

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Nineteenth Legislature  
State of Maine

Volume 3

First Confirmation Session  
October 14, 1999

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

Pages 1548 - 2331

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

In Senate Chamber  
Wednesday  
March 29, 2000

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

Prayer by Dr. Wes Johnston from the Good Will-Hinckley Homes for Boys and Girls, in Hinckley.

**DR. JOHNSTON:** This is the prayer of each session of our Youth Senate.

God of the universe, for this day, grant us the endurance of athletes, the courage of warriors, the compassion of saints, and the humility of servants. Please bless our Senators as they look to the welfare of the State and may Your honor be their primary objective. Amen.

Doctor of the day, Andrew Carey, M.D., of Falmouth.

Reading of the Journal of Tuesday, March 28, 2000.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**House Paper**

**Pursuant to Statutes  
Department of Mental Health, Mental Retardation and  
Substance Abuse Services**

The Department of Mental Health, Mental Retardation and Substance Abuse Services, pursuant to Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 1: Rights of Recipients of Mental Health Services Who are Children in Need of Treatment, Section A-VII, Rights to Due Process With Regard to Grievances and Section A-IX, Confidentiality of and Access to Mental Health Records, a Major Substantive Rule of the Department of Mental Health, Mental Retardation and Substance Abuse Services (EMERGENCY)  
H.P. 1910 L.D. 2658

Be REFERRED to the Committee on HEALTH AND HUMAN SERVICES and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report READ and ACCEPTED and the Resolve REFERRED to the Committee on HEALTH AND HUMAN SERVICES and ordered printed pursuant to Joint Rule 218.

Report READ and ACCEPTED, in concurrence.

REFERRED to the Committee on HEALTH AND HUMAN SERVICES and ordered printed pursuant to Joint Rule 218, in concurrence.

**COMMUNICATIONS**

The Following Communication: S.C. 597

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

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 Natural Resources has had under consideration the nomination of Melford J. Pelletier of Soldier Pond, for appointment to the Board of Environmental Protection.

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	Treat of Kennebec
	Representatives	9	Martin of Eagle Lake, Clark of Millinocket, Cowger of Hallowell, Daigle of Arundel, Duplessie of Westbrook, Etnier of Harpswell, Joy of Crystal, McKee of Wayne, Tobin of Windham
NAYS		0	
ABSENT		3	Rep. Cameron of Rumford, Sen. Libby of York, Sen. Nutting of Androscoggin

Ten 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 Melford J. Pelletier of Soldier Pond, for appointment to the Board of Environmental Protection be confirmed.

Signed,

S/Sharon Anglin Treat  
Senate Chair

S/John L. Martin  
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. 598

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

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 Natural Resources has had under consideration the nomination of Richard E. Wardwell of Orono, for appointment to the Board of Environmental Protection.

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	Treat of Kennebec
	Representatives	9	Martin of Eagle Lake, Clark of Millinocket, Cowger of Hallowell, Daigle of Arundel, Duplessie of Westbrook, Etnier of Harpswell, Joy of Crystal, McKee of Wayne, Tobin of Windham
NAYS		0	
ABSENT		3	Rep. Cameron of Rumford, Sen. Libby of York, Sen. Nutting of Androscoggin

Ten 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 Richard E. Wardwell of Orono, for appointment to the Board of Environmental Protection be confirmed.

Signed,

S/Sharon Anglin Treat  
Senate Chair

S/John L. Martin  
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. 599

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

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 Natural Resources has had under consideration the nomination of Katharine C. Littlefield of Belfast, for reappointment to the Board of Environmental Protection.

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	Treat of Kennebec
	Representatives	8	Martin of Eagle Lake, Clark of Millinocket, Cowger of Hallowell, Daigle of Arundel, Etnier of Harpswell, Joy of Crystal, McKee of Wayne, Tobin of Windham
NAYS		0	
ABSENT		4	Rep. Cameron of Rumford, Rep. Duplessie of Westbrook, Sen. Libby of York, Sen. Nutting of Androscoggin

Nine 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 Katharine C. Littlefield of Belfast, for reappointment to the Board of Environmental Protection be confirmed.

Signed,

S/Sharon Anglin Treat  
Senate Chair

S/John L. Martin  
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.**

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The Following Communication: S.C. 595

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

March 23, 2000

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

Dear President Lawrence and Speaker Rowe:

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

- L.D. 2476 An Act to Promote Improvements to and Evaluation of Services by Long-term Care Providers
- L.D. 2523 An Act to Establish Fair Pricing for Prescription Drugs
- S.P. 403 JOINT ORDER – Relative to Establishing the Commission to Assess the Health Care Delivery System for the Elderly

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

Sincerely,

S/Sen. Judy Paradis  
Senate Chair

S/Rep. Thomas J. Kane  
House Chair

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

The Following Communication: S.C. 596

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

March 23, 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. 1010 An Act Regarding the Family Court
- L.D. 2564 An Act Regarding the Payment of Child Support in Cases of Delayed Parental Notification

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.**

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The Following Communication: S.C. 600

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

March 28, 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 Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 516 An Act to Restore and Improve Family Planning and Pregnancy Prevention Services

- L.D. 937 An Act to Improve Access to Health Care for School-age Children
- L.D. 1360 An Act to Implement the Recommendations of the Joint Committee on Substance Abuse
- L.D. 2555 An Act to Make Supplemental Allocations from the Fund for a Healthy Maine and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2001
- L.D. 2637 An Act to Fund the State's Share for Salt or Sand-salt Storage Facilities Construction

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

Sincerely,

S/Sen. Michael H. Michaud Senate Chair S/Rep. Elizabeth Townsend House Chair

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

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The Following Communication: S.C. 601

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

March 28, 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. 1799 An Act Regarding the School Funding Formula
- L.D. 2515 An Act to Provide Equal Access to Meeting the Needs of Students at Public Institutions of Higher Education

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.**

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The Following Communication: S.C. 602

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

March 28, 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. 2617 Resolve, to Direct the Department of Transportation to Review the Opportunities to Avoid the Need to Widen I-295

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

Sincerely,

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

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

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The Following Communication: H.C. 403

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

March 28, 2000

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

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it accepted Report "B" Ought Not to Pass of the Committee on Agriculture, Conservation and Forestry on Bill "An Act to Provide Safety for Forest Rangers and the Public" (H.P. 1686) (L.D. 2392)

Sincerely,

S/Joseph W. Mayo  
Clerk of the House

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

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**ORDERS**

**Joint Order**

Expression of Legislative Sentiment recognizing:

The members of the Herman High School Boys Basketball Team and their coach, Rich Sinclair, winners of the Eastern Maine Boys Class B Basketball Championship. The team's season record was 13-5. We salute the team on its display of outstanding sportsmanship and ethics during the games. We extend our congratulations to the team on this accomplishment;  
SLS 460

Sponsored by Senator MITCHELL of Penobscot.  
Cosponsored by Representative TREADWELL of Carmel.

**READ.**

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

Senator **MITCHELL:** Thank you Mr. President. Good morning, ladies and gentlemen of the Senate. It is a great honor this morning that we have as our guests the Herman High School Class B Eastern Maine Champions. You know, I've listened to many of you recognize your teams when they come down here and I'll tell you, it's a very special day to be able to be here and recognize my team. Russ Treadwell and I are very proud of these boys and their coach, Rick Sinclair. And what I'd like to have is to have you join me in welcoming them and bringing them forward for presentation.

---

Senate at Ease.

Senate called to order by the President.

---

**PASSED.**

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the Chamber Coach Sinclair and members of the Herman High School Boys Basketball Team who are the Eastern Maine Boys

Class B Championship basketball team. Would they please rise and receive the greetings of the Senate.

Sent down for concurrence.

---

Senate at Ease.

Senate called to order by the President.

---

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

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Off Record Remarks

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Help Farmers to Protect the Quality of Milk"

H.P. 1108 L.D. 1567

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-934).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-934).**

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

**READ ONCE.**

Committee Amendment "A" (H-934) **READ** and **ADOPTED**, in concurrence.

**LATER TODAY ASSIGNED FOR SECOND READING.**

---

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Broaden Business Ownership in Maine"

H.P. 1809 L.D. 2535

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-932).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-932).**

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

**READ ONCE.**

Committee Amendment "A" (H-932) **READ** and **ADOPTED**, in concurrence.

**LATER TODAY ASSIGNED FOR SECOND READING.**

---

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Acreage Requirements for a Cemetery to Contain a Columbarium"  
H.P. 1825 L.D. 2560

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-926).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-926).**

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

**READ ONCE.**

Committee Amendment "A" (H-926) **READ** and **ADOPTED**, in concurrence.

**LATER TODAY ASSIGNED FOR SECOND READING.**

---

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Establishing the Newborn Hearing Program"  
H.P. 1260 L.D. 1814

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-931).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-931).**

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

**READ ONCE.**

Committee Amendment "A" (H-931) **READ** and **ADOPTED**, in concurrence.

**LATER TODAY ASSIGNED FOR SECOND READING.**

---

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Amend the Laws Governing the Licensure of Dental Hygienists"  
H.P. 1490 L.D. 2128

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-930).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-930).**

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

**READ ONCE.**

Committee Amendment "A" (H-930) **READ** and **ADOPTED**, in concurrence.

**LATER TODAY ASSIGNED FOR SECOND READING.**

---

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Make Changes to the Cub Care Program"  
H.P. 1622 L.D. 2269

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-929).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-929).**

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

**READ ONCE.**

Committee Amendment "A" (H-929) **READ** and **ADOPTED**, in concurrence.

**LATER TODAY ASSIGNED FOR SECOND READING.**

---

The Joint Select Committee on **RESEARCH AND DEVELOPMENT** on Bill "An Act to Provide Funds for Applied Research and Development Relevant to the Maine Economy"  
H.P. 1081 L.D. 1528

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-927).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-927).**

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

**READ ONCE.**

Committee Amendment "A" (H-927) **READ** and **ADOPTED**, in concurrence.

**LATER TODAY ASSIGNED FOR SECOND READING.**



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The Joint Select Committee on **RESEARCH AND DEVELOPMENT** on Bill "An Act to Create a Patent Program in Maine".

H.P. 1690 L.D. 2396

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-939)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-939)**.

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

**READ ONCE.**

Committee Amendment "A" (H-939) **READ** and **ADOPTED**, in concurrence.

**LATER TODAY ASSIGNED FOR SECOND READING.**

---

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Establish a Memorial Dedicated to the Civilian Conservation Corps"

H.P. 1797 L.D. 2522

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-940)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-940)**.

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

**READ ONCE.**

Committee Amendment "A" (H-940) **READ** and **ADOPTED**, in concurrence.

**LATER TODAY ASSIGNED FOR SECOND READING.**

---

The Committee on **UTILITIES AND ENERGY** on Bill "An Act Relating to Electric Industry Restructuring" (EMERGENCY)

H.P. 1788 L.D. 2508

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-935)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-935)**.

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

**READ ONCE.**

Committee Amendment "A" (H-935) **READ** and **ADOPTED**, in concurrence.

**LATER TODAY ASSIGNED FOR SECOND READING.**

---

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the Small Point Water Company" (EMERGENCY)

H.P. 1798 L.D. 2525

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-936)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-936)**.

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

**READ ONCE.**

Committee Amendment "A" (H-936) **READ** and **ADOPTED**, in concurrence.

**LATER TODAY ASSIGNED FOR SECOND READING.**

---

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Create the Alfred Water District" (EMERGENCY)

H.P. 1848 L.D. 2586

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-938)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-938)**.

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

**READ ONCE.**

Committee Amendment "A" (H-938) **READ** and **ADOPTED**, in concurrence.

**LATER TODAY ASSIGNED FOR SECOND READING.**

**Divided Report**

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Enhance Teacher Development and Meet the Special Needs of Students at the Southern Maine Juvenile Facility"

H.P. 1863 L.D. 2598

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-900)**.

Signed:

Senator:

CATHCART of Penobscot

Representatives:

TOWNSEND of Portland  
BERRY of Livermore  
MAILHOT of Lewiston  
POWERS of Rockport  
TESSIER of Fairfield  
STEVENS of Orono

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

Signed:

Senators:

MICHAUD of Penobscot  
HARRIMAN of Cumberland

Representatives:

KNEELAND of Easton  
WINSOR of Norway  
BRUNO of Raymond  
NASS of Acton

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-900) AS AMENDED BY HOUSE AMENDMENT "A" (H-919)** thereto.

Reports **READ**.

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

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

---

**Divided Report**

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Change Laws Pertaining to the Loring Development Authority of Maine"

H.P. 1498 L.D. 2142

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-924)**.

Signed:

Senators:

KONTOS of Cumberland  
MackINNON of York

Representatives:

MENDROS of Lewiston  
CLOUGH of Scarborough  
BOWLES of Sanford  
MARVIN of Cape Elizabeth  
O'NEAL of Limestone  
SIROIS of Caribou  
USHER of Westbrook  
BOLDUC of Auburn  
TRIPP of Topsham

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

Signed:

Representative:

SHOREY of Calais

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-924)**.

Reports **READ**.

Senator **KONTOS** 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.

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Amend the Definition of Marital Property"

H.P. 1620 L.D. 2267

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-917)**.

Signed:

Senators:

LONGLEY of Waldo  
TREAT of Kennebec

Representatives:

THOMPSON of Naples  
LaVERDIERE of Wilton  
MITCHELL of Vassalboro  
BULL of Freeport  
JACOBS of Turner  
SCHNEIDER of Durham  
NORBERT of Portland

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

Signed:

Senator:

BENOIT of Franklin

Representatives:

PLOWMAN of Hampden  
MADORE of Augusta  
WATERHOUSE of Bridgton

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-917).**

Reports **READ.**

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

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**Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Preserve Live Harness Racing in the State"

H.P. 1214 L.D. 1743

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-913).**

Signed:

Senators:

DAGGETT of Kennebec  
CAREY of Kennebec  
FERGUSON of Oxford

Representatives:

LABRECQUE of Gorham  
MAYO of Bath  
TUTTLE of Sanford  
O'BRIEN of Lewiston  
HEIDRICH of Oxford  
McKENNEY of Cumberland  
GAGNE of Buckfield

FISHER of Brewer

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

Signed:

Representatives:

CHIZMAR of Lisbon  
PERKINS of Penobscot

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-913).**

Reports **READ.**

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

On motion by Senator **NUTTING** of Androscoggin, **TABLED** until Later in Today's Session, pending motion by Senator **DAGGETT** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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**Senate**

**Ought to Pass As Amended**

Senator **DAGGETT** for the Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Authorizing Certain Members of the Sullivan Family to Bring Suit Against the State  
S.P. 605 L.D. 1728

Reported that the same **Ought to Pass As Amended by Committee Amendment "B" (S-601).**

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

**READ ONCE.**

Committee Amendment "B" (S-601) **READ** and **ADOPTED.**

**LATER TODAY ASSIGNED FOR SECOND READING.**

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**Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Provide Consistency for Certain Key Deadlines under the Election Laws" (EMERGENCY)  
S.P. 1009 L.D. 2576

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

Signed:

Senators:

DAGGETT of Kennebec  
CAREY of Kennebec  
FERGUSON of Oxford

Representatives:

LABRECQUE of Gorham  
CHIZMAR of Lisbon  
MAYO of Bath  
PERKINS of Penobscot  
TUTTLE of Sanford  
O'BRIEN of Lewiston  
HEIDRICH of Oxford  
FISHER of Brewer

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-600).**

Signed:

Representatives:

McKENNEY of Cumberland  
GAGNE of Buckfield

Reports **READ.**

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

Sent down for concurrence.

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**Divided Report**

The Majority of the Joint Select Committee on **RESEARCH AND DEVELOPMENT** on Bill "An Act to Enhance Biomedical Research in Maine"

S.P. 913 L.D. 2365

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-599).**

Signed:

Senators:

KONTOS of Cumberland  
PENDLETON of Cumberland

Representatives:

TRIPP of Topsham  
BELANGER of Caribou  
TESSIER of Fairfield  
COWGER of Hallowell  
HONEY of Boothbay  
WATSON of Farmingdale  
TOBIN of Dexter

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 **KONTOS** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED.**

**READ ONCE.**

Committee Amendment "A" (S-599) **READ** and **ADOPTED.**

**LATER TODAY ASSIGNED FOR SECOND READING.**

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**SECOND READERS**

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

**Senate As Amended**

Bill "An Act to Create the Drive ME Wheels-to-work Program"  
S.P. 588 L.D. 1668  
(C "A" S-595)

Bill "An Act to Allow the Towns of Wells and Ogunquit to Withdraw from Their Community School District"  
S.P. 602 L.D. 1725  
(C "A" S-531)

Bill "An Act to Promote Bone Marrow Donation"  
S.P. 916 L.D. 2368  
(C "A" S-596)

Bill "An Act to Improve the Regulation of Occupations and Professions"  
S.P. 996 L.D. 2558  
(C "A" S-593)

Bill "An Act to Provide Legal Access to Marijuana for Medical Use"  
S.P. 1012 L.D. 2580  
(C "A" S-597)

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

Sent down for concurrence.

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**ENACTORS**

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

**Emergency Measure**

An Act to Improve the Absentee Voting Process  
S.P. 631 L.D. 1796  
(C "A" S-515)

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.

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**Acts**

An Act to Appropriate Funds to Match a Federal Department of Energy Research and Development Award  
S.P. 882 L.D. 2297  
(C "A" S-547)

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

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An Act to Implement the Recommendations of the Task Force to Study the Need for an Agricultural Vitality Zone Program  
S.P. 982 L.D. 2532  
(C "A" S-548)

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

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**Resolves**

Resolve, to Promote Natural Resource-based Industries  
S.P. 585 L.D. 1665  
(C "A" S-549)

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Transfer or Acquire Property or Interests in Property at the Maine Criminal Justice Academy, Oak Grove Coburn School in Vassalboro and Maine State Prison in Thomaston

S.P. 890 L.D. 2309  
(C "A" S-550)

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

Resolve, to Increase the Reimbursement Amount for Occupational and Physical Therapy Services Under the Medicaid Program

H.P. 1655 L.D. 2324  
(H "A" H-903 to C "A" H-853)

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

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

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass**

Senator **KILKELLY** for the Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, Authorizing the Commissioner of Inland Fisheries and Wildlife to Allow a Well and Waterline Easement (EMERGENCY)

S.P. 1040 L.D. 2622

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

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

**READ ONCE**.

**LATER TODAY ASSIGNED FOR SECOND READING**.

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**ORDERS OF THE DAY**

**Unfinished Business**

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

The Chair laid before the Senate the following Tabled and Later (3/27/00) Assigned matter:

**NOMINATION** - of Dr. Harold H. Brown of Bangor, for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Tabled - March 27, 2000, by Senator **PINGREE** of Knox.

Pending - **CONSIDERATION**

(In Senate, March 27, 2000, Communication (S.C. 588) from the Committee on **INLAND FISHERIES AND WILDLIFE, READ and ORDERED PLACED ON FILE.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

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The Chair noted the absence of the Senator from York, Senator **LAFOUNTAIN** and further excused the same Senator from today's Roll Call votes.

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**ROLL CALL (#292)**

YEAS: Senators: None

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

ABSENT: Senators: **MACKINNON, SMALL**

EXCUSED: Senator: **LAFOUNTAIN**

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Dr. Harold H. Brown** of Bangor for reappointment to the Inland Fisheries and Wildlife Advisory Council was **CONFIRMED**.

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

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The Chair laid before the Senate the following Tabled and Later (3/27/00) Assigned matter:

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

Tabled - March 27, 2000, by Senator **PINGREE** of Knox.

Pending - **CONSIDERATION**

(In Senate, March 27, 2000, Communication (S.C. 589) from the Committee on **INLAND FISHERIES AND WILDLIFE, READ and ORDERED PLACED ON FILE.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#293)**

YEAS: Senators: None

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

ABSENT: Senators: **MACKINNON, SMALL**

EXCUSED: Senator: **LAFOUNTAIN**

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Kenneth E. Bailey** of Camden for reappointment to the Inland Fisheries and Wildlife Advisory Council was **CONFIRMED**.

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

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The Chair laid before the Senate the following Tabled and Later (3/28/00) Assigned matter:

NOMINATION - of the Honorable Courtland D. Perry of Augusta, for appointment as an Active Retired Maine District Court Judge.

Tabled - March 28, 2000, by Senator **PINGREE** of Knox.

Pending - **CONSIDERATION**

(In Senate, March 28, 2000, Communication (S.C. 591) from the Committee on **JUDICIARY, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#294)**

YEAS: Senators: None

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

ABSENT: Senator: SMALL

EXCUSED: Senator: LAFOUNTAIN

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the **Honorable Courtland D. Perry** of Augusta for appointment as an Active Retired Maine District Court Judge was **CONFIRMED**.

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

---

The Chair laid before the Senate the following Tabled and Later (3/28/00) Assigned matter:

**NOMINATION** - of Rick E. Lawrence of Portland, for appointment as a Maine District Court Judge.

Tabled - March 28, 2000, by Senator **PINGREE** of Knox.

Pending - **CONSIDERATION**

(In Senate, March 28, 2000, Communication (S.C. 592) from the Committee on **JUDICIARY, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

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

Senator **LONGLEY:** Thank you Mr. President. Colleagues in the Senate, I'll be very brief. We are about to do something very historic. The first ever African American Judge may well be about to be confirmed. And I say to you, his presentation and his caliber is the highest quality and we are about to get one very good addition to the Bench. Thank you.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate. I want to echo the good Senator from Waldo, Senator Longley's, remark about this historic occasion. At the public hearing before Judiciary on this nomination, the nominee remarked on how honored he was to receive the nomination. I responded that, in this particular case, given the high quality of the nominee, the Governor is also honored. Thank you Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#295)**

YEAS: Senators: None

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

ABSENT: Senator: SMALL

EXCUSED: Senator: LAFOUNTAIN

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Rick E. Lawrence** of Portland for appointment as a Maine District Court Judge was **CONFIRMED**.

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

The Chair laid before the Senate the following Tabled and Later (3/28/00) Assigned matter:

NOMINATION - of John McElwee of Caribou, for appointment as a Maine District Court Judge.

Tabled - March 28, 2000, by Senator **PINGREE** of Knox.

Pending - **CONSIDERATION**

(In Senate, March 28, 2000, Communication (S.C. 593) from the Committee on **JUDICIARY, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#296)**

YEAS: Senators: None

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

EXCUSED: Senator: **LAFOUNTAIN**

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **John McElwee** of Caribou for appointment as a Maine District Court Judge was **CONFIRMED**.

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

The Chair laid before the Senate the following Tabled and Later (3/28/00) Assigned matter:

NOMINATION - of Patricia Worth of Belfast, for appointment as a Maine District Court Judge.

Tabled - March 28, 2000, by Senator **PINGREE** of Knox.

Pending - **CONSIDERATION**

(In Senate, March 28, 2000, Communication (S.C. 594) from the Committee on **JUDICIARY, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#297)**

YEAS: Senators: None

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

EXCUSED: Senator: **LAFOUNTAIN**

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Patricia Worth** of Belfast for appointment as a Maine District Court Judge was **CONFIRMED**.

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

The Chair laid before the Senate the following Tabled and Later (3/28/00) Assigned matter:

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act Regarding Wrongful Death Actions"

H.P. 480 L.D. 687

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-871)** (9 members)

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

Tabled - March 28, 2000, by Senator **RAND** of Cumberland.



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

(In House, March 22, 2000, 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-871).**)

(In Senate, March 23, 2000, Reports **READ.**)

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate. I will not be repetitious of remarks yesterday, but I would like to be brief in recalling where we are in this matter. The pending motion is acceptance of the Majority report to take the cap off the wrongful death statute as it relates to non-economic rights of recovery. In yesterday's debate, two things occurred that I did not have a chance to respond to, Mr. President, and I would like to respond now, briefly. Yesterday I mentioned that there were two fiscal notes on this Bill, or rather I should say a single fiscal note when actually there were two. The first fiscal note shows that if this cap is removed from the law, the State of Maine will stand an increase of insurance premiums yearly of \$125,000. That was modified by the office that does our work on fiscal notes so that if this cap is removed, the cost to the State of Maine, annually for increased insurance is \$149,000. And yesterday Senator LaFountain, the good Senator from York, questioned whether or not there would be any increase in the insurance premiums for our citizens if the cap goes. Clearly to me, there will be a substantial increase in the cost of our insurance. Everyone who registers a motor vehicle must have an insurance certificate or slip to show evidence of insurance. This will affect every citizen in the state in increased insurance. Businesses as well and local governments. So I want to indicate that we can look at this and wonder if there is going to be an increase, but clearly if the State is going to have an additional increase in insurance, every citizen will also have the same additional cost. Yesterday Senator Douglass, Mr. President, the good Senator from Androscoggin, rose to her feet and said remove the cap, let's give the issue to the jury and let's get some justice. My answer to that argument is that anytime in a wrongful death case that you have in a court of law, a decision by a jury, rested solely upon emotion, you do not have justice. No justice occurs out of that result. Justice can never be rested upon the unknown, but rather on what is known. And emotion is something that is hard to put your finger on and pin down. Edmond Burke said something years ago, Mr. President, that bears upon this point when we were setting up this nation. In England, he said where mystery begins, justice ends. And that's the argument that I would make to answer the good Senator from Androscoggin, that leaving it to the jury, with emotion, is not good government.

I would like to conclude by sharing a Maine District Court case on this subject. We are all familiar with Justice Carter sitting in the District Court in Portland. Last year he had a case that took up this statute. And what he says about the law should give us pause from removing the cap. In that case, the deceased, the person died as a result of surgery at a time when being treated for a heart malfunction or heart disease, then this

suit resulted. Judge Carter says that the economic loss in a wrongful death case is broader than we think it is and the non-economic right of recovery is narrower than we think it is. Judge Carter wrote this: although placing a monetary value on the loss of future guidance and advice is more difficult than qualifying the loss for a salary situation, these factors must be considered. What he said in the case was that people who lose, as a result of the loss of a loved one, the right of advice, the right of what we would call a relational right, is more than just a loss of salary. A statutory cap on damages for the loss of comfort, society, and companionship does not act to limit recovery for all that is relational and is not just a purely economic loss. I want to conclude by noting this, Mr. President, if Judge Carter were here today, he would press the red button on this motion for this reason. He said that this Legislature and amending the statute to cap damages available in a wrongful death action for loss of comfort, society, and companionship prevented excessive verdicts that can result in wrongful death actions when a jury is moved by the intangible, the inconsolable, and an emotional loss of a loved one. And that is why we have a cap is to prevent injustice. It is to allow for something to be given as a matter of recovery, but to not to have a jury do so on the basis of emotion. I would ask you, please, to press the red button for good government on this particular motion. And I thank you Mr. President.

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

Senator **NUTTING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I have been thinking about this issue a lot. I am going to be voting for this Bill on first reading to get to the second reading. I feel as though the cap is too low, but I feel as though we need to have a cap. And I can't proceed that way until it gets to second reading. I'm voting to support the Bill's first reading for that reason. 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, first I want to extend my sympathy to the members of this Chamber who have had losses that might be affected by legislation such as this. They may be remote in time, but I'm sure discussion like this makes them painfully fresh in people's memories. I want to add that I understand the issues about economic compensation and even punitive compensation, but frankly I don't entirely understand the issue that has to do with non-economic compensation in wrongful death. I think we have been sending a mixed message in this debate in that many speakers, during the course of the debate, have stated that you can't put a price on the value of a loved one, but on the other hand have also said is \$150,000 all a loved one is worth to you? There is no value on a person that you care about or even a person that you don't care about. Therefore, frankly if I had a vehicle in front of me, I would like to see this go away all together. I don't understand the purpose. I don't understand the value. And I think that a jury would be in the same dilemma that this Body is today in a debate such as this if they were faced with comments such as is that all you think that your loved one is worth, whether it was a million, ten million, or a hundred million dollars. I think that is a Gordian knot. I don't think it can be

solved by human reason and therefore I would urge you to defeat the pending motion. Thank you.

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

Senator **KIEFFER:** Thank you Mr. President. Mr. President, ladies and gentlemen of the Senate, I didn't really intend to speak on this issue and I'm not a lawyer so I don't know what's going to happen in the courtroom. However, I've spent over 40 years in the casualty insurance business and I can tell you what it's going to do in the insurance business. I suppose, as an insurance agent, I should clap my hands and shout for joy because of the additional commissions that this kind of legislation will develop. But in fact, it does exactly the opposite. The last time this occurred, we stopped writing one month insurance policies for people that came through the door. The Department of Insurance was notified of that and we were told we had to write one month insurance policies. People come in, they can't afford the cost, they buy a 30 day policy, they go down and get their registration from the Town Office or send it in and for 11 out of the 12 months, they are without insurance on the road. The kind of increases that this will generate will put more people with no insurance on the road then it might benefit. Now I am not trying to set a value on anyone's loved ones, whether it's a hundred million or five-hundred million is an academic question, I think. But in reality I can tell you this has a potential to put more people on the road without insurance. Thank you Mr. President.

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

Senator **LONGLEY:** Thank you Mr. President. Colleagues in the Senate, just the facts. One, two, three, four, five, six states out of fifty have caps. No state has a cap as low as Maine's. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Waldo, Senator Longley to Accept the Majority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#298)**

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

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

**EXCUSED:** Senator: LAFOUNTAIN

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **LONGLEY** of Waldo to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED.**

**READ ONCE.**

Committee Amendment "A" (H-871) **READ** and **ADOPTED**, in concurrence.

**LATER TODAY ASSIGNED FOR SECOND READING.**

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

Senator **DAVIS:** Thank you very much Mr. President. Good morning ladies and gentlemen of the Senate, it is with great pride and great pleasure that I present the Dexter Regional High School Wrestling Team that is in the back of the Chamber right now. Wrestling, as anyone who knows anything about it, is a very intensive sport. It's very competitive. It requires that use your brawn and also use your brain to develop strategies to overcome your opponent. I suppose some could say that it's a kin to politics. I don't know. However, it is with great pride that I introduce them. They not only have won this year's State C Championship, they have won last year's and the year before, and the year before. Four years in a row, Mr. President, and I think that is a remarkable feat in such an intensive sport. It was very close this year, but they were able to overwhelm the Town of Bucksport, and they won. Also, it is with even further pride that one of their coaches, 36 years ago, was the coach of the wrestling team when I was in High School in Dexter, Mr. Frank Spizuoco, who's in the back also. And it's with further pride that he and my mother wrote a history of the Town of Dexter and in that history, part of it was dedicated to Stanley Plummer who is the Postmaster of the United States Senate and the hospital in Dexter, which is closed now, but was Plummer Memorial Hospital and I was born there, Mr. President. Thank you very much Mr. President.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the Chamber, the Maine State Class C Wrestling Champs, the team from Dexter. Would they please rise and receive the greetings of the Senate.

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

**NOMINATION** - of Melford J. Pelletier of Soldier Pond, for appointment to the Board of Environmental Protection.

Tabled - March 29, 2000, by Senator **PINGREE** of Knox.

Pending - **CONSIDERATION**

(In Senate, March 29, 2000, Communication (S.C. 597) from the Committee on **NATURAL RESOURCES, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **NATURAL RESOURCES** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

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Off Record Remarks

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**ROLL CALL (#299)**

YEAS: Senators: None

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

EXCUSED: Senator: LAFOUNTAIN

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Melford J. Pelletier** of Soldier Pond for appointment to the Board of Environmental Protection was **CONFIRMED**.

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

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

NOMINATION - of Richard E. Wardwell of Orono, for appointment to the Board of Environmental Protection.

Tabled - March 29, 2000, by Senator **PINGREE** of Knox.

Pending - **CONSIDERATION**

(In Senate, March 29, 2000, Communication (S.C. 598) from the Committee on **NATURAL RESOURCES, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **NATURAL RESOURCES** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#300)**

YEAS: Senators: None

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

EXCUSED: Senator: LAFOUNTAIN

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Richard E. Wardwell** of Orono for appointment to the Board of Environmental Protection was **CONFIRMED**.

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

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

NOMINATION - of Katharine C. Littlefield of Belfast, for reappointment to the Board of Environmental Protection.

Tabled - March 29, 2000, by Senator **PINGREE** of Knox.

Pending - **CONSIDERATION**

(In Senate, March 29, 2000, Communication (S.C. 599) from the Committee on **NATURAL RESOURCES, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **NATURAL RESOURCES** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#301)**

YEAS: Senators: None

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

EXCUSED: Senator: LAFOUNTAIN

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Katharine C. Littlefield** of Belfast for reappointment to the Board of Environmental Protection was **CONFIRMED**.

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

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The Chair laid before the Senate the following Tabled and Later (3/28/00) Assigned matter:

Bill "An Act to Enhance the Economic Security of Low-income Households with Respect to Utility Service"  
H.P. 1496 L.D. 2140

Tabled - March 28, 2000, by Senator **AMERO** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED**, 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 28, 2000, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence. Subsequently, on motion by Senator **AMERO** of Cumberland, **RECONSIDERED**.)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#302)**

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

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

EXCUSED: Senator: LAFOUNTAIN

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

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

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act Requiring Compensation for Loss of Property Value Due to State or Local Regulation"

H.P. 354 L.D. 470

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-872)** (3 members)

Tabled - March 21, 2000, by Senator **LONGLEY** of Waldo.

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

(In House, March 16, 2000, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

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

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

Senator **DAVIS**: Thank you Mr. President. I want you to know, Mr. President, that my voice has served me very well for many, many years and that if the accent that I have brings enjoyment to some folks, that's all the better for it. There is nothing like finding a way to please someone and standing to make some fun of yourself a little bit is good too.

To that said Mr. President, I'd like to talk about this just a bit this morning. This is a big issue and it's becoming a bigger issue as the government's passing laws and then taking, what many people perceive, the value of property that they have acquired over the years away from them. I have heard from a number of landowners in my district in the last few weeks that were very upset over the most recent forestry initiative and other initiatives, creating an access Bill, and this type of thing in the Legislature. One driveway per lot, having to build a road, this type of thing to use your land. I have heard from people such as Bob Littlefield, who's the Town Manager of Guilford, who during his lifetime has acquired 300-400 acres of land and told me last week that if he had it to do over again, he would have flattened the land 15 years ago and put the money in the bank because he would be that much better off. In our caucus this was brought up, Mr. President, and many people don't think that this can be accomplished. That you can't tell when a law has adversely affected a piece of property. Well, I reject that. I don't agree with that at all. I know that when I was a police officer and I was called to a situation when someone was deprived of their rights or their property, I could easily tell. When I took it to court, the judge could usually tell. And I don't see why we can't tell now, why we can't figure out the damage that a law is going to cause a landowner. I am puzzled by that. It seems to me that it should be easy to do and those of us that make laws that effect these people, it doesn't adversely effect us the way it does them and we need to try to keep that in mind. Thank you very much Mr. President.

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

Senator **MILLS**: Mr. President and men and women of the Senate, it was in the summer of 1996, and fall of that year, that there was a Commission formed in response to a Bill that is very much like this one. The Bill had 113 cosponsors, but the Legislature, in its wisdom, decided to send it out to a study before acting on the proposal that was so popular at first reading. There were 24 members of the Commission who met together quite regularly and quite faithfully during that period and we explored all of the options for considering a law of this sort or of this type. And we ran into some profound difficulties and wound up, by a consensus vote of 24 to 0 on that Commission, making several specific recommendations where we thought that current Maine Statutes could be improved to better protect the rights of landowners who are adversely affected by governmental regulations. Those changes were enacted in 1997 in the next session of the Legislature. And we thought, as a product of that work, that we had gone as far as we could practically go. The problem with this kind of a Bill, and there are many but there is one in particular that is challenge. If a governmental regulation adversely affects property in some way or in some intangible way. Let's take wetlands for example, let's assume that we had no law on wetlands and all of a sudden, on a given day, we created the current law on wetlands. If I own only 10 acres of land and 9 acres of it is wetland, then I may well have lost 90% of the practical use of that land, and I would be entitled to make

claim under this law for my loss, and justifiably so perhaps. But if I own 100 acres of land and 9 acres of it is wetland and the wetland regulations are superimposed, then I have only lost 9% of the value of my land, even though my loss in economic terms is exactly the same as the person who lost the 9 acres that only owned 10 acres. Even though the two losses are identical, one is entitled to compensation and the other is not. So the law, if you pass such a law is this, would be dreadfully unfair to different landowners in different situations. I have to share the good Senator's concern, however, for the currently proposed forestry referendum. It is not good forestry. It is terribly written and I understand his constituents' concerned about the impact on such a referendum or proposal. My constituents and I, myself, share those concerns as a landowner and as a State Senator. However, the place we have beat down this kind of Legislation is in the political arena and I think that's the message that we need to carry back home. Thank you Mr. President.

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

Senator **CAREY**: Thank you Mr. President. Mr. President, members of the Senate, in my other life I serve as a selectperson in the Town of Belgrade and have for some 10 years now and the way this Bill is written is really injurious to us and I support the position that the good Senator from Piscataquis, Senator Davis, has taken.

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

Senator **BENOIT**: Thank you Mr. President. May it please the Senate. I'll be brief and echo the remarks of the good Senator from Somerset, Senator Mills. The Judiciary Committee was presented, as part of the evidence on this Bill, the final report of the study commission that he has just mentioned. And out of that study commission came legislation creating a mediation program that we had enacted in the 118<sup>th</sup> Legislature to take care of the problem. It was the best that we could do at the time. It is still the best that we can do now. And even though this Bill mirrors the LD that was presented at that time, LD1257, I don't see how, there being this study having taken place, that we can improve on what we have enacted in the law. I say that respectfully to Senator Davis and his concern for constituents, which the good Senator from Piscataquis has also indicated. You know the problem that does exist for some of our citizens of the State. But I was taken by the study group, a large panel of Legislators and citizens of the State joining with them, to come out with this mediation process that we have in the law and I feel comfortable in being in the majority on this matter and the motion Ought Not to Pass, and I support it. Thank you.

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

Senator **DAVIS**: Thank you again Mr. President. What's government for? If government passes a law and it adversely affects the citizens then the citizens should have a right to redress. With all respect to the good Senator from Somerset and my good friend the Senator from Franklin, I talked with some people that are on this group that they talked about and one of them told me remarkably shortly after the group disbanded, there was a law case that came out in the courts that granted some

people in South Carolina the right to recover the damage that the law had caused to their property. I would submit again, Mr. President, I believe that if we pass a law, and it damages people, that we can figure out and repay them for their losses. Thank you very much.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Waldo, Senator Longley to Accept the Minority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#303)**

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

**NAYS:** Senators: AMERO, BERUBE, CAREY, DAVIS, KIEFFER, LIBBY, MACKINNON, MITCHELL

**EXCUSED:** Senator: LAFOUNTAIN

26 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **LONGLEY** of Waldo to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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The Chair laid before the Senate the following Tabled and Later (2/25/00) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Return a Percentage of the Meals and Lodging Tax to the Municipality in Which Those Taxes were Levied" H.P. 799 L.D. 1122

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-798)** (7 members)

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

Tabled - February 25, 2000, by Senator **RUHLIN** of Penobscot.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, February 22, 2000, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**.)

(In Senate, February 25, 2000, Reports **READ**.)

On motion by Senator **RUHLIN** of Penobscot, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**, in concurrence.

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The Chair laid before the Senate the following Tabled and Later (3/7/00) Assigned matter:

JOINT ORDER - relative to recalling Bill "An Act to Establish Mandatory Labeling for Genetically Engineered Foods" (H.P. 506) (L.D. 713) and all its accompanying papers from the legislative files to the Senate

S.P. 1024

Tabled - March 7, 2000, by Senator **KILKELLY** of Lincoln.

Pending - motion by same Senator to **PASS**

(In Senate, March 7, 2000, **READ**.)

Senator **KILKELLY** of Lincoln requested and received leave of the Senate to withdraw the Joint Order.

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Senate at Ease.

Senate called to order by the President.

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

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

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act to Promote Stability in Labor Management Relations in the Public Sector"

H.P. 960 L.D. 1358

Report "**A**" - **Ought to Pass as Amended by Committee Amendment "A" (H-433)** (6 members)

Report "**B**" - **Ought Not to Pass** (6 members)

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

Pending - **FURTHER CONSIDERATION**

(In House, February 22, 2000, Report "**A**", **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-433)**.)

(In Senate, March 14, 2000, Report "**B**", **OUGHT NOT TO PASS READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

(In House, March 16, 2000, that Body **ADHERED**.)

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

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Senate at Ease.

Senate called to order by the President.

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The Chair laid before the Senate the following Tabled and Later (3/14/00) Assigned matter:

**SENATE REPORTS** - from the Committee on **LABOR** on Bill "An Act to Encourage Responsible Employment Practices"  
S.P. 292 L.D. 810

**Majority - Ought to Pass as Amended by Committee Amendment "A" (S-535)** (8 members)

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

Tabled - March 14, 2000, by Senator **DOUGLASS** of Androscoggin.

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

(In Senate, March 14, 2000, Reports **READ**.)

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

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

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

Senator **DOUGLASS:** Mr. President, men and women of the Senate, I rise to explain this Bill which empowers the Bureau of General Services to look at contracts that the State has with contractors doing business over \$10,000 and to investigate whether the employer's in compliance with unemployment compensation laws and Workers' Compensation laws. And it provides that the Bureau of General Services can get the information needed to determine whether a worker's properly classified as an independent contractor and, if there's a suspected violation, to refer the matter to the proper authorities, state or federal. So it's simply a matter of communication. When we heard testimony about the Bill, which has been gutted, the Bill that's in your original folders has been completely reworked and I believe it was reworked by the Honorable Senator from Somerset, Senator Mills. We worked to basically provide information to the Bureau of General Services so that they could be sure that the employers with whom we contract are following all of our laws. I hope you will vote in favor of the Majority report.

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

Senator **MILLS:** Mr. President, men and women of the Senate, if I may, by way of further explanation of what remains of this Bill. The Bill, when it first came to us, was one that would have required the Bureau of Purchases to pass judgment on the qualifications of those who would either supply material or supply services to the State. And I think the Committee very quickly determined that was a highly impractical notion, that we should not be putting prevailing wage standards and that sort of thing into place to limit the number of people who are able to do business with the State. It also became readily apparent that the Bureau of Purchases is in no way equipped with its present staff to undertake any such review of all those who might, the tens of thousands really of businesses and suppliers, do business with the State. One of the things that occurred during our public hearing and work session discussions was a disclosure that the Department of Labor, which is the department that really is charged with enforcing things like wage and hour laws, overtime laws, minimum wage laws, and that sort of thing, had no direct authority in statute to examine abuses that we had heard about. And the abuse we heard about quite frequently was that there are contractors who work for the State who, instead of hiring employees to work for them, will call everybody who works for them an independent contractor. And thus avoid paying withholding taxes, unemployment compensation taxes, avoid social security taxes and they attempt to avoid Workers' Compensation obligation and all kinds of thing. And we had heard that there was at least one such contractor working on the State House. And I had heard that activity elsewhere in the private sector by a similar contractor. So, we thought there was a hole or deficiency, really, in the current statute that tells us what the Department of Labor is supposed to be doing. The Department of Labor said that they had no direct authority to examine the books and records of a company solely for the purpose of determining whether the independent contractor status of the workers was being abused, whether that system was being abused. So, what you have before you is a Committee amendment that does only one thing. It simply adds to the investigative power of the Department of Labor. It says that the Department of Labor, while it's investigating the books of companies for other reasons and purposes, may also examine for the purposes of determining whether the employees are properly classified. They don't have any enforcement power if they find abuse, but they certainly have referral power, and they can send the issue, if they find it, to the tax people and the employment security people who would be the appropriate people to further the investigation and then to take remedial action. At the moment, as I understand it, there is very little investigation done of this kind of abuse because the tax people only do limited audits. The employment security people don't do a lot of field auditing, I don't believe, and it's the Department of Labor that is out there in the field every day looking at this sort of thing. So it's a very simple Bill. I was rather surprised that it came out divided, to be honest. I think it simply plugs a small hole in the authority in the Department of Labor that has needed plugging for quite some number of years. I urge you to vote for the majority Ought to Pass report. Thank you.

At the request of Senator **AMERO** of Cumberland a Division was had. 25 Senators having voted in the affirmative and no 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-535) **READ.**

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

Senator **CAREY:** Thank you Mr. President. I find on the amendment that the fiscal note says that the cost of a prisoner, per day, is \$83.36 and I would certainly hope that in the long run the State will pick up its share of county prisoners.

Committee Amendment "A" (S-535) **ADOPTED.**

**LATER TODAY ASSIGNED FOR SECOND READING.**

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The Chair laid before the Senate the following Tabled and Later (3/27/00) Assigned matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Provide Adequate Reimbursement for Speech and Language Pathologists  
S.P. 889 L.D. 2308

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-587)** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-588)** (5 members)

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

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-587)** Report

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

At the request of Senator **AMERO** of Cumberland a Division was had. 27 Senators having voted in the affirmative and 2 Senators having voted in the negative, the motion by Senator **PARADIS** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-587)** Report, **PREVAILED.**

On motion by Senator **DAVIS** of Piscataquis, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-587)** Report.

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.

Senator **BENNETT** of Oxford moved the Resolve and accompanying papers be **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES.**

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

Senator **MITCHELL** of Penobscot moved to **TABLE** until Later in Today's Session, pending motion by Senator **BENNETT** of Oxford that the Resolve and accompanying papers be **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES.**

At the request of Senator **RAND** of Cumberland a Division was had. 17 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **MITCHELL** of Penobscot to **TABLE** until Later in Today's Session, pending motion by Senator **BENNETT** of Oxford that the Resolve and accompanying papers be **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES, PREVAILED.**

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Establish a Commemorative Day Recognizing Major-General Henry Knox" (EMERGENCY)  
H.P. 1787 L.D. 2507

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

Minority - **Ought to Pass** (6 members)

Tabled - March 3, 2000, by Senator **PINGREE** of Knox.

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

(In House, February 29, 2000, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**)

(In Senate, March 3, 2000, Reports **READ.**)

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

Senator **PINGREE:** Thank you Mr. President. Men and women of the Senate, I am going to ask you to consider voting for the Ought to Pass minority report from this Committee and I will give you a couple of brief reasons why. As you know, although his picture is now gone from the Chamber, Henry Knox used to spend some time with us here in the Senate. So I am sure many of you feel almost as close to him as those of us in Knox County do who live with his namesake every day. This Bill was a very simple Bill requesting that we be able to designate one day out of the year, that would be July 25<sup>th</sup> for any of you making your travel plans should this Bill pass, that would be Henry Knox Day down in our county. And we would be able to have a celebration, particularly this year, which is the 250<sup>th</sup> anniversary of Henry Knox's birth. Henry Knox, as you may know, was born in Boston. He started out as an owner of a small bookstore, but immediately became a patriot when the war broke out and eventually rose to the position of Secretary of War under President Washington.



He is a man of great distinction in terms of his wartime service and also came back to a land grant to Knox County to settle and built quite an empire that included both boat building and agriculture and all kinds of industrial undertakings. As you know, when you drive up Route 1, coming into Knox County, just as you come through the Town of Thomaston, there are two spectacular sites there for you to behold. The replica of the Knox Mansion and behind it the Dragon cement plant. Now we hope many of you have had a chance to visit this and have had a chance to see that this replica of his mansion is a very interesting place. And for those people who spend a considerable amount of time keeping up this home of his and helping us to remember who our namesake was in Knox County, he is particularly important to all of them and to everyone else who remembers our heritage. So we would like to ask you to consider voting for the minority Ought to Pass report today, so that we in Knox may use this day to celebrate the man who was our namesake. I appreciate your consideration.

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

**Senator DAVIS:** Thank you Mr. President. It seems that I am on a roll today. I wanted to speak to this. When this came to our Committee, Mr. President, I initially felt that it was an excellent idea. I enjoy history immensely. Our Country's history. And I thought that this was a good idea. But then my good friend, the good Senator from Hancock, pointed out all the days that we currently have and it made sense, as she put it, for that it didn't make sense. It made sense to not make sense, I guess not to do this. But, I have since thought about it quite a lot and our good Majority Leader, the good Senator from Knox, spoke to me the other day and since then I have decided that I would support this instead of being opposed to it. The good Senator from Hancock's reasoning was that we have all sorts of days right now, and we certainly do. We have days and weeks. We have an Arbor Week, a Poetry Day, and an American history Month. We have a Statehood Day, a Chester Greenwood Day. I'm sure the children of Franklin County hear much better because of his efforts. We have a Maine Cultural Heritage Week, R. B. Hall Day, the great composer. We have Maine Queen Lotto Week, National Women's History Week, that was repealed however. We have Maine Business Women's Week, Alcohol Awareness Week. We have Samantha Smith Day, we all know who she was and how wonderful everything that she did was. Maine Merchant Marine Day, a week of gardening, Margaret Chase Smith Day, Edmund S. Muskie Day, Former Prisoner of War Recognition Day, Landowner Recognition Day, Children's Day, Firefighter's Recognition Day, Prisoner of War Day, Missing in Action Recognition Day, Organ Donor Awareness Day, and I'm sure I can't pronounce it correctly, that we have Deaf Day. Going over that, Mr. President, and reading about Henry Knox, I realized immediately that I could probably start building my reputation as an all inclusive liberal by including him in all of this. So I thought that I would tell you a little bit about Henry. I can't do it as eloquently as the good Senator from Knox, because I'm sure she studied him a lot more. Henry Knox was a very remarkable person. And he was one of the many men and women who lived during his era who had a huge lust for freedom and liberty that we all have. He was born in Boston. He was the seventh of ten children. He had to quit school at a young age because his shipbuilding father passed away and the family was suffering from financial difficulties. He went to work in a bookstore and

very shortly thereafter he opened his own bookstore. When the war approached, he supported the colonial cause. And after the Battle of Bunker Hill, George Washington came to Boston and was introduced to Henry and there was a lifetime friendship developed. Washington turned to Henry, and you have to bear in mind when you think about this that Henry was not the typical image of a gallant officer. He was short and he was fat and he was very unappealing. But, Washington recognized his great talents and asked him what to do. Henry Knox said that he would go to New York, Fort Ticonderoga where American forces had captured a number of cannon from the British and he would bring them back and he would drive the British out of Boston. And that's exactly what he did. In the dead of Winter with mules and oxen, they walked to Fort Ticonderoga and they brought back 50 cannon. And he placed them on Dorchester Heights and General Howe, looking up at those cannons, realized that perhaps there's times when retreat is a better part of valor. He put his troops on the ships and they sailed off. And the colonists marched into Boston triumphantly. He was a very great man. He did other things. He set up the defenses of Rhode Island and Connecticut. He was in New York when the Colonial Army was routed. And it was his efforts as they crossed the Delaware fleeing from the Colonial Army, which had in mind to annihilate them. He gathered up all the boats and they managed to escape. And the British couldn't follow them because they didn't have any boats. It was in the winter time. So they went to Trenton, the British did, waiting for it to freeze over. Washington again turned to Henry Knox and, lo and behold, Henry commanded the troops across the Delaware and they caught at Trenton a thousand soldiers and a huge amount of supplies and cannons and things that the Army desperately needed. When Washington gave him that assignment, the other officers laughed because of Henry's uncompromising appearance and Washington showed his great faith in his friend by saying that his orders would be as his. Henry had the authority of George Washington to take the troops across from Delaware and he did. He then set up the defenses of Valley Forge and assisted in having Cornwallis surrender. He bombarded Cornwallis with his artillery and the end of the war came. He was then elected by the Continental Congress to be the Secretary of War. He wasn't appointed. He was elected. After George Washington was elected President, he turned to Henry again and made him the Secretary of War. He served in that position until 1794 when he, through financial straits, had to return to his home and take care of his family. He lived until 1806 and then passed away. As the good Senator from Knox said, he lived the remainder of his life in Thomaston. He was a very remarkable person, one that the State of Maine can be proud of. And I would urge that we make a Henry Knox Day. Thank you Mr. President.

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

**Senator GOLDTHWAIT:** Thank you Mr. President. Ladies and gentlemen of the Senate, as usual when this issue arose in our Committee, I had one of my curmudgeon moments and spoke about the number of days that we have recognizing people that no one anymore remembers in our State and, unfortunately, spoke convincingly enough that I took half of the Committee with me. And having heard the presentations from the previous speakers, it certainly points out the significant contributions of Henry Knox to Maine State history and I certainly think that those contributions should be valued and honored. More importantly, I

intend to support this proposal because of the rumor that I heard this morning that this summer the good Senator from Knox, Senator Pingree, will be re-enacting the walk to Ticonderoga and bringing 50 cannons back. And therefore I would urge your opposition to the Ought Not to Pass Report. Thank you.

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Off Record Remarks

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate. I rise to ask you to vote in opposition to the pending motion. I notice that Senator Davis from Piscataquis did mention that there is a Chester Greenwood Day on our calendar and for good reason. Chester Greenwood, as we all know, was commemorated on the first day of winter for having invented, among other things, the earmuff. Frankly, I think there is still enough room on our calendar for this particular recognition and I would like to see it happen. Senator Davis gave us, I think, a neat history lesson so that we could each day, upon looking at the calendar and noticing an interesting Maine person to be recognized and observed to recall, we could have a history lesson. I would like to see everyday, frankly, used this way so that when we wake up in the morning, the sun beams on the calendar, we can go there and get a bit of history such as Senator Davis shared with us. When we have all the days on the calendar filled up, I'd like to see us start a second round of days. Thank you Mr. President.

The Chair ordered a Division. No Senators having voted in the affirmative and 24 Senators having voted in the negative, the motion by Senator **PENDLETON** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILED**.

Minority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

**LATER TODAY ASSIGNED FOR SECOND READING.**

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Off Record Remarks

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Senator **GOLDTHWAIT** of Hancock was granted unanimous consent to address the Senate off the Record.

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

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

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Off Record Remarks

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Senator **FERGUSON** of Oxford was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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

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On motion by Senator **BENNETT** of Oxford, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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Off Record Remarks

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

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order: H.P. 1912

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Judiciary report out, to the House, a bill to provide equal treatment for state employees under federal employment laws.

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

**READ** and **PASSED**, in concurrence.

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

**SECOND READERS**

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

**House As Amended**

- Bill "An Act to Help Farmers to Protect the Quality of Milk"  
H.P. 1108 L.D. 1567  
(C "A" H-934)
- Bill "An Act to Broaden Business Ownership in Maine"  
H.P. 1809 L.D. 2535  
(C "A" H-932)
- Bill "An Act to Amend the Acreage Requirements for a Cemetery to Contain a Columbarium"  
H.P. 1825 L.D. 2560  
(C "A" H-926)
- Bill "An Act Establishing the Newborn Hearing Program"  
H.P. 1260 L.D. 1814  
(C "A" H-931)
- Bill "An Act to Amend the Laws Governing the Licensure of Dental Hygienists"  
H.P. 1490 L.D. 2128  
(C "A" H-930)
- Bill "An Act to Make Changes to the Cub Care Program"  
H.P. 1622 L.D. 2269  
(C "A" H-929)
- Bill "An Act to Establish a Memorial Dedicated to the Civilian Conservation Corps"  
H.P. 1797 L.D. 2522  
(C "A" H-940)
- Bill "An Act Relating to Electric Industry Restructuring" (EMERGENCY)  
H.P. 1788 L.D. 2508  
(C "A" H-935)
- Bill "An Act to Amend the Charter of the Small Point Water Company" (EMERGENCY)  
H.P. 1798 L.D. 2525  
(C "A" H-936)
- Bill "An Act to Create the Alfred Water District" (EMERGENCY)  
H.P. 1848 L.D. 2586  
(C "A" H-938)

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

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

**SECOND READERS**

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

**Senate**

Resolve, Authorizing the Commissioner of Inland Fisheries and Wildlife to Allow a Well and Waterline Easement (EMERGENCY)  
S.P. 1040 L.D. 2622

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

Sent down for concurrence.

**Senate As Amended**

Bill "An Act to Enhance Biomedical Research in Maine"  
S.P. 913 L.D. 2365  
(C "A" S-599)

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

Sent down for concurrence.

Resolve, Authorizing Certain Members of the Sullivan Family to Bring Suit Against the State  
S.P. 605 L.D. 1728  
(C "B" S-601)

**READ A SECOND TIME.**

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

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

**SECOND READERS**

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

**House As Amended**

Bill "An Act to Provide Funds for Applied Research and Development Relevant to the Maine Economy"  
H.P. 1081 L.D. 1528  
(C "A" H-927)

Bill "An Act to Create a Patent Program in Maine"  
H.P. 1690 L.D. 2396  
(C "A" H-939)

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

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

**SECOND READERS**

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

**House As Amended**

Bill "An Act Regarding Wrongful Death Actions"  
H.P. 480 L.D. 687  
(C "A" H-871)

**READ A SECOND TIME.**

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

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

**ENACTORS**

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

**Emergency Measure**

An Act to Allow Children to Fish from Shore with a Single Baited Hook and Line on Certain Portions of the Aroostook River  
S.P. 113 L.D. 310  
(C "A" S-551)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with no Senators having voted in the negative, and 25 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.

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**Emergency Measure**

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

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

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

**ENACTORS**

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

**Emergency Measure**

An Act to Restore the Chaplaincy in the Maine Correctional Center in South Windham  
H.P. 1837 L.D. 2575

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

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**Emergency Measure**

An Act to Amend the Charter of the Kennebunk Sewer District  
H.P. 1856 L.D. 2592

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with no Senators having voted in the negative, and 26 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.

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

**ENACTORS**

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

**Acts**

An Act to Allow Certain Disabled Persons to Fly-fish With Any Type of Rod and Reel  
H.P. 523 L.D. 730  
(C "A" H-887)

An Act to Validate Pierringer Releases in Multiparty Lawsuits  
S.P. 630 L.D. 1795  
(C "A" S-558)

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)

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)

An Act to Promote Historic and Scenic Preservation  
S.P. 983 L.D. 2537  
(C "A" S-557)

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

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

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

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

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

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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)

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

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An Act to Encourage Equity Equivalent Loans or Investments in  
Nonprofit Community Economic Development Organizations  
S.P. 642 L.D. 1824  
(C "A" S-553)

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

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**Resolves**

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)

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

Resolve, to Ensure Adequate District Court Facilities for Western  
York County  
S.P. 956 L.D. 2497  
(C "A" S-556)

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

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Resolve, to Ensure Adequate Funding for the Lewiston District  
Court  
S.P. 1029 L.D. 2609  
(C "A" S-561)

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

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

**SECOND READERS**

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

**House**

Bill "An Act to Establish a Commemorative Day Recognizing  
Major-General Henry Knox" (EMERGENCY)  
H.P. 1787 L.D. 2507

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

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**Senate As Amended**

Bill "An Act to Encourage Responsible Employment Practices"  
S.P. 292 L.D. 810  
(C "A" S-535)

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

Sent down for concurrence.

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

**ENACTORS**

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

**Act**

An Act to Prevent Gray Market Cigarette Sales

S.P. 897 L.D. 2316  
(C "A" S-524)

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **LABOR** on Bill "An Act to Clarify Application of the Employment Leave Law for Victims of Violence"  
H.P. 1877 L.D. 2613

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.**

**LATER TODAY ASSIGNED FOR SECOND READING.**

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**Ought to Pass As Amended**

The Committee on **CRIMINAL JUSTICE** on Resolve, Regarding Legislative Review of Chapter 6: Certification of Law Enforcement Officers, a Major Substantive Rule of the Maine Criminal Justice Academy (EMERGENCY)  
H.P. 1888 L.D. 2628

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-943)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-943)**.

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

**READ ONCE.**

Committee Amendment "A" (H-943) **READ** and **ADOPTED**, in concurrence.

**LATER TODAY ASSIGNED FOR SECOND READING.**

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The Committee on **JUDICIARY** on Bill "An Act to Provide Freedom of Access to All Reports Commissioned by the State"  
H.P. 1621 L.D. 2268

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-953)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-953)**.

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

**READ ONCE.**

Committee Amendment "A" (H-953) **READ** and **ADOPTED**, in concurrence.

**LATER TODAY ASSIGNED FOR SECOND READING.**

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The Committee on **LABOR** on Bill "An Act to Promote Workplace Safety"  
H.P. 1532 L.D. 2185

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-948)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-948)**.

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

**READ ONCE.**

Committee Amendment "A" (H-948) **READ** and **ADOPTED**, in concurrence.

**LATER TODAY ASSIGNED FOR SECOND READING.**

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The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the Moscow Water District"  
H.P. 1802 L.D. 2529

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-937)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-937) AS AMENDED BY HOUSE AMENDMENT "A" (H-955)** thereto.

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

**READ ONCE.**

Committee Amendment "A" (H-937) **READ.**

House Amendment "A" (H-955) to Committee Amendment "A" (H-937) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-937) as Amended by House Amendment "A" (H-955) thereto, **ADOPTED**, in concurrence.

**LATER TODAY ASSIGNED FOR SECOND READING.**

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Assist Students with Disabilities"

H.P. 365 L.D. 490

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

Signed:

Senators:

BERUBE of Androscoggin  
SMALL of Sagadahoc

Representatives:

RICHARD of Madison  
WESTON of Montville  
STEDMAN of Hartland  
DESMOND of Mapleton  
BAKER of Bangor  
BELANGER of Caribou  
SKOGLUND of St. George

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-944).**

Signed:

Senator:

MURRAY of Penobscot

Representatives:

WATSON of Farmingdale  
BRENNAN of Portland  
ANDREWS of York

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

Reports **READ.**

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

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Allocate from the Fund for a Healthy Maine" (EMERGENCY)

H.P. 1818 L.D. 2552

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-941).**

Signed:

Senators:

MICHAUD of Penobscot  
CATHCART of Penobscot

Representatives:

TOWNSEND of Portland  
STEVENS of Orono  
MAILHOT of Lewiston  
POWERS of Rockport  
TESSIER of Fairfield  
BERRY of Livermore

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-942).**

Signed:

Senator:

HARRIMAN of Cumberland

Representatives:

KNEELAND of Easton  
WINSOR of Norway  
BRUNO of Raymond  
NASS of Acton

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-941)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-941) AS AMENDED BY HOUSE AMENDMENT "A" (H-964)** thereto.

Reports **READ.**

Senator **MICHAUD** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-941)** 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-941)** Report, in concurrence.

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (3/23/00) Assigned matter:

SENATE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act to Fund the Local and State Share of Minor Collector Road Reconstruction"  
S.P. 970 L.D. 2517

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

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

Tabled - March 23, 2000, by Senator **O'GARA** of Cumberland.

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

(In Senate, March 23, 2000, Reports **READ**.)

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

Senator **MITCHELL:** Thank you Mr. President. Ladies and gentlemen of the Senate, I would ask that you please vote no on the current motion so that you can join me in voting for the minority report. And my reason for this is because I presented this Bill on behalf of the over 280 communities that will not benefit from the State's Minor Collector Road Initiative because capital projects for these minor collector roads, under the new initiative, will be funded on a funds available basis versus an as needed basis. These 280 towns did not express an interest in this Minor Collector Road Initiative due to the inability of them to contribute 33% of the cost and they will not be considered for capital improvements over the next 6 years. We need minor road collector capital projects implemented on an as needed basis, not an as funded. The 120 towns that did respond that they would fund, some of them have already stated that they do not have the funds, but they do not want to be bypassed because 1800 of the 2100 miles of minor collector roads are in need of capital improvement and they do not want to see these roads continue to go downhill as far as upkeep and care. It has been the State's responsibility until this initiative was put into effect last year. And with only having a year in which time to consider or being able to raise monies, they do not have the ability to pay the one-third. If you had a corridor that was scheduled for completion and towns on either end of that corridor had stated that they would come up with the funds and you had a low tax valuation town who did not have the money in the middle, are we going to complete both ends and leave the middle because that

town does not have the money? I don't think we want to do that. It should be on an as needed basis. And as these capital projects come through, and based on the fact and the input from the various transportation divisions, that they need to be replaced in that calendar year, they should be replaced. And my proposal is to take \$1,000,000 and put into a fund to care for this year's projects of those towns that do not have the money to supplement that and enable them to have the roads completed on an as needed basis versus an as funded basis. So I would ask you not to discriminate against the rural towns that, due to low State valuation tax, do not have the resources to match the State funding requirements of this program and to authorize the funding so that these projects can go forward. We know that over the six years in the proposed plan, we are only addressing 250 miles of the 1800 miles that need to be repaired. So this \$1,000,000, it costs \$200,000 a mile and it's a very small entity, and it's only going to compensate for 5 or if they match and take \$2,000,000 to go with our \$1,000,000, it would mean 15 miles that would be matched for the capital projects in these low tax valuation towns. So those of us who do represent these small towns, I would ask those from larger cities to please consider this because we can't continue to let these roads go and not be maintained on capital projects. So with that I would ask that you would please vote with me against the current motion that we may vote for the minority Ought to Pass. Thank you very much.

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

Senator **CASSIDY:** Thank you Mr. President. Men and women of the Senate, I too would like to see us move on and not support the pending motion and support the Minority report. I want to commend the Transportation Committee and the Department for the fine job they have done in the last 2 years. As you know, I have served 6 years on that Committee, and it's like every Department and Committee you sit on. There's never enough money, it seems, to do all the things that we like to do. And I see this as a chance to at least add a few more miles to some of the much needed roads with some of the upcoming money we're going to spend this session. So I would ask you also to not support this motion and move onto the minority report. Thank you Mr. President.

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

Senator **O'GARA:** Thank you Mr. President. Mr. President, ladies and gentlemen of the Senate, first of all it would be very easy for me as the Senate Chair of the Transportation Committee to get up and say why not or just not say anything at all because it is coming out of the General Fund and it's not coming out of the Highway Fund. But there's more to it than that. The second thing I want to say is that the word discrimination, sometimes the word can be used so, and I don't mean to offend my good friend from Penobscot, but not callously, but inaccurately. Obviously, DOT is not attempting to discriminate against any community. As a matter of fact, in my judgment and I think it would be the judgment of all the members of the Transportation Committee, and we have had some outstanding Commissioners of Transportation over the years and this is not, certainly, any reflection on them, but I would submit to you that not in recent years, and certainly not in my 16 years in the Legislature, has any Commissioner, who has with his staff and the quality of



people that he has in it, working in concert with the communities, the Maine Municipal Association, and others, have developed a plan that is any more far seeking or far seeing than this plan has been. The plan that we are now working on is a plan that has just barely been put into place. It is a plan that says to communities, and I think it is about time frankly, that if you're willing to put up a third of what it would cost to do this particular road in your District, in your community, then the State will match that with two-thirds. We don't know yet whether the plan is going to work at all. But we do know that 115 communities have pledged somewhere in the vicinity of \$17,000,000. And in many of those communities that is hard earned, hard raised \$17,000,000, which will result in \$34,000,000 of State funds to do roads that are necessary. Is the plan a perfect plan? Probably not! Is it a plan that was developed to try to begin to address the problems of communities who have roads that need to be done but cannot fund them all by themselves. That's what it's all about. I guess the final comment I want to make, and I urge you to support the majority report, is to say that if we were to try to develop a formula by taking a million dollars from wherever, whether it's from the General Fund or from the Highway Fund, to meet the concerns that the Senator from Penobscot has outlined, is very difficult and it's fraught with problems and it needs some time. And indeed the Department of Transportation, in fact, understands that and is planning to work with those towns, many of which perhaps you represent in your Senate District. And I think it's also important to point out that, in fact, there are some of the towns that are in the category that the good Senator from Penobscot mentioned in her remarks that, even though it is going to be difficult and they know it's going to put a burden on their taxpayers, they have, in fact, added themselves to part of the 115 communities that have already pledged money. Now, very bluntly, members of the Committee, there are other issues that the Transportation Committee, and I as the Chairman or Senate Chair, is going to be presenting to you that are very, very serious and I'm going to want your support, I'm going to need your support, and I'm not going to carry on a long standing battle over this one. But I do believe that the majority of the Transportation Committee considered all the elements of this issue and hearing objections of the Department of Transportation and hearing the vote on February 17<sup>th</sup> of the Maine Municipal Association in opposition to the Bill, not because they think the roads that the good Senator from Penobscot has mentioned aren't worthy, but because there has to be a beginning somewhere, where we finally begin to approach taking care of a lot of roads that just haven't been taken care of. Unfortunately, some of those roads are in the communities that the good Senator from Penobscot has mentioned and will not be done as quickly as those in the communities that have agreed to raise the one-third. We did look at it very seriously. There is no discrimination here. There is no attempt to discriminate against one town or another. It is an attempt to develop a plan that, within a projected number of years, is going to finally bring all roads. Each of you in this Chamber, if you have been here any length of time, or in the Legislature any length of time, have heard from your constituents or have heard from your managers or your Mayors or your Public Works Directors or your constituents in general, when is that road going to finally work its way to the top of this list. Now if any of you have been in local political office or even living and breathing in your community, you know that all towns try desperately to set up a policy where roads eventually work their way to the top of the list, barring some major disaster, and eventually that road gets done. But because of politics, local and state-wide politics,

roads that should be done are pushed aside or set aside or dropped from the list because someone has a mightier voice, a louder voice, a little more pull at either the local town meeting or City Council meeting or here in Augusta. Finally we have a plan that looks to move these roads and develop these roads on a positive, well thought out plan. And I urge you to give this program, this minor collector road program, a chance to work and not begin to tinker with it before it's even gotten underway. Thank you Mr. President.

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

Senator **CAREY:** Thank you Mr. President. I'm in an area which is heavily traveled by pulp trucks. And they have just recently been moving 500,000 cubic yards of gravel from one area of the town to another to a batch plant that makes cement blocks. Our roads are in terrible shape. But they were in terrible shape, not because what the town has done in setting weight limits on them, but because of the added weight that went on the pulp trucks which ruined our roads which were never fit to begin with. I will be voting for the Minority report.

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

Senator **MITCHELL:** Thank you Mr. President. I commend the Committee on the work that they have done with their plan. But it is, as the good Senator has mentioned, that they need time to work out some of the problems and to keep up with a more fair allocation of funding. What this plan does today is to take care of the credibility, and establishing credibility, by putting an amount of monies into not creating disparity on the communities that do need to have their section of the road done, when you're doing one on each end that has been awarded or stated that they would prepare the monies. We're talking about not a few towns. We're talking about 280 of the 400 towns that have this same problem with no monies allocated for this. There are two items on the budget of these small rural towns, roads and schools. They raise tax money to pay for these two items on their budget and it has always been their feeling that it's the State's responsibility to do the capital projects on these minor collectors and they do the maintenance and plowing of the roads. So we're now asking them, on a short-term basis, to come up with additional monies that they just don't have. And it's the State's responsibility to hold the item, the same as it was with the education funding. We do not want to get ourselves into that same situation where we let our responsibility drop to the level where taxation increases to our people in these small rural areas and we are already taking care of our problem with education. Let's not create another problem with the roads so that they can't dig themselves out of this high taxation in rural areas. So I again would commend you and all your voting against this present motion so that we can move on and vote for the Minority report. And I would request a roll call, Mr. President.

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

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

Senator O'GARA: Mr. President, ladies and gentlemen of the Senate, neither I nor the present Commissioner, nor his staff, nor any member of the Transportation Committee, can take any responsibility, blame, or praise for any road projects that have been done or have not been done prior to the Commissioner developing the plan that he now has. I'm telling you that we are trying to support a plan that goes from now onward not backwards. A program that is trying to develop a sensible, systematic, reasonable plan to improve our roads. And while I can't give you a date at which your town or your city in your District will be done, I can tell you that if we continue to go along adjusting these things as we go along, come up with a plan and adjust it, alter it, invade it, take away from it, that road may never get done. Thank you Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Senator O'GARA of Cumberland to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#304)**

YEAS: Senators: ABROMSON, BENOIT, BERUBE, DAGGETT, DOUGLASS, FERGUSON, GOLDTHWAIT, HARRIMAN, KONTOS, MILLS, MURRAY, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: AMERO, BENNETT, CAREY, CASSIDY, CATHCART, DAVIS, KIEFFER, KILKELLY, LIBBY, LONGLEY, MACKINNON, MICHAUD, MITCHELL, NUTTING

ABSENT: Senator: RUHLIN

EXCUSED: Senator: LAFOUNTAIN

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator O'GARA of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (3/28/00) Assigned matter:

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act to Provide for Benefits to Surviving Dependents of Employees Who Die as a Result of Work Injuries"  
H.P. 1381 L.D. 1988

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-928)** (4 members)

Tabled - March 28, 2000, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 27, 2000, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, March 28, 2000, Reports **READ**.)

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

At the request of Senator **RAND** of Cumberland a Division was had. 27 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 NOT TO PASS** Report, in concurrence, **PREVAILED**.

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The Chair laid before the Senate the following Tabled and Later (3/28/00) Assigned matter:

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act to Ensure Access to Specialists for Injured Workers"  
H.P. 1827 L.D. 2561

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

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

Tabled - March 28, 2000, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 27, 2000, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, March 28, 2000, Reports **READ**.)

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

Senator **BENNETT** of Oxford requested a Division.

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

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

Off Record Remarks

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

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

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

After Recess

Senate called to order by the President.

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

**SECOND READERS**

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

**House**

Bill "An Act to Clarify Application of the Employment Leave Law for Victims of Violence"

H.P. 1877 L.D. 2613

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

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**House As Amended**

Bill "An Act to Promote Workplace Safety"

H.P. 1532 L.D. 2185  
(C "A" H-948)

Bill "An Act to Provide Freedom of Access to All Reports Commissioned by the State"

H.P. 1621 L.D. 2268  
(C "A" H-953)

Bill "An Act to Amend the Charter of the Moscow Water District"

H.P. 1802 L.D. 2529  
(H "A" H-955 to C "A" H-937)

Resolve, Regarding Legislative Review of Chapter 6: Certification of Law Enforcement Officers, a Major Substantive Rule of the Maine Criminal Justice Academy (EMERGENCY)

H.P. 1888 L.D. 2628  
(C "A" H-943)

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

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**ORDERS OF THE DAY**

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

Bill "An Act Regarding Wrongful Death Actions"

H.P. 480 L.D. 687  
(C "A" H-871)

Tabled - March 29, 2000, by Senator **PINGREE** of Knox.

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

(In House, March 22, 2000, 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-871).**)

(In Senate, March 29, 2000, **READ A SECOND TIME.**)

On motion by Senator **NUTTING** of Androscoggin, Senate Amendment "A" (S-606) **READ**.

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

Senator **NUTTING:** Thank you Mr. President. Ladies and gentlemen of the Senate, as I said earlier, when this Bill was in first reading, I was not comfortable with leaving the cap at \$150,000. I was even more uncomfortable having no cap at all. I'll admit there's just a very few states that do have caps, but I think this proposed amendment, which would raise it to \$400,000, puts us in the range, kind of in the middle of the other states that do have caps. I think this is a step that we can take. It does not replace anyone who is killed. This amendment is not offered in that vein. But I think this is still a small step we can take to aid families and aid the rest of the surviving members of the families and still it does put an upper limit on it. I trust Maine juries, but if one jury had an award of \$900 million, like we've heard that some other states have, that, to me, would have a whole host of ramifications that I am not comfortable giving the opportunity to happen in Maine. So that's why I had this Amendment S-606 drafted. I hope that you'll give it your favorable consideration. Thank you.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate. I want to thank the good Senator from Androscoggin, Senator Nutting, for presenting this Amendment. To me it represents, in this area, good government. What it does is preserves the law that we've had on the books for 33 long years in wrongful death actions, that is the right of recovery and the range of recovery left with the legislature where, when we put this on the books 33 years ago here, that's what we did. We also

created the range of recovery. So it keeps this in tact and, for those who feel that there aren't that many states that have a wrongful death statute with caps, the Office of Legal Analysis and Policy Council for the Committees that we work with gave us information that about half the states have a wrongful death statute that does have one cap or another. I believe that this is the way to go. I have felt that increasing the cap was the best way to go at this, rather than to remove it entirely and to leave this issue solely for a jury to be decided on the basis of emotion. So I again want to thank you Senator Nutting, the Senator from Androscoggin, for proposing this. It is an amendment that I strongly support. It is, to me, very good government and I hope that this amendment will win the support of this Chamber.

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

Senator **FERGUSON** : Thank you Mr. President. Ladies and gentlemen of the Senate, I too rise in support of this amendment and I thank my good friend and colleague Senator Nutting from Androscoggin County for coming forward with this. This is a compromise position and it is my hope that every member of this Body will support this amendment. It made no sense to me, at all, to take the cap completely off. One run-away jury would be devastating. And it certainly put all of us at risk and without doubt all our insurance premiums would have gone up substantially if we had removed the cap. This, in my judgment, is good government and I would hope you would join with Senator Nutting in support of this amendment. Thank you very much Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#305)**

**YEAS:** Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CAREY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, HARRIMAN, KILKELLY, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, RAND, SMALL, TREAT

**NAYS:** Senators: CASSIDY, KIEFFER, PINGREE, THE PRESIDENT - MARK W. LAWRENCE

**ABSENT:** Senators: KONTOS, RUHLIN

**EXCUSED:** Senator: LAFOUNTAIN

28 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator **NUTTING** of Androscoggin to **ADOPT** Senate Amendment "A" (S-606), **PREVAILED**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-871) AND SENATE AMENDMENT "A" (S-606), in NON-CONCURRENCE.**

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Assist Students with Disabilities"

H.P. 365 L.D. 490

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-944)** (4 members)

Tabled - March 29, 2000, by Senator **RAND** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 29, 2000, Bill and accompanying papers **INDEFINITELY POSTPONED**.)

(In Senate, March 29, 2000, Reports **READ**.)

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

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

HOUSE REPORTS - from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Change Laws Pertaining to the Loring Development Authority of Maine" H.P. 1498 L.D. 2142

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-924)** (11 members)

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

Tabled - March 29, 2000, by Senator **KONTOS** of Cumberland.

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

(In House, March 28, 2000, 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-924)**.)

(In Senate, March 29, 2000, Reports **READ**.)

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

**READ ONCE.**

Committee Amendment "A" (H-924) **READ.**

On motion by Senator **MACKINNON** of York, Senate Amendment "A" (S-604) to Committee Amendment "A" (H-924) **READ.**

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

Senator **MACKINNON:** Thank you Mr. President. Ladies and gentlemen of the Senate, this simply cleans up some language which we passed out. There was a little bit of unclearness coming out on how the Governor would appoint. We thought we had it done right. The Governor then sent the message back up. This is simply a wording change and I hope you'll support this motion. Thank you.

On motion by Senator **MACKINNON**, Senate Amendment "A" (S-604) to Committee Amendment "A" (H-924) **ADOPTED.**

Committee Amendment "A" (H-924) as Amended by Senate Amendment "A" (S-604) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-924) AS AMENDED BY SENATE AMENDMENT "A" (S-604)** thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Amend the Definition of Marital Property"  
H.P. 1620 L.D. 2267

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-917)** (9 members)

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

Tabled - March 29, 2000, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 28, 2000, 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-917).**)

(In Senate, March 29, 2000, Reports **READ.**)

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

**READ ONCE.**

Committee Amendment "A" (H-917) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-917)**, in concurrence.

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The Chair laid before the Senate the following Tabled and Later (2/29/00) Assigned matter:

**Emergency**

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

Tabled - February 29, 2000, by Senator **PINGREE** of Knox.

Pending - **ENACTMENT**, in concurrence

(In Senate, February 15, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-481).**)

(In House, February 25, 2000, **PASSED TO BE ENACTED.**)

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

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

Senator **FERGUSON:** Thank you very much Mr. President. Mr. Parsons was a longtime State employee who didn't have this medical insurance for a period of 30 years. I'm not going to go into any of the details regarding that. But we tried to get this done administratively and we were unsuccessful. But when the Bill appeared to be ready to be Enacted, I did receive a call from the administration and they could do it administratively. So this is no longer necessary. I would hope you would vote for the pending motion. Thank you Mr. President.

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

Sent down for concurrence.

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Senate at Ease.

Senate called to order by the President.

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

Resolve, Authorizing Certain Members of the Sullivan Family to Bring Suit Against the State

S.P. 605 L.D. 1728  
(C "B" S-601)

Tabled - March 29, 2000, Senator **PINGREE** of Knox.

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

(In Senate, March 29, 2000, **READ A SECOND TIME.**)

On motion by Senator **MURRAY** of Penobscot, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "B" (S-601).

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "B" (S-601).

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Off Record Remarks

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On motion by Senator **PINGREE** of Knox, **ADJOURNED**, until Thursday, March 30, 2000, at 9:00 in the morning.