

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Nineteenth Legislature
State of Maine

Volume 3

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October 14, 1999

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

In Senate Chamber
Wednesday
April 5, 2000

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

Prayer by Reverend Gregory Vinson of the Elim Assembly of God in Bath.

REVEREND VINSON: Let us pray. Dear heavenly Father, we thank You so much for this morning. We thank You for the opportunity that You have given to us to gather together in this place. We thank You for this land, the freedom that we have in our country, the government that we have. I'm thankful this morning for the Senators, for all that they do for this state and for the people of this state and I pray this day that You will bless them, that you would open the heavens and bless them in every way imagined. You will touch their hearts. Restore strength to their bodies as they make decisions for this state. Give them discernment and wisdom. And above all, may they know that they are deeply appreciated for all that they do, that we know of, and all that they do that we don't know of. I would ask that You would bless their families. I would ask that You bless them. I would ask that you bless this state, this capitol, the Governor, the House, the Senate and I would ask that at the end of every day we could look back and see that Your hand is moving in the midst of Your people. I would ask that You would be with them through this day as they make decisions. I would ask that You would bless them as they travel and keep them safe. I would ask as they awaken in the morning they would see Your hand moving and as they go to bed at night. I would ask that it would end on time, and the Senate would not have to run late. I would ask that You would help them to be united, one body. I thank You for them. We thank You for all that You have done in this state for all that You are doing in this state and for all that You are going to do in the midst of Your people. Bless them I pray in Christ's name. Amen.

Reading of the Journal of Tuesday, April 4, 2000.

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 1928

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO WORK TOWARD A SOLUTION TO THE PROBLEM IN CYPRUS

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

WHEREAS, this year marks the 26th anniversary of the Turkish invasion and occupation of Cyprus; and

WHEREAS, the Republic of Cyprus has been divided and occupied by foreign forces since 1974 in violation of United Nations resolutions; and

WHEREAS, the international community and the United States government have repeatedly called for the speedy withdrawal of all foreign forces from the territory of Cyprus; and

WHEREAS, there are internationally acceptable means to resolve the situation in Cyprus, including the demilitarization of Cyprus and the establishment of a multinational force to ensure the security of both communities in Cyprus; and

WHEREAS, a peaceful, just and lasting solution to the Cyprus problem would greatly benefit the security and the political, economic and social well-being of all Cypriots and contribute to improved relations between Greece and Turkey; and

WHEREAS, the United Nations has repeatedly stated the parameters for such a solution, most recently in United Nations Security Council Resolution 1217, adopted on December 22, 1998 with United States support; and

WHEREAS, United Nations Security Council Resolution 1218, adopted on December 22, 1998, calls for a reduction of tensions in the island through a staged process aimed at limiting and then substantially reducing the level of all troops and armaments in Cyprus, ultimately leading to the demilitarization of the Republic of Cyprus; and

WHEREAS, President Clinton wholeheartedly supported resolution 1218 and committed himself to taking all necessary steps to support a sustained effort to implement it; now, therefore, be it

RESOLVED: That We, your Memorialists, hereby endorse President Clinton's commitment to undertake significant efforts in order to promote substantial progress towards a solution of the Cyprus problem in 2000; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 618

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

April 4, 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 Marine Resources has had under consideration the nomination of Craig Pendleton of Saco, for appointment to the Marine Resources Advisory Council.

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

YEAS	Senators	3	Goldthwait of Hancock, Pendleton of Cumberland, MacKinnon of York
	Representatives	10	Etnier of Harpswell, Bagley of Machias, Honey of Boothbay, Lemont of Kittery, McNeil of Rockland, Pieh of Bremen, Usher of Westbrook, Pinkham of Lamoine, Stanwood of Southwest Harbor, Volenik of Brooklin
NAYS		0	
ABSENT		0	

Thirteen 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 Craig Pendleton of Saco, for appointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Jill M. Goldthwait
Senate Chair

S/David M. Etnier
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 619

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

April 4, 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 Marine Resources has had under consideration the nomination of Ralph Smith of Jonesport, for appointment to the Marine Resources Advisory Council.

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

YEAS	Senators	2	Goldthwait of Hancock, Pendleton of Cumberland
	Representatives	9	Etnier of Harpswell, Bagley of Machias, Honey of Boothbay, Lemont of Kittery, McNeil of Rockland, Pieh of Bremen, Pinkham of Lamoine, Stanwood of Southwest Harbor, Volenik of Brooklin
NAYS		0	
ABSENT		2	Sen. MacKinnon of York, Rep. Usher of Westbrook

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Ralph Smith of Jonesport, for appointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Jill M. Goldthwait
Senate Chair

S/David M. Etnier
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Following Communication: S.C. 620

The Following Communication: S.C. 621

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

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

April 4, 2000

April 4, 2000

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

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

Dear Mr. President:

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 Marine Resources has had under consideration the nomination of David Turner of Meddybemps, for appointment to the Marine Resources Advisory Council.

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 Marine Resources has had under consideration the nomination of Jennifer S. Bichrest of Harpswell, for reappointment to the Marine Resources Advisory Council.

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

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	2	Goldthwait of Hancock, Pendleton of Cumberland
	Representatives	9	Etnier of Harpswell, Bagley of Machias, Honey of Boothbay, Lemont of Kittery, McNeil of Rockland, Pieh of Bremen, Pinkham of Lamoine, Stanwood of Southwest Harbor, Volenik of Brooklin

YEAS	Senators	2	Goldthwait of Hancock, Pendleton of Cumberland
	Representatives	8	Bagley of Machias, Honey of Boothbay, Lemont of Kittery, McNeil of Rockland, Pieh of Bremen, Pinkham of Lamoine, Stanwood of Southwest Harbor, Volenik of Brooklin

NAYS 0

NAYS 0

ABSENT 2 Sen. MacKinnon of York,
Rep. Usher of Westbrook

ABSENT 3 Rep. Etnier of Harpswell,
Sen. MacKinnon of York,
Rep. Usher of Westbrook

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of David Turner of Meddybemps, for appointment to the Marine Resources Advisory Council be confirmed.

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 Jennifer S. Bichrest of Harpswell, for reappointment to the Marine Resources Advisory Council be confirmed.

Signed,

Signed,

S/Jill M. Goldthwait
Senate Chair

S/David M. Etnier
House Chair

S/Jill M. Goldthwait
Senate Chair

S/David M. Etnier
House Chair

READ and ORDERED PLACED ON FILE.

READ and ORDERED PLACED ON FILE.

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

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

The Following Communication: S.C. 622

The Following Communication: S.C. 623

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

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

April 4, 2000

April 4, 2000

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

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

Dear Mr. President:

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 Marine Resources has had under consideration the nomination of Lori A. Howell of Eliot, for reappointment to the Marine Resources Advisory Council.

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 Marine Resources has had under consideration the nomination of Kristan Porter of Cutler, for reappointment to the Marine Resources Advisory Council.

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

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	2	Goldthwait of Hancock, Pendleton of Cumberland
	Representatives	8	Bagley of Machias, Honey of Boothbay, Lemont of Kittery, McNeil of Rockland, Pieh of Bremen, Pinkham of Lamoine, Stanwood of Southwest Harbor, Volenik of Brooklin
NAYS		0	
ABSENT		3	Rep. Etnier of Harpswell, Sen. MacKinnon of York, Rep. Usher of Westbrook

YEAS	Senators	2	Goldthwait of Hancock, Pendleton of Cumberland
	Representatives	8	Bagley of Machias, Honey of Boothbay, Lemont of Kittery, McNeil of Rockland, Pieh of Bremen, Pinkham of Lamoine, Stanwood of Southwest Harbor, Volenik of Brooklin
NAYS		0	
ABSENT		3	Rep. Etnier of Harpswell, Sen. MacKinnon of York, Rep. Usher of Westbrook

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 Lori A. Howell of Eliot, for reappointment to the Marine Resources Advisory Council be confirmed.

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 Kristan Porter of Cutler, for reappointment to the Marine Resources Advisory Council be confirmed.

Signed,

Signed,

S/Jill M. Goldthwait
Senate Chair

S/David M. Etnier
House Chair

S/Jill M. Goldthwait
Senate Chair

S/David M. Etnier
House Chair

READ and ORDERED PLACED ON FILE.

READ and ORDERED PLACED ON FILE.

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

The Army Reserve Officers' Training Corps at the University of Maine on the 130th anniversary of its creation. Since 1869, the Black Bear Battalion has served the University of Maine, this State, the United States Army and our Nation by producing thousands of commissioned officers for the United States Army, the Army Reserve and the Army National Guard. We are proud to recognize the Black Bear Battalion for 130 years of faithful service;

SLS 470

Sponsored by Senator **CATHCART** of Penobscot.
Cosponsored by Representative **STEVENS** of Orono,
Representative **WILLIAMS** of Orono.

READ.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Establish the Maine Council on Aging"

H.P. 1365 L.D. 1963

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1044)**.

Signed:

Senator:

PARADIS of Aroostook

Representatives:

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

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

Signed:

Senators:

BERUBE of Androscoggin
MITCHELL of Penobscot

Representatives:

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1044)**.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Forbid Hiring Replacement Workers during a Strike"

H.P. 105 L.D. 136

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1018)**.

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York

Representatives:

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

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

Signed:

Senator:

MILLS of Somerset

Representatives:

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

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-1018)**.

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Amend Binding Arbitration to Include Salaries, Pensions and Insurance for State, Legislative and Municipal Employees and to Provide a Process for Voting when a Public Employer's Last Offer is Not Selected"

H.P. 1382 L.D. 1989

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

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1035)**.

Signed:

Representatives:

HATCH of Skowhegan
SAMSON of Jay
MATTHEWS of Winslow
FRECHETTE of Biddeford
GOODWIN of Pembroke

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

Reports **READ**.

Senator **LAFOUNTAIN** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Amend the Maine Workers' Compensation Act of 1992 as it Pertains to Occupational Health"

H.P. 1454 L.D. 2075

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1034)**.

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

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

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

Signed:

Representatives:

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

Comes from the House with the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **LAFOUNTAIN** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** 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 Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Study the Effectiveness of Harness Racing Promotions" (EMERGENCY)

H.P. 1097 L.D. 1544

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

Signed:

Senators:

CAREY of Kennebec
FERGUSON of Oxford

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon
PERKINS of Penobscot
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 to Pass as Amended by Committee Amendment "A"** (H-1029).

Signed:

Senator:

DAGGETT of Kennebec

Representative:

MAYO of Bath

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **DAGGETT** of Kennebec moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** 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 TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Improve Standards for Public Assistance to Maine Employers" S.P. 967 L.D. 2516

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-637).

Signed:

Senators:

RUHLIN of Penobscot
DAGGETT of Kennebec
MILLS of Somerset

Representatives:

GAGNON of Waterville
GREEN of Monmouth
COLWELL of Gardiner
STANLEY of Medway
LEMOINE of Old Orchard Beach
DAVIDSON of Brunswick

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

Signed:

Representatives:

LEMONT of Kittery
BUCK of Yarmouth
CIANCHETTE of South Portland
MURPHY of Berwick

Reports **READ**.

Senator **RUHLIN** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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 (3/9/00) Assigned matter:

Senate

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Allow State Pharmacies a Tax Credit for Unreimbursed Medicaid Costs"

S.P. 909 L.D. 2361

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-525)** (9 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - March 9, 2000, by Senator **LAFOUNTAIN** of York.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 9, 2000, Reports **READ**.)

Senator **RUHLIN** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Create a Commission to Study and Establish Moral Policies on Investments and Purchasing by the State

H.P. 1755 L.D. 2461

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-870)** (7 members)

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

Tabled - March 27, 2000, by Senator **PENDLETON** of Cumberland.

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

(In House, March 23, 2000, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-870)**.)

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

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.

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

The Chair laid before the Senate the following Tabled and Later (4/4/00) Assigned matter:

Bill "An Act to Implement Municipal Recommendations Regarding Surface Water Use on Great Ponds" (EMERGENCY) H.P. 1925 L.D. 2671

Tabled - April 4, 2000, by Senator **GOLDTHWAIT** of Hancock.

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

(In House, April 4, 2000, **PASSED TO BE ENGROSSED**.)

(In Senate, April 4, 2000, **READ A SECOND TIME**.)

On motion by Senator **GOLDTHWAIT** of Hancock, Senate Amendment "A" (S-639) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-639), in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/4/00) Assigned matter:

An Act to Establish State Death Benefits for Law Enforcement Officers Killed in the Line of Duty

S.P. 910 L.D. 2362
(H "A" H-1002 to C "A" S-579)

Tabled - April 4, 2000, by Senator **MURRAY** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 3, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-579) AS AMENDED BY HOUSE AMENDMENT "A" (H-1002)** thereto, in concurrence.)

(In House, April 4, 2000, **PASSED TO BE ENACTED**.)

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

Senate at Ease.

Senate called to order by the President.

ROLL CALL (#324)

The Chair laid before the Senate the following Tabled and Later (4/4/00) Assigned matter:

Resolve, to Recognize Veterans of the Vietnam War in the State House Hall of Flags

H.P. 1765 L.D. 2471
(C "A" H-837; S "A" S-540)

Tabled - April 4, 2000, by Senator **PINGREE** of Knox.

Pending - **FURTHER CONSIDERATION**

(In Senate, March 15, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-837) AND SENATE AMENDMENT "A" (S-540)**, in **NON-CONCURRENCE**.)

(In House, April 4, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-837) AS AMENDED BY HOUSE AMENDMENT "A" (H-1037)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **PENDLETON** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

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

NOMINATION - of Craig Pendleton of Saco, for appointment to the Marine Resources Advisory Council.

Tabled - April 5, 2000, by Senator **RAND** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, April 5, 2000, Communication (S.C. 618) from the Committee on **MARINE RESOURCES**, **READ** and **ORDERED PLACED ON FILE**.)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

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

YEAS: Senators: None

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

ABSENT: Senator: **MITCHELL**

EXCUSED: Senator: **CAREY**

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 nomination of **Craig Pendleton** of Saco for appointment to the Marine Resources Advisory Council was **CONFIRMED**.

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

Senate at Ease.

Senate called to order by the President.

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

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Allow State Pharmacies a Tax Credit for Unreimbursed Medicaid Costs"

S.P. 909 L.D. 2361

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-525)** (9 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - April 5, 2000, by Senator **RUHLIN** of Penobscot.

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

(In Senate, March 9, 2000, Reports **READ**.)

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

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

Senator **MILLS**: The background behind this legislation is that, apparently, in the Medicaid system we have a \$2 co-pay for medications or prescriptions. The pharmacies are charged with collecting the \$2 co-pay, but they are also charged, as they must be under federal law, to advise the Medicaid recipient that the \$2 co-pay need not be paid if the customer cannot afford to pay it. As a result of being so advised, many drug purchasers, under the Medicaid system, elect not to pay the \$2 co-pay and simply buy the drugs using Medicaid funds entirely. The question then is who bears this \$2 loss? And at present, it is the pharmacies that are bearing that loss. There are some 400 – 500 pharmacies in the state. I gather, by inference, that they have debated this issue with the Department of Human Services and with the Health and Human Services Committee about why they should bear this \$2 loss. They have failed in both of those forums to make any progress at recovering this money and so they came to the Taxation Committee where we are, quite frankly, unaccustomed to dealing with matters in the Medicaid budget, pharmaceuticals and the like. And they presented to us, what seemed on the surface, to be a rather rationale proposal. If we are not able to get our lost revenue back from the state and we haven't been successful in convincing the department or the committee of jurisdiction to give us this money, why not enact a tax credit that would give us the right to take \$2 off our income tax for each \$2 fee that isn't paid? It seemed quite rationale on the surface, except that it occurred to some of us on the committee, finally, that if the Medicaid budget were to pay this \$2, that a \$1.33 of it would be reimbursed by Uncle Sam and the fiscal note to the state would only be a third of the amount that it would be if we authorize a tax credit. So three of us on the committee, at least, said for a host of reasons we think you've come to the wrong committee for your remedy. Why don't you go back and squabble with the people who have jurisdiction over these issues about Medicaid and health care costs and seek to solve your problem where it deserves to be solved and where, frankly, it can be solved for one-third of the cost. I haven't opened my file to find the fiscal note on this Bill, but it's fairly substantial. It results in a fairly substantial loss of corporate income tax revenue, largely from Rite-Aid and Hannaford Brothers and those other large pharmaceutical companies in the state, as well as family drug stores, the few that remain. So for those reasons, it was my own view, and a view shared by several others on the committee, that we should not be creating a tax credit to solve a problem that arises out of the Medicaid budget and ought to be solved within the Medicaid budget, if at all. I must assume that this discussion in the Health and Human Services Committee, or with the Department of Human Services, has resulted in a conscience decision that the pharmacies should bare this \$2 loss. I don't know about the wisdom of that decision, whether it was the appropriate decision. But all I know is that the problem, if it is one, can be solved for one-third the cost in the Medicaid budget and I saw no reason to use state funds entirely to solve a Medicaid problem when we have access to federal funds to assist. And for that reason, I voted against the Bill itself and the committee and I would urge you to vote against the motion that lies before you. Thank you.

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

Senator **RUHLIN**: Thank you Mr. President. Men and women of the Senate, I'm going to treat you to what, I think, will be very a rare delight this morning. The day when we have lots of debate

before us. I'm going to be exceedingly brief and say to you that the gentleman who spoke before me, the good Senator from Somerset, laid out the unfairness that presently happens very well. There is no need for me to repeat that. The solution is where we differ. The solution is before you. It's to address an inequity. It has received the full study of the committee. It does it without going to the Medicaid solution and, therefore, I am going to sit down and be quiet and thank the good Senator for presenting the unfairness of the issue itself that has created a gross unfairness in the State of Maine in how we treat our pharmacies. I thank you very much for presenting that.

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

Senator **BENNETT**: Thank you Mr. President. Fellow members of the Senate, good morning. Under federal law, pharmacies cannot refuse the prescription if the Medicaid recipient says they cannot afford the co-payment. Now I think there's a danger here. The danger is one that we often face in this chamber, which is that everyone can recognize a problem, but no one solves it. We have an opportunity here today to solve this problem, to correct this inequity. Pharmacies are the only health care provider in Maine who accept all Medicaid recipients, regardless of the pharmacies' difficulty dealing with the Medicaid system. Because of this, we have their backs up against the wall. In addition, Maine pharmacies pay a fee of twenty-five cents on every Medicaid claim they file electronically with the state. And they again, are the only health care provider to be charged such a fee. I believe that this Bill is a simple act of fairness. I believe that pharmacies are acting as agents of the state. They willfully do the state's business and we thank them for it by making them eat this cost. \$2 a prescription may not sound like a lot, but it can get into the tens of thousands of dollars for an individual pharmacy in a year. I'll be brief. The bottom line for me is this, if you think there is a problem, an inequity here, let's solve it. We have the ability now to do that. Right here. Right now. Does it really matter what governmental entity pays, whether it's in the Medicaid budget or the tax code, whether it's the federal government or the state government. The money is all coming from the same people, ultimately. Let's not hide behind our own procedural inadequacies here, our own problematic process, as an excuse for not correcting this inequity. I'll just add one final note and that is perhaps the only way, if we really want to get this paid out of the Medicaid budget, to enforce a discipline upon ourselves and the Executive Branch of government to do this, is to make a commitment to solve the problem first. The way that we can do that is through this Bill, right here, right now, today. So, I encourage you to accept the majority Ought to Pass report. Thank you.

The Chair noted the presence of the Senator from Kennebec, Senator **CAREY**.

At the request of Senator **MILLS** of Somerset a Division was had. 21 Senators having voted in the affirmative and 7 Senators having voted in the negative, the motion by Senator **RUHLIN** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-525) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-525)**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/4/00) Assigned matter:

HOUSE REPORTS - from 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

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-913) (11 members)

Minority - Ought Not to Pass (2 members)

Tabled - April 4, 2000, by Senator **PINGREE** of Knox.

Pending - **FURTHER CONSIDERATION**

(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-913)**.)

(In Senate, April 3, 2000, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

(In House, April 4, 2000, that Body **ADHERED**.)

On motion by Senator **DAGGETT** of Kennebec, the Senate **RECEDED** from whereby it **ACCEPTED** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On further motion by same Senator, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-913) **READ**.

On motion by Senator **DAGGETT** of Kennebec, Senate Amendment "A" (S-638) to Committee Amendment "A" (H-913) **READ**.

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

Senator **DAGGETT:** Thank you Mr. President. Members of the Senate, there seem to be quite a bit of concern with the telebetting Bill the other day regarding the use of credit cards over the phone. This amendment makes it very clear that

telephone wagers may not be made using a credit card. If there are further questions, I would be more than happy to try and answer them. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-638) to Committee Amendment "A" (H-913) **ADOPTED**.

Committee Amendment "A" (H-913) as Amended by Senate Amendment "A" (S-638) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME**.

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

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

Senator **MILLS:** Mr. President and men and women of the Senate, as I recall the discussion of the Bill, although there were objections raised to the issue of whether credit cards should be used over the telephone for gambling in this state, the primary objection to this Bill was one that's been raised year after year when these issues have been brought forward by OTB betting facilities. What exactly is the breakdown of money that would be made by the state, by the OTB betting facilities, and the harness racing industry in the State of Maine? In years past, we've had good evidence presented by the former Senator from Androscoggin that what the horses actually get at the end of the day isn't enough to buy the cheapest hay. Nearly all of the money gets siphoned off, some to the people who win wagers. A whole lot of the money goes to the people managing the gambling enterprise and a little bit goes to the state and then a little tiny bit goes to help the horses. Questions were asked the other day when this Bill was on the floor. How much is going to the horses this year? Has anything improved in these proposals? The committee said, "we don't know". And yet that's the title of the Bill. The title of the Bill is an Act to Benefit the Harness Racing Industry. This isn't a Bill to benefit the harness racing industry. This is a Bill to benefit those who are running miniature casinos. For that reason, I urge that we adhere to our previous action by where we defeated this Bill. I urge you to vote no on the pending motion. Thank you.

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

Senator **DAGGETT:** Thank you Mr. President. Members of the Senate, in responding to the good Senator's comments, there was not one person who actually spoke to me afterwards to ask for the specific amount. I would just suggest that this Bill does nothing to change the statutory amounts that go into the various accounts that wagering on harness racing serve. The only thing that this Bill does is it allows those people who are betting from home the option of betting on a Maine race. You may now sit at home and bet on races outside of Maine with no money accruing to our purse accounts, which is the part that goes to the amount that the owners win. There's no change in that. Currently you can bet outside the state with no money accruing to the harness racing industry or cycling through our industry here. This only

allows the option of placing your money on an in-state race. That's all it does. It doesn't change anything else. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following results:

ROLL CALL (#325)

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

NAYS: Senators: BENNETT, BENOIT, BERUBE, CASSIDY, DAVIS, GOLDTHWAIT, LAFOUNTAIN, MACKINNON, MILLS, SMALL, TREAT

ABSENT: Senator: MITCHELL

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being absent, the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-913) AS AMENDED BY SENATE AMENDMENT "A" (S-638)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

ORDERS OF THE DAY

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

Expressions of Legislative Sentiment recognizing the Army Reserve Officers' Training Corps at the University of Maine on the 130th anniversary of its creation.

SLS 470

Tabled - April 5, 2000, by Senator **CATHCART** of Penobscot.

Pending - **PASSAGE**, in concurrence.

(In Senate, April 5, 2000, **READ**.)

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

Senator **CATHCART:** Thank you Mr. President. Men and women of the Senate, I'm proud to welcome members of the Black Bear Battalion of the Army Reserve Officers Training Corps from the University of Maine here to be in the Maine Senate and allow us to honor and recognize them and celebrate their 130th anniversary of serving the people of Maine and the United States Army. It's a wonderful group. It goes back almost to the beginning of the University of Maine as our Land Grant Institution and they are indeed a group we can be proud of. I thought it was great to honor them here today because not only do we have a hockey team that is very likely to become the United States champions the second year in a row and we are doing cutting edge research at the Land Grant for the State of Maine, but we also have a wonderful Army ROTC and these are young people that we can indeed be proud of. I hope you will join me in welcoming them and their leader, Lieutenant Mark Girard, to the Maine Senate and congratulate them on their 130th. Thank you very much.

PASSED.

THE PRESIDENT: The Chair is pleased to recognize in the Chamber Lieutenant Colonel Mark Girard, Professor of Military Science; Master Sergeant Michael Olsen, Senior Military Instructor; Sergeant Lowella McCutchin, Administrative Non-Commissioned Officer; Cadet Michael May, Cadet Battalion Commander; Cadet Jonathan Beck, Cadet Operations Officer; and Cadet Christopher Elgee, Cadet Platoon Sergeant. The Senate President would ask them all to rise and receive the greetings of the Senate.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 1929

JOINT RESOLUTION RECOGNIZING PARKINSON'S DISEASE AWARENESS MONTH

WHEREAS, Parkinson's disease, or paralysis agitans, is a brain disorder that usually affects adults over 40 years of age, although it can occur in any of 3 forms: late-life Parkinson's disease; young-onset Parkinson's disease, which affects adults under 40 years of age; and juvenile Parkinson's disease; and

WHEREAS, Parkinson's disease appears eventually in approximately one of 4 persons older than 80 years of age and in one of 10 persons older than 60 years of age and in a significant number of people under 40 years of age; and

WHEREAS, there are 60,000 new patients diagnosed with Parkinson's disease annually in the United States, one every 9 minutes; and

WHEREAS, according to the American Parkinson Disease Association, there are approximately 1,500,000 people in the United States diagnosed with Parkinson's disease, of which an estimated 7,000 or more are in the State of Maine; and

WHEREAS, Parkinson's disease causes a loss of cell function deep within the brain and it is currently an incurable brain disorder of unknown origin that disrupts and may end the lives of those who suffer from it as well as overwhelm the lives of their families and friends; and

WHEREAS, Parkinson's disease often takes an enormous emotional, psychological, physical and financial toll on the patients as well as on their families and friends; and

WHEREAS, the symptoms of Parkinson's disease, which are tremors, slowness of movement, shuffling gait, difficulty with balance, malfunction of vocal cords, lessened facial expression, intestinal difficulties and emotional changes, are often mistaken as a normal part of the aging process; and

WHEREAS, Medications can only control some of the symptoms of Parkinson's disease and only for uncertain periods of time; and

WHEREAS, there is a great need for further training and education in the health care and legal professions to protect the rights of persons with Parkinson's disease; and

WHEREAS, there is an urgent need for a Parkinson's disease clinic in Maine to give patients easier access to specialists in Parkinson's disease and to provide more effective support programs and services to Parkinson's disease patients and their caregivers and families; and

WHEREAS, increased research is needed to help find more effective treatments and ultimately to find a cure for Parkinson's disease; and

WHEREAS, full implementation of federal law, the Morris K. Udall Parkinson's Disease Research Act of 1997, which, starting with the current fiscal year, directs the National Institutes of Health to spend up to \$100,000,000 annually on Parkinson's disease research, is critical; and

WHEREAS, April 11th has been proclaimed World Parkinson's Disease Day, a day for all to recognize the need for more research and help in dealing with the devastating effects of Parkinson's disease; and

WHEREAS, the leading public officials of the State and leading officials in the State's medical community are now called upon to aid in reversing the invisibility and voicelessness of its citizens suffering from Parkinson's disease; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the Second Regular Session, recognize the month of April as Parkinson's Disease Awareness Month throughout the State; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Parkinson Society and the Maine Chapter of the American Parkinson Disease Association and the Board of Licensure in Medicine.

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

READ.

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

Senator **KILKELLY:** Thank you Mr. President. Men and women of the Senate, I'm very pleased to be one of the sponsors of this resolution and I think that one of the things that's important to look at is the title in terms of Parkinson's Disease Awareness Month. So much of what needs to happen in order to assist the people and the families that are dealing with this disease is for all of us to have a better understanding of it. And certainly that's a lot of what this month is about, providing an opportunity for those of us who don't understand this disease to know more about what's going on in the lives of patients and their families. And so I'm very pleased that we're here today and I also want to take this opportunity to recognize a constituent of mine, while she's not here, she's at work today. Karen Bardo is a constituent of mine who has done a lot of work to raise my awareness about the significant impact that this disease has on a number of people in the State of Maine. And we all know about Daffodil Days and we sell daffodils up here for the Cancer Society. What we need to learn more about is the tulip and the tulip is the flower that the Parkinson's Disease Awareness Program uses. Karen has been instrumental in making sure that there are lots of tulip gardens that are planted around to create more of that awareness. I just want to offer my appreciation to her and my appreciation to her Dad for being here today to represent her today. Thank you.

ADOPTED, in concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the chamber Carl Barker of Falmouth, President of the Maine Chapter of the American Parkinson's Disease Association; Harold Jones of Augusta from the Maine Parkinson's Society of Bowdoinham; Ivan Suzman of Portland who is the legislative liaison for the Maine Chapter of the American Parkinson's Disease Association and a Parkinson's patient; and members of the Bangor, Capital, Mid-Coast, Androscoggin, and Greater Portland support groups. The President would please ask them to rise and receive the greetings of the Senate.

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Orders

Expressions of Legislative Sentiment recognizing:

The members of the Bangor High School Boys Swim Team on their winning the 2000 Class A State Championship. The team has won 19 State Boys Swimming and Diving titles. On its way to the State Championship, the team set 3 school records, 2 State Meet records and also received the Sportsmanship Award. The Sportsmanship Award, given by coaches and officials, reflects the demeanor of the swimmers, coaches and spectators. We extend our congratulations to Head Coach Phil Emery; Assistant Coach Mike Reid; Managers Fred Thibodeau, Alex Roberts, Stephanie Clifford, Insley Austin, Libby Leach and Cassie Spauding; Senior Captains Joe Belisle, Camden Haley and Eric Moore; and all the swim team members on this accomplishment; HLS 1175

Phil Emery, Head Coach of the Bangor High School Boys Swim Team, on being named the 2000 Maine Swimming Coach of the Year by Maine swimming coaches. Coach Emery has been coaching for 31 years and has been involved with all 19 of Bangor High School's boys swimming championships, including captaining Bangor's first-ever swimming championship team. He serves as an educator, mentor and role model to all who have been Bangor swimmers. We extend our congratulations to him on this achievement; HLS 1176

Jim Soucie, a junior at Bangor High School, on being named Outstanding Swimmer at the 2000 Class A Boys State Swimming and Diving Championships. He anchored 2 winning relays and won 2 individual events, helping to set 2 new school records and 2 new State Meet records. We extend our congratulations to him on this achievement; HLS 1177

The members of the Bangor High School Boys Diving Team, who tied for first place in the first-ever State Class A Diving Team Championship. We extend our congratulations to divers Justin Fogg and Justin Alley and to Coach Amy Clark on this accomplishment; HLS 1178

Come from the House **READ** and **PASSED**.

READ.

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

Senator **MURRAY:** Thank you Mr. President. Men and women of the Senate, it's certainly a pleasure to rise this morning to recognize the fabulous accomplishments that were achieved by the members of the Bangor High School Swim Team and Diving Team and their coaches. The sentiments themselves, which we've heard, speak to that great accomplishment, highlighting

what is truly an incredible career for the coach involved, Phil Emery, and incredible achievements for each of these swimmers that are here to grace us with their presence today. I don't know if there is a specific definition of a dynasty anywhere, but I surely will know it when I see it. And when you talk about 19 state championships over the course of a 30-year period, I think in anyone's book you're going to meet that definition of a dynasty. And it's one that we're proud of not only because of the fact of their accomplishment in reaching the state championship heights, but also in the way in which they conduct themselves with grace, dignity and class speaks even greater to the accomplishment by winning the sportsmanship awards as well as the individual meet and school records and the individual honors that some of the members were able to attain. It just speaks well of themselves as participants and competitors, speaks well for our community and their school. I'm very proud that they are here today. I'm proud to be able to represent them and I would urge to join with me in supporting this recognition in this Legislative sentiment.

PASSED, in concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the Gallery the Bangor Champion Swim Team and the Bangor Champion Diving Team. Would they please rise and receive the greetings of the Senate.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (4/4/00) 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 - April 4, 2000, by Senator **DOUGLASS** of Androscoggin.

Pending - **FURTHER CONSIDERATION**

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

(In Senate, April 3, 2000, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

(In House, April 4, 2000, that Body **ADHERED**.)

Senator **DOUGLASS** of Androscoggin moved the Senate **RECEDE** and **CONCUR**.

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

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 Androscoggin, Senator Douglass.

Senator **DOUGLASS:** Thank you Mr. President. Men and women of the Senate, I'd like to explain to you what this Bill does and why I think it's so important that we accept the Majority Ought to Pass report by receding and concurring with the House. As you know, we made major changes to our Worker's Compensation laws in 1993. Right now, however, there is often a delay for some of those injured on the job from getting treatment from specialists. This occurs because insurance companies object, basically. And what it does is it delays treatment. What this Bill would do is require the worker's compensation insurer, whether it's self-insured or an insurance company, to pay for a specialist's treatment that has been required or ordered by the primary care doctor. So I say to you that this is a very limited instance in which the specialist might be used. The order has to come from the treating physician. The issue is health care for injured workers. What's happening now is if the specialists aren't going to be paid then the treatment doesn't occur. It's best for our Maine citizens if that treatment occurs. Now I do know that some who object to this matter say that by having a decision as to whether the treatment was proper, if it's contested after the treatment has already been paid for, raises some issue as to whether the worker will be able to repay the insurer. I say to you the worker is getting Worker's Compensation payments. That repayment can be garnished out of wages, in some respects, and that is an issue of payment and finances. The issue here is of treatment. And I hope you will vote for speedy treatment that is in compliance with a doctor's order and recede and concur.

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

Senator **MILLS:** Mr. President and men and women of the Senate, this is a very confusing Bill. The setting in which it arises, I think goes like this. If there's a case under Worker's Compensation, for example, for a low back strain of some kind, or a low back condition, and the fundamental ailment has been accepted and the injured worker is under treatment by a general practitioner, or by an industrial medicine specialist, or someone else who manages the care. If there is a decision made by the care manager to send the employee off to have back surgery, this would require that the bill be paid automatically by the carrier without, basically, giving the carrier any opportunity to say or to suggest that the surgical condition, that is the ruptured disk or the severe condition, for which the specialist's treatment is required is perhaps related to something that may have happened either before the industrial injury, or afterward, or maybe unrelated to the industrial injury. It sort of forecloses litigation over what may be a very key issue in the case. I can see some circumstances in which specialty diagnostic treatment ought to be paid for just for purposes of finding out more about the underlying condition. To find out whether it relates to the work or not and what the nature of the condition is. But this Bill would go further and require that the company pay simply on the word of the treating physician. It seems to me that it could easily lead to presumptive payments in foreclosing legitimate disputes in Worker's

Compensation cases and, essentially, deprive the employer of any opportunity to fairly litigate an issue that might be a very genuine, a very substantial, medical issue in the case. And for that reason I decided, after some consideration, to oppose this Bill and would urge you to do the same.

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following results:

ROLL CALL (#326)

YEAS: Senators: BERUBE, CATHCART, DAGGETT, DOUGLASS, KONTOS, LAFOUNTAIN, LONGLEY, MURRAY, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, DAVIS, FERGUSON, GOLDTHWAIT, KIEFFER, KILKELLY, LIBBY, MACKINNON, MILLS, MITCHELL, NUTTING, O'GARA, SMALL

ABSENT: Senators: HARRIMAN, MICHAUD

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **DOUGLASS** of Androscoggin to **RECEDE** and **CONCUR**, **FAILED**.

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

The Chair laid before the Senate the following Tabled and Later (4/4/00) Assigned matter:

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Limit the Issuance of Concealed Firearms Permits"

H.P. 1771 L.D. 2484

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-922)** (7 members)

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

Tabled - April 4, 2000, by Senator **PINGREE** of Knox.

Pending - motion by Senator **MURRAY** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**

(In House, April 3, 2000, Reports **READ** and Bill and accompanying papers **INDEFINITELY POSTPONED**.)

(In Senate, April 4, 2000, Reports **READ**. Motion by Senator **BENNETT** of Oxford to **INDEFINITELY POSTPONE** Bill and accompanying papers, in concurrence, **FAILED**.)

On motion by Senator **MURRAY** 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 Penobscot, Senator Murray.

Senator **MURRAY:** Thank you Mr. President. Although I am getting older with each passing day, I haven't got old enough so that I have forgotten last night's debate. I will not prolong that. I think it was a good debate that outlined the issues quite well and would urge you to vote in favor of the pending motion to accept the majority Ought to Pass on this issue. It does a fairly simple, straight forward thing. And I hope you will join me in voting yes.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Murray to Accept the Majority Ought to Pass as Amended Report, in Non-Concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following results:

ROLL CALL (#327)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **MURRAY** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-922) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-922)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

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. 1930

ORDERED, the Senate concurring, that the Commission on the Study and Prevention of Child Abuse is established as follows.

1. Commission established. The Commission on the Study and Prevention of Child Abuse, referred to in this order as the "commission," is established to investigate the mistreatment of children in its various manifestations, focusing on, but not limited to, sexual abuse and to report on the occurrence and causes of this mistreatment and recommend feasible measures by which the State may substantially intervene to the benefit of the children with whose welfare and development it is charged.

2. Membership. The commission consists of the following 15 members, each of whom must possess a strong interest or expertise in the problem of child abuse:

A. Four members of the Senate, appointed by the President of the Senate, one of whom serves on the Joint Standing Committee on Criminal Justice and one of whom serves on the Joint Standing Committee on Judiciary;

B. Four members of the House of Representatives, appointed by the Speaker of the House, one of whom serves on the Joint Standing Committee on Education and Cultural Affairs and one of whom serves on the Joint Standing Committee on Health and Human Services;

C. A child abuse clinical expert, appointed by the Executive Director of the Maine Medical Association;

D. A child abuse prevention specialist, appointed by the Commissioner of Human Services;

E. A teacher, appointed by the Executive Director of the Maine Education Association;

F. A guidance counselor, appointed by the Executive Director of the Maine Education Association;

G. A legal expert in child abuse prevention and proceedings, appointed by the Attorney General; and

H. Two members at large, appointed by the Speaker of the House after seeking advice from both within and outside of government.

3. Appointments; chairs; convening of commission. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. The first named Senate member is the Senate chair and the first named House of Representatives member is the House chair. The first meeting must be called by the chairs no later than June 1, 2000.

4. Duties. The commission shall investigate the mistreatment of children in its various manifestations, focusing on, but not limited to, sexual abuse and shall report on the occurrence and causes of this mistreatment and recommend feasible measures by which the State may substantially intervene to the benefit of the children with whose welfare and development it is charged.

To this end, the commission shall:

A. Define the scope and nature of the problem of child abuse, emphasizing but not necessarily limiting its study to sexual abuse of children;

B. Investigate and recommend solutions and appropriate, effective levels of support for such solutions in the following areas:

1. Procedures for providing training in recognizing signs of child abuse to school personnel, clergy, law enforcement, health workers and other professionals;

2. Procedures for providing training to children in recognizing potential abusive situations and individuals and in obtaining immediate assistance and protection;

3. The current state of the Department of Human Services' resources for child abuse intervention, including recommendations for appropriate and effective levels of support;

4. Networking among concerned public and private agencies, groups and individuals;

5. Hiring practices for those who work with children, wherever appropriate, with an emphasis on determining and providing training in best practices;

6. The judicial system's response to the problem of child abuse, including an examination of plea bargaining with and sentencing and rehabilitation of convicted child abusers, as well as the appropriate exchange of official information about such convicted abusers; and

7. Any other areas determined by the commission's investigation to play a critical role in the solution of the problem.

5. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission.

6. Compensation. Members of the commission who are Legislators are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the commission. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses for their attendance at authorized meetings of the commission.

7. Report. The commission shall submit a report along with any recommended legislation for the 120th Legislature no later than November 1, 2000. If the commission requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

8. Commission budget. The chairs of the commission, with assistance from the commission staff, shall administer the commission budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council or the executive director's designee shall provide the commission chairs and staff with a status report on the commission budget, expenditures incurred and paid and available funds.

Comes from the House, **READ** and **REFERRED** to the Committee on **JUDICIARY**.

READ and **REFERRED** to the Committee on **JUDICIARY**, in concurrence.

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. 1931

ORDERED, the Senate concurring, that Bill, "An Act to Implement the Recommendations of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy," S.P. 995, L.D. 2557, and all its accompanying papers, be recalled from the Engrossing Division to the House.

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

READ and **PASSED**, in concurrence.

ORDERS OF THE DAY

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

NOMINATION - of Ralph Smith of Jonesport, for appointment to the Marine Resources Advisory Council.

Tabled - April 5, 2000, by Senator **RAND** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, April 5, 2000, Communication (S.C. 619) from the Committee on **MARINE RESOURCES, READ and ORDERED PLACED ON FILE.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#328)

YEAS: Senators: None

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

ABSENT: Senators: HARRIMAN, MICHAUD

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Ralph Smith** of Jonesport, for appointment to the Marine Resources Advisory Council 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 Today Assigned matter:

NOMINATION - of David Turner of Meddybemps, for appointment to the Marine Resources Advisory Council.

Tabled - April 5, 2000, by Senator **RAND** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, April 5, 2000, Communication (S.C. 620) from the Committee on **MARINE RESOURCES, READ and ORDERED PLACED ON FILE.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#329)

YEAS: Senators: None

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

ABSENT: Senators: HARRIMAN, MICHAUD

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **David Turner** of Meddybemps for appointment to the Marine Resources Advisory Council 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 Today Assigned matter:

NOMINATION - of Jennifer S. Bichrest of Harpswell, for reappointment to the Marine Resources Advisory Council.

Tabled - April 5, 2000, by Senator **RAND** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, April 5, 2000, Communication (S.C. 621) from the Committee on **MARINE RESOURCES, READ and ORDERED PLACED ON FILE.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#330)

YEAS: Senators: None

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

ABSENT: Senators: HARRIMAN, MICHAUD, NUTTING

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Jennifer S. Bichrest** of Harpswell for reappointment to the Marine Resources Advisory Council 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 Today Assigned matter:

NOMINATION - of Lori A. Howell of Eliot, for reappointment to the Marine Resources Advisory Council.

Tabled - April 5, 2000, by Senator **RAND** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, April 5, 2000, Communication (S.C. 622) from the Committee on **MARINE RESOURCES, READ** and **ORDERED PLACED ON FILE.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#331)

YEAS: Senators: None

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

ABSENT: Senators: HARRIMAN, MICHAUD, NUTTING

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Lori A. Howell** of Eliot for reappointment to the Marine Resources Advisory Council 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 Today Assigned matter:

NOMINATION - of Kristan Porter of Cutler, for reappointment to the Marine Resources Advisory Council.

Tabled - April 5, 2000, by Senator **RAND** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, April 5, 2000, Communication (S.C. 623) from the Committee on **MARINE RESOURCES, READ** and **ORDERED PLACED ON FILE.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following results:

ROLL CALL (#332)

YEAS: Senators: None

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

ABSENT: Senators: HARRIMAN, MICHAUD, NUTTING

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Kristan Porter** of Cutler for reappointment to the Marine Resources Advisory Council 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 (4/3/00) Assigned matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Prohibit Persons Under 21 Years of Age from Purchasing Handguns"

S.P. 1005 L.D. 2573

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-611)** (6 members)

Tabled - April 3, 2000, by Senator **MURRAY** of Penobscot.

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

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

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

Senator **MURRAY:** Thank you Mr. President. Men and women of the Senate, this Bill before us now deals with the issue of juveniles and handguns and the access to handguns and the sale of handguns to juveniles. Let me start briefly, if I can, by explaining to you what is currently unlawful. Under current law it is now unlawful to transfer or sell a handgun to a juvenile who is under 18. It's unlawful for any federally licensed dealer to sell or transfer a handgun to anyone under 21, right now. It is also unlawful for anyone else to sell or transfer a handgun to anyone under 18. That is current law. That is current federal law. So the act of either selling or transferring a handgun to anyone under 18, or anyone under 21 by a licensed dealer, is unlawful now. And the issue before us today is whether we want to adopt, on the state level, language that mirrors that current unlawful

conduct on the federal level. That's all this issue is about. Shall we, in the state, mirror the federal law on this issue of juveniles and handguns? There are two reasons why I would urge you that that's an appropriate step for us to take and one that we should take today. One deals with the testimony that was presented to us by the U.S. Attorney, the Federal U.S. Attorney, who is in charge of enforcement of all federal laws in the State of Maine. He presented some interesting information to us that I thought was somewhat compelling. He indicated to us that he has been U.S. Attorney for quite some time now here in the State of Maine. He indicated to us that, up until the last couple of years, he had never prosecuted juvenile matters, matters involving juveniles, in Federal District Court, in his entire tenure up until the last couple of years. And in the last couple of years, he could think of five separate prosecutions that his office has been involved with that involved juveniles and firearms. He saw that. It's not any kind of solid statistical research poll, but it's one that he obviously deals with day in and day out and he found compelling. And in sharing it and coming before us, and I would add coming before us for the first time in my tenure on the Criminal Justice Committee, he felt this issue was important enough for him to appear and share this information with us. I found that as a fairly compelling trend that dealt with this issue of juveniles and access to firearms and, with regard to this Bill, handguns in particular. So that's one reason that I think it's important. The next reason I want to share with you as being a compelling reason for supporting this, is a reason that's often provided to us by some of those entities that are often against gun control issues. And it's the one that they repeat. We don't need new laws, what we need is enforcement. That's precisely what this issue, that's before us today, addresses. This is not creating a new law in that there's not new conduct that will now be unlawful, which is not already currently unlawful. What it does do is address the issue of enforcement. The current law, that I described to you, prohibits the sale or transfer of handguns to any juvenile under 21 by a licensed dealer, or to anyone under 18 by anyone else, is currently enforced under federal law by four or five ATF agents located out of Portland. And it's their responsibility to enforce this law throughout the state. It doesn't take a great deal of imagination to figure out that that's problematic, if you really want enforcement. If we pass this identical law, which mirrors the same federal law, and make it part of our state law, that will allow the law enforcement community in this state to enforce those very same prohibitions that are now unlawful under federal law. This is about enforcement. That's the battle cry we hear over and over again. We don't need new laws prohibiting conduct that isn't already lawful. We need enforcement. This Bill mirrors federal law. It has the same exemptions under federal law for hunting. The same exemptions that allow a parent to give permission for the sale or transfer of handguns to their child. The same exemptions that exist under federal law would be mirrored under state law. It simply says that which is unlawful now should be unlawful under state law. It's consistent. It provides the law enforcement community in the State of Maine the opportunity to enforce it consistently and I would urge you to adopt it here today.

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

Senator **RUHLIN:** Thank you Mr. President. Ladies and gentlemen of the Senate, you know the previous speaker brought forward this proposal and has, what I call, sung the siren song of

uniformity, which to me is a siren song. I like the idea of having our laws coincide with federal law. Although I have to point out to you, I haven't changed, I'd rather ours go first and theirs follow us rather than theirs going first and ours following them. But regardless, if we can have uniformity, this helps. We have, however, in the State of Maine, a condition that exists that I am very concerned about. I asked the good Senator from Penobscot in an earlier discussion on this matter. I think may have the answer, but I did not hear it this morning in debate. I want to check back. I want to assure myself of one condition. And I would ask the Senate to be aware of a situation that exists in Maine, which is somewhat unique. We license young hunters, at the age of 16, to carry a long gun in the field, to hunt by themselves without adult supervision at that age. It's my belief that those individuals may carry with them, and have in their possession, a sidearm or a handgun. And there are reasons for carrying them. For those of you who may not be familiar with hunting, there are a lot of safety reasons for carrying a sidearm. Should you ever fall down and injure yourself, it makes an excellent signaling device. It's something, I frankly, always feel a little bit hesitant going in the woods without. Should I say if something happens, I get lost, they're great for signaling. And I think we are going to have 16 year olds out in the woods that we require to have a full adult license and they're carrying a long rifle under our laws then they should have the right to possess a sidearm, at least for safety purposes, in the woods. So my question becomes, as much as I want uniformity, how does this attempt to make uniformity work impact on the present existing condition?

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

Senator **MURRAY:** Thank you Mr. President. I think the best way to address that is probably is to focus on the language of the committee amendment itself, which makes clear that this section of the law that we would be adopting under state law, and in the language of the Act, would not apply for a handgun to a minor in the course of employment, target practice, hunting, or instruction in the safe and lawful use of a handgun. That's spelled out in the exemption. I hope that addresses your question.

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

Senator **DAVIS:** Thank you very much Mr. President. I'd like to compliment my seatmate for the eloquent manner in which he presents his arguments. He does an excellent job and I wish I could be as fortunate to speak as well. But I will try to present my side of this. What it boils down to is the federal government has seen fit to make this, under 18, illegal. The state has said 16. It has been this way for many, many, many years and there hasn't been a problem. And I don't believe, currently, that there is any problem or there's any reason to change state law and have our local police prosecuting people for transferring firearms to people under 16. There are some statistics that are out, which bear this out, and I'd just like to tell you of a couple. The Department of Human Services, the office of data, says that from 1982 to 1996, from people that were from zero to 19 years of age, there were 4 handgun accidents in the State of Maine. That's what they have on record. There were 16 handgun suicides and 3 handgun assaults. And that is 16 too many and it is 4 too many. From 1991 to 1995 in the State of Maine, there were 197 young people

from the ages of zero to 19 who were killed in motor vehicle accidents. There were 15 killed in fires and there were 15 who have drown. This says nothing of the accidents that occurred with snow sleds, skiing, bicycles, and on and on. I believe, again, that this is nothing more than a cause looking for a crisis. Thank you very much.

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

Senator **PINGREE:** Thank you Mr. President. Men and women of the Senate, I will try to be brief in my debate this morning, but I just wanted to bring out a couple of other facts about this issue and I want to remind you what the good Senator from Penobscot, Senator Murray, said because it is something that I often hear about gun safety laws. And that is, we don't need new laws, we need to enforce the laws that we've got. And what we heard in debate around this Bill at the public hearing was that it was not possible for State Law Enforcement Officials to enforce this law because it was a federal law and they did have concerns. In fact the Maine Chief of Police Association voted to endorse this Bill because they said, "give us this tool". That was their word. That was their word at the public hearing. "Give us this tool." They asked us for help in enforcing this law and, in fact, they did say they had concerns. Not about license dealers, who are covered under the federal law, but about gun sales through classified ads, through yard sales, through gun shows, through other means where young people are accessing guns. I have to say, when we talk about statistics, any death with a firearm of a young person is a tragic death. And any death with a handgun owned by a young person, who shouldn't have one, I think is a tragic death. And I just wanted to talk about a couple of other statistics. The firearm homicide rate of children under 15 years of age is 16 times higher in our country than all 25 other major industrialized countries combined. That's true. It's a serious problem. The numbers in the United States are 5 times higher than Canada, 30 times higher than Japan, and they are growing. During the last decade, in the age group of 15 - 24, death by a firearm increased 158%. So in the age group of young people in the last decade, it increased 158% while deaths of people over 25 by a firearm decreased by 19%. We have seen murder and death rate by firearms go down except in young people where it's climbing dramatically. Teenagers in America today are more likely to die of gunshot wounds than all other causes combined. What does that have to do with handguns? The fact is that handguns constitute only a third of all weapons owned. Yet about 80% of homicides are committed with a handgun. I've been interested to hear, as people have been talking more and more about gun safety and gun safety with young people, as we have been reading about things in the newspaper, how often mothers today say you know my one worry that I never use to have is: will my child go to a house where there are guns? Where there may not be guns? Where they are safe. Will that teenager have access to guns? I think it's something that we're hearing more and more about as people hear stories in the news and worry about our young people's access to guns. And I just want to repeat one more poll. I know I quoted from a poll last night and as I said, I didn't need a poll to decide to support this Bill, in fact, I sponsored this Bill and was proud to do it. But I was interested to read last weeks' polling data on this particular issue. When citizens of the State of Maine were asked last week, or the last week in March, "Do you support raising the minimum age under Maine State Law from 16 to 21 for the purchase of

handguns", now this Bill has been amended to 18, it's not even 21. But this is what Maine citizens were asked, increasing the age from 16 to 21, 93.7% of Maine citizens said yes, 5.8% said no, 93%, over 9 out of 10 said yes. Do you want our young people to be safe, this is an important law, it mirrors federal law. It's been asked for by law enforcement officials who say give us the tools to make sure we're enforcing this law. I urge your support today.

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

Senator **DOUGLASS:** I wanted to note to you, Mr. President, and to members of this body that we all know that we are living in a different society than existed here 30 years ago. My husband tells a story of going to Edward Little High School with his gun to go hunting after school and also to shoot skeet with the principal. And I sense a fair amount of nostalgia, but that's simply not allowed any longer. We don't allow guns on school property. And our society has changed. We have also decided that the age at which we allow young people to drink alcohol should be raised. This measure is similar. In conforming our law to that of the federal government, I think we are helping out our police and law enforcement and we are also saying something about the safety of young people. Young people are still maturing. They don't always realize that they can die. In my area there was a death, about 10 years ago, of a young person who had obtained a gun on the street from another. That death alone is cause enough for me to vote in favor of this Bill. I hope you will too.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Small.

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

THE PRESIDENT: The Senator may pose her question.

Senator **SMALL:** The good Senator from Knox, Senator Pingree, gave some good statistics that were, I believe, federal statistics rather than Maine State statistics. It seems that the federal law, which already covers the United States, has some pretty dismal statistics of how successful this law has been that we're trying to mirror. My question is, do we have similar statistics for that rate of incidents for the State of Maine in the percentages of deaths and accidents that we could use to determine whether Maine is doing as well, better, or worse than the federal government?

THE PRESIDENT: The Senator from Sagadahoc, Senator Small poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you Mr. President. I will be happy to have anyone else answer this question, but I would say this. First there will be an opportunity later in the day to vote for another Bill that would allow us to get more statistics in the State of Maine, because I do think we are deficient in completely understanding all of our statistics. But I will share a couple of examples. The Board of Education, in 1998, did a study, which doesn't ask many of the same questions that I was just quoting, but one of them is about how many young people reported that they had carried a gun. In all of the statistics that we have seen

in this study about the State of Maine, our numbers are in fact higher than national statistics. I know I'm not quoting the exact same numbers and I, unfortunately, don't have all the same numbers in the State of Maine. But in that particular example, 48% of 7th and 8th graders reported that they had carried a gun. Unfortunately, I just don't know about all the other ones, because many of them we don't have. But that one, and I think that's the only one I have. Perhaps someone else can answer the question better.

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

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

THE PRESIDENT: The Senator may pose her question.

Senator **LONGLEY:** My question is when the law enforcement in the state stood to testify in support of this Bill, did they cite examples of times, where there were times, that might have acted on this had they had federal jurisdiction, or times where they had to basically just drive away, or walk away from a situation where, if this Bill were law, they might have been able to do something?

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

Senator **MURRAY:** Thank you Mr. President. What I recall in the testimony from the local or state enforcement community on that issue is that I don't recall whether they cited to us a specific instant of a case like that. What they did say is, in this type of area, what they would be forced to do would be to simply contact the ATF agent out of Portland and turnover the investigation. And they said, quite frankly, these fellows are cooperative and helpful, but the reality is, given the full plate that the ATF agents are responsible for, it's quite simply not feasible for them to cover the entire state and the local law enforcement officer, and I think it was the Chief of Westbrook who was testifying about this on that point, said it's not that they're trying to turn away, but that's there only alternative at this point. It would certainly be more efficient, more helpful for the law enforcement community in Maine to be able to take care of it themselves.

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

Senator **LONGLEY:** May I pose another question through the chair?

THE PRESIDENT: The Senator may pose her question.

Senator **LONGLEY:** Thank you, everyone, for your time. The problem I'm having, and I'll get to the question, is if in Maine there is responsible use of firearms then, in some respects, I want to reward them for that and give incentives for continuing to remain responsible. That's on one side. And then the ethical issue I'm dealing with, on the other side, is that in Maine we have a very high teenage suicide rate where we know they're dealing

with handguns. I just ran into a situation within a few weeks where it was the son using the Dad's handgun in the basement. So this Bill really doesn't get to that piece, but anyway those are the two things I'm weighing and I would appreciate your help. That's my question in the form of can you help me get that balance?

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

Senator **MURRAY:** Thank you Mr. President. I must confess I'm not sure I can, because I'm not sure if I got a question out of that. But one of the things I heard and I guess want I want to emphasize about this Bill is that its focus is on the conduct, which is the unlawful sale or transfer. And that's the area that this is targeting. That's the area in federal law that we are mirroring. It's not necessarily the issue of improper use of the handgun by a juvenile. That is a problem. It still exists. It will be an issue that we need to be weary of and conscience of. But this particular Bill before you deals with the issue of unlawful transfer and sale. And that's what I think we should focus on and make the step I'm suggesting to you today.

The Chair ordered a Division.

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following results:

ROLL CALL (#333)

YEAS: Senators: ABROMSON, BERUBE, CAREY, CATHCART, DOUGLASS, GOLDTHWAIT, LAFOUNTAIN, LONGLEY, MACKINNON, MURRAY, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: AMERO, BENNETT, BENOIT, CASSIDY, DAGGETT, DAVIS, FERGUSON, HARRIMAN, KIEFFER, KILKELLY, KONTOS, LIBBY, MICHAUD, MILLS, MITCHELL, NUTTING, RUHLIN, SMALL

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **MURRAY** of Penobscot to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

(See action later today.)

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senator **NUTTING** of Androscoggin was granted unanimous consent to address the Senate off the Record.

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

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

Senator **BENOIT** of Franklin was granted unanimous consent to address the Senate off the Record.

On motion by Senator **RAND** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (4/4/00) Assigned matter:

Bill "An Act to Change Laws Pertaining to the Loring Development Authority of Maine"

H.P. 1498 L.D. 2142
(S "A" S-604 to C "A" H-924)

Tabled - April 4, 2000, by Senator **PINGREE** of Knox.

Pending - **FURTHER CONSIDERATION**

(In Senate, March 29, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-924) AS AMENDED BY SENATE AMENDMENT "A" (S-604)** thereto, in **NON-CONCURRENCE**.)

(In House, April 4, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-924) AS AMENDED BY SENATE AMENDMENT "A" (S-604) AND HOUSE AMENDMENT "A" (H-1019)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **KIEFFER** of Aroostook, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-924) AS AMENDED BY SENATE AMENDMENT "A" (S-604)** thereto, in **NON-CONCURRENCE**.

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

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

Senator **KIEFFER:** Thank you Mr. President. I regret having to speak on this Bill today because, during the time this has found its way through the process, I was under the impression that it stood a good chance of being withdrawn. However, that's not the case. I will try to be brief, but I must bring you up-to-date on where we are at the Loring Development Authority. The Loring Development Authority, as some of you recall, was created by an act of the legislature back several years ago, in 1993 to be exact. At that time, the legislation was carefully crafted. It had been thoroughly thought out. It was 2 years in the planning stage. It involved all of the neighboring communities. It highlighted the so-called impacted communities and those communities were 6 in nature. They being: Van Buren, Caswell, Limestone, Fort Fairfield, and the cities of Caribou and Presque Isle. The board appointments are made by nominations submitted by the impacted communities and the appointments are then made by the Governor. This system has worked very well and this Bill is an attempt to change the method of these board appointments. I guess the biggest problem that I have with this change is that the impacted communities were not contacted regarding this change. There was no discussion among them and they are opposed to this change. I'd like to read some letters for the record to verify what I'm telling you.

This is a letter from the City of Caribou. "The City of Caribou would certainly be in favor of keeping the appointment process to the Loring Development Authority the same as crafted in 1993. This system has worked smoothly and effectively for the past seven years". That's signed by Phillip Bennett the Mayor. The Town of Fort Fairfield, another impacted community. "As you are well aware, the Town of Fort Fairfield was identified as an impacted community in the original legislation that created the Loring Development Authority. At the time of the creation of the LDA in 1993, we fully supported the method under which the Governor of the State of Maine appointed members to the LDA's Board of Trustees and we continue to support the current method of board appointment. Since the LDA's inception, the board appointment process has functioned as intended and has resulted in the creation of a board that is consistently produced results for the benefit of the region. This come to our attention that a Bill has been introduced to the legislature that would change the method under which the Governor appoints members to the LDA Board. Given the fact that the primary sponsor of this Bill did not consult with us prior to the Bill's drafting, we're unclear as to its intent and therefore we do not support any changes to the LDA legislation." The letter from the Town of Van Buren. "The application of appointment used to appointment Trustees to the Loring Development Authority has served Van Buren and the Loring impacted communities very well. We feel that there is no need for any changes in the procedure. The Governor has been

fair in considering nominations and has consulted with the impacted towns making the final appointments. We see no need to change or modify this procedure when I'd like to express our concerns about any changes in this procedure, because no improvements are needed. We need to ensure that Van Buren is not eliminated from this board so that Van Buren and impacted communities aren't left out form voicing their opinion. Our present Bill to select persons to represent the community has worked and will continue to work. Don't let anyone change something that works." City of Presque of Isle. "This letter is to advise you that the City of Presque Isle does not support legislation intended to amend the procedures under which the Loring Development Authority functions, under which members of the Authority's Board of Directors are selected and appointed. The city finds that the existing process has worked equitably and will since its inception. Because the city was neither consulted nor advised about either the need or the specifics of the changes, the city encourages you to vote in opposition to the proposed Bill."

Mr. President, the present Loring Development Authority, I think, is working extremely well. Obviously, anything can be improved upon, but some of the results that have occurred is that at the present time under the direction of the present Board and the present management, there are 1,432 people now working at the Loring Development Authority. There is ongoing conversations with other businesses and, if those businesses are successful in coming to Loring, it'll increase that number of employed people to 1,890. Certainly with 5 of the 6 impacted communities opposing any change to this board, I see no reason to let the local internal politics in one town change the entire method of appointment to this board and I ask for you support. Thank you Mr. President.

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

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act to Forbid Hiring Replacement Workers during a Strike"
H.P. 105 L.D. 136

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-1018)** (8 members)

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

Tabled - April 5, 2000, by Senator **LAFOUNTAIN** of York.

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

(In House, April 4, 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-1018)**.)

(In Senate, April 5, 2000, Reports **READ**.)

On motion by Senator **BENNETT** of Oxford, 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 (#334)

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

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

ABSENT: Senators: **AMERO, RUHLIN**

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **LAFOUNTAIN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-1018) **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-1018)**, in concurrence.

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Establish the Maine Council on Aging"

H.P. 1365 L.D. 1963

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-1044) (7 members)

Minority - Ought Not to Pass (6 members)

Tabled - April 5, 2000, by Senator **RAND** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 4, 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-1044)**.)

(In Senate, April 5, 2000, Reports **READ**.)

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

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

Senator **PARADIS:** I was very involved with the Council on Aging. It had existed in the state for 40 years. It was a very, very worthwhile institution. It was one of the only independent bodies we have that collects research data and can really advise the committee in a non-bias way. An example is the home-based care issue. When that came up, that was not something the department wanted at the time. But because of all the research that had been done, it's something that now we can't possibly think of doing without. It has saved the State of Maine many millions of dollars. I think it's a small investment for the great return and for what it has done to get us into the next round with the baby boomers coming up. It is not a biased entity. As we're making policy we want to make sure we make the best policy. They're always giving us incredible research that was untainted by anybody's personal opinion, but was the best for the people of Maine. We have over 200,000 elderly in this state. We're going to be having a lot more as the baby boomers age and we need this committee that will really advise the policy committee of the legislature to make good policy for the future. It is an independent body that is accountable, strictly, to the legislature and not to any other advocacy groups, per say. I urge your support for this motion.

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

Senator **MITCHELL:** Thank you Mr. President. Ladies and gentlemen of the Senate, I would ask you to join the good Senator Berube and I in voting against this and to vote for the Ought Not to Pass minority report. I would like to give you my reasons and our reasons why. When this came before our committee, we thought well that's good, let's look at it and listen to what's going on and what we currently give for services for our elderly. We have all, on the Health and Human Services Committee, this session worked diligently to improve the services for the elderly. And we have had some major accomplishments in that field. Long-term care, LD 42, the committee came forward with the program and a plan that's going to address the needs. But currently and as recently as today, we just listened to our department tell us about their strategy and their plan that they have in place. We have a Bureau of Elder and Adult Services. Their goals and their strategy for long-term care is to improve the efficiency of that group. This group deals with all of the needs of our people and the elderly and looking at the services and the efficiency of the services. We have an ombudsman program for the elderly that currently is working very efficiently, that meets and reaches out to all of the elderly to meet their needs in our entire state. We have most importantly a Long-term Care

Steering Committee. This Long-term Care Steering Committee has been in existence for 4 years. There are 11 members appointed by the Governor and it's not a budget item. These people are the responsibility of the departments. They have brought forward just the same items that when we looked at what the job descriptions or what the goals were of this Maine Council of Aging, it's a duplication of efforts. In addition to that, you're adding a position. To the Council of Aging you're adding the position of Executive Director and a clerical person. Currently this service is being provided by the existing department working with both the Long-term Care Steering Committee and the Bureau of Elder and Adult Services, the ombudsman group as well as all the agencies for aging that are reaching out in all of our communities. And we all, as legislators, receive their inquiries and needs and react to those as our current legislation this session tells us that we have with our LD 42 that came in with an original price tag of \$15 million to address those needs and along with many other services that we're providing. So as we looked at each, we said, wait a minute, if we don't have a problem, what are we trying to fix? People are very satisfied with what has been done and how we are reaching out to our people. You had another Bill increasing the transportation needs across our state for the elderly by \$450,000. We are reaching out to all of our people. And when you ask them are there any concerns not being met, they fall under one of these agencies that is currently addressing the problem. So our proposal is let's wait and see. If what's working doesn't work, then we'll fix it. But it looks like we've got some good things happening and we've made some great progress. So let's give what we have a chance before we try to implement another council when there really is no problems to address that are not being addressed by our current staff on human services, by the Bureau of Elder Services, and by our Long-term Care Steering Committee. So I would ask you to please join us in voting against the current motion so that we can go on to vote for the Ought Not to Pass. Mr. President, I would ask for a division please.

Senator MITCHELL of Penobscot requested a Division.

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

Senator BERUBE: Thank you Mr. President. Ladies and gentlemen of the Senate, if you read the duties in the new proposal, they would be needed to advise, consult, and assist the executive and legislative branches of government disseminate information. Which is exactly what you just heard the Long-term Care Steering Committee does now. Granted, the Committee on Aging was abolished in 1990, I believe, or 1991. It's been 10 years and look at all the good things we've done in the interim for the elderly people in this state without the need of that particular agency. When they were eliminated, they had a staff of 5 1/2 people. This one starts with 3 people and a budget of \$137,000 for the first year, \$147,000 for the second year. So if we have the kind of loose change, \$284,000 laying around, I suspect we'd get more for our money if we allocated it towards home-based care, or meals on wheels for the elderly. In other words, in direct service rather than create a new bureaucracy Thank you.

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

Senator PARADIS: Thank you Mr. President. Men and women of the Senate, thank you for your attention once again. Right now what most of us are doing with elderly issues is we are reacting. We are reactionaries. The bills come due, we pay them. This is an umbrella organization that is way ahead of the curve. They're not just reacting to the problem that's in our face. They're coming up with proposals that will make a difference. I can't reiterate enough the issue of home-based care - that was fought by everybody at the time - except this council. They were able to convince us that this would be the most inexpensive way of delivering services to our elderly. They also did a lot in terms of trying to keep elderly people in their own homes. There's a whole list of things that they caused to happen in this state. We have institutions that are looking at the specific things, but again, it's just reactionary to the moment. We are staffing some of these groups with some of our employees and they're just trying to fix a problem in the moment. This is a long-range plan for the State of Maine using input from the different groups, but putting it forward in a very cogent manner so that we can make better, less expensive decisions. We have come a long way in this generation of finally meeting the needs of our elderly. But we still have a huge state, urban and rural areas. We are continuing to have more and more problems in better serving this population. The committees need to have the input of a group that focuses on this every month. When we created the Oversight Committee for Children, it was a small price tag. But there was a need for it. We had 200 children in out-of-state placements, some of them costing us \$250 million a year. From that little committee we've brought 100 people back. The elderly services in the state are costing a lot of money that we cannot sustain. And you're very well aware of all the cuts that we've made over the years and the human out cry it has caused. We need to be planning for the future to find a way to better manage the money so that we will be able to afford these services in the future. Thank you.

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

Senator MITCHELL: Thank you Mr. President. I would draw attention, ladies and gentlemen of the Senate, to the fact that under LD 42 we appropriated \$173,000 to address the critical needs for home-based care. We have also asked for \$2.8 million to eliminate the waiting list that we currently have for our elderly for providing services. Thank you very much.

At the request of Senator MITCHELL of Penobscot a Division was had. 7 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator PARADIS of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Study the Effectiveness of Harness Racing Promotions" (EMERGENCY)

H.P. 1097 L.D. 1544

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-1029)** (2 members)

Tabled - April 5, 2000, by Senator **DAGGETT** of Kennebec.

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

(In House, April 4, 2000, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 5, 2000, Reports **READ**.)

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

Senator **DAGGETT:** Thank you Mr. President. Members of the Senate, I realize that there are only a couple of members of the committee that were willing to go along with this amendment, but I hope that you will take a moment to listen to the discussion regarding the Harness Racing Promotion Board and hope that you will consider supporting the Ought to Pass with Committee Amendment A report. The issue at hand has to do with the Harness Racing Promotion Board, a board that actually has a handful of statutory duties. There are concerns by some of us that the activities of the board have, unfortunately, moved radically away from those statutory duties. The Promotion Board was created to promote the harness racing industry in this state and the statutory duties are related to that. I'm just reading from a letter from the current Board Chair which indicates that the current vision for the board includes a couple of items such as the development and implementation of an elementary school curriculum and further involvement of youth through broadened 4-H associations, etc. There are many of us who feel that promoting the harness racing industry in the state should not be centered on the youth of this state. The major thrust of the minority report requires, as part of the report to the legislature, that the board bring in a marketing plan based on the board's statutory duties and begins to focus on what they were created to do. The original Bill asked for something different. There were a variety of discussions within the committee, but, in any event, there has been serious concern about the direction the board has taken. There was no agreement on eliminating the board. And so I hope you would consider supporting this so that at least we can send a message to the board that they should be focusing on their statutory duties and not promoting their efforts to children. Thank you.

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

Senator **FERGUSON:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, I would hope you would go on and defeat the pending motion and accept the majority report.

This happens to be an 11 to 2 report and the Ought Not to Pass report is the majority report. And to give you a little background, the Promotion Board is a board that promotes harness racing in the state. It's a nine member board that's appointed by the Commissioner of Agriculture. It's financed through the betting and it's 25%, and that 25% generates between \$150,000 and \$160,000 a year. The board is really self-explanatory. It's there to promote harness racing. They do that with a variety of things, promotional activity and direct grants to the commercial tracks and money is distributed to the agricultural fairs. The minority report would require that the Executive Secretary's salary be raised through donations and sponsorships. The majority of the committee felt that that wasn't proper. So we voted on the original Bill Ought Not to Pass and I would hope that you would join me this afternoon with that vote. And I thank you very much for your indulgence.

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

Senator **GOLDTHWAIT:** Thank you Mr. President. Ladies and gentlemen of the Senate, curious that I speak again on an issue about which I know so little. However, it's becoming more and more of a mystery to me, day by day, exactly what we think this industry is. I said in recent debate to the extent that it's an industry that encourages a family activity and harness racing and getting out to agricultural fairs and so on. I think that's great. But I'm beginning to think that that's something of a myth. I notice in a portion of a letter from a gentleman, that I believe to be the chair of the Promotion Board, that he lays out his mission for the future and it includes two items that I found quite curious in light of the recent vote to expand the opportunities to gamble on this particular activity. Those are the development and implementation of an elementary school curriculum by 2001. The second one is further involvement of youth through broadened 4-H Associations and the formation of a Little League Youth Development program. I hope that includes financial counseling on wise use of credit cards. It is rather disturbing to me that an industry that offers broader and broader opportunities to people in Maine to gamble on it is going to be promoting this sport to elementary school students and 4-H Associations. And it is for this reason that I will be supporting the minority report, which attempts to put some control on the type of promotion available to this gambling based industry and I thank you for attention.

The Chair ordered a Division. 15 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **DAGGETT** of Kennebec to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE, PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-1029) **READ** and **ADOPTED**.

LATER TODAY ASSIGNED FOR SECOND READING.

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

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act to Amend Binding Arbitration to Include Salaries, Pensions and Insurance for State, Legislative and Municipal Employees and to Provide a Process for Voting when a Public Employer's Last Offer is Not Selected"

H.P. 1382 L.D. 1989

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-1035)** (5 members)

Tabled - April 5, 2000, by Senator **LAFOUNTAIN** of York.

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

(In House, April 4, 2000, Reports **READ** and Bill and accompanying papers **INDEFINITELY POSTPONED.**)

(In Senate, April 5, 2000, Reports **READ.**)

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

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

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act to Amend the Maine Workers' Compensation Act of 1992 as it Pertains to Occupational Health"

H.P. 1454 L.D. 2075

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-1034)** (9 members)

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

Tabled - April 5, 2000, by Senator **LAFOUNTAIN** of York.

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

(In House, April 4, 2000, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**)

(In Senate, April 5, 2000, Reports **READ.**)

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by Senator **LAFOUNTAIN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE.** (Roll Call Ordered)

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 Establish the Maine Coordinate System of 2000
S.P. 965 L.D. 2514

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act to Institutionalize Substance Abuse Treatment Courts in Maine" (EMERGENCY)
H.P. 1409 L.D. 2014

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-1047).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1047).**

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

READ ONCE.

Committee Amendment "A" (H-1047) **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-1047)**, in concurrence.

The Committee on **JUDICIARY** on Bill "An Act to Clarify the Admissibility of Electronic Records and Signatures"
H.P. 1451 L.D. 2072

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-1048).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1048)**.

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

READ ONCE.

Committee Amendment "A" (H-1048) **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-1048)**, in concurrence.

The Committee on **NATURAL RESOURCES** on Bill "An Act to Improve Air Quality through Market Incentives for the Purchase of Cleaner Vehicles"

H.P. 1529 L.D. 2182

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-1038)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1038)**.

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

READ ONCE.

Committee Amendment "A" (H-1038) **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-1038)**, in concurrence.

The Committee on **NATURAL RESOURCES** on Bill "An Act Regarding Discharges from Small Fish Hatcheries That Operated Prior to 1986"

H.P. 1789 L.D. 2509

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-1039)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1039)**.

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

Committee Amendment "A" (H-1039) **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-1039)**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 1935

JOINT RESOLUTION IN HONOR OF MAINE'S NATURAL RESOURCE-BASED INDUSTRIES

WHEREAS, farming, fishing and forestry, which make up Maine's natural resource-based industries, have been a part of Maine's history since before we became a State, serving as a symbol of our State's heritage and exemplifying our respect for natural resources and our citizens' traditional work ethic; and

WHEREAS, farming, fishing and forestry are a major force in our State's economy, interconnecting with nearly every sector of the State's economy; and

WHEREAS, farming, fishing and forestry make up over 40% of the goods-producing jobs, one out of every 5 jobs, in Maine, and provide in excess of \$8,000,000,000 to Maine's economy; and

WHEREAS, Maine is a national and international leader in the production of wild blueberries, brown eggs, bioagriculture, cranberries, maple syrup, potatoes, paper, lumber, clothespins, toothpicks, dowels, fish farming and lobster fishing, to name a few; and

WHEREAS, natural resource-based industries are the backbone of Maine's economy and are a fixture in our history and future, one that can never be moved or replaced; and

WHEREAS, natural resource-based industries provide not only food for families but scenic views, open spaces, healthy forests, employment opportunities and a tangible link to our culture and heritage; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature of the State of Maine, now assembled in the Second Regular Session, pause in our deliberations to honor Maine's farming, fishing and forestry industries which have contributed so much to the betterment of our State, pledge our support and encouragement and urge the youth of Maine to pursue the growing opportunities for careers in today's technologically advanced natural resource-based industries; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Agriculture, Food and Rural Resources, the Commissioner of Conservation and the Commissioner of

Environmental Protection in token of the esteem in which those in these industries are held.

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

READ and **ADOPTED**, in concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend and Clarify the Powers and Duties of the Lake Arrowhead Community, Incorporated" (EMERGENCY)

S.P. 1061 L.D. 2655

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

Signed:

Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska
KASPRZAK of Newport
GERRY of Auburn
BAGLEY of Machias
RINES of Wiscasset

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

Signed:

Representatives:

BUMPS of China
RICHARDSON of Greenville
JODREY of Bethel
TWOMEY of Biddeford
McDONOUGH of Portland

Reports **READ**.

Senator **PENDLETON** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report.

On motion by Senator **DAGGETT** of Kennebec, **TABLED** until Later in Today's Session, pending motion by Senator **PENDLETON** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS** Report.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 1911

**JOINT RESOLUTION HONORING
MAJOR GENERAL EARL L. ADAMS
ON THE OCCASION OF HIS RETIREMENT**

WHEREAS, Major General Earl L. Adams, a native of Presque Isle and a resident of Augusta, has announced his retirement from his current positions of Commissioner of Defense, Veterans and Emergency Management and Adjutant General of the Maine National Guard; and

WHEREAS, Major General Adams will be retiring on April 29, 2000, after 43 years of military service and over 35 years of state service, and 5 years of service in Governor King's cabinet; and

WHEREAS, in his positions as commissioner and Adjutant General, he has supervised the activities of 4,000 Army and Air National Guard troops stationed in Maine, supervised veteran services for 148,000 Maine veterans and has overseen all civil emergency management, including the Ice Storm of 1998; and

WHEREAS, Major General Adams began his military service in 1957 as an infantry officer in active service following graduation from the University of Maine ROTC program and later joined the Maine Army National Guard and became the first Chief of Staff for the Maine Army National Guard before becoming Adjutant General; and

WHEREAS, Major General Adams had his finest moments when, faced with the emergency crisis of the devastating Ice Storm of January 1998, he successfully oversaw the multifaceted response to the natural disaster; and

WHEREAS, he has the qualities of resilience, ingenuity, determination, sound judgment and a work ethic that exemplifies the best in Maine people; and

WHEREAS, we take this opportunity to acknowledge his long and distinguished career whereby he has proven his dedication to this State and to our Nation; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the Second Regular Session, on behalf of the people we represent, extend our congratulations and warmest wishes to Major General Adams on the occasion of his retirement and we extend our heartfelt appreciation for the years of dedicated hard work he has given to this State and to our Nation; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Major General Earl L. Adams as a token of our esteem.

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

READ and **ADOPTED**, in concurrence.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act to Amend the Maine Workers' Compensation Act of 1992 as it Pertains to Occupational Health"

H.P. 1454 L.D. 2075

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-1034)** (9 members)

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

Tabled - April 5, 2000, by Senator **BENNETT** of Oxford.

Pending - motion by Senator **LAFOUNTAIN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE** (Roll Call Ordered)

(In House, April 4, 2000, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 5, 2000, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#335)

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

NAYS: Senators: ABROMSON, BENNETT, BENOIT, BERUBE, CASSIDY, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, LIBBY, LONGLEY, MACKINNON, MITCHELL, O'GARA, SMALL

ABSENT: Senator: AMERO

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **LAFOUNTAIN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-1034) **READ** and **ADOPTED**.

LATER TODAY ASSIGNED FOR SECOND READING.

Senate at Ease.

Senate called to order by the President.

Senator **DAGGETT** of Kennebec moved the Senate **RECONSIDER** whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report on the following:

Bill "An Act to Prohibit Persons Under 21 Years of Age from Purchasing Handguns"

S.P. 1005 L.D. 2573

(In Senate, April 5, 2000, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.)

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

Off Record Remarks

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

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

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

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

After Recess

Senate called to order by the President.

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 Study the Effectiveness of Harness Racing Promotions" (EMERGENCY)

H.P. 1097 L.D. 1544
(C "A" H-1029)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**.

Sent down for 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 to Amend the Maine Workers' Compensation Act of 1992 as it Pertains to Occupational Health"

H.P. 1454 L.D. 2075
(C "A" H-1034)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**. Subsequently, on motion by Senator **BENNETT** of Oxford, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#336)

YEAS: Senators: CAREY, CATHCART, DAGGETT, DOUGLASS, KILKELLY, KONTOS, LAFOUNTAIN, MICHAUD, MILLS, MURRAY, NUTTING, PARADIS, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CASSIDY, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, LONGLEY, MACKINNON, MITCHELL, O'GARA, PENDLETON, SMALL

ABSENT: Senator: LIBBY

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent, **PASSAGE TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE, FAILED**.

Senator **LONGLEY** of Waldo moved the Senate **RECONSIDER** whereby the Bill **FAILED PASSAGE TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**.

Senator **BENNETT** of Oxford rose to a **POINT OF ORDER**; the motion to **RECONSIDER** having been previously made.

The Chair **RULED** the motion to **RECONSIDER** was not in order.

(See action later today.)

ORDERS OF THE DAY

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

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

H.P. 1413 L.D. 2020

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

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

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

Pending - **FURTHER CONSIDERATION**

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

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

(In House, March 21, 2000, that Body **ADHERED**.)

Senate at Ease.

Senate called to order by the President.

Senator **DAGGETT** of Kennebec moved the Senate **RECEDE**.

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

Senator **CAREY**: Thank you Mr. President. Mr. President, there is absolutely no question in my mind that there are 2 Maines. I think that if we really want to do something for the northern part of this state, we've got to start paying attention to what's happening up there. There is, it's my understanding, an agency store up in the area, which basically has been closed. And there is still the State store. The State store closes early and, therefore, people are unable, after working until 5:00 in the evening, to secure any alcoholic products that they might be interested in. I would certainly hope that we would give this an Ought to Pass report. Thank you, Mr. President.

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

Senator **DAGGETT**: Thank you Mr. President. Members of the Senate, this Bill is about far more than 1 store being located in the City of Caribou. This Bill is about how we make and set liquor policy. How we decide where agency stores and whether the legislature chooses to get involved in that. This is an arena that the legislature has not typically been involved in. There are certain policies in effect at the Bureau that drive where stores are and are not located. I can recall, in the early part of this decade, when the Legislature closed a number of State stores and there were a number of relocations of agency stores. There was quite an uprising when people found spirits located next to a variety of items in their local stores and, in fact, received numerous comments from people at the time. I've served on the Legal and Veterans Affairs Committee for a number of years and have seen a variety of changes in policy and struggles with the community of people who sell and purchase spirits and trying to adjust to it. This would be a major change and a huge step, a 180° turn away from how we make these decisions today. Earlier in the decade, we had a Liquor Commission that used to make these placements extremely politically. Those decisions were moved away from that commission for that very reason. This Bill would return that politicization of location of stores to this chamber and to this legislature or to future legislatures. I remember a few years ago when the legislature decided to insert itself into the decision of turning a liquor store on the northern border into a discount liquor store, against the advice and against the recommendations of the Bureau, and that turned out to be somewhat of a disaster. In fact, the community in which that happened has been in fairly constant communication with me looking to overturn that decision. The legislature has certain policy decisions to make and when we get involved in some of the specifics, it puts us in a very difficult situation. This Bill is not about 2 Maines. If there is an issue regarding economic development, I can assure you that placing a liquor store is not economic development. I am more than happy to and have always supported economic development methods. But this is a serious departure from the way we operate today and it concerns me that this has not gotten the kind of attention it deserves. We all know that there are parochial issues that come in front of us and we do not fault anyone for bringing them in. But this has state-wide ramifications and I would urge you to support the motion to recede so that the Legislature does not get itself entangled in some decisions that would be, politically, very, very difficult down the road. Thank you.

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

Senator **KIEFFER**: Thank you Mr. President. Ladies and gentlemen of the Senate, this Bill may be about a lot of things, but it's basically about fairness. If you travel from the northern border today of the City of Presque Isle to the southern border of the Town of Van Buren, a distance of some 34 miles, you pass 1 State Agency Liquor Store. In the morning when I get up out to Winthrop and drive into this State House, a distance of 5 miles, I pass 3 such stores. I don't know if these stores are supposedly distributed on the basis of population or what the method really is, but right now there are 216 agency liquor stores in the State of Maine. There are 27 State liquor stores in the State of Maine. 60%, 16 out of 27 State liquor store locations have an agency store located in that same community. In North Caribou, there was an agency liquor store up until the time the base closed and when the base closed that store also closed. This would not create an additional number of agency liquor stores. It could certainly be considered a replacement for the agency store that was closed in North Caribou. I've gone through the analysis of the state-wide liquor store distribution and I've looked at municipalities in the same size category, approximately, as Caribou. If you take the City of Belfast, there is an agency liquor store and there is a State liquor store. Brunswick has an agency liquor store and a State liquor store. Calais has an agency liquor store and a State liquor store. And I won't bother to go down through, but I have the pages here and I can go down over and over and over. In the interest of time, I won't. Augusta has 4 liquor stores, agency and State stores. They're 2 ½ times the size of Caribou. Wouldn't you think Caribou might possibly be entitled to 2? Thank you, Mr. President. Mr. President, I would hope that the members of the Senate would defeat the pending motion to recede so we could go on and support the 12 to 1 committee report. Thank you, Mr. President.

THE PRESIDENT: For the benefit of members and the Senator from Aroostook, Senator Kieffer, the motion is to recede to agree with the Ought to Pass as Amended by Committee Amendment "A" report. The Senate would have to recede and concur. If this motion is defeated, there can be a motion to recede and concur. But if this motion passes there can also be a motion to concur after that point. Procedurally I hope you all understand where we are at.

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

Senator **PARADIS**: Thank you Mr. President. Men and women of the Senate, I agree with my colleague the good Senator from Aroostook, Senator Kieffer, that this is, indeed, a fairness issue. When you hear the number 34 miles, where else in the state would this be allowed happen. I reject the charge of parochialism, because when there was a proposal to put a discount liquor store in Fort Kent last year, we defeated that in Fort Kent. And so our people are rarely here to ask because we're 300 miles away from here. And this replacement of this store is not a lot to ask for the individuals of the county. Thank you very much.

The Chair ordered a Division. 3 Senators having voted in the affirmative and 25 Senators having voted in the negative, the motion by Senator **DAGGETT** of Kennebec to **RECEDE**, **FAILED**.

On motion by Senator **KIEFFER** of Aroostook, the Senate **RECEDED** and **CONCURRED**.

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

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend and Clarify the Powers and Duties of the Lake Arrowhead Community, Incorporated" (EMERGENCY)

S.P. 1061 L.D. 2655

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

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

Tabled - April 5, 2000, by Senator **DAGGETT** of Kennebec.

Pending - motion by Senator **PENDLETON** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS** Report

(In Senate, April 5, 2000, Reports **READ**.)

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

Senator **DAGGETT:** Thank you Mr. President. Men and women of the Senate, this is a Bill that came in front of us at the very last moment, not long ago. There was a public hearing. A very quick public hearing, a quick work session, with very little notice. I have some serious concerns about what this Bill asks us to do. This Bill addresses an issue which is currently under litigation. It is an extremely complex issue. And the issues involved in the litigation involves the impact of tax lien statutes. A prior settlement agreement, private and special legislation, as well as the common law. It's been very unusual for the legislature to step into an issue that is pending litigation. There have been some occasions in which that has happened. But again, it is extremely rare, particularly in the event of litigation that has involved the kind of complex issues that this does. I hope that you will take the time to try to understand the dynamics here and make some serious decisions about whether this is an arena that the legislature should be trying to trump.

The second concern I have is that the way this Bill is written, and I do not see an amendment here. The way the Bill is written, it denies rights that were allowed, or may be allowed, to this association that have nothing to do with the legislation that was here in 1995. The Bill, as it's written, acts to take away rights that the Lake Arrowhead community had prior to 1995. It seems to affect the Lake Arrowhead rights under the common and general law, in addition to that, as well as other Maine statutes. This has to do with the issue of lot owners and a homeowners association. Lake Arrowhead believes that they possess the right, under equitable principles of common law, to assess annual fees irrespective of anything that's been enacted here otherwise. And that particular principle has been underscored in a publication of the Maine Townsman regarding paying fees on homeowner associations. So for those two reasons, I feel there's sufficient cause to raise real questions about the appearance of this Bill, the quick work of the Bill, and the legislature's hopping into it.

There are also several additional problems and one of them, interestingly, is this Bill makes any implementation retroactive to 1995. And in the process of doing that, it raises constitutional issues regarding retroactivity, impairment of contract, and possible due process and equal protection issues. That, again, adds to the complexity of this issue. There's been some discussion that, perhaps, LD 2655 has been proposed in an effort to resolve litigation that may be pending, or may happen, between Limerick, which is one of the other towns. Lake Arrowhead is a community that encompasses an area from 2 towns, Limerick and Waterboro. And there is concern that, if legislation is passed, there may be even an opposite effect of causing the litigation to be more complex and it being a more expensive issue. I hope that you will give some serious consideration to this. I just can't help but make a few remarks regarding a fact sheet that has been passed around. I noticed several bullets on this fact sheet that makes remarks about statements of members of the State and Local Government Committee who were on the committee when the original law was passed. And I'm sure that this makes some reference to certain committee members who were there. But as the Chair of the Committee when that was passed, I think that I do have some recollection of that. This was a Bill that came in front of us. We considered it somewhat controversial when it arrived. And I can tell you that an incredible amount of time was spent on this in front of that committee at the time. Far more, far more than has been spent on it at this time. Far more. This is a very complex issue and I would hope that you would be very careful with your vote here and not cause even further difficulties for the communities that are involved. As I said, this matter is under litigation. There may be court decisions that, in fact, renders legislation unnecessary or provides information to the legislature to make better decisions at another time. So in lieu of acting now with a retroactive Bill, I would encourage you to vote against the pending motion. Thank you.

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

Senator **PENDLETON:** Thank you Mr. President. Men and women of the Senate, this Bill makes me feel kind of like when I was a young child because I was from a rather large family, as a lot of people know, and my 2 brothers would get into an argument and start pounding it out. And I'd try to get in the middle to break it up, to kind of smooth things over, so my Mom wouldn't come after us and I would be the one that got punched in the face. And that's what I feel like today. That we kind of got punched in the face because we got blind-sided by this Bill. It came in very late. It has a history. It deals with, actually, property that was supposedly purchased and was trying to be developed in 1975, actually. And parcels of this property were purchased by people, site unseen, and the people discovered that the property was, in some cases worthless, and in other cases it was worth something. In 1998, there was an escape clause that was in the original bill of sale for 1975 sale. And then, between 1988 and 1995, the town started acquiring this land, basically because property taxes were not paid, or for liens, or just abandonment, one reason or another. So in 1995, legislation was brought before the legislature at that time and a Bill was passed to allow the association that was in charge of these properties to charge assessments to the landowners. After that 1995 Bill, it's my understanding, in 1997 assessments started being placed on the towns for the land that they had acquired. Some of the land,

perhaps worth something and some perhaps not, some they acquired voluntarily, some perhaps not. So what this Bill is attempting to do is to amend that Private and Special Law enacted for Lake Arrowhead in 1995 and it tries to clarify and make explicit the assessments and the assurances made to the Towns of Limerick and Waterboro and to the Committee that the towns would not be charged fees for the lots they acquired through these tax lien processes or in some cases other litigation. The reason for the original Bill, I'm guessing from being in the middle of the fight, is that Lake Arrowhead wanted legal authority to assess and enforce membership fees on the private property owners and the association because most of deeds contain this clause. So now we're left with a situation where there is pending litigation.

THE PRESIDENT: The Chair would apologize. The Chair should have mentioned this sooner. During debate you cannot make reference to any matter awaiting adjudication in a court and that should not be raised debate.

Senator **PENDLETON:** Thank you Mr. President. I apologize. I was trying to stay away from that word, but it slipped out. So anyway, here we are before you today asking for your judgment on this issue, trying to give you the facts as best we can, and just trying to explain to you why the committee voted the way they did with the majority Ought to Pass. We were just trying to clarify the intent of what supposedly, and we weren't here then, most of us on the committee in 1995. I would thank you for your indulgence and I hope that you will vote with the majority Ought to Pass.

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

Senator **MILLS:** Thank you Mr. President. Men and women of the Senate, this development actually has a very interesting history. The issue before us may be among the simplest of those that have confronted the people that live there. It arises out of activities of a fellow that I remember in my earliest days of practicing law as one we refer to as the great Pink Panther. He was a high rolling land developer who cruised into Maine and began buying large tracks of land and developing them, or gaining control over large tracks of land and developing them, at a time prior to the passage of our subdivision laws. He acquired, I think, nearly all of Frye Island in Sebago Lake and he acquired the hundreds, if not thousands, of acres that are involved now in Lake Arrowhead Estates. He broke these parcels up into tiny lots. Sold them off. Many people bought two at a time because one of them, even in those days, wasn't perceived as being big enough to build on. Many of them were on wetlands that are now unbuildable. Many of them would not pass a perk test under modern standards. Many of the people who bought these lots simply failed to pay for them, failed to the bank that financed them. Many of those who paid cash simply failed to pay their real estate taxes and I guess that's the reason why the Town of Limerick is now the proud owner of some 500-600 of these lots presently located in a subdivision that actually has, I understand, something like 2000-3000 lots all together. Out of this chaos that was created by private development efforts, the people who bought and built homes in Lake Arrowhead came too the legislature in 1995 with a proposal for a Special and Private Law that would incorporate all of those folks, if the majority of them agreed to be so incorporated, and would permit them to assess each other for the cost of maintaining roads and common areas,

recreational facilities for instance that were owned in common by the development. So we, as a legislature, got involved in 1995 by creating rights for these folks that had either expired or had failed under the rather loose and chaotic private system of mutual covenant that had been created by the high flying developer of the early 1970's. So in attempt to bring order out of this rather chaotic community, the state, for better or for worse, has intervened in their affairs. We did create something that was highly analogous to a private contractor, among them all, in the form of a Private and Special Law that incorporates this group of people, almost as if they were a little municipality with certain rights. One of the key rights that was granted by this Private and Special Law was the right of the corporation to assess owners of the lots as members for the costs of maintaining the roads and so forth. As I understand that, the fees that are charged are in the order of \$300 apiece for a vacant lot. The legislation was essentially silent as to the status of those lots that were owned by the town. It doesn't expressly say that the town is a member or that the town, as owner of its lots through tax deed foreclosure, had the obligations of all of the other lot owners. And it really is an open question, I would say, whether the town has an obligation to pay these fees to Lake Arrowhead Associates. Apparently the association seized upon this lack of clarity and decided to sue the town for the fees on a pro-lot basis and the obligation, if it were fully recognized, would be something in the order of \$200,000 at this juncture. We, as a legislature, have created, or allowed to be created, this ambiguity or this doubt about the status of the town and its obligation, or not, to be paying these fees. It does, I think, seem reasonable that we resolve that ambiguity or that doubt. Although I can't seem to find a copy of the LD on my desk, I'm reliably informed that that's what the Bill does. It simply removes the doubt and simply says that the town has no obligation. The town, as owner through tax foreclosure, has no obligation to be paying fees to maintain the recreational property and the common roads and the like. When you look at the equities of the situation, it does seem to me that the town has the better case, as that case has been made to all of us and to the committee. And for that reason, and I've been lobbied rather heavily by both sides, I've enjoyed the give and take and the presentations that they've both made, very competently I might say. But it does seem to me that this is, number one, a question which we should solve as a legislature because we may be guilty of having allowed the confusion to have existed in the first instance. And secondly, if we are going to solve this problem for them, on balance, it seems to me, the equities lie with the town over the corporation and for that reason we should adopt the majority view of the committee and pass the legislation. Thank you Mr. President.

Senator **BENOIT** of Franklin posed a parliamentary inquiry regarding a previous comment by the Chair concerning reference to current litigation when debating this Bill.

THE CHAIR MADE THE FOLLOWING RULING:

The Chair referred to Section 11 of Mason's Manual of Parliamentary Procedure entitled "Reference to Executive or to other House or to questions before the Court" which lists such actions that are unparliamentary or inconsistent with the independence of a legislative body to refer to such things as matters awaiting adjudication in a court. They should not be debated or discussed in the legislative body.

THE CHAIR RULED CURRENT LITIGATION CANNOT BE REFERRED TO IN DEBATE ON THIS BILL.

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

Senator ABROMSON: Mr. President, a point of parliamentary inquiry.

THE PRESIDENT: The Senator may pose his point of parliamentary inquiry.

Senator ABROMSON: The problem I have is, that in discussing this Bill, it mentions in the Bill "whereas the Town of Limerick, the Town of Waterboro have resisted these fees and assessment and the matter has resulted in expensive and decisive litigation", I don't know how we can debate the Bill without mentioning the "L" word. Thank you Mr. President.

THE PRESIDENT: The Senator raises an excellent point and the Presiding Officer will have a discussion with the Revisors Office about the rules of parliamentary procedure of which they seem to be unawares. But that aspect of the Bill cannot be debated in the body, it is unparliamentary to refer to litigation pending adjudication in the body.

Senator ABROMSON: Thank you Mr. President.

The Chair ordered a Division. 17 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by Senator **PENDLETON** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS** Report, **PREVAILED**.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

WITH REFERENCE TO A MATTER PREVIOUSLY RULED OUT OF ORDER:

The Chair informed the Senate his previous ruling was made in error. The motion by the Senator from Waldo, Senator Longley, to reconsider the Senate's action whereby it failed to pass to be engrossed was not out of order. The prior motion to reconsider had been made on the motion to reconsider passage to be

engrossed as amended. The second motion by the Senator from Waldo, Senator Longley, was to reconsider whereby the Senate failed to pass to be engrossed and those are two different motions.

Senator **LONGLEY** of Waldo **RENEWED** the motion to **RECONSIDER** whereby the Senate **FAILED** to **PASS TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**, the following:

Bill "An Act to Amend the Maine Workers' Compensation Act of 1992 as it Pertains to Occupational Health"

H.P. 1454 L.D. 2075
(C "A" H-1034)

(In Senate, April 5, 2000, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**. Subsequently, on motion by Senator **BENNETT** of Oxford, **RECONSIDERED** and **FAILED PASSAGE TO BE ENGROSSED AS AMENDED**.)

Senator **LONGLEY** of Waldo moved to **TABLE 1** Legislative Day, pending motion by same Senator to **RECONSIDER** whereby the Senate **FAILED** to **PASS TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**.

Senator **SMALL** of Sagadahoc requested a Division.

On motion by Senator **CAREY** of Kennebec, 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 (#337)

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

NAYS: Senators: **ABROMSON, BENNETT, BENOIT, CASSIDY, DAVIS, KIEFFER, MACKINNON, MITCHELL, SMALL**

ABSENT: Senators: **AMERO, HARRIMAN, KILKELLY, LIBBY, MICHAUD, RAND**

20 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 6 Senators being absent, the motion by Senator **LONGLEY** of Waldo to **TABLE 1** Legislative Day, pending motion by same Senator to **RECONSIDER** whereby the Senate **FAILED** to **PASS TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**, **PREVAILED**.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Amend the Laws Regarding Foster Parents" (EMERGENCY)

H.P. 1870 L.D. 2606

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.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Concerning Access Fees on Tree Growth Lands"

H.P. 1775 L.D. 2486

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-1057)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1057)**.

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

READ ONCE.

Committee Amendment "A" (H-1057) **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-1057)**, in concurrence.

The Committee on **LABOR** on Resolve, Establishing a Commission to Study the Interrelationship Among the Maine State Retirement System, Social Security and Tax-advantaged Accounts (EMERGENCY)

H.P. 595 L.D. 835

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-1054)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1054)**.

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

READ ONCE.

Committee Amendment "A" (H-1054) **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-1054)**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act Regarding Waiting Lists for Limited-entry Lobster Management Zones"

H.P. 1846 L.D. 2583

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1042)**.

Signed:

Senators:

GOLDTHWAIT of Hancock
PENDLETON of Cumberland
MackINNON of York

Representatives:

STANWOOD of Southwest Harbor
USHER of Westbrook
ETNIER of Harpswell
PIEH of Bremen
BAGLEY of Machias
McNEIL of Rockland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-1043)**.

Signed:

Representatives:

HONEY of Boothbay
VOLENIK of Brooklin
PINKHAM of Lamoine

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1042)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1042)**.

Reports **READ**.

On motion by Senator **GOLDTHWAIT** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1042)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-1042) **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-1042)**, in concurrence.

Off Record Remarks

On motion by Senator **AMERO** of Cumberland, **ADJOURNED**, until Thursday, April 6, 2000, at 9:00 in the morning.