

MAINE STATE LEGISLATURE

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One Hundred and Nineteenth Legislature
State of Maine

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

In Senate Chamber
Friday
April 7, 2000

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

Prayer by Senator Philip E. Harriman of Cumberland County.

SENATOR HARRIMAN: Thank you Madam President. Before I begin, this will be my last opportunity to offer the prayer as a State Senator and I want to take this opportunity to thank the Secretary of the Senate and her Assistant, Joy and Judi, for all that you've done to help make my service here productive. To the Sergeant-of-Arms, Bob Crockett, and to his staff, I extend a personal thank you for all that you've done to help make sure that my desk is in order and Bills are in hand at the right time. And lastly, Madam President, I'd like to pay tribute to the gentleman who I hope someday will be Maine's poet laureate, the Senator from Franklin, Senator Benoit, who was kind enough to help me craft these words that I'd like to share with you at this special time. May we be in the spirit of prayer?

Lord, Maine citizens gave us elected possession of this significant legislative session
We pray we've governed with positive direction
We've teamed to fix things as political brokers from education to taxes and tobacco smokers from laptops, warden stops, and snack tax grocers
Lord, soon it will wrap up and we'll head for home no longer shouldering the capitol dome
our work reviewable in the State House tome
Lord, we give thanks for all, this honor to serve building public trust all citizens deserve
Please bless the government we work to preserve
Amen.

Doctor of the day, Steven I. Weisburger, D.O., Jonesport.

Reading of the Journal of Thursday, April 6, 2000.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent 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)

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, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

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

Non-Concurrent Matter

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

H.P. 1498 L.D. 2142

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

In Senate, April 5, 2000, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

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

Non-Concurrent Matter

Bill "An Act to Clarify the Authority of State Environmental and Public Health Officials to Monitor and Regulate Nuclear Power Plant Decommissioning, Site Cleanup and Restoration Activities" (EMERGENCY)

S.P. 955 L.D. 2496
(C "A" S-617)

In Senate, March 31, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-617)**.

Comes from the House, Bill and accompanying papers **COMMITTED** to the Committee on **NATURAL RESOURCES**, in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act to Implement the Recommendations of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy"

S.P. 995 L.D. 2557
(C "A" S-632)

RECALLED from the Engrossing Division pursuant to Joint Order (H.P. 1931), in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-632) AND HOUSE AMENDMENT "A" (H-1050)**, in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act to Correct the Inadvertent Repeal of the Abandoned Property Disposition Process for Municipalities"

H.P. 1845 L.D. 2582
(C "A" H-1000)

In Senate, April 3, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1000)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1000) AND HOUSE AMENDMENT "A" (H-1085)**, in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Joint Study Order to Establish a Committee on Gasoline and Fuel Prices

H.P. 1774

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-957)** (7 members)

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

In House, March 31, 2000, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Joint Study Order **PASSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-957)**.

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

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

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

COMMUNICATIONS

The Following Communication: S.C. 626

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

April 6, 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 Agriculture, Conservation and Forestry has had under consideration the nomination of Jacquelyn L. Webber of Stockholm, for appointment to the Land Use Regulation Commission.

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 | Nutting of Androscoggin, Kieffer of Aroostook, Kilkelly of Lincoln |
| | Representatives | 10 | Pieh of Bremen, Carr of Lincoln, Cowger of Hallowell, Cross of Dover-Foxcroft, Foster of Gray, Gagne of Buckfield, Gillis of Danforth, Gooley of Farmington, Volenik of Brooklin, Watson of Farmingdale |
| 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 Jacquelyn L. Webber of Stockholm, for appointment to the Land Use Regulation Commission be confirmed.

Signed,

S/John M. Nutting
Senate Chair

S/Wendy Pieh
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.**

The Following Communication: S.C. 627

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

April 6, 2000

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of Marcia McKeague of Medway, for appointment to the Land For Maine's Future Board.

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

| | | | |
|-----------|-----------------|---|--|
| YEAS | Senators | 3 | Treat of Kennebec, Libby of York, Nutting of Androscoggin |
| | Representatives | 9 | Martin of Eagle Lake, Cameron of Rumford, Clark of Millinocket, Cowger of Hallowell, Daigle of Arundel, Duplessie of Westbrook, Joy of Crystal, McKee of Wayne, Tobin of Windham |
| NAYS | | 0 | |
| ABSTAINED | | 1 | Rep. Etnier of Harpswell |

ABSENT 0

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Marcia McKeague of Medway, for appointment to the Land For Maine's Future Board be confirmed.

Signed,

S/Sharon Anglin Treat
Senate Chair

S/John L. Martin
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 628

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

April 6, 2000

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of Dennis L. Higgins of Mattawamkeag, for reappointment to the Land For Maine's Future Board.

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

| | | | |
|------|-----------------|---|---|
| YEAS | Senators | 2 | Treat of Kennebec, Libby of York |
| | Representatives | 6 | Martin of Eagle Lake, Cameron of Rumford, Daigle of Arundel, Duplessie of Westbrook, McKee of Wayne, Tobin of Windham |
| NAYS | Senators | 0 | |
| | Representatives | 2 | Clark of Millinocket, Joy of Crystal |

ABSTAINED 1 Rep. Etnier of Harpswell
 ABSENT 2 Rep. Cowger of Hallowell,
 Sen. Nutting of Androscoggin

Eight members of the Committee having voted in the affirmative and two in the negative, it was the vote of the Committee that the nomination of Dennis L. Higgins of Mattawamkeag, for reappointment to the Land For Maine's Future Board be confirmed.

Signed,

S/Sharon Anglin Treat S/John L. Martin
 Senate Chair 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.**

The Following Communication: S.C. 629

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

April 6, 2000

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of Warren Balgooyen of Norridgewock, for reappointment to the Land for Maine's Future Board.

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

YEAS Senators 3 Treat of Kennebec, Libby of
 York, Nutting of
 Androscoggin
 Representatives 8 Martin of Eagle Lake,
 Cameron of Rumford, Clark
 of Millinocket, Cowger of
 Hallowell, Daigle of Arundel,
 Duplessie of Westbrook,
 McKee of Wayne, Tobin of
 Windham

NAYS Senators 0
 Representatives 1 Joy of Crystal

ABSTAINED 1 Rep. Etnier of Harpswell

ABSENT 0

Eleven members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Warren Balgooyen of Norridgewock, for reappointment to the Land for Maine's Future Board be confirmed.

Signed,

S/Sharon Anglin Treat S/John L. Martin
 Senate Chair 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.**

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Generate Economic Development Through Community Service and Education"

H.P. 1761 L.D. 2467

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-1083).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1083).**

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

READ ONCE.

Committee Amendment "A" (H-1083) **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-1083)**, in concurrence.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Implement the Recommendations of the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services Relating to the Department of Mental Health, Mental Retardation and Substance Abuse Services"

H.P. 397 L.D. 528

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-1080)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1080)**.

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

READ ONCE.

Committee Amendment "A" (H-1080) **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-1080)**, in concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Expand Pretrial Services for the Bail and Supervision of Criminal Defendants Statewide"

H.P. 1446 L.D. 2067

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1070)**.

Signed:

Senators:

LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

Representatives:

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

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

Signed:

Representatives:

PLOWMAN of Hampden
WATERHOUSE of Bridgton

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1070)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-1070) **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-1070)**, in concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Implement the Recommendations of the Court Unification Task Force"

H.P. 1829 L.D. 2563

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1081)**.

Signed:

Senators:

LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

Representatives:

THOMPSON of Naples
LaVERDIERE of Wilton
BULL of Freeport
JACOBS of Turner
NORBERT of Portland
MITCHELL of Vassalboro
MADORE of Augusta
WATERHOUSE of Bridgton
SCHNEIDER of Durham

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-1082)**.

Signed:

Representative:

PLOWMAN of Hampden

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1081)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1081)**.

Reports **READ**.

On motion by Senator **RAND** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1081)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-1081) **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-1081)**, in concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Concerning Previous Passamaquoddy Indian Territory Legislation"

H.P. 1871 L.D. 2607

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

Signed:

Senator:
BENOIT of Franklin

Representatives:
THOMPSON of Naples
BULL of Freeport
NORBERT of Portland
PLOWMAN of Hampden
JACOBS of Turner
LaVERDIERE of Wilton
MADORE of Augusta
SCHNEIDER of Durham
WATERHOUSE of Bridgton

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1071)**.

Signed:

Senators:
LONGLY of Waldo
TREAT of Kennebec

Representative:
MITCHELL of Vassalboro

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1071)**.

Reports **READ**.

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

Senate

Ought to Pass

Senator BERUBE for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Establish the Council on Children and Families and to Ensure the Continuation of the Governor's Children's Cabinet"

S.P. 1076 L.D. 2679

Reported that the same **Ought to Pass**, pursuant to Joint Order S.P. 598.

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

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Prohibit Hunting Animals in Enclosed Areas"

S.P. 457 L.D. 1332

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-655)**.

Signed:

Senators:
KILKELLY of Lincoln
NUTTING of Androscoggin

Representatives:
GAGNE of Buckfield
WATSON of Farmingdale
PIEH of Bremen
VOLENIK of Brooklin
COWGER of Hallowell

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-656)**.

Signed:

Senator:

KIEFFER of Aroostook

Representatives:

CROSS of Dover-Foxcroft
GILLIS of Danforth
GOOLEY of Farmington
CARR of Lincoln
FOSTER of Gray

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 **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Provide for the Year 2000 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)

S.P. 1010 L.D. 2578

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-658)**.

Signed:

Senator:

MackINNON of York

Representatives:

MENDROS of Lewiston
CLOUGH of Scarborough
BOWLES of Sanford
MARVIN of Cape Elizabeth
O'NEAL of Limestone
SHOREY of Calais

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-659)**.

Signed:

Senators:

LONGLEY of Waldo
KONTOS of Cumberland

Representatives:

SIROIS of Caribou
USHER of Westbrook
BOLDUC of Auburn
TRIPP of Topsham

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 Establish a Method of Determining Employer Contributions to the Unemployment Compensation Trust Fund"

S.P. 1019 L.D. 2588

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-650)**.

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York

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 to Pass as Amended by Committee Amendment "B" (S-651)**.

Signed:

Senator:

MILLS of Somerset

Representatives:

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

Reports **READ**.

Senator **LAFOUNTAIN** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-650)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-650)** Report.

ENACTORS

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

Emergency Measure

An Act Regarding Waiting Lists for Limited-entry Lobster Management Zones

H.P. 1846 L.D. 2583
(C "A" H-1042)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with no Senators having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act to Amend the Laws Regarding Foster Parents

H.P. 1870 L.D. 2606

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with no Senators having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act to Implement Municipal Recommendations Regarding Surface Water Use on Great Ponds

H.P. 1925 L.D. 2671
(S "A" S-639)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with no Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Study Pension Plan Design and Benefits under the Maine State Retirement System

H.P. 595 L.D. 835
(C "A" H-1054)

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

Emergency Resolve

Resolve, to Establish a Legislative Committee to Study Access to Private and Public Land in Maine

H.P. 1775 L.D. 2486
(C "A" H-1057)

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

Acts

An Act Relating to Employment Contracts

H.P. 105 L.D. 136
(C "A" H-1018)

An Act to Clarify Signature Requirements on Certain Legal Documents

H.P. 1451 L.D. 2072
(C "A" H-1048)

An Act to Improve Air Quality through Market Incentives for the Purchase of Cleaner Vehicles

H.P. 1529 L.D. 2182
(C "A" H-1038)

An Act Regarding Discharges from Small Fish Hatcheries That Operated Prior to 1986

H.P. 1789 L.D. 2509
(C "A" H-1039)

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

An Act to Preserve Live Harness Racing in the State

H.P. 1214 L.D. 1743
(S "A" S-638 to C "A" H-913)

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

An Act to Provide for the Establishment of Alcohol and Drug Treatment Programs in Maine Courts

H.P. 1409 L.D. 2014
(C "A" H-1047)

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

An Act to Allow State Pharmacies a Tax Credit for Unreimbursed Medicaid Costs

S.P. 909 L.D. 2361
(C "A" S-525)

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

An Act to Create a Linked Investment Program for Child Care Providers

S.P. 1073 L.D. 2675

On motion by Senator **LONGLEY** of Waldo, **TABLED** Unassigned, pending **ENACTMENT**, in concurrence.

Resolve

Resolve, Directing the Bureau of Liquor Enforcement to License an Agency Liquor Store in the City of Caribou

H.P. 1413 L.D. 2020
(C "A" H-777)

Senate at Ease.

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

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

Senate at Ease.

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

Off Record Remarks

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Repeal Certain Inactive Boards and Commissions and to Amend Certain Laws Governing Boards and Commissions" H.P. 1932 L.D. 2676

Reported that the same **Ought to Pass**, pursuant to Joint Order H.P. 1850.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1091)**.

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

READ ONCE.

House Amendment "A" (H-1091) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1091)**, in concurrence.

Off Record Remarks

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 **HEALTH AND HUMAN SERVICES** on Bill "An Act to Implement the Recommendations of the Commission to Examine the Rate Setting and Financing of Maine's Long-term Care Facilities" (EMERGENCY)

H.P. 33 L.D. 42

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-1089)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1089)**.

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

READ ONCE.

Committee Amendment "A" (H-1089) **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-1089)**, in concurrence.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Relating to Eligibility for the Elderly Low-cost Drug Program"

H.P. 1900 L.D. 2644

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-1088)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1088)**.

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

READ ONCE.

Committee Amendment "A" (H-1088) **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-1088)**, in 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 **NATURAL RESOURCES** on Bill "An Act to Eliminate the Use of MTBE in Maine"

H.P. 11 L.D. 21

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1067)**.

Signed:

Representatives:

JOY of Crystal
ETNIER of Harpswell
TOBIN of Windham
MARTIN of Eagle Lake
CLARK of Millinocket
COWGER of Hallowell
DAIGLE of Arundel
DUPLESSIE of Westbrook
CAMERON of Rumford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-1068)**.

Signed:

Senators:

TREAT of Kennebec
NUTTING of Androscoggin
LIBBY of York

Representative:

McKEE of Wayne

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1067)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1067)**.

Reports **READ**.

Senator **TREAT** of Kennebec moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1068)** Report, in **NON-CONCURRENCE**.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending the motion by Senator **TREAT** of Kennebec to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1068)** Report, in **NON-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 **NATURAL RESOURCES** on Bill "An Act Regarding the Requirement of Notice in the Acquisition of Solid Waste Hauling, Incineration Residue Disposal and Related Assets"

H.P. 1736 L.D. 2442

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1086)**.

Signed:

Senators:

TREAT of Kennebec
NUTTING of Androscoggin

Representatives:

MARTIN of Eagle Lake
JOY of Crystal
TOBIN of Windham
ETNIER of Harpswell
McKEE of Wayne
CLARK of Millinocket
COWGER of Hallowell
DAIGLE of Arundel
DUPLESSIE of Westbrook
CAMERON of Rumford

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

Signed:

Senator:
LIBBY of York

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-1086)**.

Reports **READ**.

Senator **TREAT** of Kennebec 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 the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in 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 **NATURAL RESOURCES** on Bill "An Act to Establish Minimum Environmental Compliance Standards for Subsidized Employers"

H.P. 1799 L.D. 2526

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

Signed:

Senators:
NUTTING of Androscoggin
LIBBY of York

Representatives:
JOY of Crystal

TOBIN of Windham
CLARK of Millinocket
DAIGLE of Arundel
CAMERON of Rumford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1066)**.

Signed:

Senator:
TREAT of Kennebec

Representatives:

MARTIN of Eagle Lake
ETNIER of Harpswell
McKEE of Wayne
COWGER of Hallowell
DUPLESSIE of Westbrook

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

Reports **READ**.

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

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:

Mandate

An Act to Clarify Responsibilities for the Maintenance of Veterans' Grave Sites

S.P. 302 L.D. 873
(H "A" H-995 to C "A" S-581)

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

Senator **GOLDTHWAIT:** Thank you Madam President. There is just one small piece of this Bill that concerns me and that is the piece that necessitates the mandate preamble on the Bill. There is a provision in this Bill that repeals the existing latitude for municipalities to provide a single flag pole and a flag at cemeteries to honor veterans. This Bill would repeal that flexibility and require municipalities to provide an individual flag

on every grave. I certainly mean no disrespect to veterans, in fact, my father being a veteran, if I felt as strongly as I do about a flag to honor him I'd make sure that I'd put one there myself. We have discussed mandates at some length in this chamber during the course of this Bill. In fact, almost every session we have discussed the impact of those mandates on property tax. Yet, in this case and in discussion with a colleague, when I said "if this is that important, why don't we fund it?" The answer to that was "well, it would be expensive for the state and it's a cumbersome thing to do". Well, that is the case the municipalities make. It's expensive for them. It's cumbersome. Some of them do it on their own anyway. They don't care to be forced to do it. Yet we have the power to turn around and say "regardless of the fact that you think it's going to cost you money, that it's going to be difficult for you to comply, we have the power to make you do it and we're going to make you do it". I don't think that's right. I intend to vote against this Bill because of the mandate on municipalities and the effect on property taxes. I hope you will join me. Thank you.

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

ORDERS OF THE DAY

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

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

H.P. 1498 L.D. 2142

Tabled - April 7, 2000, by Senator **RAND** of Cumberland.

Pending - **FURTHER CONSIDERATION**

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

(In Senate, April 5, 2000, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.)

(In House, April 6, 2000, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.)

Senator **KIEFFER** of Aroostook moved the Senate **ADHERE**.

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

Senator **KONTOS:** Thank you Madam President. Men and women of the Senate, I was not in the chamber the day this Body took this issue up before. I know I speak on behalf of other members of the Committee to help you understand the great difficulty that has been created around this issue. The Committee unanimously supported in an initial attempt to resolve what is primarily a local problem having to do with appointments

to the Loring Development Authority. Our initial attempt did not seem to be as satisfactory as we once thought. There have been a variety of attempts to try to bring this issue to some resolution. It's regrettable when the Body is faced with a dilemma that really could be better handled locally. In this case, there's still a great deal of conversation that probably needs to go on regarding this issue. So, I appreciate the chamber's indulgence on an issue that has come back and forth between the two Bodies and believe this will probably be before us in the future as well.

On motion by Senator **KIEFFER** of Aroostook, the Senate **ADHERED**.

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

Senator **LAWRENCE** of York 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 **LAWRENCE** of York, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

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

COMMUNICATIONS

The Following Communication: S.C. 630

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

April 7, 2000

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

Dear President Lawrence and Speaker Rowe:

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

L.D. 2401 An Act to Amend the Laws Regarding the Change of a Cost-sharing Formula in a School Administrative District

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

Sincerely,

S/Sen. Georgette B. Berube
Senate Chair

S/Rep. Michael F. Brennan
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

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. 1938

ORDERED, the Senate concurring, that the Joint Study Committee to Study Bomb Threats in Maine Schools is established as follows.

1. Committee established. The Joint Study Committee to Study Bomb Threats in Maine Schools, referred to in this order as the "committee," is established.

2. Membership. The committee consists of the following members:

A. Two members of the Senate, appointed by the President of the Senate; and

B. Four members of the House of Representatives, appointed by the Speaker of the House, one of whom is a member of the Joint Standing Committee on Judiciary, one of whom is a member of the Joint Standing Committee on Criminal Justice, one of whom

is a member of the Joint Standing Committee on Education and Cultural Affairs and one of whom is a member of the Joint Standing Committee on State and Local Government.

3. Chairs. The first named Senate member is the Senate chair and the first named House of Representatives member is the House chair.

4. Appointments; convening committee. All appointments must be made within 30 days following the passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. The chairs of the committee shall call and convene the first meeting of the committee no later than June 1, 2000.

5. Duties. The committee shall study the problem of bomb threats in schools in the State and possible methods of deterring bomb threats in schools, including withholding privileges, such as driver's licenses and other licenses, from a student convicted of or participating in making a bomb threat until the student is 20 years of age.

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

7. Compensation. Members of the committee 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 committee.

8. Report. The committee shall report on the issues studied with any recommended legislation for the First Regular Session of the 120th Legislature no later than November 1, 2000. If the committee requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

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

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

READ.

On motion by Senator **RAND** of Cumberland, placed on the **SPECIAL STUDY TABLE**, pending **PASSAGE**, in concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator PARADIS for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Require Rules on Temporary Campgrounds to be Major Substantive Rules"
S.P. 1077 L.D. 2681

Reported that the same **Ought to Pass**, pursuant to Joint Order S.P. 1044.

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

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

Sent down for 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 **NATURAL RESOURCES** on Bill "An Act to Implement the Land Use Recommendations of the Task Force on State Office Building Location, Other State Growth-related Capital Investments and Patterns of Development"
S.P. 1027 L.D. 2600

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-660)**.

Signed:

Senators:

TREAT of Kennebec
NUTTING of Androscoggin

Representatives:

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

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

Signed:

Senator:

LIBBY of York

Representatives:

JOY of Crystal
CAMERON of Rumford

Reports **READ**.

Senator **TREAT** of Kennebec 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 the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

ORDERS OF THE DAY

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

Bill "An Act to Clarify the Authority of State Environmental and Public Health Officials to Monitor and Regulate Nuclear Power Plant Decommissioning, Site Cleanup and Restoration Activities" (EMERGENCY)

S.P. 955 L.D. 2496
(C "A" S-617)

Tabled - April 7, 2000, by Senator **CAREY** of Kennebec.

Pending - **FURTHER CONSIDERATION**

(In Senate, March 31, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-617)**.)

(In House, April 6, 2000, Bill and accompanying papers **COMMITTED** to the Committee on **NATURAL RESOURCES**, in **NON-CONCURRENCE**.)

Senator **TREAT** of Kennebec moved the Senate **RECEDE** and **CONCUR**.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending the motion by Senator **TREAT** of Kennebec to **RECEDE** and **CONCUR**.

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

HOUSE REPORTS - from the Committee on **NATURAL RESOURCES** on Bill "An Act to Eliminate the Use of MTBE in Maine"

H.P. 11 L.D. 21

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-1067)** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-1068)** (4 members)

Tabled - April 7, 2000, by Senator **BENNETT** of Oxford.

Pending - motion by Senator **TREAT** of Kennebec to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1068)** Report, in **NON-CONCURRENCE**

(In House, April 6, 2000, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1067)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1067).**)

(In Senate, April 7, 2000, Reports **READ.**)

On motion by Senator **TREAT** of Kennebec, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1068)** Report **ACCEPTED**, in **NON-CONCURRENCE.**

READ ONCE.

Committee Amendment "B" (H-1068) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1068)**, in **NON-CONCURRENCE.**

Sent down for concurrence.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (4/6/00) Assigned matter:

Bill "An Act to Eliminate the Requirement that a Person Provide a Social Security Number to Obtain or Renew a Driver's License"
H.P. 1869 L.D. 2605

Tabled - April 6, 2000, by Senator **AMERO** of Cumberland.

Pending - motion by Senator **O'GARA** of Cumberland to **ADOPT SENATE AMENDMENT "A" (S-640)**

(In House, April 3, 2000, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**)

(In Senate, April 6, 2000, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE. READ ONCE.** Committee Amendment "A" (H-996) **READ** and **ADOPTED.** Under suspension of the Rules, **READ A SECOND TIME.** Subsequently, on motion by Senator **O'GARA** of Cumberland, **RECONSIDERED ADOPTION** of Committee Amendment "A" (H-996) and **INDEFINITELY POSTPONED** the same. On further motion by same Senator, Senate Amendment "A" (S-640) **READ.**)

On motion by Senator **O'GARA** of Cumberland, Senate Amendment "A" (S-640) **ADOPTED.**

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

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

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

Senator **O'GARA:** Thank you Mr. President. Men and women of the Senate, just now we decided, obviously, that there is great objection to the Bill as it was originally presented to you. So we have amended it to direct, and I emphasize the word direct, the Department of Human Services to request a waiver. Now, you'll be told that 4 states have requested waivers and all 4 have been denied. I don't think that this is enough of a reason for us to not direct the Department to at least request a waiver on this issue. I urge the members of the Senate to support the item presently before us.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate. I will not be supporting the pending matter for the reason that the good Senator from Cumberland has just indicated. The same procedure was attempted in 4 prior matters in 4 other states without any success. Respectfully, to the presentation of this by Senator O'Gara. I applaud his efforts and I mean that sincerely. It seems to me that what we're doing with Department of Human Services is putting them through the hoops, which really is a vain thing to be putting them through, knowing full well what the result will be down the road. The result will be failure. I don't know, as I am keen about state government. We know at the outset, from looking at other states who've done the same thing, that there is going to be a failure. No success will be derived from this. And for that reason, respectfully, I can't support it. Thank you.

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

Senator **MITCHELL:** Thank you Mr. President. Ladies and gentlemen of the Senate, I also will be opposing this. All of us on the Health and Human Services Committee, I'm sure, are very supportive of the same vote that I would carry. Our department has made tremendous accomplishments with being able to recoup the money owed to these single parents. The only way they have been able to do that is with the assistance of having the social security number available on the registration, on the application of the driver's license. This will enable them to find these "deadbeat dads", whether they are in California or wherever they are. When you look at the monies that has been brought back into the state, Maine is one of the leading states on the recouping of monies owed to single parents from these "deadbeat dads", so to speak, that have escaped from paying their obligations. By us trying to put an amendment which has failed in other states and is additional administrative work for the department. It is also contradictory. Your asking the department to do something that is actually hindering them from continuing to

fulfill the good work that they already have been able to accomplish and we want to keep that on a continuing basis. It would be letting some of these people get away from us now that we have a hold on them and are able to bring the monies in and reduce the amount of monies that we're having to pay out to these single parents. So, I would again ask you to support a no vote on this, a red vote, so that we will not amend and engross this particular Bill. Thank you.

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

Senator O'GARA: Thank you Mr. President. Ladies and gentlemen of the Senate, in a letter dated March 28 of this year to the Director, Bureau of Family Independence, Department of Human Services, here in the State of Maine, in 2 paragraphs in 2 different times the statement is made "is at risk of losing". Consequently, the state is at risk of losing. They didn't say the state will lose. They didn't say we're telling you for the last time the state will lose. They are saying the state is at risk of losing. If the Senate would just put up with me for just a few minutes. Many years ago, in my other life as Mayor of the City of Westbrook for 10 years, we requested the federal government to provide us with some elderly housing. We were threatened by the federal government its agency HUD, that if we didn't make some more low income housing, we could not have any more elderly housing. As the Mayor of the City of Westbrook, I took a stand and said to the government we are deserving of the elderly housing and we will not make any more low-income housing. Not only did we not have to make low-income housing, we got double the size requested for elderly housing. Two years ago in this very chamber, on the other side of this hall when I sat somewhere else, you might recall, some of you were here, I fought as hard as I could until about 3:00 a.m. in the morning to encourage you not to vote for a Cumberland County only emissions testing. But other people convinced you that we were going to lose all of the highway funds in spite of the fact that I told you and the evidence clearly showed that no state had ever lost any funds. Now, we are using that same argument. I don't want to lose \$1 of the money that's just been referred to. I don't want any program that is involved in this to be lost. I'm just simply saying, and the Secretary of State has pointed out, that this social security number is just one of many tools that are used to track down the kind of people they are concerned about here. That's the thing that I have to make sure you understand. We are not attempting to lose \$1 that could come into this state. We are just simply saying, and if this passes, I assure you that I intend to, if we can't be part of the application process, that I will have, make sure that a letter goes off stating where we are on this issue when it goes off, if it's passed by September of this year requesting a waiver on social security numbers. You must be hearing from your constituents. I cannot believe that one person in the body is not hearing about the losing of their identify, the social security number, your credit card numbers, all of these numbers. People's privacy is becoming an issue to the people of the State of Maine, and not only Maine but across this country. And it is an issue. Anybody who gets up to argue against this on the basis that we are going to lose \$1 is misleading you. The state is at risk. That means, at least I interpret it to mean, it is possible that the state will lose those dollars if the state does away with the social security number. We are asking for a waiver. The original Bill said we would eliminate that. Folks didn't like that so we have amended that to ask the department to

grant us a waiver because the people of Maine, your constituents, are concerned about the privacy problem that they have. They and I and the majority of the Committee feel very strongly that we think we want to know why a social security number is such a major point. Thank you, Mr. President.

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

Senator PARADIS: Thank you Mr. President. Men and women of the Senate, \$85 million last year, \$90 million this year. This is the money that we're collecting for the children of Maine who have been abandoned by their parents. We go all over the world. We go through all of the states. My background, as an Acadian, maybe gives me a different prospective of numbers. When we were deported from Canada by the British Governor Lawrence, he burnt down our buildings, and destroyed all our identification. So we maybe have a little different take on the importance of our numbers because they were destroyed. I had my credit card number taken away from me without losing my credit card for \$8,000. I still am using my credit card. We cannot. Our welfare roles are going down precipitously. Why, because we're finding people and making them more accountable to their children. I find it much more repulsive to have to pay taxes to pay for the children that have been abandoned by their parents who are not paying their way. That bothers me a lot more than having to give out my social security number. If there was another way, it would have been found by now. If somebody has a better way, fine. But, it's not a matter of being at risk, that's bad enough, losing, because the Feds are paying a lot of the costs of finding these parents. It's having children lose their ability to have an income from their parents rather than from the State of Maine. There's a real negative attached to children who are on welfare and that's the issue here. I wish there were another way. When there is a better way, I hope somebody will come forward with it. But we need to be going to California and to Texas. I've had one call on this issue. You and I have received a lot of calls on why can't you find this guy, why can't you collect this money for me. So I urge a "no" vote on this issue.

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

Senator BENOIT: Thank you Mr. President. May it please the Senate. The Senator from Aroostook, Senator Paradis, takes the wind right out of my sails and I am, nevertheless, comfortable about that result. She mentions the millions of dollars that are being collected for a worthy cause; support of children. She says she'd rather have parents, errant parents, paying support for their children than the taxpayers. I say to that amen, Senator, amen. The Senator from Cumberland, Senator O'Gara, says, and he's right, this social security number, not on the license now, it's on the application for the license at the Secretary of State's office, is one of many tools. He's right. But I want to give the Department of Human Services all the tools they possible can possess, within reason, for this worthy cause. You know, I've got a carpenter coming to the house shortly when we're through here, for Judy and I to have a bookcase in the living room. When he shows up with his tools, I am not about to take any of his tools away from him in order for him to do the job that I want him to do. Because when I start taking away his saw and hammer, the finished job I get probably isn't going to be as good. So, let's give the department all the tools they need. This one is a very sensible,

sensible tool. And I would like to point out what we're doing with the department in this amendment. The department already knows, if we ask them to apply for a waiver, that in order to get it they are going to have to prove that the program will operate more effectively without this provision than with it, or that the same program already has a similar procedure that they know today and demonstrate either one of those. It's a vain thing then to support this particular measure. Thank you.

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

Senator **MILLS:** Mr. President and men and women of the Senate. Just a couple of brief points that haven't previously been made. I think that one of the reasons that the social security number has become so significant is that it is probably the closest thing we have in the United States to a unique identifier for each individual. The reason that it maintains its capacity to identify people uniquely is that people have a positive incentive to give an accurate and honest number when you are going to work. You know that if you want the social security withholding taxes attributed to your account, you have to give the number accurately. If you don't give it accurately, then the first time that the quarterly reports are made by your employer, they'll come bouncing back because something doesn't match up to your name. So, for better or for worse, the social security number is very good, it's the best by far, method we have of uniquely identifying individuals in the United States. It seems to me extremely important that we link up the social security number to driver's licenses at some place, at some repository in our state, for a variety of reasons. Certainly, the driver's license identification is probably the second most common and nearly unique identifier that is available in our society. I think that it's important that at least the state have a place where those two elements of identification are matched for reasons of finding missing persons, for instance. For reasons of keeping records, if no other, of the people that live in our society. I have Acadian friends who are hip on genealogy and they have an excellent track record all the way back to Quebec City and the arrival date in 1740 and then when you go back to Europe, it's a blank because they've had wars and fires and bombings and the records in France are practically non-existent. You can't trace anything through those local resources and repositories. Here in American and in Canada, because of the activities of local parishes and the like, we have superb records from the time of the first arrival of many of our ancestors down to date. This isn't done with any insidious purpose, but I think it serves a beneficial and a useful purpose to track where our people have lived. It's a far cry from saying that your social security number should be publicly available to credit bureaus, or to private investigators or, heaven forbid, that it should be published on your license. It's not necessary. But that there be some secure repository for matching up these numbers, I think, serves a variety of useful purposes, to say nothing of the fact that it is by far the most useful tool available to the Department of Human services in collecting child support. Thank you.

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

Senator **LONGLEY:** Thank you Mr. President. Colleagues in the Senate, I would just like to quickly echo some of the remarks that have been made before and say that in the Judiciary Committee,

where we see a lot of child protection actions being studied and analyzed, we've been very impressed with the work we've seen coming out of this area of collections. I would just like to say they are doing a good job and like the Senator from Somerset said, let's continue to let them use this important tool to do their jobs well. That's not to say that those in opposition don't have a point too, but let's not be so interested in their issue, at this point, that we stop doing a really good job at finding those parents and making sure that ones who brought young people in the world are responsible for them. Thank you.

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

Senator **LIBBY:** Thank you Mr. President. Mr. President, at the rate we're going each of us will be contributing to the state, in that safe repository, a DNA sample and I, for one, will be voting to change that direction.

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

Senator **PENDLETON:** Thank you Mr. President. I've been vacillating on this issue, but I just wanted to make two points. I think the good Senator from Franklin, Senator Benoit, is correct that the department does need a tool and this is a good tool. Also I'd like to point out to you that when I enrolled at the University last fall, I was asked for my social security number, and that suddenly became my school ID number, which is what I use to log onto the computer. So if you want to know who Peggy Pendleton is, just look into the computer and I bet you'll find all kinds of things about me. So, you know, I don't really have a problem with that. And I would say that the department, I've noticed, it's hard not to notice the folks from the department that have been sitting on the bench out here for several days. It would seem to me they probably could have filled out several waiver forms in that amount of time. So, I hope that you will vote against the amendment for the waiver and I hope that we can go forward with this Bill. Thank you.

Senator **AMERO** of Cumberland moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**.

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

Senator **CAREY:** Thank you Mr. President. Mr. President and members of the Senate, I'm one of the victims of having a relative named Richard J. Carey who lived at 70 Grove Street, Waterville, Maine. Whose wife, Marie, worked at our credit union, the credit union which I serve on the board of directors. It seems that the very faithful Marie gave her husband, at his request, my social security number. So I got a call one day from some agency that does collections that said that I owed \$15,000 and they wanted the money right away or else they'd put a lien on my property. I said to the gentlemen, "have you got my signature". He said "yeah, I've got the form right in front of me" and I said "well, what's my wife's name on that". I had been made aware of what was going on. And the guy said, "I don't have to tell you that". So I said to him, "I don't have to tell you anything else so have somebody higher up who can answer my question call me". About 3 weeks later I got another call from somebody, apparently higher up, and we went through this whole

process all over again. He refused to give me the name that I was trying to find and I said to him "have somebody up further than you give me a call". And, finally some guy named Jack somebody or other called me from Little Rock, Arkansas and the guy said, "I understand you've been having trouble talking to our representatives" and I said, "well yes because they simply won't talk". I said "I'm very interested in finding out what you have on the application for my wife's name" and the guy said "that's simple, her name is Marie". I said, "ha, my wife's name is Helen and this guy with the wife named Marie happens to be Richard J. Carey. He lives, or did live, at 70 Grove Street, Waterville. He has gone through bankruptcy and he has skipped down to Florida". The fella said "thank you, you will never hear from us again". I never did. So I don't give my social security to my wife.

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

On motion by Senator **O'GARA** 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 opened the vote.

ROLL CALL (#343)

YEAS: Senators: **ABROMSON, AMERO, BENOIT, BERUBE, CAREY, CATHCART, DAGGETT, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, KILKELLY, LAFOUNTAIN, LONGLEY, MICHAUD, MILLS, MITCHELL, MURRAY, PARADIS, PENDLETON, SMALL**

NAYS: Senators: **BENNETT, CASSIDY, DAVIS, DOUGLASS, KONTOS, LIBBY, MACKINNON, NUTTING, O'GARA, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE**

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **AMERO** of Cumberland to **INDEFINITELY POSTPONE** the Bill and accompanying papers, **PREVAILED**.

Off Record Remarks

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

NOMINATION - of Jacquelyn L. Webber of Stockholm, for appointment to the Land Use Regulation Commission.

Tabled - April 7, 2000, by Senator **RAND** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, April 7, 2000, Communication (S.C. 626) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** 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 (#344)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Jacquelyn L. Webber** of Stockholm, for appointment to the Land Use Regulation Commission 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 Marcia McKeague of Medway, for appointment to the Land For Maine's Future Board.

Tabled - April 7, 2000, by Senator **RAND** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, April 7, 2000, Communication (S.C. 627) from the Committee on **NATURAL RESOURCES, READ and ORDERED PLACED ON FILE.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#345)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Marcia McKeague** of Medway, for appointment to the Land For Maine's Future Board 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 Dennis L. Higgins of Mattawamkeag, for reappointment to the Land For Maine's Future Board.

Tabled - April 7, 2000, by Senator **RAND** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, April 7, 2000, Communication (S.C. 628) from the Committee on **NATURAL RESOURCES, READ** and **ORDERED PLACED ON FILE.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#346)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Dennis L. Higgins** of Mattawamkeag, for reappointment to the Land For Maine's Future Board 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 Warren Balgooyen of Norridgewock, for reappointment to the Land for Maine's Future Board.

Tabled - April 7, 2000, by Senator **RAND** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, April 7, 2000, Communication (S.C. 629) from the Committee on **NATURAL RESOURCES, READ** and **ORDERED PLACED ON FILE.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#347)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Warren Balgooyen** of Norridgewock, for reappointment to the Land for Maine's Future Board 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 Unassigned matter:

An Act to Create a Linked Investment Program for Child Care Providers

S.P. 1073 L.D. 2675

Tabled - April 7, 2000, by Senator **LONGLEY** of Waldo.

Pending - **ENACTMENT**, in concurrence

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

(In House, April 6, 2000, **PASSED TO BE ENACTED**.)

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

Off Record Remarks

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 **JUDICIARY** on Bill "An Act to Protect the Health and Well-being of a Nursing Infant of Separated or Divorcing Parents"

S.P. 888 L.D. 2307

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-661)**.

Signed:

Senators:
LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

Representatives:
THOMPSON of Naples
JACOBS of Turner
MITCHELL of Vassalboro
NORBERT of Portland

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

Signed:

Representatives:
LaVERDIERE of Wilton
BULL of Freeport
PLOWMAN of Hampden
MADORE of Augusta
WATERHOUSE of Bridgton
SCHNEIDER of Durham

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-661) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-661)**.

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.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (4/6/00) Assigned matter:

Bill "An Act to Restore Federal Protections to Maine State Employees" H.P. 1803 L.D. 2530

Tabled - April 6, 2000, by Senator **BENNETT** of Oxford.

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-1076)**, in concurrence

(In House, April 6, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1076)**.)

(In Senate, April 6, 2000, Report **READ** and **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-1076) **READ**.)

Committee Amendment "A" (H-1076) **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1076)**, in concurrence.

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

Senator **RAND** of Cumberland 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.

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 Specially (4/5/00) Assigned matter:

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)

Tabled - April 5, 2000, by Senator **LONGLEY** of Waldo.

Pending - motion by same Senator to **RECONSIDER** whereby Bill **FAILED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1034)**, 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, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1034)**, in **NON-CONCURRENCE**. Subsequently, on motion by Senator **BENNETT** of Oxford, **RECONSIDERED** and **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1034) FAILED**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#348)

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

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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **LONGLEY** of Waldo to **RECONSIDER** whereby the Bill **FAILED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1034)**, in **NON-CONCURRENCE**, **PREVAILED**.

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

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

Senator **MILLS:** Mr. President, this Bill pertains to the Occupational Disease Law that is actually part of the Workers' Compensation Act and has been part of that Act for a number of years. The law, as it's presently worded, says that a person becomes entitled to benefits for an occupational disease only after the person has become disabled from that disease. This means they, in effect, have been ordered out of work by a doctor, or has in some other more obvious way, become so profoundly affected by the disease process that he can't continue at his work

place. The history of occupational disease is as such that most of them don't manifest themselves that way at first. They crop up as rashes, or lung ailments, or inhalation problems, or physical ailments of one kind or another that are first encountered rather gradually and they build up over time. Now under the law that we currently have, a person who has an obvious disease arising from exposure to chemicals at work, or to fumes, or to hepatitis C reaction, perhaps, from coming in contact with a patient's blood. That patient is not covered under Workers' Compensation until the patient becomes so sick, so ill from the disease, that they're incapacitated. But, you can easily imagine that there are many preventive measures, treatment measures, medical expenses that arise long before the point of disability that either the patient has to pay for himself or health insurance has to pick up. So as a product of this rather bizarre law, most of the occupational disease medical expenses that are being encountered in the workplace today, I would suggest most of them, are being paid by Blue Cross, or by Tufts when they were here, or by one of the other HMO's or health insurance carriers, if the worker is lucky enough to have health insurance at all, or maybe it's being paid by Medicaid. So, as a practical matter, the Occupational Disease Law deprives the worker of any access to real benefits that are suggested by the text of the law. Now in some cases, these same disease processes also might qualify as an injury under the other branch of the Workers' Compensation Act. In other words, if a nurse has a needle stick and develops hepatitis C because of the blood infection that results from the needle stick, arguably that's an injury. And so some of these cases, in some situations, are being covered today under the accident portion, or the old accident portion, of the Workers' Compensation Act, but by no means all of them. We just have a number, or some number of cases, that are going with a health insurance remedy, if they have one at all. When in truth the burden for those costs ought to be on the Workers' Compensation carrier. The Bill that lies before you, the Majority Report, would simply redefine the date of entitlement and say instead of it being the date when you become disable and no longer able to work, it is the date when the employee becomes aware of the nature and seriousness of the disease process and is aware of the fact that it arises from work. All those things have to combine, typically through a doctor's evaluation, not necessarily, but typically, so that there really has to be a diagnosis. At the point when there's a diagnosis to the nature of the disease and of the fact that it's something more than a trivial phenomenon, a serious disease, and that it is connected to the work place. That becomes the date when the employee incurs an obligation to give notice, and they have to give notice within 90 days of such an injury or such event, and it also becomes the date when the employee is entitled to treatment. Now that's the Bill that lies before you. In the absence of this Bill, we have some cases that occur where a person does get ill, does get sick, does sustain an auto-immune reaction to paint fumes, for instance, that sometimes deprives the person of his livelihood. But in more common cases, the person develops a need for medical treatment, either as an asthmatic, or an allergic reaction, or some other phenomenon that arises from the work place exposure. If you pass this Bill, these folks will have access to medical treatment paid for by the Workers' Compensation carrier. They have no such access today unless they reach the point, finally, of being so ill that they're driven from the work place with their disability. This is a reasonably inexpensive change to the Workers' Compensation Law, because many of these situations are covered by the accident or injury law. This would sweep up those cases that aren't suitable

to the accident or injury portion of our law and would cover those issues that are purely in the category of disease or occupational disease. Our current coverage under the injury law is so broad that NCCI, when they came to do an assessment of what this might cost, suggested that it might cost somewhere between \$1 million and \$5 million a year, but they found it very speculative to make any sound judgment. I can't remember percentage figures, but I think that that's on the order of 1% to 5% or less of total system costs, actually, somewhat less than 5%, probably 2% or 3%. It's a relatively minor change, but it will cover some people who sincerely need it, who ought to be covered under Workers' Compensation. It will have the benefit of relieving the health insurance system, which is in deep trouble in this state if you've been reading the newspaper and attending noontime conferences here in this building. It will help somewhat to relieve and take these costs off the health insurance system. One of the reasons, I suggest to you, that our health insurance system today is incurring such dramatic increases in cost is because people are floating out of the Workers' Compensation system. Many of them by choice or choosing not to assert claims under Workers' Compensation because of the difficulties associated with it. They're deliberately putting their costs over onto the health system. But this is one area where an injured employee or an employee suffering from a disease might and should sincerely want to have the cost paid for by the comp carrier, where the risks logically belongs, and yet is deprived of access to that coverage by our current law. My approach to these issues is this. I think that the system, whether it be the Workers' Compensation system or the automobile reparation system, or what have you, has a limited amount of premium dollars to allocate toward covering the risks that are encountered under such a system. One of the reasons why I voted against taking the cap off the Wrongful Death Law for automobile cases is that I think there are more intelligent ways to allocate the premium dollars than to spend them on wrongful death cases. I never spoke to the issue. I didn't feel like speaking to it at the time, but that's my basic view. Here in the Workers' Compensation setting, we had a Bill before us earlier this session to increase the benefits payable for a death on the job. In my own view, that was not an appropriate way to spend rather limited premium dollars that we extract from the employer community in this state. I do think, however, that this Bill is well worth it, because we're shifting costs from the troubled health insurance arena to the Workers' Compensation setting where the risks, in this instance, clearly belong. For that reason, I would urge passage and acceptance and a yes vote on the current motion. Thank you.

Senator **BENNETT** of Oxford moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**.

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#349)

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, FERGUSON, GOLDTHWAIT, KIEFFER, LIBBY, MACKINNON, MITCHELL, SMALL

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

ABSENT: Senators: HARRIMAN, MICHAUD

13 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **BENNETT** of Oxford to **INDEFINITELY POSTPONE** the Bill and accompanying papers, **FAILED**.

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

On motion by Senator **RAND** 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 opened the vote.

ROLL CALL (#350)

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

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

ABSENT: Senators: HARRIMAN, MICHAUD

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators being absent, the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1034)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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 **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Prohibit Hunting Animals in Enclosed Areas"

S.P. 457 L.D. 1332

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-655)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-656)** (6 members)

Tabled - April 7, 2000, by Senator **RAND** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 7, 2000, Reports **READ**.)

Senator **KILKELLY** of Lincoln moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-655)** Report.

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

Senator **KIEFFER:** Thank you Mr. President. Ladies and gentlemen of the Senate, I differed. I thought my good friend was going to speak on the issue, but I was wrong.

This type of hunting issue certainly is a very emotional type of business to be running. Our Committee worked many, many hours on this, originally, as the Inland Fishery and Wildlife Committee. We debated both sides, up and down. Finally, the only unanimous thing that we came up with was the fact that it actually should not be under Inland Fishery and Wildlife. It really is not a hunting issue. It should be referred to the Agriculture Committee. I wasn't involved in buck-passing in that venture, because I happen to serve on both Committees, as my good friend also does. Once it was received at the Agriculture Committee, we again started the process of the pros and cons. The result was a divided report coming out of the Committee with the reports basically the same. A side-by-side was prepared by the Office of Policy and Legal Analysis, and it's some 18 pages long. We also have a smaller one. A side-by-side, which was passed out earlier. I guess it's easier to refer to that. But fundamentally, the two reports coming out of the Committee are the same as far as the health issues of the animals, the inspections by the Department of Agriculture, regulations regarding the type of weapons that can be used there. The basic difference is that the Majority Report requires all of these existing businesses to go out of business in October 2002. I have a problem with that. I have a problem putting existing businesses out of business. Businesses that have not had any problems as far as animals escaping, as far as complaints from Inland Fisheries and Wildlife, or complaints from Department of Agriculture regarding disease issues. I am adamantly in support of protecting our dairy herds and our native deer herds. Both amendments also limit the type of animals that can exist in these enclosed areas to 3 variety of deer that are non-native to Maine and 1 variety of boar that is not native to Maine. Certainly one of the first positions I took on this issue is that I have absolutely no

interest at all in, first of all, relating this in the way we commonly know and refer to hunting in Maine. It's a confined animal shooting area and the legislation that came out, I don't believe, in any place refers to hunting. Secondly, I have no interest in ever seeing the day come when Maine would become a refuge for a menagerie of worn-out circus animals, whether they be lions or tigers or rhinoceros, or anything else, to be brought into Maine and contained in one of these areas for someone to go in and shoot. Both Bills require a minimum size of 50 acres and a maximum size of 400 acres. I believe the 400-acre limit is very important so that we don't have large, out-of-state owners come in and fence off a 25,000-acre area and pursue this type of business. Another big reason that I am supporting the continued existence of these confined animal hunts is that the spin-off result to our red deer farmers here in Maine. Red deer farming is becoming a very fast growing industry in Maine. We had testimony from many red deer farmers that this type of hunt provides an excellent market for their animals once they had become too old to be used for breeding purposes and, at that point in time, their meat is not valuable. Several of the red deer farmers who testified before us, testified that they can receive up to 4 times the dollar value for an old deer, or an old stag, for this type of a sale as they can from the use that it would be put to at that point, or for making sausage, or hot dogs, or some other type of ground meat. The limitations on it, as I say, I think are very, very stringent. I think they are very important because we have run into a situation here that is a business that exists between the cracks. It wasn't supervised by Inland Fishery and Wildlife. It wasn't being supervised by the Department of Agriculture in a way that we thought that it should be, certainly. So, I think it's time to look at it and place it under some very stringent regulations regarding the type of animals that can exist here, as well as the health care issues, which I said before, to me are very, very, critical. The fact that I don't like an existing business, to me, isn't enough of a reason to introduce legislation to put it out of existence. If I don't like an existing business, I just won't patronize it. Certainly, there's no requirement on the part of anyone to patronize this kind of a business. I have a good friend who's deathly afraid of water. He won't go white water rafting. I don't blame him. If he put in legislation to close down our white water rafting, I'd oppose him. I'd vote against him. Many other situations are the same. You find people that are afraid of heights. So, they don't go on ferris wheels. But that doesn't mean we ought to pass legislation to close down all the ferris wheels. I think we should take a position to strictly regulate an existing class of business. I'm not singling out any one operator, or any one individual. I'm looking at these from an overall standpoint. One other difference between the 2 reports coming out is that where one report closes these entities down, I have asked to have them continued, the ones that are in existence, and limit the number of additional units to 1 per county in the northern 8 counties in the State of Maine. I think that that's a very reasonable limitation. If they don't work out on such a limited basis, certainly legislation can then deal with the issue. In closing, I'll never forget, about 4 years ago now, when the last time I ran. I didn't have an opponent last time. But the time before I was thinking, gee what can I come up with as a fundraiser. So, I got this idea. I'd go to my wife and say: "Dolly, I think it'll be a good idea for us to have a bungee jump and I think you can raise a lot of money by bungee jumping a couple of times as a fundraiser". Well, she explained to me right then that she wasn't very sold on bungee jumping. So the other day I asked her if I put a Bill in to prohibit bungee jumping, if she would

support that. "Well," she said, "no, why would I? I don't have to participate in it if I don't want to". And I think the same thing applies here. I think there is an industry here. A little different type of an industry, but an industry, nevertheless, and the spin off, the support in the letter that we received from places as far away as The Kittery Trading Post, the stores in the area. These entities are going to be in rural area that need all the economic help that we can give them. I think there is a niche market here, and if it's carefully regulated and controlled, I haven't a fault to find with it in the world. Thank you, Mr. President.

Senator **KILKELLY** of Lincoln requested and received leave of the Senate for members and staff to remove their jackets for the remainder of this Session.

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

Senator **KILKELLY:** Thank you Mr. President. Men and women of the Senate, I think we're faced with a very interesting challenge today as we debate this Bill. I introduced this Bill last year. It went first to the Inland Fishery and Wildlife Committee. As was reported earlier, and I agree with much of the previous statements, the one thing we could agree on in the Inland Fisheries and Wildlife Committee was that the activity of canned hunting is not in fact hunting. It's not what all of us who serve on that Committee, who care about sporting, who care about hunting and fishing and trapping, it's not what we saw as hunting. And so then the Bill was in fact referred to the Committee on Agriculture, Conservation and Forestry. I think I might have chosen the title of this Bill, "An Act to Regulate Commercial Large Game Shooting Areas". But in response to the previous speaker about why do we want to eliminate some businesses, I believe that I could have very appropriately titled this Bill, "An Act to Preserve the Tradition of Hunting in Maine". Because, I truly believe that's what this Bill is about. As someone who grew up hunting and fishing, someone who feels very strongly about that tradition and preserving that tradition, I believe that the activity of hunting animals in enclosed areas, taking domestic animals that are often hand raised, raised on farms, putting them in an enclosure and then chasing them down and slaughtering them, is not in fact hunting. And in fact, sullies the image of hunting in the State of Maine. An image that is not only important to many of us personally as a tradition with which we grew up, but is also important to the economy of the State of Maine. It's very important to the economy. \$1.4 billion a year is generated by outdoor recreation in this state. Primarily that comes from hunting, fishing, and trapping. It generates thousand of jobs. It generates a tremendous amount of economic activity in rural parts of this state that don't have a lot of other opportunities for economic activity. Part of the reason I serve on both the Agriculture Committee and the Inland Fishery and Wildlife Committee is because of my passion about rural economic development. That means not just putting factories in our hunting spots and deer wintering areas and not just putting new factories on our corn fields, but finding ways to grow the indigenous jobs within our rural areas. That means outdoor recreation. The two reports that are before us, I believe, provide this legislature with an opportunity to make a choice between the

tradition of hunting and an activity that doesn't really fit in either category. One of the things that we've heard is that there has been no complaints. One of the issues I would raise about that is - where would the complaints go? Would they go to the Department of Agriculture? This is in fact called hunting. Would it go to the Department of Inland Fishery and Wildlife? These are, in fact, domestic animals. What we have is a business that has found its way to sit between 2 departments, not be regulated, and not have any restrictions of it at all. At this moment, before either of these Bills pass, it would be perfectly legal to bring high-bred wolves into the State of Maine and put them in a pen and decide that you're going to go shooting for them. It would be perfectly legal to bring in circus animals from other parts of the country in order to hunt them. Right now what we have going on in the state, as you'll see from the blue handout, is hunting for several varieties of goats, several varieties of sheep, as well as deer and pigs. These are animals that are domestic animals that are raised in enclosures, that are then transferred into enclosures, and, in fact, hunted. I think it's really interesting to point out that while this is a divided report in the Committee, the Bills are almost identical. The restrictions are the same. The restrictions say the only 2 types of animals to be hunted, if you will, in this kind of a process would be boars and deer. Those are the only 2 kinds. No more sheep. No more goats. It says that hunting can't happen at night, which is currently acceptable within these areas. It says that the hunting needs to happen from a tree stand. One of the things that we discussed in Committee, but didn't include in this Bill, is the use of dogs. It's our understanding that if you're in the tree stand and the animals don't come to you in these enclosures, that the dogs will, in fact, move the animals to the tree stand so that you can select the animal of your choice and have that animal. Those are some of the things that are included in this Bill. The difference, the major difference in the 2 reports, is that in the Majority Report we are asking that this activity be terminated in 2002. We acknowledge that there is an economic impact to this activity, both on the part of the deer farmers, as well as on the part of others, who in fact have this activity for a number of kinds of animals. We acknowledge that there's been an investment. There ought to be a time provided to transition from this activity, which the majority of the Committee finds to be unacceptable, to some other kind of activity. I sponsored the first legislation that allowed the raising of deer in this state. I did it because at that time the federal government was buying dairy herds. They were buying dairy herds and saying to those farmers, you can't use those facilities for dairy cows or any kind of cows, any further. So people had this tremendous resource of infrastructure. They had been farmers, obviously. They had cattle. They had to sell the cattle and then this infrastructure was sitting there. I knew that the State of Vermont and State of New York were moving towards deer farming as a way of looking at a value-added product that could provide some additional benefit to the rural areas. I sponsored that legislation and got it through. I believe that the premise in the Majority Report is the same. We are saying that this particular activity does not fit "Maine, the way life should be". This activity is not representative of the culture and heritage that many of us believe very strongly in. We do, however, acknowledge that it is a business. That people have made investments. We want to provide an opportunity for a transition process, to take a look at the infrastructure that's available and see what else can be accommodated by that infrastructure. I think it's a very reasonable approach to this situation. It's a reasonable approach to saying we don't believe that this activity,

in fact, ought to be happening in the State of Maine. I am convinced that had there not been businesses in Maine currently participating in this activity that this Bill would have been voted on last year, would have been voted on quickly and unanimously, and they would not be allowed. I have yet to find people who say it is a wonderful thing that we're doing here. It's a wonderful thing to be having these enclosed areas for hunting. It's a wonderful thing to be doing this with domestic animals. No one has said that. Even the people in the Minority Report didn't suggest that we wanted to expand this willy-nilly all over the place because it brought jobs in. I very much appreciate the work that's gone into the Minority Report. All of us are concerned about the issue of jobs. All of us are concerned about how we can transition through this process. Some of us believe this ought to stop. Some of us believe we ought to limit it.

One of the things that has been raised is the issue of the old stags. What happens to the deer farmers in terms of the old stags? There are other states that certainly have these kinds of facilities. In New Hampshire, they have two. They were grandfathered at two. Certainly, animals can be exported to New Hampshire, or to other places, if that is the best way to be rid off the stags that have aged-out. One of my concerns is if we allow this activity to expand, we might, in fact, be encouraging the proliferation of more and more stags in order to support those farms. Again, one of things that I just struggled with is, as the sponsor of the Bill that created an opportunity for raising deer in this state, the idea was to raise them for venison. Obviously, that includes slaughter. I don't have any problem with that. I lived on a farm, I've raised animals for slaughter. I've gone hunting, I've hunted animals. I don't have any problem with either of those things. It's when you merge the two in a way that sort of comes between them both that I have a problem with it. So I would urge you to please think very long and hard about what the decision is we're making today. This isn't a decision about putting people out of business. It's not a decision about how are we going to deal with stags on deer farms. This is a decision about what, in fact, does the State of Maine want to present to the rest of the country and the world about our tradition of hunting. What do we believe? "Maine, the way life should be" means when fall rolls around and many of us dig out the fluorescent orange hats and the wool pants and truck out into the woods. They call it hunting for a reason. They don't call it catching. In this case, it's catching. In this case, there's not an element of fair chase involved. Many of us have hunted for years and have not been successful. You do it because it's part of who you are. It's part of your tradition. It's part of your heritage that you then give to your children. This does not represent hunting. This represents a different situation that if other states are going to have it, so be it. We can only control what goes on here. I urge you to go with the Majority Report to allow these businesses to find another way to use this infrastructure, but to protect and preserve the tradition of hunting in this state. 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, I certainly agree that this is not any type of a hunt. I think if you will review either one of the reports, you won't find the terminology of hunting in any manner, shape, or form. These are referred to as commercial large game shooting areas. The same wording exists in both proposals. I sort of half disagree that there is not some wide spread support

for these types of proposals. Certainly we had many more people testify in favor than there were in opposition. For example, S.A.M., the Sportsmen Alliance of Maine; Pine Grove Lodge; Kittery Trading Post; Clifton Country Store; Amherst General Store; the Hillside Red Deer Farm; Anita Peavey Haskell, History of the Peavey Farm, a red deer farm; Crownpoint Farm; Dave McGinchey, President of the Maine Deer and Elk Farmer's Association; Lemon Stream Game Preserve. It seems to me that there was quite a lot of testimony in favor of continuing some type of a commercial large game shooting area within the State of Maine. I certainly don't want to ever have it confused with what we traditionally think of as hunting. It's a different entity. Times change and people change. I think we have to be able to adjust to some of these changes. This is one of them. But, I firmly believe that, if it is handled right, it can be a viable, economic industry in our state. I can't even imagine being in business and being told that 2 years from now I'm going to be out of business. It would be like having a choke collar around my neck and every day you take it up 1 little notch, and pretty soon, on October 30th in the year 2002, you'd breath your last dying gasp. Now there isn't going to be much investment going into that entity during that 2-year period of time under those conditions. I think if we're going to prohibit these activities from continuing, we seem to say to municipalities that this is a function that we have to pay 80% of the cost. Maybe here with all these people raising these red deer throughout the state in a growing entity, some of them are looking to this as part of their ongoing market. I think it's too bad to terminate that market. Thank you, Mr. President.

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

Senator NUTTING: Thank you Mr. President. Ladies and gentlemen of the Senate, I hope you'll go on to support the Majority Ought to Pass Report. As a farmer, I've owned domesticated animals since I was 6. The Committee felt unanimously that this type of practice in Maine needed to be regulated. I've heard some rumblings out in the hall that what we need to do is just nothing. Well, I think the owner, himself, wants to be regulated so he knows what the parameters are. Currently, this facility and a couple of deer farms harvest a variety of domesticated animals. This particular facility has done some hunting at night. They can use dogs, and currently they can use a whole host of weapons. They've even admitted that, at times, they have to use a knife to finish off the animal. Well, in owning domesticated animals, sometimes you have to make very difficult decisions with them. That's just the way it is. I've had to do so within the last week at home. It's never easy. But, if you're going to make a tough decision with a domesticated animal, I feel if you're going to kill an animal, then kill it quickly. Don't blood-lust over the kill. That was my concern. That's why I'm voting to regulate and put some parameters around this type of operation. I know Date Line, 2 or 3 weeks ago, did a whole hour segment on this type of practice. In my opinion, that particular facility, which is not this one, is not what, I would call, harvesting animals, but blood lusting over their death. Now currently, animals can come in to Maine from areas of the Southern part of the United States and still have brucellosis. That's a scary word to anybody that has a beef or dairy herd. We found out in the process, this was news to me, that in the western part of the United States in the deer and elk herd, there's this chronic wasting disease, which is spongiform encephalopathy. Similar to the mad cow disease in

England that they said for years could not be spread to humans and now over 150 people in England have the human type of that disease. Both reports put new regulations on which animals and where they can come from and what tests they have to pass before they can come to Maine. I think that's great. I've had sportsmen in my district call me very concerned about this facility. In fact, I've not had one sportsmen from my Senate district call me and say that this is a lovely thing and we shouldn't do anything about. They have urged me to proceed very cautiously. Both reports limit this to deer and boar. But these deer, the deer that are harvested in the nice yellow handout by Senator Kilkelly, are domesticated. They've been fed for years on a farm before they're sold to this particular type of facility. So, if my sportsmen want me to proceed cautiously, because they're concerned about the type of image these types of facilities could spread, that's what I tried to do. That's what we tried to do on the majority side of this report. The Minority Report expands this type of operation so that you can have some of these in Aroostook, Franklin, Hancock, Oxford, Penobscot, Piscataquis, Somerset, and Washington counties. My sportsmen are telling me that's not proceeding cautiously enough. Let's grandfather the ones that were there. Let's see how it goes. I guess my questions to the signers of the Minority Report is - why wasn't one of these going to be in Sagadahoc, Androscoggin, York, and Cumberland counties? Why? From the discussion I listened to, it was a concern to the reaction of the public. That's why I'm just for grandfathering the ones that are doing it now. You've heard the date discussed, October of 2002. That's when these people would have to stop their practice. That gives them 2 years to go into deer farming; go into some other type of operation. Oregon, for instance, just banned this type of harvesting facilities. In Montana, they're going to go to a citizen's referendum on this issue. So, they're proceeding much more radically, I think, than what's proposed in the Majority Report. I urge you to support the pending motion. Thank you.

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

Senator CASSIDY: Thank you Mr. President. Men and women of the Senate, as I sit here today and listen to the debate on this issue, I see 2 totally different issues here. Number one is the enclosed hunt, or whatever we want to call it, itself. Number two is the fact that we have folks in this state that have a business that is working because we had no regulations. We allowed them to come here. I don't even know if there's 1, 2, 3, or 5, or how many there are. But if there's even one, how do you say to a business, we're going to close you down in 2 years? I mean, I can see a report that says, we're not going to allow more of these. We're going to have health related questions answered, which I think we should. We should have control. Just because the State of Maine was asleep for a few years and didn't have some regulations when this was allowed to happen in our state. Obviously, as we've heard this afternoon on both sides of the issue, this does happen in other parts of the country. Also I don't know the statistics, but I assume there's not too many probably native folks of Maine that go to these facilities. But, that isn't the issue. Economically, if these things are successful, the market will take care of whether they continue or not. I understand that they are very successful. People come from other parts of the State of Maine and, again, every tourist we get here with gas, food, lodging, and all the things that happen will help the economy of the state. Obviously, if there's only a few of these,

maybe it's not a big impact on the economy. The issue here is fairness. How do we take business that we allowed, by virtue of not having regulations, and say we're closing you down in 2 years? I would hate to think that I owned a business, regardless of whatever reason known, and 2 years from the day it would be closed. How would I advertise the thing next year? How would I improve it? I mean, what kind of incentive would I have? I mean this is not the Maine way, to close down businesses. I just can't believe that there's a Majority Report considering to do that. I can see grandfathering the existing ones and saying no more. I can see having regulations. You have to have health checks. You have to have the department say you're limited to what can be inside of the fences, or whatever. I mean it would not interest me, honestly. I just hate to go home and tell my sons that I went there and shot a deer. They all got one last year, by the way, and I didn't. And I can't wait to get back to normal so that I can have some time to hunt next year. The other issue I heard earlier, was the statement that you sometimes have to finish an animal off with a knife or something. I'm sure many of you here in the chamber, growing up in the great State of Maine, have had an opportunity to hunt with your parents, and your children, and so on and so forth, if you enjoy the sport. Lord willing, we'll be able to keep our guns and continue this tradition in the state. When I hunted over the years, regardless whether I've hunted rabbits, or partridge, or deer, or whatever the case may be, it's not like going to a slaughter house. I've had some of the luckiest shots in the world and some things happened to me hunting, but it's not like this animal dies the way you think it's going to die. Sometimes you have to finish it off, if that's the word you want to use. It's not like we bring these things into a slaughter house. The other thing that happens, there are some folks, I think, that go to the supermarket and they buy steak, or veal, or turkey, or whatever, and they think somehow that's manufactured and was never a living animal. I saw an ad last year by this group, I think it's called PETA or something, talking about who wants to sit down to a Thanksgiving dinner and eat a dead turkey. Well I would sure as heck would hate to eat a live one. It would be kind of a tough job. But anyway, my point is fairness here. I think we need to at least let the folks that are doing this in the State of Maine, with new regulations, continue and not put families through this misery. Can you just imagine? I have, luckily, a job to go home to after we finish up here this year. I would hate to think that I landed home next week, if we do, or whenever, and my boss say Vinton you're all done October 31st in 2 years. I'd feel pretty sick. Especially, since I've pretty well raised my family and started thinking about my retirement. And the other issue that's kind of related in a way, but I've never thought of it myself until today when I heard some of the testimony. I just wonder what our grandparents would have thought years ago when we said we're going to stock brooks. We're going to raise trout in a hatchery, we're going to feed them every day, we're going to put them in the brook and you can go catch them. They'd probably laugh at us. It's the same thing we're doing with these animals. We're raising fish. We go out and hand feed them every day. Throw them in a brook. We go out and catch whatever the trout limit is today. You would have to ask Senator Kieffer, 1 or 2, catch and release, or catch and fry, or whatever the case may be. These fish were raised from little teeny fish and fed every day. It's the same thing that's going on here. I think the situation that you have here is the emotion that most of us who do hunt in Maine, and by the way last year there was probably 160 or 180 hunting licenses sold in the State of Maine. Just a few years ago we had 250 hunting licenses sold in the State of Maine. We're all

use to hunting and we love the challenge. The older you get and some of the friends you have, it's not the kill anymore. It's just the fun of getting in the woods and going. Some people like to even, at some point in time, hunt with a camera. That's the fun thing. That's our tradition. There probably aren't a lot of Maine people that would go to these facilities. But if it's a successful business, people come from other areas, and other states are allowing it, I think you had better give some real thought to putting this kind of a burden on those families that have those businesses. If you want to stop them forever from growing again, that's fine. But if you want to have a law that says once you close your business, we're not going to reopen it. All I could think of was some of the environmental laws that we have done years ago, because of people not using a whole lot of common sense, especially some of the lakes in southern Maine. You'll see camps row after row after row. They'd have 15 camps in this chamber, if they could fit it. Consequently, folks in northern Maine who have sparsely populated areas and perhaps pretty good stewards of the land. I mean we have to build a camp now a 100 feet from the shore with some zig zag path. You can't even see the lake because people didn't use some common sense. Even when we put those laws into regulation here in the state, we didn't go and tell every camp on that lake, we're going to tear your camp down in 2 years, because we've got a new law. It's exactly the same thing you're doing with this hunt, or whatever you want to call this enclosed fence deal with animals. I've heard all kinds of terms. No one seems to want to call it a hunt, but that's exactly what you're doing. You need to at least grandfather those people. I hope we use a little bit of common sense in this situation. Thank you, Mr. President.

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

Senator **GOLDTHWAIT:** Thank you Mr. President. Ladies and gentlemen of the Senate, perhaps I should leave the Senator from Washington, Senator Cassidy's, remarks as they stood. But I'm having trouble finding a way out of my problems with all of the possibilities in front of us today. I'm certainly inclined to agree with the Senator from Lincoln, Senator Kilkelly, regarding the fact that if we had none of this activity, it would be very easy for me to vote to never have it. But I do feel that it would be difficult in an operation, that I gather is of the magnitude that at least one of these businesses is, that to expect them to divest themselves of that business, and whatever accompanying infrastructure goes with it, and find something else to do in 2 years, is troublesome to me. I don't favor an expansion of this activity, and I'm certainly curious as to why a report was written that allows it, although there are size requirements and so on, that would allow the activity only in certain counties in our state and not in others. And yet to do nothing means that there are the issues of disease that have been raised and pretty much the absence of regulation on such a business. So I'm in a bit of dilemma, and I hope someone else can outline a path out of it. But my significant objection to the pending report is the requirement that what is now a going concern that is supporting not only a family but possibly some other businesses in a rather sparsely developed area, the 2 year time frame to get those folks transitioned out of that, seems a bit steep to me. Thank you.

On motion by Senator **KILKELLY** of Lincoln, 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 Lincoln, Senator Kilkelly.

Senator **KILKELLY:** Thank you Mr. President. Men and women of the Senate, as we've heard, the concern about putting a business out of business is a grave concern. I would just let you know, as I did earlier when I spoke, that it was, in fact, a concern on behalf of the Majority. The feeling on behalf of the Majority was that taking until the fall of 2002 was, in fact, a reasonable opportunity for those facilities that would be grandfathered. In response to the previous speaker, one of the suggestions that I would make, or possibly make, is that if, in fact, the Majority Report were to be accepted, that the date that's there in terms of the 2002 date, once the regulation process were in place, might be pushed forward. There might be some provision for that, assuming that things went along in a way that was acceptable to the Department of Agriculture as they conducted inspections and determined that all activities were taking place as they regulations required. It is a dilemma, and I will reiterate that I do believe, in the Committee, had there not been a going concern that was in fact engaged in this activity, that it would have taken us less than 10 minutes to pass a Bill that would have prohibited it, because it does not represent the tradition of Maine. While it may go on in other states, so be it. We don't control that. But what we do control is what goes on here. So, I would urge you to support the Majority Ought to Pass Report and go along with us in terms of providing this opportunity for a phase out. I do think we've taken a better approach than Oregon, which in fact, passed a law. As soon as the law went in effect, the activity was stopped. That put people out of business. We've looked at that and decided that that was not a reasonable option. Thank you very much.

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

Senator **KIEFFER:** Thank you Mr. President. Mr. President having already spoken twice on this, I request permission to speak one more time to answer the question of the good Senator from Hancock, Senator Goldthwait.

THE PRESIDENT: The Senator may proceed.

Senator **KIEFFER:** Thank you Mr. President. This issue of additional locations and numbers isn't any magical formula. We discussed the situation regarding the bird hunting preserves and, when that legislation was originally passed, it limited the number of areas where pheasants and partridge, that type of bird, could be hunted and it limited those areas to 2 per county. There was great opposition among the Committee and among some of the people there to have any of these hunting areas in places like York County, obviously because of the built-up areas there. These types of areas lend themselves better to rural, unpopulated areas. The figure of 1 per county and each of the northern remote areas of the state was an arbitrary figure that the Committee agreed upon. As I said, there was no magical way of determining that. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#351)

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

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

ABSENT: Senator: KONTOS

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **KILKELLY** of Lincoln to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-655)** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-655) **READ**.

On motion by Senator **RUHLIN** of Penobscot, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-655).

Off Record Remarks

On motion by Senator **AMERO** of Cumberland, **RECESSED** until 7:00 in the evening.

After Recess

Senate called to order by the President.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator LaFOUNTAIN for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Amend Investment-related Provisions of the Maine Insurance Code"

S.P. 974 L.D. 2520

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-663)**.

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

READ ONCE.

Committee Amendment "A" (S-663) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-663)**.

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:

HOUSE REPORTS - from the Committee on **NATURAL RESOURCES** on Bill "An Act Regarding the Requirement of Notice in the Acquisition of Solid Waste Hauling, Incineration Residue Disposal and Related Assets"

H.P. 1736 L.D. 2442

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-1086)** (12 members)

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

Tabled - April 7, 2000, by Senator **TREAT** of Kennebec.

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

(In House, April 6, 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-1086)**.)

(In Senate, April 7, 2000, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (H-1086) **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-1086)**, in concurrence.

The Chair laid before the Senate the following Tabled and Later (4/6/00) Assigned matter:

Bill "An Act Concerning Technical Changes to the Tax Laws" (EMERGENCY)

S.P. 981 L.D. 2524
(C "A" S-641)

Tabled - April 6, 2000, by Senator **RUHLIN** of Penobscot.

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

(In Senate, April 6, 2000, the **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-641)**. Subsequently, on motion by Senator **RUHLIN** of Penobscot, **RECONSIDERED**.)

On motion by Senator **RUHLIN** of Penobscot, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-641).

On further motion by same Senator, Senate Amendment "A" (S-652) to Committee Amendment "A" (S-641) **READ**.

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

Senator **RUHLIN:** Thank you Mr. President. Ladies and gentlemen of the Senate, this is a minor, non-substantive, amendment brought about through a technical need for what is basically a minor, non-substantive, technical changes Bill. Should there be additional questions we'll take them under consideration.

On motion by Senator **RUHLIN** of Penobscot, Senate Amendment "A" (S-652) to Committee Amendment "A" (S-641) **ADOPTED**.

Committee Amendment "A" (S-641) as Amended by Senate Amendment "A" (S-652) thereto, **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-641) AS AMENDED BY SENATE AMENDMENT "A" (S-652) thereto.

Sent down for concurrence.

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

The Chair laid before the Senate the following Tabled and Later (4/6/00) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Establish Criteria for Tax Incentive Programs"
H.P. 1754 L.D. 2460

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-1021)** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-1022)** (1 member)

Tabled - April 6, 2000, by Senator **RAND** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 5, 2000, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1021)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1021) AS AMENDED BY HOUSE AMENDMENT "A" (H-1055)** thereto.)

(In Senate, April 6, 2000, Reports **READ**.)

On motion by Senator **RUHLIN** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1021)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-1021) **READ** and **ADOPTED**, in **NON-CONCURRENCE**.

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

On motion by Senator **RUHLIN** of Penobscot, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-1021), in **NON-CONCURRENCE**.

House Amendment "A" (H-1055) to Committee Amendment "A" (H-1021) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-1021) as Amended by House Amendment "A" (H-1055) thereto, **ADOPTED**, in concurrence.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1021) AS AMENDED BY HOUSE AMENDMENT "A" (H-1055) thereto, in concurrence.

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 **LABOR** on Bill "An Act to Establish a Method of Determining Employer Contributions to the Unemployment Compensation Trust Fund"
S.P. 1019 L.D. 2588

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-650)** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-651)** (5 members)

Tabled - April 7, 2000, by Senator **LAFOUNTAIN** of York.

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-650)** Report

(In Senate, April 7, 2000, Reports **READ**.)

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

Senator **DOUGLASS:** Mr. President, women and men of the Senate. I rise to explain very briefly what this Majority Report does. This bill presents a recommendation of the Unemployment Compensation Division of the Department of Labor. It establishes a maximum balance in the Maine Unemployment Compensation Fund. That maximum balance contemplates being able to pay unemployment insurance benefits for 24 months without borrowing from the federal government and, thereby, incurring additional interest costs. This Bill is a more conservative and fiscally responsible choice of the 2 reports. The Majority Report further protects the Unemployment Compensation Fund by requiring a study by the Unemployment Division of the Department of Labor should any benefits increase be requested in a Bill. Just as a matter of background, this was recommended by an individual who represents small businesses in the state and it was put in the Majority Report in an attempt to get an unanimous report, although that did not ultimately happen. The Majority Report also sunsets the collection system that is set forth in the Bill as of March 2002. I hesitated a moment because I have tried my very best to make this as simple as possible. The analysis performed by the Unemployment Compensation Division of the Department of Labor consisted of 244 pages. A very hard working and talented individual there, Gail Thayer, helped us resolve the unemployment solvency issue last session. As you recall, this unemployment compensation system has been near insolvency for many, many years. In fact, in 1993, several measures were adopted to save it from insolvency. That included a 6% penalty or reduction in benefits to those qualifying as well as a variety of other measures. I'm very proud that the Labor Committee and this legislature, this session, did pass legislation that corrected and made solvent the Unemployment Compensation Fund. But this issue of maximum benefits was left for study by the Unemployment Compensation Division of the Department of Labor. That study was done and, as I said, 244 pages of report were done, setting forth various economic scenarios with a variety of possible solutions to the amount of money that might be collected for unemployment compensation.

This new system we created went into effect just 3 months ago. Employers just received their first new tax bills. So we don't know very much about how this system is actually going to work. I do say, with all the study and the fine work that was done by Gail Thayer of the Unemployment Division of the Department of Labor, that it has every chance of working. And I'm confident that it will. However, the possibility exists that we would review and tweak the matter. That is why we have a sunset provision in the Majority Report. As I mentioned to you, the Majority Report establishes a method whereby 24 months of benefits are established, or are accumulated, in the Unemployment Compensation Fund. What this does is it protects employers against recession. In fact, you could say that it protects all of Maine and it is the more conservative approach. When looking at the analysis done by the Unemployment Compensation Division, you'll see, if you care to look at this 244-page report, that in the area of employer contributions, there is less fluctuation in the Majority Report. That means that in the good times a certain amount is collected. And, in particular, in the bad times, in a recession, if you look at the graphs in that report, you'll see that the Majority Report is the least likely to go into insolvency and require borrowing from the federal government. For all these reasons, I urge you to accept the Majority Ought to Pass Report.

Senator MILLS of Somerset requested a Division.

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

Senator MILLS: Mr. President. The Unemployment Compensation System, I think, is far more important to the Maine economy than most of us recognize. It's a product of the Roosevelt administration of the 1930's, but it has stood the test of time, sort of like social security has. It's one of those rather well proven social systems that demonstrates that there are at least a few things, perhaps, that government can do better than the private sector can do for itself. The genius of the Unemployment Compensation System is that it accumulates funds in a reservoir, in much the same fashion that the local water company may accumulate water in a reservoir to prepare for fires and droughts and other community exigencies. In the Unemployment Compensation System, we accumulate money, millions and millions of dollars of money, at this point about \$240 million, in a fund that is supposed to build-up when times are good and build-up and build-up so that when times go sour and you have a sudden series of layoffs and many unemployed people in the state, then the fund will be sufficient to begin putting money into the pockets of those folks quickly and, hopefully, without having to raise taxes on the employers who are contributing to that fund. In the best of all possible worlds, I suppose the tax rate would remain uniform from one decade to the next. The fund would rise and dip and swirl around in response to the vagaries of our economy. The great thing about unemployment security funds is that they flow out almost instantly when there is a downturn. If you have suddenly a very bad week in the Maine economy and you have 1,000 people laid off that you didn't expect, those folks will receive something like \$200 apiece the very week that they are laid off. The money flows right into their pockets and, because they are unemployed, the money will be spent, and will be promptly spent, within the economy that needs it at that juncture. So it's a wonderful, wonderful tuning mechanism for the economy. It is far more significant, in my view, to almost any other system that we have in place. It is far more significant than

our Rainy Day Fund, the function of which is a mystery to most of us. The Unemployment Security Fund is a tried and proven function. It's extremely important to the security of this state that we have a system in place over the long haul for keeping that fund at an appropriate level, keeping the system solvent, and having a modest and moderate set of benefits that will neither challenge the integrity of the fund nor be too lean for effective relief for workers who are laid off.

My quarrel with the Majority Report is really in 1 or 2 sentences in that report. Both reports give you a feedback mechanism so that the tax will be adjusted automatically to respond to changes in the economy. As the fund grows and grows and grows, it only makes sense that at some point there should be tax decrease, a very modest one perhaps at first, in order to start leveling the fund off when it reaches a point where it's capable of doing its job, that is carrying you through the next anticipated recession. By the same token you want the fund to increase taxes if it begins to come dangerously close to a zero balance. You need to have it begin to pick itself up again by increasing rates modestly as it begins to drop towards its nadir. Both reports do that. The Majority Report allows the fund to grow somewhat larger. It imposes the tax increases and decreases in softer series of curves than does the Minority Report. But the most significant distinction, and the reason that I urge you to vote against the Majority Report tonight, is that the Majority Report contains within it a sunset that says this system's good enough for next year only and we want the system essentially repealed, automatically repealed. We want it to stay in place for only one year so that it will necessitate a whole new Labor Committee, many of whom will never have heard of this system I trust, or will have very little familiarity with it. A whole new legislature will have to readdress the work that the Labor Committee and the Labor Department, over the last 4 years, has invested in repairing this system at a time when some of the key people, at least one of the key people in the Labor Department, will have retired. I, for one, don't see the point. It seems to me we have struggled with repairing this system now for several years. More years than that actually, but I have been involved for the last 3 or 4 years. It's high time that we put this system on automatic pilot. It's been extremely well thought out. A tremendous amount of credit goes to a remarkably clever woman named Gail Thayer at the Department of Labor who has an extraordinarily brilliant mind and she has prepared scenarios and reports for us that are breathtaking. I think we need to take advantage of her work and of the diligent work of the Labor Committee. We need to adopt some system on a permanent basis and not simply adopt a system that will self-destruct in one year. For that reason, I will be voting no on the pending motion and hope that you folks will join me in voting for an alternative. Thank you.

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

Senator TREAT: Thank you Mr. President. Men and women of the Senate, several years ago I had the honor, although it was a somewhat painful honor, of serving on, in fact, chairing a commission that spent most of my summer looking at the issue of unemployment insurance and the compensation system and the solvency of that system. I learned, and if you haven't realized that already from the previous presentations, that this is one of the most complicated, confusing and hard to explain parts of our state government that exists today. But one thing I did learn is that our Department of Labor, at least in this area, really knows

its stuff. It is not the spokesperson for the labor unions out there. It is not the spokesperson for the employers. They have a very serious focus, and the aforementioned Gail Thayer is the example of this, on the solvency and the health of the Unemployment Compensation System. And that's what their goal is and that's what they've been working on. I don't know how long our committee spent on this, but the legislature did not act on our recommendations and it really took the Labor Committee, last year, working with the Department of Labor staff, which went out to public hearings all over the State of Maine, meeting with employers, and came back to the legislature with their recommendations to ensure that we had an Unemployment Compensation System that was solvent and that was fair. The Majority Report continues that approach. It will ensure that the work that we started last year will continue. It maintains, as the good Senator from Androscoggin, Senator Douglass, said, a 24 month period of time during which the State Unemployment Compensation Fund can exist without borrowing even in the bad times. This is very important because if we reject the Majority Report, we will be going with a system that exposes employers to higher tax rates during recessions and into the recovery period. The time during which they can least afford to pay those higher taxes. Under the Majority Report the system would operate on a smoother basis, varying the plan yield less over the economic cycle, and thereby avoiding these sudden spikes during periods of high unemployment and recession. I think, to some extent, we really do have to rely on the services of the experts. These are not political appointees. These are people that are so into the details of the Unemployment Compensation System that it's hard to have a conversation with them. But I have learned to trust their judgment and I think we need to do that here. The good Senator from Somerset has focused on the fact that there is a sunset provision in the Majority Report. That is but one tiny piece of the Majority Report and I think it is important to understand that if you vote against the Majority Report simply because of the sunset, you are also voting against a report that will guarantee that we have a solvent Unemployment Compensation Fund, unlike what is proposed in the Minority. So I hope that you won't get hung up on sunsets or not. This is a typical thing that we do in the legislature. We want to see how well something works. We want to check on it. We want to make sure it's working. That's the time to do it, in another year of two, not now after this program has been in place for 6 months. I think what we are actually debating here is the Majority Report that sets a sunset into the future and a Minority Report that effectively sunsets it today. I think we should stick with what we did last year. We should see whether it works. We should check it out after a year or two and see if we still want to keep with it. The Majority Report does that and I urge that you support it.

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 opened the vote.

ROLL CALL (#352)

YEAS: Senators: **BERUBE, CATHCART, DAGGETT, DOUGLASS, LAFOUNTAIN, MICHAUD, MURRAY, NUTTING, PARADIS, PENDLETON, PINGREE, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE**

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

ABSENT: Senators: **KONTOS, LONGLEY**

14 Senators having voted in the affirmative and 19 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 BY COMMITTEE AMENDMENT "A" (S-650)** Report, **FAILED**.

Senator **RAND** of Cumberland moved the Senate **RECONSIDER** whereby it **FAILED** to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-650)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECONSIDER** whereby the Senate **FAILED** to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-650)** Report.

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

Bill "An Act to Clarify the Authority of State Environmental and Public Health Officials to Monitor and Regulate Nuclear Power Plant Decommissioning, Site Cleanup and Restoration Activities" (EMERGENCY)

S.P. 955 L.D. 2496
(C "A" S-617)

Tabled - April 7, 2000, Senator **BENNETT** of Oxford.

Pending - motion by Senator **TREAT** of Kennebec to **RECEDE** and **CONCUR**

(In Senate, March 31, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-617).**)

(In House, April 6, 2000, Bill and accompanying papers **COMMITTED** to the Committee on **NATURAL RESOURCES**, in **NON-CONCURRENCE**.)

On motion by Senator **TREAT** 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 (#353)

YEAS: Senators: CATHCART, DOUGLASS, GOLDTHWAIT, LAFOUNTAIN, LIBBY, MURRAY, NUTTING, PINGREE, RAND, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CAREY, CASSIDY, DAGGETT, DAVIS, FERGUSON, HARRIMAN, KIEFFER, KILKELLY, MACKINNON, MICHAUD, MILLS, MITCHELL, O'GARA, PARADIS, PENDLETON, RUHLIN, SMALL

ABSENT: Senators: KONTOS, LONGLEY

11 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **TREAT** of Kennebec to **RECEDE** and **CONCUR**, **FAILED**.

Senator **KILKELLY** of Lincoln moved the Senate **INSIST**.

On motion by Senator **TREAT** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **KILKELLY** of Lincoln to **INSIST**.

The President requested the Sergeant-At-Arms escort the Senator from Knox, Senator **PINGREE** to the rostrum where she assumed the duties as President Pro Tem.

The President took a seat on the floor.

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

Senate at Ease.

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

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

Mandate

An Act to Clarify Responsibilities for the Maintenance of Veterans' Grave Sites

S.P. 302 L.D. 873
(H "A" H-995 to C "A" S-581)

Tabled - April 7, 2000, by Senator **RAND** of Cumberland.

Pending - **ENACTMENT**, in concurrence

(In House, April 6, 2000, **PASSED TO BE ENACTED**.)

(In Senate, April 4, 2000, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

On motion by Senator **GOLDTHWAIT** of Hancock, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-581) AS AMENDED BY HOUSE AMENDMENT "A" (H-995)** thereto, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED COMMITTEE AMENDMENT "A" (S-581) AS AMENDED BY HOUSE AMENDMENT "A" (H-995)**, thereto, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-665) to Committee Amendment "A" (S-581) **READ**.

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

Senator **GOLDTHWAIT**: Thank you Madam President. This is a Bill that has a number of very good provisions regarding Veterans' grave sites, including a provision that municipalities are responsible for their maintenance, with which I entirely agree. There is only one provision of the Bill with which I disagree and that is the subject of this amendment. That is the requirement that municipalities must place a flag on each veteran's grave on Memorial Day. The previous reading of the law was that municipalities had the alternative of either doing that or of having a single flagpole at the cemetery. The current version of this Bill repealed that alternative provision for the single flagpole, creating a municipal mandate which, although perhaps not an enormous one, nevertheless, would come at the expense of the municipalities. You heard testimony on another issue today regarding the town of Madrid. It was a very sad hearing in front of the State and Local Government Committee when they came to describe to us the reasons for deorganizing, which had mostly to do with the state either shifting costs to them or not meeting its obligations in terms of state funding for various programs. So my sense on mandates is that unless it's something that the municipalities are asking for, I hesitate to do that. In this case, this amendment would repeal that provision or would add back in the flexibility to have the single flagpole. I ask for your support for it. Thank you.

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

Senator **DAGGETT**: Thank you Madam President and members of the Senate. I hope you will oppose the pending motion. The Legal and Veterans Affairs Committee worked very hard on this Bill, spent a good length of time considering it. Regarding the mandate for individual flags is actually, there's a historic basis to

that. For many, many, many years this was actually required, that flags mark each individual grave. About 10 years ago that was changed for the single flagpole and not the individual flags. But historically, the individual flags were required. As a person who served at the local level, who is very aware of the impact of mandates, and concerned about them, this is really a very small step and small requirement. In fact, it returns us to the historical requirement. So, I hope you will oppose the pending amendment. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Lawrence.

Senator **LAWRENCE:** Thank you Madam President. Men and women of the Senate, I rise today to oppose the amendment offered by the good Senator from Hancock, Senator Goldthwait. Although I respect many of the amendments and many of the things the good Senator from Hancock does, I have to disagree with this one because this guts one of the very essential elements of this Bill and that is that this Bill would recognize the individual sacrifice of veterans in the State of Maine. That's what we're talking about here, recognizing that individual sacrifice. If we allow municipalities to simply put up a felt flagpole outside of any cemetery that has veterans in it and raise that flagpole, no one will ever know how many veterans are in that cemetery. No one will ever know how many peoples' lives were changed by a commitment they had to make during their time. We will lose that forever. I can remember being a child and being asked to deliver the Gettysburg Address on Memorial Day and going to speak at the cemetery. I was always amazed at the number of individual veterans' flags that I saw in the cemetery. That had such a dramatic affect on me as a young person, to be able to visually understand how many people had committed their lives to changing this country and protecting this country. It's a very minor expense to the municipalities. I think the fiscal note on this is \$18,000. In fact, according to federal regulations and the requirement under federal law for running a single flagpole in a cemetery. It's unclear which would be more or less expensive for them to do if they met with the federal regulations. It's important that we recognize this individual sacrifice of veterans and not simply place a flag outside of a cemetery as a monument to the people who served. It's important that we remember people who have served in prior wars who are long forgotten; ancestors who are long forgotten in the State of Maine. I ask you to oppose this amendment and keep the Bill as it is. Thank you.

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

Senator **GOLDTHWAIT:** Thank you Madam President. Ladies and gentlemen of the Senate, one of the problems with this is that it may be true that a flagpole would cost the same as putting individual flags up. But the problem is in many cases, the municipalities have already done that. They did that in compliance with the law as it stood prior to these revisions. So they have already undertaken that expense, confident that that would put them in compliance with state law. Now we're again changing the rules here. I absolutely agree that it's a wonderful thing to see a flag on every veterans' grave, but I would be prepared to support the funding of that. I think it's important at the state level. Unfortunately, not enough of my colleagues are also prepared to fund it and that is why I feel that passing that cost to the municipalities isn't really fair. A previous speaker said

that this is really a very small step in terms of a mandate. My favorite movie, The Lion in Winter, at one point the aging king and queen are in a state of total chaos in their kingdom and he looks at her, his former love, and says "how in the world did we ever get here", and she looks at him and says "step by step". And that is the issue for me with state mandates. I would urge your support for the pending amendment. Thank you.

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

Senator **MILLS:** Madam President and men and women of the Senate, I've participated in many Memorial Day services since the mid 1940's when my father came home from World War II and many occasions since as a veteran myself. I have been witnessed to the activities of the various veterans' organizations in our Maine communities. They are very active groups. We have groups in Maine that actually go to the trouble of taking thousands of wreaths down to Arlington at Thanksgiving time in the winter. It's my observation that these flags are often flying in community cemeteries by virtue of the private activities of the American Legion and other such groups. It seems to me that this is a function that is best done by volunteer groups who have been doing it in recent years anyway. If we mandate something like this, it seems to me that it loses its significance. It's best done as an act of voluntary activity. For that reason, I'll be supporting the good Senator from Hancock and her amendment.

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

Senator **BENOIT:** Thank you Madam President. May it please the Senate. I also rise to support the pending amendment. Everything that I have heard over the last few minutes with regard to this amendment is a clear indication that we want to be sensitive in this particular area and honor those who have earned honor. The thing that bothers me about the individual flags is the maintenance of those individual flags. The thing that I don't want to see happen in a cemetery, any cemetery, where we have veterans who have earned their stripes and who have earned honor, to see these flags placed there and then, for the weather or whatever reason, here they are in disarray. They're leaning over, they've fallen over, and they're not maintained the way they should be. To me that is not a recognition that I want to support. I'd rather not have any flags there. I'd rather have the one single flag that is flying and that is maintained properly. These individual flags by the hundreds, in some instances, are going to require maintenance. If they are not maintained, they'll be disrespect to these veterans. Thank you.

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

Senator **CAREY:** May I pose a question through the Chair to anyone who could answer?

THE PRESIDENT PRO TEM: The Senator may pose his question.

Senator **CAREY:** Thank you Madam Chair. Will the City of Augusta be responsible for placing flags at the grave sites in the Veterans' Cemetery?

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

Senator **DAGGETT:** Thank you Madam President. Men and women of the Senate, it's my understanding that this is not a municipal cemetery and does not come under this Bill.

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

Senator **NUTTING:** Thank you Madam President. Ladies and gentlemen of the Senate, I'm standing to urge you to oppose the amendment that's before us today offered by the good Senator from Hancock. I'm troubled by the opposition to this amendment, deeply troubled. I'll put this right out on the Senate floor, my father was killed in the Korean War. It has troubled me for years that our municipality put a flag on veterans' graves, and then, a few years ago, stopped. In fact, they don't even have a single flagpole at the cemetery. It concerns me that Maine Municipal would come and oppose this \$18,000 statewide mandate, and yet has come to this legislative session, and has supported some, in my humble opinion, very, very anti-business Bills this session to everyone's shock. Now maybe they feel that if we drive enough businesses out of business in Maine this year, that the economy is going to go down and then that will be too much of a financial hardship for them to put flags on individual graves. I don't know. I'm at a loss. But, I feel this is the least that we can do to honor our veterans. I'd like to follow-up a little bit with the good Senator from York, Senator Lawrence, said about federal statute. Not only are municipalities required, if they put up a single flagpole and a flag due to federal statute, that flag has to be illuminated. That's an expense in my opinion, much more of an expense than buying individual flags that are up for many, many days, not just one day. I have heard from my veterans. They've asked me to oppose this amendment and to support the Bill as positioned before this amendment was offered. I urge you to do the same. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Lawrence.

Senator **LAWRENCE:** Thank you Madam President. Men and women of the Senate, I too agree with the Senator from Androscoggin, Senator Nutting. I'm deeply troubled by what I hear being given here for reasons for opposing this amendment. I recently developed an interest in genealogy and went back and looked at some of my ancestors. One my ancestors, in fact, came over from Beauceville in Quebec. One of his sons served in the Civil War. They came to Waterville. They were recruited in Waterville. A lot of times, at that time, municipalities were given quotas they had to recruit for the Civil War at that time. He went, he fought, came back, was injured and died a year after the War. Now the very same municipalities that had to recruit these people to fight in the war are saying it's a burden on them to do this kind of expense, to put one flag on their grave. That's deeply troubling to me. You know when the good Senator from Hancock, Senator Goldthwait, mentioned her favorite movie, one of my favorite movies is Saving Private Ryan. I saw that movie and it has such a visual impact and such a realistic impact on you in understanding what it's like to serve in war. The loneliness,

the terror that goes through somebody, the courage in the face of that terror, and the heroism that really comes. What would they think if we're here arguing tonight about if it will be a little bit more maintenance. We worry about the flags weathering and wearing out. It's better to be done by volunteers. These people volunteered for us. We can do a little bit for them. And in the act of doing this, in the act of communities coming together to do this and placing the flags on these graves, it will also be an act of remembering that helps the community remember the sacrifice that was made on behalf of the community. I hope you will oppose this amendment.

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

Senator **BENOIT:** Thank you Madam President. May it please the Senate. I served in the Marine Corps during the Korean War and half of the platoon that I went through boot camp with went over, and never came home. I have some sense of what we're talking about tonight as some others have indicated their standing, as well. Judy and I have occasion, frequently, to go to Sturbridge Village down in Massachusetts, either when we're on a trip away from home or coming back. There's a cemetery there that we frequently walk through to get our walk for the day. And one day when we were walking through the cemetery, I had occasion to talk with the groundskeeper. They have flags there in the cemetery. They try to maintain them on all of the grave sites. I noticed the disarray of the flags, and it bothered me. I mentioned it to the elderly gentlemen, and he said "you know, I do my best, that's my job here in maintaining the cemetery, but I just can't keep up with it". It wasn't the biggest cemetery in the world. Frankly, I like the idea of the voluntarism about this. Up in Sandy River where I live, there is a grave site, a Civil War one. There's a flag there that flies. It flies because Judy and I have agreed at the Town Meeting to be in charge of that grave site for the flag. We're also in charge of maintaining the wooden fence that was in disarray, that's been repaired. I feel good about that, not that the town is doing it. I'm doing it, by agreement with my fellow neighbors. Frankly, the voluntarism of this far exceeds a government employee without any personal contact, or maybe not even caring, having to do something because the legislature here says do it. Thank you, Madam President.

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

Senator **KIEFFER:** Thank you Madam Chair. I, like my good friend Senator Benoit, served in the Army during the Korean War as well. I certainly have all the respect in the world for all of the veterans who both went before and after my time. However, I guess I've probably been through Arlington a half of dozen times in Washington. One of the things that I do notice down there, they do try to maintain the flags, but they seem to do it in a some kind of a series of events. You always see some that are faded and washed out a little. I really feel that that is more of sign of disrespect than anything else. I think the flag is a symbol. I think it's a symbol for all the veterans in a cemetery, and I don't think it necessarily has to be on every individual grave, to my way of thinking, to express our concern as a symbol for the veterans that are in that cemetery. I do have a question that I'd like to pose through the Chair, Madam President.

THE PRESIDENT PRO TEM: The Senator may pose his question.

Senator **KIEFFER:** Thank you. I'm assuming that since the cemetery here in Augusta would not become under the City of Augusta, the new Caribou Veterans' Cemetery in Caribou would also not be subject to flags being provided by the City of Caribou. However, my question is, what about all of the multitude of religious cemeteries that we have in the state. We have various denominations of religious cemeteries. Who would be responsible for the individual flags in those particular cases?

THE PRESIDENT PRO TEM: The Senator from Aroostook, Senator Kieffer poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you Madam President. In response to the question of the Senator from Aroostook, the language of the Bill states "public burying ground". That's the best answer I can give you.

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

Senator **FERGUSON:** Thank you Madam President. Ladies and gentlemen of the Senate, I was on a study committee that reviewed this with several other people during the course of the summer. And during the course of those deliberations, it was brought to our attention that the single flagpole, in many instances, wasn't working out very well in that a flag would be run up in the spring, left there all summer, all fall, all winter. It was really tattered and torn, and in very, very bad shape. We thought that was rather disrespectful. So, that's why we decided that we would go with the individual graves. That was one of our motives. But, in the Bill there is still a provision to have a single flagpole, if one wants it. But also in the Bill is a provision that the handling and display of the flags, "each municipality shall handle and display the American flag according to the requirements of the National Flag Code, United States Code Section 173189", and if you do that, there are certain requirements. You have to have the flag lit at night, or you would have to take it down at sunset. And in our judgment, that might be more expensive than putting these individual flags on the graves. Also the cemeteries, the grass has to be cut and trimmed and kept in good repair. And I'm just putting that out for insight for members of the Body so they'll know how the Bill was developed. Thank you, Madam President.

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

Senator **CAREY:** Thank you Madam President. I hope that we do not take down that individual flagpole, because there are people whose graves we cannot mark. Those who are prisoners-of-war and those who are missing-in-action. And so, that single flagpole should at least remain in place for those who have no graves.

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

Senator **KIEFFER:** Thank you Madam Chair. I'd like to pose a question through the Chair, Madam President.

THE PRESIDENT PRO TEM: The Senator may pose his question.

Senator **KIEFFER:** Since the veterans' cemeteries would not be subject to this law and since the very many religious cemeteries with all the different denominations would not be subject to the law, did the Committee, in their studies, do an analysis of how large of a percentage of cemeteries actually fall within municipal, as opposed to Catholic or Baptist, or some other religion? What percentage of cemeteries are we actually talking about?

THE PRESIDENT PRO TEM: The Senator from Aroostook, Senator Kieffer poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** Thank you very much. I really can't answer that question, but I will give you a little commentary, if I may. During the course of our deliberations, it was brought out that there are many private cemeteries, there are public cemeteries, and, like you said, there are religious cemeteries. There are abandoned cemeteries where veterans are buried. What we're trying to do here is something that's right for our veterans who sacrificed on all our behalf. I'm a veteran too. I'm a veteran of the United States Army of the Korean conflict. But, it's a complex issue, it really is. We tried to come up with something that was workable, that would be agreeable to the veterans, out of respect to them. As far as the mandate on the municipalities, it's not going to be something that would overburden any municipality, in my judgment. And, that's where we stand right now. Thank you, Madam President.

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

Senator **NUTTING:** Thank you Madam President. I want to echo what the good Senator from Oxford, Senator Ferguson, said. I, again, want to say I don't feel this is an overburdensome policy for any municipality to undertake. I remember the public hearing on this Bill. There were so many veterans there, you couldn't even fit them in the room. Unanimously, they wanted the Committee to okay a Bill so that each veteran's grave could have a small individual flag. To me, it is the minimum amount we can do. And, Madam President, when the vote is taken, I request the yeas and nays.

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

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

Senator **DAGGETT:** Thank you Madam President and members of the Senate. I'm concerned that the debate on this Bill has moved into an arena which is other than decorating individual veterans' graves. Responsibilities for the municipalities on grave sites; there is no change in the responsibility. Currently, these grave sites are the responsibility of municipalities. That's not the

issue. There's no change or difference. And, in fact, a part of what led to this Bill was an effort by a veteran in particular, but also some veterans' group try to document veterans' graves across this state. They began to discover the unfortunate way that these grave sites were taken care of: fallen headstones, disrepair, lack of mowing, poor fencing, other kinds of issues. And in an effort to try to encourage municipalities to take the statutory responsibility, which they had already been assigned. Being discouraged by having municipalities respond they would rather pay the fine than take care of the graves, led to the Bill that is in front of you. This is a restoration of the kind of value that we held about 10 years ago and the kind of responsibility for individual grave sites. There's been some discussion about the problem of caring for the flags on the graves. This Bill only requires that you put the flag there for one day a year. That's not a significant amount of time. It's for Memorial Day, decoration for Memorial Day. This isn't a daily event. There's been some discussion of how more appropriate it is for volunteers to do it. This is not something that prevents volunteers from being involved. In fact, it would be our hope that veterans' organizations across the state, or Scout groups, or others would want to participate in this. But as many of us who have worked with volunteers and volunteer groups, frequently there needs to be one entity that takes the responsibility for seeing that the volunteers are organized, seeing that there's some kind of assignment of responsibility. This is not a change. This is simply moving things back to the way they were 10 years ago. It's a very, very small recognition of what veterans have done for us. I hope you will oppose the motion, and I hope you will focus on the small step that this is to perhaps return us to a time when we were more cognizant of our history, and what came before us, and those people that we should be honoring for the right we have to stand here and have this debate. Thank you.

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

Senator **ABROMSON:** Thank you Madam President. I've been listening to this debate and trying to make up my mind. I heard the Senator from York, Senator Lawrence, say how these men and women volunteered for us and this was one little thing that we could do for them. I heard the Senator from Kennebec, Senator Daggett, mention how this was a small step that we could do. But, it seems to me that what the Senator from Hancock, Senator Goldthwait, said is correct. We're not doing it. We're asking communities to do it. I just don't understand why this is a new issue to me. The good Senator from Hancock mentioned that she was unable to get any support for the state to do it. I just had to express my concern. I don't understand what it is we're doing. Seems to me we're doing nothing except telling cities what to do. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Hancock, Senator Goldthwait to **ADOPT** Senate Amendment "A" (S-665) to Committee Amendment "A" (S-581). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#354)

YEAS: Senators: **ABROMSON, BENOIT, CASSIDY, DAVIS, GOLDTHWAIT, KIEFFER, MACKINNON, MILLS, MITCHELL, O'GARA**

NAYS: Senators: **AMERO, BENNETT, BERUBE, CAREY, CATHCART, DAGGETT, DOUGLASS, FERGUSON, HARRIMAN, KILKELLY, LAFOUNTAIN, LAWRENCE, LIBBY, MICHAUD, MURRAY, NUTTING, PARADIS, PENDLETON, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT PRO-TEM - CHELLIE PINGREE**

ABSENT: Senators: **KONTOS, LONGLEY**

10 Senators having voted in the affirmative and 23 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **GOLDTHWAIT** of Hancock to **ADOPT** Senate Amendment "A" (S-665) to Committee Amendment "A" (S-581), **FAILED**.

Committee Amendment "A" (S-581) as Amended by House Amendment "A" (H-995) thereto, **ADOPTED**, in concurrence

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-581) AS AMENDED BY HOUSE AMENDMENT "A" (H-995), thereto, in concurrence.

On motion by Senator **LIBBY** of York, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from York, Senator **LAWRENCE** to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Knox, Senator **PINGREE** to her seat on the floor.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (4/6/00) Assigned matter:

Bill "An Act to Amend the Control of the Revenue Generated by Games of Chance at the Agricultural Fairs"

H.P. 1756 L.D. 2462
(C "A" H-1045)

Tabled - April 6, 2000, by Senator **PINGREE** of Knox.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1045)**, in concurrence

(In House, April 5, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1045)**.)

(In Senate, April 6, 2000, **READ A SECOND TIME**.)

On motion by Senator **DAGGETT** of Kennebec, Senate
Amendment "A" (S-647) **READ** and **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE
AMENDMENT "A" (H-1045) AND SENATE AMENDMENT "A"
(S-647), in NON-CONCURRENCE.**

Sent down for concurrence.

On motion by Senator **BERUBE** of Androscoggin, **ADJOURNED**,
until Saturday, April 8, 2000, at 10:00 in the morning.