, Honey of Boothbay, Tracy of Rome, Trahan of Waldoboro
NAYS		0	
ABSENT		5	Sen. Kilkelly of Lincoln, Rep. Chick of Lebanon, Rep. Perkins of Penobscot, Sen. Ruhlin of Penobscot, Rep. True of Fryeburg

Eight 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 Dr. Harold H. Brown of Bangor, for reappointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed,

S/Marge L. Kilkelly
Senate Chair

S/Matthew Dunlap
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 589

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

March 23, 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 Kenneth E. Bailey of Camden, for reappointment to the Inland Fisheries and Wildlife Advisory Council.

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	1	Kieffer of Aroostook
	Representatives	7	Dunlap of Old Town, Bryant of Dixfield, Clark of Millinocket, Cote of Lewiston, Honey of Boothbay, Tracy of Rome, Trahan of Waldoboro
NAYS		0	
ABSENT		5	Sen. Kilkelly of Lincoln, Rep. Chick of Lebanon, Rep. Perkins of Penobscot, Sen. Ruhlin of Penobscot, Rep. True of Fryeburg

Eight 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 Kenneth E. Bailey of Camden, for reappointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed,

S/Marge L. Kilkelly
Senate Chair

S/Matthew Dunlap
House Chair

READ and ORDERED PLACED ON FILE.

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

SENATE PAPERS

Bill "An Act to Clarify the Enforcement Authority of the Manufactured Housing Board"

S.P. 1059 L.D. 2650

Sponsored by President LAWRENCE of York.
Cosponsored by Senators: BENNETT of Oxford, DAGGETT of Kennebec, Representatives: HEIDRICH of Oxford, MAYO of Bath, O'NEAL of Limestone, TRIPP of Topsham, WINSOR of Norway.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "Resolve, to Create the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft" (EMERGENCY)
H.P. 1901 L.D. 2645

Reported that the same **Ought to Pass**, pursuant to Joint Order H.P. 1510.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Implement Recommendations Concerning Protection of Indian Archaeological Sites"
H.P. 1816 L.D. 2549

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **LABOR** on Resolve, Regarding Legislative Review of Chapter 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations, a Major Substantive Rule of the Department of Labor (EMERGENCY)
H.P. 1852 L.D. 2590

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Chapter 119: Motor Vehicle Fuel Volatility Limit, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)
H.P. 1879 L.D. 2615

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Funding for Mental Retardation Day Services and Residential Services for Nonclass Members"
H.P. 1810 L.D. 2536

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-906)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-906)**.

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

READ ONCE.

Committee Amendment "A" (H-906) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Authorize the Waldo County Commissioners to Borrow not more than \$400,000 to Build a Waldo County Communications and 9-1-1 Center (EMERGENCY)
H.P. 1833 L.D. 2569

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-909).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-909).**

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

READ ONCE.

Committee Amendment "A" (H-909) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **TAXATION** on Bill "An Act to Implement the Recommendations of the Committee on Sawmill Biomass"
H.P. 1817 L.D. 2551

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-899).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-899).**

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

READ ONCE.

Committee Amendment "A" (H-899) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, to Establish the Maine Forest Policy Round Table Study Commission
H.P. 1400 L.D. 2005

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-865).**

Signed:

Senators:
NUTTING of Androscoggin
KILKELLY of Lincoln

Representatives:
CROSS of Dover-Foxcroft
GILLIS of Danforth
GAGNE of Buckfield
WATSON of Farmingdale
PIEH of Bremen
VOLENIK of Brooklin
GOOLEY of Farmington
CARR of Lincoln
COWGER of Hallowell

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

Signed:

Senator:
KIEFFER of Aroostook

Representative:
FOSTER of Gray

Comes from the House with 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-865) AS AMENDED BY HOUSE AMENDMENT "A" (H-875)** thereto.

Reports **READ.**

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

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Funds to the Forum Francophone"

H.P. 1750 L.D. 2456

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-907).**

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
NASS of Acton
BRUNO of Raymond

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

Signed:

Senator:

HARRIMAN of Cumberland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-907).**

Reports **READ.**

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Allow the State Police to Accept Funds from Private Entities for Services Provided"

H.P. 1743 L.D. 2449

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-828).**

Signed:

Senators:

MURRAY of Penobscot
O'GARA of Cumberland

DAVIS of Piscataquis

Representatives:

SHERMAN of Hodgdon
TOBIN of Dexter
McALEVEY of Waterboro
POVICH of Ellsworth
PEAVEY of Woolwich
O'BRIEN of Augusta
MUSE of South Portland
CHIZMAR of Lisbon

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

Signed:

Representative:

QUINT of Portland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-828).**

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (H-828) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Create a Commission to Study and Establish Moral Policies on Investments and Purchasing by the State

H.P. 1755 L.D. 2461

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-870).**

Signed:

Senator:

PENDLETON of Cumberland

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
RINES of Wiscasset
McDONOUGH of Portland
TWOMEY of Biddeford
GERRY of Auburn

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

Signed:

Senators:

GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

BUMPS of China
KASPRZAK of Newport
JODREY of Bethel
RICHARDSON of Greenville

Comes from the House with 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-870).**

Reports **READ.**

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

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Enhance the Economic Security of Low-income Households with Respect to Utility Service"

H.P. 1496 L.D. 2140

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

Signed:

Senator:

KONTOS of Cumberland

Representatives:

DAVIDSON of Brunswick
BRYANT of Dixfield
LaVERDIERE of Wilton
COLWELL of Gardiner
McGLOCKLIN of Embden
SAVAGE of Buxton

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

Signed:

Senators:

CAREY of Kennebec
MITCHELL of Penobscot

Representatives:

ROSEN of Bucksport
DUNCAN of Presque Isle
BERRY of Belmont
TRUE of Fryeburg

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

Reports **READ.**

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

Senate

Ought to Pass

Senator **PARADIS** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Amend the Laws Regarding the Board of Licensure of Water Treatment Plant Operators"
S.P. 1060 L.D. 2654

Reported that the same **Ought to Pass**, pursuant to Joint Order S.P. 1033.

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Senator **MITCHELL** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Clarify Terms of Appointment to the Advisory Committee on Family Development Accounts"

S.P. 1041 L.D. 2623

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator LaFOUNTAIN for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Harmonize State Financial Services Laws with Federal Law"

S.P. 1007 L.D. 2574

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-589).**

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

READ ONCE.

Committee Amendment "A" (S-589) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

Senator KONTOS for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Support Child Care Education and Services" (EMERGENCY)

S.P. 963 L.D. 2505

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-580).**

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

READ ONCE.

Committee Amendment "A" (S-580) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

Senator MURRAY for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Amend the Law Enforcement Officer Certification Standards"

S.P. 215 L.D. 637

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-578).**

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

READ ONCE.

Committee Amendment "A" (S-578) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

Senator MURRAY for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Establish State Death Benefits for State Police Officers Killed in the Line of Duty"

S.P. 910 L.D. 2362

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-579).**

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

READ ONCE.

Committee Amendment "A" (S-579) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

Senator MITCHELL for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Establish an Office of Women's Health"

S.P. 923 L.D. 2374

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-585).**

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

READ ONCE.

Committee Amendment "A" (S-585) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

Senator MITCHELL for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Adopt Recommendations of the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Joint Advisory Committee on Select Services for the Elderly Related to the Mental Health Service Needs of the Elderly"

S.P. 964 L.D. 2513

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-586).**

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

READ ONCE.

Committee Amendment "A" (S-586) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

Senator DAGGETT for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Clarify Municipal Responsibility for the Maintenance of Veterans' Gravesites"
S.P. 302 L.D. 873

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-581)**.

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

READ ONCE.

Committee Amendment "A" (S-581) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator DAGGETT for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Lobbyist Registration Fee Provisions"
S.P. 503 L.D. 1504

Reported that the same **Ought to Pass As Amended by Committee Amendment "B" (S-582)**.

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

READ ONCE.

Committee Amendment "B" (S-582) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator FERGUSON for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Provide Education Benefits For Maine National Guard Members" (EMERGENCY)
S.P. 1017 L.D. 2585

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-583)**.

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

READ ONCE.

Committee Amendment "A" (S-583) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Promote Healthy Maine Families"
S.P. 492 L.D. 1477

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

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 Not to Pass**.

Signed:

Senator:
MITCHELL of Penobscot

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

Reports **READ**.

Senator **PARADIS** of Aroostook moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Provide Adequate Reimbursement for Speech and Language Pathologists

S.P. 889 L.D. 2308

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-587)**.

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" (S-588)**.

Signed:

Senator:

MITCHELL of Penobscot

Representatives:

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

Reports **READ**.

Senator **PARADIS** of Aroostook moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-587)** 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 BY COMMITTEE AMENDMENT "A" (S-587)** Report.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Provide an Angling Season for Atlantic Salmon" (EMERGENCY)

S.P. 1011 L.D. 2579

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

Signed:

Senator:

KILKELLY of Lincoln

Representatives:

CHICK of Lebanon
TRAHAN of Waldoboro
HONEY of Boothbay
DUNLAP of Old Town
TRUE of Fryeburg
TRACY of Rome
COTE of Lewiston

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

Signed:

Senators:

RUHLIN of Penobscot
KIEFFER of Aroostook

Representatives:

PERKINS of Penobscot
CLARK of Millinocket
BRYANT of Dixfield

Reports **READ**.

Senator **KILKELLY** of Lincoln moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Increase Access to High-quality Jobs Through the Federal Workforce Investment Act" (EMERGENCY)

S.P. 957 L.D. 2498

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-577)**.

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

HATCH of Skowhegan
MUSE of South Portland
FRECHETTE of Biddeford
MATTHEWS of Winslow
SAMSON of Jay
DAVIS of Falmouth
MacDOUGALL of North Berwick
MACK of Standish
TREADWELL of Carmel

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

Signed:

Representative:

GOODWIN of Pembroke

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-577) **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 Repeal the Fort Kent Utility District"
H.P. 1830 L.D. 2566

Bill "An Act to Restore the Chaplaincy in the Maine Correctional Center in South Windham" (EMERGENCY)
H.P. 1837 L.D. 2575

Bill "An Act to Amend the Charter of the Kennebunk Sewer District" (EMERGENCY)
H.P. 1856 L.D. 2592

Bill "An Act to Amend the Program Evaluation Report Contents of the State Government Evaluation Act"
H.P. 1899 L.D. 2640

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

House As Amended

Bill "An Act to Require Completion of an Ambulance Operator Course"
H.P. 471 L.D. 678
(C "A" H-888)

Bill "An Act to Allow Certain Disabled Persons to Fly-fish With Open-faced Reels"
H.P. 523 L.D. 730
(C "A" H-887)

Resolve, to Direct the Department of Inland Fisheries and Wildlife to Review Rules for Compliance with the Americans With Disabilities Act
H.P. 868 L.D. 1225
(C "A" H-886)

Bill "An Act to Establish a Trust Fund to Provide Statewide Assistance to Low-income Electric Consumers"
H.P. 1069 L.D. 1500
(C "B" H-891)

Bill "An Act to Modify the Campaign Finance Laws with Regard to Running for Federal Office"
H.P. 1508 L.D. 2153
(C "B" H-892)

Bill "An Act to Amend Requirements for Maine Technical College System Employees Participating in a Defined Contribution Plan"
H.P. 1704 L.D. 2410
(C "A" H-895)

Bill "An Act to Reduce the State Rate for Tax on Telecommunications Personal Property" (EMERGENCY)
H.P. 1752 L.D. 2458
(C "A" H-897)

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

Bill "An Act to Exempt Capital Gains from the Maine Income Tax"
H.P. 219 L.D. 297
(C "A" H-890)

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**, in concurrence.

Bill "An Act to Amend the Maine Juvenile Code"
H.P. 1741 L.D. 2447
(C "A" H-885)

READ A SECOND TIME.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-885), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-591) to Committee Amendment "A" (H-885) **READ** and **ADOPTED**.

Committee Amendment "A" (H-885) as Amended by Senate Amendment "A" (S-591) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-885) AS AMENDED BY SENATE AMENDMENT "A" (S-591) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Clarify Underinsured Motor Vehicle Coverage"
S.P. 723 L.D. 2043
(C "B" S-572)

Bill "An Act to Preserve the State's Farm Economy and Heritage"
S.P. 736 L.D. 2086
(C "A" S-574)

Bill "An Act to Increase the Pay for Jury Duty"
S.P. 902 L.D. 2354
(C "A" S-576)

Bill "An Act to Establish a Deer Hunting Season in the Town of Cranberry Isles"
S.P. 936 L.D. 2386
(C "A" S-575)

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

Sent down for concurrence.

Off Record Remarks

ENACTORS

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

Emergency Measure

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

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

Emergency Measure

An Act to Reduce the State Tax Valuation for the Town of Standish
S.P. 990 L.D. 2545
(C "A" S-538)

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

Emergency Measure

An Act to Fund the Collective Bargaining Agreements and Benefits of Employees Covered by Collective Bargaining and for Certain Employees Excluded from Collective Bargaining
H.P. 1902 L.D. 2646
(H "A" H-916)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

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

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act to Allow for Expeditious Improvements to Commercial Tracks
S.P. 478 L.D. 1438
(C "A" S-541)

An Act to Remove Certain Barriers for Low-income Working Parents
H.P. 1709 L.D. 2415
(C "A" H-868)

An Act Concerning Offensive Names
H.P. 1712 L.D. 2418
(C "A" H-873)

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

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)

An Act to Clarify the Law on Ownership of Certified Public Accounting Firms and to Establish a Peer Review Program
H.P. 1738 L.D. 2444
(C "A" H-879)

An Act Concerning the Date by Which Land Must be Acquired by the Penobscot Nation

H.P. 1782 L.D. 2499

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

S.P. 997 L.D. 2559

An Act to Enhance Competition Among Elevator Inspectors

H.P. 1834 L.D. 2570

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

An Act to Improve the Accountability of the Child Development Services System

H.P. 1896 L.D. 2636

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

An Act to Amend the Maine Seed Capital Tax Credit Program
S.P. 905 L.D. 2357
(C "A" S-539)

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

An Act to Amend Certain Transportation Laws
S.P. 918 L.D. 2370
(C "A" S-532)

On motion by Senator **O'GARA** of Cumberland, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

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

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

An Act to Relieve Counties from the Expense and Responsibility of Transporting Certain Prisoners between Correctional Facilities and Courts

H.P. 1733 L.D. 2439
(C "A" H-881)

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

An Act to Require the State Sealer to Conduct Spot Checks at Timber Mills

H.P. 1751 L.D. 2457
(C "A" H-835)

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

An Act to Amend the Comprehensive Research and Development Evaluation

S.P. 1043 L.D. 2631

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

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

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

Resolves

Resolve, Relating to the State Valuation for the Town of Milo
S.P. 901 L.D. 2353
(C "A" S-536)

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

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)

On motion by Senator **MICHAUD** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**, 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 Create an Assessment Resource Center for Maine's Homeless and At-risk Youth" (EMERGENCY)
H.P. 1908 L.D. 2653

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.

Off Record Remarks

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

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

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, to Establish the Maine Forest Policy Round Table Study Commission
H.P. 1400 L.D. 2005

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-865)** (11 members)

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

Tabled - March 27, 2000, by Senator **NUTTING** of Androscoggin.

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

(In House, March 23, 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-865) AS AMENDED BY HOUSE AMENDMENT "A" (H-875)** thereto.)

(In Senate, March 27, 2000, Reports **READ**.)

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

Senator **KIEFFER:** Thank you Mr. President. Ladies and gentlemen of the Senate, you probably will note that I am on the opposite side of this Bill. The reason that I oppose this Bill is this is just a rehash of the same thing that has been done over and over and over again. Last summer, our Department of Labor, in conjunction with the United States Department of Labor, conducted an exhaustive search into the labor issues dealing with the labor management problems that exist in our forestry industry in northern Maine. That report, I believe, a copy has been supplied to each one of you. Over the many years, we have had all kinds of studies that end up collecting dust regarding our forestry issue. My position is that we have just studied this thing to death and I guess enough is enough. Thank you Mr. President.

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

Senator **NUTTING:** Thank you. Ladies and gentlemen of the Senate, I hope you will vote to support the motion before us this morning. Yes, the good Senator from Aroostook is correct. The Department of Labor has undergone a study on certain aspects of Maine loggers and Canadian loggers and who are going to get logging jobs in Maine in the future and are we going to see what the State can do about protecting and helping Maine loggers to keep their jobs. But the Department of Labor, themselves, admitted there were certain things that they did not have a chance to look at, they did not have time to look at it and so that's why the majority of eleven members of the Committee felt that establishing a taskforce to look at these basic foundation logging industry jobs, actually the loggers themselves, the ones doing the cutting, looking at what we could do to keep this economically viable thing for Maine people to do had merit. And the taskforce is made up of a wide variety of members. The single most important thing for me, that convinced me to vote for this, was that we, in the Agriculture, Conservation and Forestry Committee, gave this Bill, between two of our work sessions on it, to the sponsors of the Bill and to the forest products industry and told them if you don't quite like how this reads, see if you can't meet and resolve your differences. And the forest product industry and the sponsors of the Bill did agree with the language that's in the Majority report. That gave me extra comfort that this was, indeed, a proper thing for us to create. So I hope you'll support the Majority report. Thank you.

The Chair ordered a Division. 18 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-865) **READ** and **ADOPTED**, in **NON-CONCURRENCE**.

LATER TODAY ASSIGNED FOR SECOND READING.

Subsequently, on motion by Senator **NUTTING** of Androscoggin, under unanimous consent, the Senate **RECONSIDERED** whereby the Resolve was **LATER TODAY ASSIGNED FOR SECOND READING**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-865), in **NON-CONCURRENCE**.

House Amendment "A" (H-875) to Committee Amendment "A" (H-865) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-865) as Amended by House Amendment "A" (H-875) thereto, **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

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

HOUSE REPORTS - from the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Enhance the Economic Security of Low-income Households with Respect to Utility Service"
H.P. 1496 L.D. 2140

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

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

Tabled - March 27, 2000, by Senator **CAREY** of Kennebec.

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

(In House, March 23, 2000, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, March 27, 2000, Reports **READ**.)

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

Senator **CAREY:** Thank you Mr. President. Mr. President, at the time the vote was taken on this Bill, which would include the low income people in the gas service that they get to be treated like

the electrical and telephone people so that they can get some help through the low income category. At the time that this Bill was heard and presented, we had a long-range view as to when gas service was going to be coming into the State. I voted with the minority in that it should not pass because we weren't ready for it. Well, as it turns out, **CMP** gas, among others, are going to be accelerating their distribution to residential properties with natural gas. And rather than have to wait a year before this becomes eligible, when the next Legislature steps in, it was felt that we at least should have it in place so that people could take advantage of it almost right away. I am sorry that I had to disappoint my Senate member on the other side.

Senator **MILLS** of Somerset requested a Division.

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

Senator **MILLS:** I'm in possession of a letter from the Public Utilities Commission with their commentary on this proposal. And as I understand the situation, the market for energy of this type basically has two components. Gas on the one hand, which is coming into the State more and more. Oil on the other and, I suppose to a lesser extent, there are people who heat with electricity. But if we're going to enter into the market for one of these sources, that is gas, it seems to me that we ought to be doing in parallel for oil what we're doing for gas. In other words, whatever we do in one sector, we ought to be doing in the other. My understanding of the oil-heating situation is that the subsidy that is available for people who need the help comes from **HEAP** funds, which are the product of federal and state general taxation. Now the usefulness of that approach is that prices for middle class and above customers is not increased or distorted. Those prices remain at market levels and it is only for low income people that the price is eased up through subsidies that come from general taxation. The proposal that is before us in the Bill for natural gas would suggest that prices for people who can afford it would go up in order that prices for low income people would go down so that we would be not only authorizing but directing the Public Utilities Commission to inject price distortions into natural gas which would, to that extent, make natural gas less competitive with oil for those who pay the full rate. I'm not sure I've explained that very well. But it seems to be that if we take this approach, suggested by this Bill, we will be putting natural gas at an unfair disadvantage to oil in the competitive and open market. If we are to do anything to help low income people to have access to natural gas, it seems to me we ought to be providing the subsidy from general taxation sources or, better yet, from federally subsidized sources and not from middle class rate payers who would have to pay more in order to subsidize lower income customers. I gather that that is the recommendation of the Public Utilities Commission and it seems to me to have a great deal of merit. They also point out that the Bill, as drafted and it comes to us without amendment, does not specify the amount of money that the Public Utilities Commission is supposed to inject into low income rates. There's no percentage. There's no guideline. And they also make note of the fact that there's not been any study of this situation to justify a policy of distorting prices to these ends. For these reasons, I think that we would be better off to follow the good Senator's original inclination and reject the Bill with the idea that, perhaps in another Legislature, there might be a proposal for subsidizing low income customers by a different means and by a means that

might more closely parallel oil, which is the chief competitor. Thank you.

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

Senator **HARRIMAN:** Thank you very much and good morning Mr. President. Ladies and gentlemen of the Senate, I want to stand before you this morning to suggest that the advocates for this piece of legislation and I have a lot in common. That our citizens who are unable to pay for their basic needs of living in our society today, whether it's home heating fuel or electricity or natural gas, deserve this Legislature's attention and priority. And, in fact, prior to the economic forest fire, as I like to call it, of the late 1980's and early 1990's, that's where the funding came for services that our most neediest citizens were going without. They came to the Legislature and were funded from our State General Fund. And that is a way to protect and preserve the services that these folks needed and what was, arguably, one of the most difficult economic times in recent memory. The cost of running these programs got imbedded into your utility rates. Now that we're in the best of times again, we have an opportunity to pull these social service programs out of the hidden tax on telephones and electricity. But instead, what this legislation seeks to prove is that you don't need to go before the Legislature anymore. All you have to do is to go to the Public Utilities Commission or the Public Advocate. And, in fact Mr. President, when one of the utilities, Northern Utilities, recently went for a tariff increase, entered into an agreement that was presented to the Public Utilities Commission that it read, in part, this stipulation is presented to the Commission by Northern Utilities, Inc. and the Office of the Public Advocate with the intent of resolving the above reference proceeding in a manner that is acceptable to all parties to the stipulation and with the expectation that the parties and the Commission will experience administrative cost savings by reduced litigation in this matter. I go on to read later in this agreement, Article 3, as part of this stipulation, Northern agreed to and did support legislation before the Maine Legislature designed to grant the Commission specific authority to allow a discount rate for low income residential customers. In the event that the Maine Legislature grants the Commission specific authority to authorize low income discount, Northern agrees that no later than at the time of its next base rate case or rate redesign case, Northern will propose a low income discount rate for residential customers. What that tells me, ladies and gentlemen of the Senate, is it is not the elected people who sit in these chambers who decide where our limited resources go, nor the House that is supposed to originate legislation that raises revenues from the citizens, but rather from an unelected bureaucracy that has the power to engage utilities into agreements which cause them to come here before you and support legislation, not of their own volition but because they were drawn into a legal contract with the Public Advocate and approved by the Public Utilities Commission. Mr. President, it seems to me we're elected here to make difficult choices, to prioritize. And assuring that the people have electricity, telephone, water, etc. is at the base of our responsibilities. We had not ought to pass it off to regulators to convince Legislators to approve hidden taxes that are the responsibility of those of us who have the honor of sitting in these seats. Having said that Mr. President, I hope you will join me in defeating the pending motion. Thank you.

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

Senator **MITCHELL:** Thank you Mr. President. Ladies and gentlemen of the Senate, I too would encourage you to vote against the pending motion so that we may vote on the Minority, which is the Ought Not to Pass. After listening to the compelling information that has just been presented to you by the prior two Senators, I would again reemphasize that we do support, and I do certainly support, the principal of affordable energy for all Maine people. But let's make sure we are doing it in an equitable manner. We do not have a study to know if there is a problem or a situation with low income people with natural gas at this particular point. The Commission has no evidence of that to present to us, to know if we do need to have such a program such as this. And it is not a fair comparison to compare this with the electric program we have for low income people because electric is the only one in the ballpark. You're talking about natural gas, which is competing with oil. You're asking a company to put low rates for low income and high rates for middle income. This is distortion, price distortion, and it is going to drive that market to the oil industry. Now I don't think we want to be caught in the middle of this at this particular time. If we want to put a program like this into effect, let's look at a study, at later legislation, and put it into the General Fund where it should be funded. The oil is funded through federal funding and I think we need to make sure that we have an equitable ball field here. And this is not an equitable gain with having the middle class people pay for a low income pricing and drive these people from natural gas over to the oil business. I think we need to be a little more encompassing of what we are doing on this particularly matter and vote Ought Not to Pass on this so that we can look at it after the industry has become effective in the communities, they're established and we have a comparison to know if we have a problem or don't we. And this is why the good Senator Carey voted with us originally because these were the facts that were presented to us at the work session and the original testimony and they were very compelling. So I would ask you to join me in voting against the pending motion so that we can vote Ought Not to Pass.

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

Senator **MURRAY:** Thank you Mr. President. May I pose a question through the Chamber?

THE PRESIDENT: The Senator may pose his question.

Senator **MURRAY:** Thank you Mr. President. I was just looking at the language of the Bill and it seems to appear to be permissive as opposed to mandatory in that it says the Commission may approve these rates. I'm wondering if my reading is correct, that this is merely permissive language?

THE PRESIDENT: The Senator from Aroostook, Senator Murray, poses a question through the Chair, the Chair would ask the Senator from Penobscot, Senator Murray to repeat his question.

Senator **MURRAY:** Thank you Mr. President. The language of the Bill as I'm looking at it seems to be permissive in nature as opposed to mandatory in that it says the Commission may

approve these rates and I'm wondering if, in fact, this language, if we pass it, is merely permissive?

THE PRESIDENT: The Senator from Penobscot, Senator Murray poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator **CAREY:** I thank the Senator for the question. The answer is that it will be the PUC that sets rates, number one. We did not even try to set rates. They will conduct a study and they will determine that. That is why it is permissive. Whether there will be enough low income people who are into this gas business that demand that they be treated equally with the people who have telephone service and who have electric heat. I'll wait until I get my turn again, Mr. President.

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

Senator **MILLS:** Mr. President, if I may. It appears to me that the good Senator from Penobscot has read the Bill correctly. But it may be one of those peculiar situations where may almost means must or shall, in the sense that once the Legislature passes a Bill of this sort it is articulating a policy judgment that this sort of thing must be done or should be done. We must assume that this administrative agency, the PUC, will do and follow through on the policies that we articulate. So let there be no doubt, I think the PUC, as other agencies would do in this situation, will accept this Bill as a requirement that something be done. It is the PUC, however, who has said that we have given them no guidance pursuant to which any policy should be enacted or implemented. There's no parameters and there's no financial guidelines contained in the Bill. Thank you.

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

Senator **TREAT:** Thank you Mr. President. Men and women of the Senate, I would like to address the last point as just made by my fellow Senator that there are no guidelines in this Bill. I tend to believe that may be because it is not necessary, given that we have many years of history with PUC guidelines addressing the same sort of program in our electricity program. And that those are the types of guidelines that, I imagine, will be guiding the PUC when it takes a look at the issue of natural gas. That, I do believe, is a better way to approach it than to rely simply on the promises of one or more gas companies that they will do something in it. It's a way to ensure that there's some level playing field amongst the natural gas companies, that we don't have one company doing one thing, another doing another. Again, the language is permissive. It gives authority to the PUC to look at this issue and see how it might be addressed.

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

Senator **CAREY:** Thank you Mr. President. Apparently there is an effort going on which would just put aside what the purpose of this Bill is and just try to concentrate on language. The PUC will come up with the language. We don't doubt that for one single minute. When the good Senator from Somerset, Senator Mills, was just a boy, I was sitting in the other Chamber. And I would

point out that the State used to pick up this tab and then, because of some shortages in revenues, it started getting shifted in, just like a lot of other things got shifted in, so that the ratepayers really ended up having to pay. And that was rather disconcerting. When you talk about a hidden tax, I would have to agree with the good Senator from Cumberland, Senator Harriman, that the whole budget is including a lot of things we pay for that many of us don't even know. Those who have spoken against this Bill should be perfect proponents of a Bill which will be coming in very shortly from the other Body. I'll just give you the number, LD 1500, and tell you that it would set up a trust fund for low income people. And one of the reasons that I've been supporting that Bill is much of the surplus has come from the sale of the assets of the utility companies. CMP paid \$64 million by themselves. Bangor Hydro is up there with several million more. Maine Public Service has kicked in at least \$1.5 million on the sale of its assets. So that money that's coming in and flowing in and thought of to buy laptop computers really belongs to the people who had paid it in, the ratepayers. And so we want to set up a trust fund of \$64 million. And this would be, as the Governor has pointed out many times, one time money that ought to be spent on one time items. This is one of those cases when that Bill will set up a one time item and will pay for the low income people. And so I would hope that you take serious consideration of that and this is one of the steps, because gas was not included in that. And when you say that there is a competitive nature, you've got to remember that electric heat still costs a lot more and there are a lot of people who are on electric heat that really can't afford it. Thank you Mr. President.

THE PRESIDENT: As we enter into debating season it's a good time to remind people about rules of protocol regarding debate. All remarks are to be addressed to the Chair, not to other members of the Body and it is inappropriate to refer to actions or prospective actions of the other Body or the Governor.

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

Senator **MILLS:** Mr. President, in brief response and through the Chair, I rather applaud the other notion of setting up a trust fund and I think that is an excellent alternative that we should consider very carefully, not only for electricity, but for all utility situations where there is a need to supplement an energy cost for the poor. I might also say that I'm not nearly so young as I look and I believe, sincerely, that I was at least old enough to be paying some of the taxes that the good Senator was enacting when he was in the other Body. Thank you.

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

Senator **MITCHELL:** Thank you Mr. President. I would like to address comments that were made regarding the comparison with the Commission and electricity industry and that they are perfectly able, with the regulations they have, to enact that policy. We were asked by the Commission, and have been repeatedly, to be sure that we are consistent and that we provide guidance with being specific about the amount of money we wish to spend on a program, and that if we were going to enact this program that we would at least do that and give them some guidance because currently, and again I would like to reiterate, the other

programs that we are talking about, there's no competition in the electric industry. They do have a five percent surcharge on their rates to fund the program. However, with this particular program we do not have a study or information. This Bill, as it has been mentioned, says may approve rates, but we have not given the Commission any guidance as to how much money, what we're dealing with, because we don't know. We don't have a study or any information before us. This legislation is just premature. As we develop and the Commission has an opportunity to look into this further and as we, as a Committee, can give them better directions with how much money we want to put into a program such as this, we could address this in future legislation. Thank you very much.

At the request of Senator **MILLS** of Somerset a Division was had. 17 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **CAREY** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (3/15/00) Assigned matter:

Bill "An Act to Provide Safety for Forest Rangers and the Public"
H.P. 1686 L.D. 2392
(C "A" H-836)

Tabled - March 15, 2000, by Senator **PINGREE** of Knox.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**

(In House, March 7, 2000, Report "B", **OUGHT NOT TO PASS READ** and **ACCEPTED**.)

(In Senate, March 14, 2000, Report "A", **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED**, in **NON-CONCURRENCE. READ ONCE.** Committee Amendment "A" (H-836) **READ** and **ADOPTED**.)

(In Senate, March 15, 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-836), in concurrence.

On further motion by same Senator, Senate Amendment "B" (S-573) to Committee Amendment "A" (H-836) **READ** and **ADOPTED**.

Committee Amendment "A" (H-836) as Amended by Senate Amendment "B" (S-573) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

At the request of Senator **MILLS** of Somerset a Division was had. 28 Senators having voted in the affirmative and 3 Senators having voted in the negative, the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-836) AS AMENDED BY SENATE AMENDMENT "B" (S-573)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/22/00) Assigned matter:

Bill "An Act Regarding Retainage on Major State and School Construction Projects"
S.P. 173 L.D. 529
(C "A" S-555)

Tabled - March 22, 2000, by Senator **RAND** of Cumberland.

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

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

Senator **MILLS** of Somerset requested a Division.

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

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

Senator **MILLS:** Mr. President, if I may. Men and women of the Senate, this is a Bill that has been presented to this Body on at least one prior occasion and maybe more than that. I am opposing it for just a couple of very concrete reasons. The Bill, as written, would say that for school district construction projects, instead of withholding the customary 5% that is customary not only for public construction projects but also for many, if not most, private construction contracts, school districts would be required at a certain stage during construction to release all retainage money even though the contract is not completed. That is, they would be required to release all retainage for different phases of the work without holding anything back until the end. I don't know why we just singled out school districts and not all public improvement projects, but I can tell you that many of the 286 school districts that undertake large construction projects are very poorly equipped administratively to manage these mammoth construction projects. We have situations where very small and sometimes very poor school districts suddenly find themselves responsible for managing a \$26 million high school. Managing the construction of the high school over the

course of a year or two years, sometimes three years including the planning. And all of this administrative burden is added onto the school district staff on top of everything else that they are doing; hiring and releasing teachers, hiring and firing staff, managing the school bus account, and doing everything else. They suddenly have to add on this rather massive obligation to manage sometimes \$20 to \$30 million of expenditures, which is a very solemn, very significant responsibility. And because of the overheated construction marketplace, as is evidenced by the overruns that we have experienced for the prison and for this building, and the escalating cost of projecting a new building for AMHI and the like, these school districts are running into problems that are greater, I suggest, than the ones that we see here in the management of the State projects because we have access to better professional management often more times than they do. One of the most useful tools that they have is to retain a mere 5% of the contract funds, which is normally less, much less, than projected profit and certainly much less than projected overhead and expense for any construction contract. To retain a mere 5% to a later stage of the contract to substantial completion so that you have the security of knowing that when defects come to the attention of people inspecting the work, when things happen during the course of construction that you discover late in the game, you will have the security of having some small fund of money left with which to exert some leverage, and in some cases it is only minimal leverage, to force contractors, many of them from out of state, many of them who do not have the best interest of the State of Maine at heart. Some of them in this overheated economy are poorly equipped to follow through on the contracts that they bid for. Sometimes the low bidder is a contractor with very poor character. And with filed sub-bids, sometimes the most responsible general contractor will find himself linked up with a subcontractor of very dubious reputation and prior history. And yet, because of the public nature of this construction work, we are not at liberty, often times, to reject a filed sub-bid out of hand unless there is overwhelming evidence that that subcontractor has misbehaved again and again on prior contracts. So we wind up with a hodge podge, often times, of 20 or so subcontractors and the general contractor who often times some of them have very poor reputations and very poor performance histories. But you take what you get. And one of the very few tools at the disposal of the poor school district to deal with this situation is to retain 5% of the contract funds until a later stage of the project when substantial completion reveals that a thorough inspection lets them feel comfortable about releasing those few remaining funds. Yes, of course, the subcontractors sometimes have difficulty in dealing with that. But at least they know what the rules are before they bid. And before they engage in this kind of work, they can make allowances for the fact that they are going to have access to the remaining 5% of funds only at a later stage of contract completion. They can account for that when they do their bidding. These folks are often times very sophisticated at the bidding process. We don't need to protect them. It's the school districts, I suggest, that need the help. If this were a State Bill, I would be a little less concerned. I am deeply concerned about the 286 school districts, some of them living in very poor and remote areas and some of them dealing with construction issues that they are not accustomed to handling. For that reason I urge that we reject the Bill as it is drafted. Thank you.

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

Senator GOLDTHWAIT: Thank you Mr. President. Ladies and gentlemen of the Senate, I feel like I have been talking about retainage since before the good Senator from Kennebec was a boy and may this be the last round. I would like to take exception to a few of the comments previously made. Unfortunately, the way contractors and subcontractor have to make allowances for the length of time that retainage is withheld is by increasing the cost of the job and that doesn't do small rural school districts any favor either. Currently the 5% of the whole contract can be withheld, sometimes for a year, sometimes as our Committee heard, for as much as two or three years after the project is completed. That's quite a onerous burden on many of our small subcontracting firms in the State of Maine. This Bill doesn't eliminate retainage. It just proposes that subcontractors will be paid their 5% retainage on line items that have been completed and have only the retainage on uncompleted items or unsatisfactory progress withheld. Unfortunately, retainage is taking the place of close management of building projects. And that was never the way it was meant to be used. It's become a blunt instrument, using other peoples' money, the people who have done their work satisfactorily, to hold over the head of people of who may not have completed it satisfactorily. The current system requires that subcontractors who have satisfactorily completed their work wait until the most unresponsive firm has done their part and only then is that money released. This applies to school construction projects only to projects over \$1,000,000 in value only and those projects where State school construction aid is paid. In other words, if the community undertook a project without State aid, they would not be bound by the terms of this Bill. The Bill proposes a system of line item retainage. And the lines are agreed on by the owner and the contractor before the project begins. The retainage may not exceed 5%. And I would like to read you just a little excerpt from the Bill, from the amended version. An owner is not obligated to make payment on a contract line item in the case of nonperformance or unsatisfactory performance on that line item. When the owner determines that performance has been completed or corrected for that line item and has accepted the work on the line item, the owner must authorize release of retained payment. So, in other words, the owner has full control over the job. It simply means they must be diligent about assuring that the work has been completed and that it is satisfactory.

Finally, the Bill has a provision regarding substantial completion in which the general contractor notifies the owner that the project is substantially complete. The owner has the opportunity to inspect the project and confirm that it is so. And at that point of agreement on substantial completion, the owner and the general contractor together draw up both a punch list, which is items that have not been completed to spec, or have been done incorrectly, or incomplete list. In the case of punch list items, the owner is able to retain 150% of the value of the work. In the case of incomplete items, the owner may retain 100% of the value of the work to assure that both the punch list and the incomplete list are taken care of satisfactorily. The substantial completion certificate and the payment of the retainage on all the work that is satisfactorily done must take place at that time. So, I would urge you on to support the Ought to Pass as Amended version of this Bill. The Bill, as I said, was worked on for an enormous length of time and this is, I think, a good compromise. Ground was certainly given on behalf of some of the parties involved here and I think that this version addresses the very real burden that our subcontractors and general contractors bear in

the State of Maine by having to wait, sometimes for years, for their money and yet it still offers adequate protection to the owner of the construction project. Thank you.

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

Senator **HARRIMAN:** Thank you very much Mr. President. Good afternoon ladies and gentlemen of the Senate, I rise briefly, Mr. President, to pose a question.

THE PRESIDENT: The Senator may pose his question.

Senator **HARRIMAN:** Thank you. Mr. President, I would be interested in knowing why this Bill only pertains to local school district construction projects and does not apply to the State itself, which, as we all know, is undergoing many construction projects at this time. Thank you Mr. President.

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

Senator **GOLDTHWAIT:** Thank you Mr. President. Ladies and gentlemen of the Senate. First of all, I guess that I consider that it does apply to State projects in that it is very often State money that represents the majority of funding for these school construction projects. Regarding why the Bill was amended to include school construction projects only and not all public improvement projects, this was a general effort. Again, it compromised, since there were parties who were quite concerned about how this would work. As I say, it works perfectly well at the federal level where they have no retainage. But this was a provision that was part of the compromise process in creating this amended version.

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

Senator **NUTTING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'll be very brief. The Senator from Hancock I think has done an outstanding job in relaying to the members of this Body why we need to end this bad anti-business practice that we have in Maine and almost exclusively in Maine. I just have to respond briefly to one of the points the good Senator from Somerset, Senator Mills, made about subcontractors not having the interest of Maine at heart and they can cut and run and do maybe some other things. I think that one of the things the members of State and Local Government Committee that voted for this Bill did that's excellent is that for years now if you're a general contractor and you build two-thirds of the school and leave, or whatever, don't finish it properly, the Bureau of General Services can keep you, as a general contractor, from bidding on any school work for the next year. And what the members of the Committee did is that they added subcontractors to this. So if you're a subcontractor and build three-quarters of whatever your supposed to do and leave, you can be black balled for a year. No subcontractor who really specializes in school construction, which is what a lot of them are doing, can afford to take one year and not build any schools. So I think this is a great addition to the Bill, that hasn't been mentioned, that makes it a reasonable, good compromise. I have seen for three years now the

subcontractors, the associated general contractors offering compromise after compromise after compromise and the people that wanted to continue to use retainage and have retainage kept from the person doing the concrete work so that then they make sure the finish carpenter did a good job, which is what's happening. This practice needs to end in Maine, I think, and I urge you to support the pending motion. Thank you.

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

Senator **HARRIMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I found no reason, whatsoever, to disagree with my good friend from Androscoggin, Senator Nutting, as to the wisdom of this Bill. I am sure it is not going to be very popular to know that I intend to vote against the pending motion. Seems to me that if this idea is so worthy that we would, at the State level, impose this law on local school districts, that it ought to apply to all public improvement projects. And if we can stand here and tell local communities how to run their contracts and practices, we ought to set the example and do the same here for State construction projects. Thank you Mr. President.

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

Senator **MILLS:** Mr. President, men and women of the Senate, I have no doubt that there are many Maine contractors, subcontractors, as well as general contractors, who serve our State well and who are welcome on most school construction sites and do a very fine job. But if you look at the pattern that is formed on school construction projects throughout the State, I think you will find that many of the contractors and the subcontractors are coming in from out of state from places where they have no track record in this State. They are business people who may have some kind of track record in Massachusetts or Connecticut, or New York, or New Jersey. But, sometimes we don't have access to that record. Sometimes we have subcontractors who are formed adhoc to go out and bid on a contract. They have no track record whatsoever, but the people who form the company or partnership may have some kind of a track record, but we don't have the capacity to do background checks on them. There is no consistency in the contractor profession. You can form a corporation on a day's notice and call yourself anything you want to and have silent partners and silent shareholders and go about business. So it's folly to think that any system that will rely on looking at an extended track record of a given corporation, or a given group of individuals, is going to be effective to any degree, really, in keeping the system and maintaining integrity for the system. In the Bill itself, there are places where I think it is very naively drafted. And there's one example, when it comes to doing the punch list, it is customary in my experience, for the owner to draft up the punch list and give it to the contractor. Now the contractor may not agree with what's on it, but it's a unilateral act of the owner to say that these are the things that I think are deficient. This Bill rewrites that custom, tradition, and contract provision to say the punch lists have to be established jointly and the value of the defective work has to be established jointly within a period of time and the performance has to be defined as a period of time mutually agreeable. Whenever you put words like that into a construction contract, it means that the contractor can say well I don't mutually agree. I don't agree that that's suppose to be the

punch list. I don't agree that that's the value of the uncompleted work. I don't agree that it's uncompleted. I don't agree that that's a reasonable amount of time to get the job done. So what happens, under this Bill, if the contractor says, I just don't agree, bing, you have no punch list, you have no defect list, you have no prices to establish the defect list, you have no time period in which to complete the project, and you have no retainage and no right to retain any money from that contractor. I think the Bill is defectively drafted and I think we should reject it. I'm sorry. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#290)

YEAS: Senators: AMERO, BERUBE, CATHCART, DAGGETT, DAVIS, FERGUSON, GOLDTHWAIT, KILKELLY, KONTOS, MICHAUD, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: BENNETT, BENOIT, CAREY, CASSIDY, DOUGLASS, HARRIMAN, KIEFFER, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MILLS, RUHLIN, SMALL

ABSENT: Senator: ABROMSON

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-555).**

Sent down for concurrence.

Off Record Remarks

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

SENATE REPORTS - from the Committee on HEALTH AND HUMAN SERVICES on Bill "An Act to Promote Healthy Maine Families"

S.P. 492 L.D. 1477

Majority - **Ought to Pass** (8 members)

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

Tabled - March 27, 2000, by Senator **PARADIS** of Aroostook.

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

(In Senate, March 27, 2000, Reports **READ.**)

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

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

Senator **PINGREE:** Thank you Mr. President. I am making this motion at the suggestion of the Committee Analyst. Unfortunately, this Bill was wrongly reported out of Committee without it's Committee Amendment attached. It was felt the easiest way to get the Committee Amendment attached to the Majority Report would be to send it back. It will promptly return.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **NATURAL RESOURCES** on Bill "An Act Relating to the Cleanup of the Wells Waste Oil Disposal Site" (EMERGENCY)

H.P. 1898 L.D. 2639

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Establish the Crime of Rendering a Telephone Inoperable during a Domestic Violence Incident"

H.P. 338 L.D. 454

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-921).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-921)**.

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

READ ONCE.

Committee Amendment "A" (H-921) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act to Revise the Spousal Support Statute"

H.P. 1629 L.D. 2276

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-915)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-915)**.

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

READ ONCE.

Committee Amendment "A" (H-915) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **JUDICIARY** on Bill "An Act Regarding the Statute of Limitations for Sexual Misconduct with a Minor"

H.P. 1747 L.D. 2453

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-914)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-914)**.

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

READ ONCE.

Committee Amendment "A" (H-914) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Senator **KILKELLY** of Lincoln was granted unanimous consent to address the Senate off the Record.

On motion by Senator **BENNETT** of Oxford, **ADJOURNED**, until Tuesday, March 28, 2000, at 9:00 in the morning.