

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Nineteenth Legislature  
State of Maine

Volume 4

Second Regular Session (Continued)  
April 14, 2000 to May 12, 2000

Second Confirmation Session  
August 31, 2000

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

In Senate Chamber  
Friday  
April 14, 2000

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

Prayer by Senator Judy Ayotte Paradis of Aroostook County.

**SENATOR PARADIS:** Thank you very much Mr. President.

God, as we are in the waning hours of the 119<sup>th</sup> battling fatigue and exhaustion, please give us the courage to act with respect and patience at all times. Amen

Reading of the Journal of Thursday, April 13, 2000.

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act Concerning Fingerprinting and Background Checks for School Employees"

S.P. 987 L.D. 2540  
(C "B" S-692)

In Senate, April 11, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-692).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-691), in NON-CONCURRENCE.**

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

**Joint Resolution**

The following Joint Resolution: H.P. 1947

**JOINT RESOLUTION HONORING JOSEPH W. MAYO  
FOR HIS YEARS OF PUBLIC SERVICE**

WHEREAS, Joseph W. Mayo has distinguished himself by his leadership and countless achievements in state and local politics and by his service to State Government, attaining the elected office of Representative from House District 80 in 1983, the elected office of House Majority Whip during the 114th and 115th Legislatures and the elected office of Clerk of the House as

of October 1, 1992, where he has served during the 115th, 116th, 117th, 118th and 119th Legislatures; and

WHEREAS, Joseph W. Mayo's untiring devotion to politics and public service to the citizens of the State formally began when he was elected to serve out the term left vacant by the untimely death of his father, the Honorable James H. Mayo; and

WHEREAS, Joseph W. Mayo's dedication and commitment to representing his constituents earned him 5 consecutive terms as the State Representative for the citizens of the Thomaston area; and

WHEREAS, he earned a reputation as a tireless advocate for a modern corrections system, conservation and water quality protection and tax equity and as an outspoken supporter for his constituents and their issues; and

WHEREAS, well-known for his intellect and devotion to the legislative process, he is a leading parliamentarian in the State and Nation and a member of Mason's Manual Revision Commission, which is responsible for updating and editing *Mason's Manual of Legislative Procedure* used in state legislative chambers throughout this country; and

WHEREAS, Joseph W. Mayo has been cited numerous times for his outstanding accomplishments and efforts for the common good and betterment of others, and he is highly respected for his untiring devotion to his family, church and community; and

WHEREAS, always a team player, he is known by his colleagues for his good humor and quick wit; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Nineteenth Legislature now assembled in the Second Regular Session, extend our heartfelt appreciation to Clerk of the House Joseph W. Mayo for his outstanding service to the citizens of Maine; and be it further

**RESOLVED:** That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Joseph W. Mayo, his wife Rebecca M. Wyke and their children James, William and Katherine as a tangible token of our appreciation.

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

**READ.**

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending **ADOPTION**, in concurrence.

**Off Record Remarks**

Senator **CAREY** of Kennebec was granted unanimous consent to address the Senate off the Record.

**ORDERS**

**Joint Resolution**

On motion by Senator RAND of Cumberland, under unanimous consent on behalf of President LAWRENCE of York (Cosponsored by Speaker ROWE of Portland and Senators: AMERO of Cumberland, BENNETT of Oxford, PINGREE of Knox, RAND of Cumberland, Representatives: CAMPBELL of Holden, MURPHY of Kennebunk, SAXL of Portland, SHIAH of Bowdoinham), the following Joint Resolution:  
S.P. 1086

**JOINT RESOLUTION DECLARING 2000 THE YEAR OF THE NATIVE AMERICAN WOMAN**

WHEREAS, Maine's Wabanaki peoples have proclaimed 2000 as the Year of the Native American Woman; and

WHEREAS, we recognize the strength of the Native American Woman and we acknowledge that the Native American Woman is the cohesive force that is the foundation of her family relationships and community alliances; and

WHEREAS, the Native American Woman is the giver of life and her mental, physical, emotional and spiritual well-being determines the direction of the next 7 generations; and

WHEREAS, the Members of the One Hundred and Nineteenth Legislature enacted Public Law 613, "An Act Concerning Offensive Names," and sent their best wishes to Maine's Native American women; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the Second Regular Session, join Maine's Wabanaki peoples in declaring 2000 the Year of the Native American Woman; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to each of Maine's Tribal Communities.

**READ and ADOPTED.**

Sent down for concurrence.

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act to Establish a Method of Determining Employer Contributions to the Unemployment Compensation Trust Fund"  
S.P. 1019 L.D. 2588  
(S "B" S-696 to C "A" S-650)

In Senate, April 12, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-650) AS AMENDED BY SENATE AMENDMENT "B" (S-696)** thereto.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-650) AS AMENDED BY HOUSE AMENDMENT "A" (H-1128)** thereto, in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

Resolve, Authorizing the Members of the Sullivan Family to Bring Suit Against Waldo County and the State

S.P. 605 L.D. 1728  
(S "A" S-603 to C "B" S-601)

In Senate, April 12, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-601) AS AMENDED BY SENATE AMENDMENT "A" (S-603)** thereto.

Comes from the House, Report **READ** and Resolve and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in **NON-CONCURRENCE**.

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

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Ensure that Certain Land Transfers Accomplished through Stock Transfers are not Exempt from the Transfer Tax"  
S.P. 661 L.D. 1883  
(S "A" S-700 to C "B" S-698)

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

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-698)** (3 members)

In Senate, April 13, 2000, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-698) AS AMENDED BY SENATE AMENDMENT "A" (S-700)** thereto.

Comes from the House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

On motion by Senator **MILLS** of Somerset, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Sent down for concurrence.

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**Non-Concurrent Matter**

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

H.P. 1863 L.D. 2598

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-900)** (7 members)

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

In House, March 28, 2000, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-900) AS AMENDED BY HOUSE AMENDMENT "A" (H-919)** thereto.

In Senate, April 13, 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**.

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**ORDERS OF THE DAY**

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

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

H.P. 1863 L.D. 2598

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-900)** (7 members)

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

Tabled - April 14, 2000, by Senator **RAND** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, April 13, 2000, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

(In House, April 13, 2000, that Body **ADHERED** to **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-900) AS AMENDED BY HOUSE AMENDMENT "A" (H-919)** thereto.)

On motion by Senator **RAND** of Cumberland, the Senate **ADHERED**.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Extend New Teachers' Probationary Periods"

H.P. 1431 L.D. 2054

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-983)**.

Signed:

Senators:

**BERUBE** of Androscoggin  
**SMALL** of Sagadahoc

Representatives:

**RICHARD** of Madison  
**WATSON** of Farmingdale  
**STEDMAN** of Hartland  
**DESMOND** of Mapleton  
**BRENNAN** of Portland  
**ANDREWS** of York  
**BELANGER** of Caribou  
**SKOGLUND** of St. George

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

Signed:

Senator:

**MURRAY** of Penobscot

Representative:

**BAKER** of Bangor

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

Reports **READ**.

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

On motion by Senator **MURRAY** of Penobscot, **TABLED** until Later in Today's Session, pending the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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**ORDERS OF THE DAY**

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Concerning the Formation of the Central Maine Regional Public Safety Communication Center

H.P. 1542 L.D. 2196  
(H "A" H-980 to C "A" H-945)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, April 4, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-945) AS AMENDED BY HOUSE AMENDMENT "A" (H-980)** thereto, in concurrence.)

(In House, April 5, 2000, **PASSED TO BE ENACTED**.)

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

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**Resolve**

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

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

Tabled - March 29, 2000 by Senator **MICHAUD** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 22, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-556)**.)

(In House, March 29, 2000, **FINALLY PASSED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED**.

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-556).

On further motion by same Senator, Senate Amendment "A" (S-707) to Committee Amendment "A" (S-556) **READ** and **ADOPTED**.

Committee Amendment "A" (S-556) as Amended by Senate Amendment "A" (S-707) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-556) AS AMENDED BY SENATE AMENDMENT "A" (S-707)** thereto, in **NON-CONCURRENCE**.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Resolve**

Resolve, to Ensure Adequate Funding for the Lewiston District Court

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

Tabled - March 29, 2000 by Senator **MICHAUD** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 22, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-561)**.)

(In House, March 29, 2000, **FINALLY PASSED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED**.

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-561).

On further motion by same Senator, Senate Amendment "A" (S-708) to Committee Amendment "A" (S-561) **READ** and **ADOPTED**.

Committee Amendment "A" (S-561) as Amended by Senate Amendment "A" (S-708) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-561) AS AMENDED BY SENATE AMENDMENT "A" (S-708)** thereto, in **NON-CONCURRENCE**.

Under suspension of the Rules, ordered sent down forthwith for 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:

**Emergency Measure**

An Act to Allow the St. Agatha Sanitary District to be Dissolved and Combined with the Town of St. Agatha  
H.P. 1945 L.D. 2689

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with no Senators having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Acts**

An Act to Implement the Recommendations of the Task Force to Review Solid Waste Management Policy  
S.P. 1000 L.D. 2565  
(H "A" H-1113 to C "A" S-628)

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

An Act to Implement a Maine Meat and Poultry Inspection Program

S.P. 1083 L.D. 2687  
(H "A" H-1119)

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

An Act to Implement the Recommendations of the Task Force to Review the Educational Program and the Governance System of the Governor Baxter School for the Deaf

H.P. 1946 L.D. 2690

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

**ORDERS OF THE DAY**

On motion by Senator **MICHAUD** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Establish a Patient's Bill of Rights  
H.P. 543 L.D. 750  
(C "A" H-1061)

Tabled - April 11, 2000, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 8, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1061)**, in concurrence.)

(In House, April 11, 2000, **PASSED TO BE ENACTED**.)

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 (#395)**

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

**NAYS:** Senators: ABROMSON, AMERO, BENNETT, FERGUSON, HARRIMAN, NUTTING

**ABSENT:** Senators: BENOIT, CASSIDY, KIEFFER, MACKINNON, MITCHELL, RUHLIN, SMALL

22 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 7 Senators being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Off Record Remarks**

The Chair laid before the Senate the following Tabled and Later (4/12/00) Assigned matter:

**HOUSE REPORTS - from the Committee on EDUCATION AND CULTURAL AFFAIRS on Bill "An Act to Authorize Portland College to Grant Degrees" (EMERGENCY)**  
H.P. 1657 L.D. 2326

**Majority - Ought to Pass as Amended by Committee Amendment "A" (H-1078) (9 members)**

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

**Abstained - (1 member)**

Tabled - April 12, 2000, by Senator PINGREE of Knox.

Pending - motion by Senator BERUBE of Androscoggin to **ADHERE**

(In House, April 8, 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-1078).**)

(In Senate, April 10, 2000, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

(In House, April 11, 2000, that Body **ADHERED**.)

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

(See action later today.)

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

**COMMUNICATIONS**

The Following Communication: S.C. 646

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

April 14, 2000

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

Dear President Lawrence and Speaker Rowe:

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

- L.D. 1911 An Act to Relocate the Maine Legislative Law and Reference Library to Comply with the Federal Americans with Disabilities Act
- L.D. 2539 Resolve, to Make Community College Partnership Programs More Accessible and Affordable
- L.D. 2616 An Act to Authorize a General Fund Bond Issue in the Amount of \$17,250,000 to Construct Water Pollution Control Facilities, to Close and Clean Up Municipal Solid Waste Landfills, to Make Drinking Water System Improvements and to Construct New or Retrofit Existing Pollution Control Structures on Maine Farms to Protect the Environment
- L.D. 2632 An Act to Appropriate Funds for the Sunset Bay Company
- L.D. 2647 An Act to Authorize a General Fund Bond Issue in the Amount of \$25,550,000 to Renovate Teaching Laboratories, Classrooms and Dormitories of the Maine Maritime Academy, the Maine Technical College System and the University of Maine System

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

Sincerely,

S/Sen. Michael H. Michaud  
Senate Chair

S/Rep. Elizabeth Townsend  
House Chair



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

The Following Communication: S.C. 647

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

April 14, 2000

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

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following Bill out "Ought Not to Pass":

L.D. 2674 An Act to Protect Maine Jobs and Natural Resources

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

Sincerely,

S/Sen. Sharon Anglin Treat  
Senate Chair

S/Rep. John L. Martin  
House Chair

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

**ORDERS OF THE DAY**

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

**House**

**Divided Report**

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Extend New Teachers' Probationary Periods"

H.P. 1431 L.D. 2054

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-983)** (10 members)

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

Tabled - April 14, 2000, by Senator **MURRAY** of Penobscot.

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

(In House, April 13, 2000, Reports **READ** and Bill and accompanying papers **INDEFINITELY POSTPONED**.)

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

Senator **MURRAY** of Penobscot requested a Division.

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

Senator **MURRAY:** Thank you Mr. President. Men and women of the Senate, I'd ask for a division to begin with and I would hope that you would oppose the pending motion. This Bill before us is a very simple, straight forward Bill in what it proposes to do. But I think it has a profound impact on those teachers who would be affected by it. So I want to have us pause and think a little bit about what's being suggested before we vote to accept it.

Right now for a teacher entering the profession, there is a probationary period in statute that lasts for two years. During that two year period of time under current law, a teacher can be dismissed by a school unit, not hired, not renewed, without having the superintendent, or the hiring entity, give any reason at all. That's the biggest significance of a probationary period. That two-year period has been in law for quite some time now. What this Bill proposes to do is to extend that two-year period of time to a 3-year period of time, or at least have the opportunity for a superintendent to request that the third year, or the probationary period be extended for a third year.

Now, I think we need to keep in prospective that most of state government employees are limited now to a six-month period of probation. There are some positions in state government that, in fact, have a probationary period that runs anywhere from six weeks up to one year for some law enforcement personnel. Again, current law already has teachers at a period of time greater than most all other positions in state government. Namely, we have 2-year periods for those teachers. The harm is, in my opinion, if we extend this to a third year, what we're saying is, we're giving the opportunity at least, for the superintendents to not focus on what I think they need to be focusing on during those first 2-years of a teacher's career. If the decision can't be made in 2 years, I think this proposal gives far too easy an opportunity for the superintendent to not face up to that decision, not devote the resources that a probationary period teacher needs to have, and simply say I'll stretch this out one more year and I'll ask the school board, without having to state any reason at all by the way, that I just want one more year of probationary status. I think those who are proposing that this is required, need to come forward and have the burden of proving that it is really necessary to extend this probationary period one more year. I don't think that case has been made. We heard during the public hearing and the work session that "well this will help teachers that are on the edge and maybe that third year will make the difference." Well, we didn't have teachers come forward and say to us "this is what I really need. This is what I want." In fact, the teachers opposed it. It was the superintendents who came forward saying "gee this would be a good idea to give us this additional flexibility." I don't think they've proven their case. I think if the decision can't be made in

2 years, there is something wrong with that approach and we ought not be giving them the flexibility for the easy way out of just saying "well, I'll go one more year and then make the decision I have to make at that point in time." For all these reasons I would urge you to oppose the pending motion so that we can move on to accept the Ought Not to Pass report.

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

Senator **DAGGETT:** Thank you Mr. President and members of the Senate. I, too, encourage you to oppose the motion on the floor. Prior to my service in the legislature, I had the opportunity to serve on the local school board. I can remember that every year we would get in front of us a list of teachers who were on first-year probationary status to move on to second-year probationary status. Then we'd get the list from second-year probationary status to move off probationary status. Actually, there were a couple other members and myself on the board who kind of always wondered why everyone automatically moved on. It never seemed as if the administration said to us, "here are the ones that we have some concerns about and we're recommending that they stay on probationary status another year." Everyone just automatically moved on. That's a concern of mine with something like this. Everyone automatically moves on, and you still won't be doing the work, the supervision, the mentoring, and the work that needs to be done with new teachers. Anyone who is new in any profession needs an opportunity to have the help, suggestions as to how they can improve, and to be worked with.

There is currently the mechanism to extend any year of probationary teaching. From the first year, you can hold them on to first year. In the second year you can keep them in second year. There already is the mechanism to do this. If the supervision is not done during the first year or two, I can't imagine it's going to be done again during the third. So I think that school districts have the opportunity to do the work they need to do now. They have the tools they need for supervision and they certainly do not need this. I don't think it's fair to automatically require every single teacher to stay on probationary status a third year, for those few that could stay on for another year. I think this legislation is absolutely unnecessary. Thank you.

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

Senator **GOLDTHWAIT:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise to speak in favor of this Bill. I've been on probation for six years now, in 2-year increments, and that's okay with me. I don't have a problem with my job being evaluated on a regular basis. A year in the life of a teacher to me is one unit. In other words, a teacher has to complete a full year of teaching in order to be evaluated. It wouldn't make any sense to evaluate a teacher in a shorter period of time than that.

I suppose I'm in the rash closing moments of the session here to raise the issue of tenure, but I want to tell you a case where a longer probationary period actually favors the teacher. That is in the case of island schools, that tend to be very small, and probably in the case of other very small schools in the state. At those schools, if a teacher completes their 2-year probationary period satisfactorily and is hired for life, the children in that school are exposed to one teacher for the whole 8 years of school.

Then they leave that environment and go to a high school where they have a different teacher every 45 minutes. This is quite difficult for them. A number of islands have contacted me about the fact that sometimes they would love to keep a teacher for another year because they like the teacher. The teacher is working out very well. But they have no choice, at the end of the 2 years they either sign up for life or they have to ask that teacher to move on to somewhere else. So it is not because these teachers are not good, or because the superintendents haven't been able to fully evaluate them. It's simply that the parents of the kids in those schools would like an opportunity to expose their kids to more than one teacher in the 8 years of their elementary and junior high school life and providing a 3-year probationary period would at least give them a longer time to keep a good teacher who they like without having to agree at the end of that 2-years to have them there forever. So, I hope that you will support this proposal.

At the request of Senator **MURRAY** of Penobscot a Division was had. 10 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **FAILED**.

Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.

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Senate at Ease.

Senate called to order by the President.

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Under suspension of the Rules, all matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

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Off Record Remarks

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On motion by Senator **LAFOUNTAIN** of York, **RECESSED** until 11:15 in the morning.

After Recess

Senate called to order by the President.

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**THE PRESIDENT:** Le Président reconnaît dans la chambre une délégation d'étudiant et facultée d'Université de Maine en France. The Chair is pleased to welcome in the chamber a delegation of students and faculty from the University of Maine France. They are visiting the State House with the University of Maine Law Professor, Cabanne Howard. Would they please rise and receive the greetings of the Senate.

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

Senator **PARADIS:** Merci monsieur le Président, hommes et femmes de la chambre. C'est un vrai plaisir pour moi d'accueillir nos gents de la France, nous avons déjà comparé, les notes et comme beaucoup de nos familles son d'origine de la France c'est vraiment une joie pour moi de les recevoir. It is indeed a pleasure to greet these individuals from France. We've been chatting for a bit and we have a common ancestry in a common area. Senator Berube and I have been checking out her ancestry. I've told you many times we had missionary men and women that came from France to educate us. The sisters that taught her were more from the northern part of France. The sisters who taught me were from the central part. It's with much joy that we welcome this delegation from l'Université de Maine. Merci monsieur le Président.

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

#### PAPERS FROM THE HOUSE

##### Non-Concurrent Matter

JOINT ORDER - relative to the Joint Standing Committee on Banking and Insurance reporting out a Bill requiring the Superintendent of Insurance to establish a plan or other legislative options for guaranteeing access to and availability of healthcare coverage for residents

H.P. 1944

In House, April 11, 2000, **READ** and **PASSED**.

In Senate, April 13, 2000, **READ** and **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

Senator **RAND** of Cumberland moved the Senate **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**.

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

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

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending the motion by Senator **RAND** of Cumberland to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**. (Roll Call Ordered)

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Off Record Remarks

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#### ORDERS OF THE DAY

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

Joint Resolution honoring Joseph W. Mayo for his years of public service

H.P. 1947

Tabled - April 14, 2000, by Senator **BENNETT** of Oxford.

Pending - **ADOPTION**, in concurrence

(In House, April 13, 2000, **READ** and **ADOPTED**.)

(In Senate, April 14, 2000, **READ**.)

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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.

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

Senator **LAWRENCE:** Thank you Madam President. I'm very privileged to be able to speak on this Joint Resolution honoring Joe Mayo. I've known Joe for many years as so many people in the body have. Many who served in the House, served with Joe both as a member and as the Clerk. Many who have served only in the Senate have worked with him as the Clerk of the House and know and respect him very well. I actually first knew Joe, not very well, working on the State Committee in the Democratic Party. Joe was the Treasurer of the State Party at that time. But I didn't know him very well until I first ran for the House of Representatives. I come from a part of the state where it's not a real asset to be a Democrat. In fact, I was only the second Democrat elected since the Civil War and many people in Augusta didn't believe that I could win. In fact, Joe Mayo came down to me. He was the only member of leadership really who came down and spent time with me, talked with me and went back to Augusta and said, "He's somebody who can win that race." After I was elected, because I came from opposite ends of the state, you know the Speaker of the House at that time was from the most northern district, I was the most southern district, I felt I got relegated to the back seat in the chamber. But Joe befriended me. In fact, we became roommates that year, my first year in the legislature. We became kind of a triumvirate. A former member of this body, Jeff Mills who served from Oxford County, and Joe Mayo, and a former member of the House, Mike Swazy, and I became roommates and all lived together and became good and fast friends. After my second session, after my first term in the legislature, Joe kind of engineered me to come down and sit beside him as Majority Whip in the House.

His reference was that he always needed to have a lawyer sit beside him in the House of Representatives to serve as the legal counsel to the Majority Whip. He also helped when I was seeking a Chair position on the Legal and Veterans Affairs Committee at that time. Which was unusual for a House member in their second term to get placed as a Chair. Joe, behind the scenes as a good Majority Whip, helped to engineer that. We developed a relationship of personal trust and personal friendship. Kind of above and beyond our duties in the legislature. He's always been someone who has been a great counselor to me. Someone who I've been able to go to and kind of get outside of our roles and just wander down to his office and say, "Here's what's going on, what do you think?" Joe has always been a fantastic friend that way.

One of the things we used to do in the House was we used to do skits. Many of you who served in the House at that time, I see the good Senator from Lincoln, Senator Kilkelly, smiling because she remembers these skits. We used to do these skits and many of which were hatched actually over at the condominium that we all rented from Jeff Mills. Joe Mayo would be assigned to put the skits together. He would come over late at night and we'd all sit down and we'd plot down an idea and we'd get Jeff Mills to sit down and Mike Swazy to sit down. We'd plot out these skits. You know Jeff Mills naturally, having the big ego that he had, would always have to be the lead in all these skits. But Joe would help us design them. I remember one famous skit that we did, in fact, it was, "An Afternoon at John Martin's Store in Eagle Lake". Naturally, Jeff Mills had to play John Martin and Joe played the Clerk of the House, who at that time was Ed Pert. They sat there checking people through the grocery line as they came through. Naturally they were both talking at the same time. Joe was reading off the items coming through the counter and Jeff Mills was making up the price as they came through at the same time. There was surtax. There was a surtax for being a Republican. There was a surtax for being from the southern part of the state. There was a surtax for not being French. There was a surtax for all different kinds of categories in this thing. I remember I was relegated to a distinct role of playing the Commission of Inhuman Services Rollin Ives. Naturally, I got hit all three ways with taxes. I got hit with a tax for being a Protestant. I got taxed for being a Republican, being from southern Maine, and being all different kinds of things. I also remember one of the skits where we played the Starship Legislature. We had all different kinds of things. Naturally, Jeff Mills had to be the Captain of the Starship Legislature, Captain John Martin. I was relegated to being 1<sup>st</sup> Lieutenant Spock Gwadowski.

That was one of Joe's many talents that he had, to bring people together in the House and to make us feel very, very much part of a family. He helped me when I first ran for the Senate. You know that was a big challenge. A lot of people said that I wasn't the best candidate, it was a difficult district to win. Joe was always pushing with people to say, "It's the right thing to do." I remember after I was elected he said, "We just got somebody elected from Knox County to the Senate. I want to have her give you a call and talk to her so you can kind of help escort her into what's happening in the Senate." That's the first time I ever had a chance to talk with the good Senator from Knox, Senator Pingree. Actually we ended up being seatmates here and Joe kind of engineered that. She would have somebody in the chamber who was going through a similar experience but who had some experience to give her. That's the kind of thing Joe Mayo always did behind the scenes. You'd never see a lot of

these things but he'd always engineer those things to see that everybody had the best opportunity. I'm always amazed at the number of people I talk to who that happens with, people of both parties, people he has helped to make things easier for. You know, when I came over here for the Senate, it got a little more difficult for Joe and I because we have this great friendship and this great relationship. But because of the contest between the Senate and the House, we couldn't let on that we were kind of, you know, talking to each other about certain things. When I got into leadership, in fact, we had to sometimes hide the fact from the good Secretary of the Senate that we were, you know, kibitzing and talking about what was going on between the Senate and the House. I didn't want to make any of the Speakers feel jealous, so I think we had to keep it quiet that we were talking to each other. Joe's been that kind of friend all my life. Somebody I can talk to kind of off the record, go down to his office and chat with him.

It's been a very difficult time for me, personally, to talk about what's going on with his life at this point. I remember one day, I was calling Joe one time for one of the many hundred things I call him for. I think, in fact, I was calling him to ask him to do a fundraiser at his house for my U.S. Senate campaign. I was getting ready to call him and I tried to reach him, and tried to reach him over at the legislature, and reached him at home. I called Joe and I asked him, I realized something was wrong, and he said to me, "Mr. President, your friend is not a healthy man." At that time I knew our relationship was changing. I knew that Joe was facing a challenge that none of us can imagine what that challenge is like. I heard in Joe, for the first time, I heard for the first time that he wasn't the Rock of Gibraltar for everyone. I can tell you the depths of feeling that we've all felt because we know that is the case. But true to who Joe Mayo is, the next time I saw him, he was the Rock of Gibraltar for everyone, helping everyone get through this, and helping everyone deal with an unfair disease. That is who Joe Mayo is. He is the Rock of Gibraltar for all of us. He's been that through his entire time in the legislature, as a member of the House, and as Clerk of the House. He's been a friend to everyone. I can't think of any more words to describe how we feel about him. Obviously, this resolution doesn't hit the depths of how we feel about him. But Joe Mayo is someone who is very much the essence of who we are in the legislature and our family here. Thank you.

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

Senator **HARRIMAN:** Thank you Madam President. Good afternoon, ladies and gentlemen of the Senate. I want you to know that I had the great pleasure of coming to the legislature and stepping into this august body. I really didn't know Clerk Mayo. But from the very first moment I met him, I liked him. I didn't know why, but I did. To be sure, it was clear that I was of the other political party and whatever efforts could be mounted to assure I didn't return were the way things work here. But never once, in my encounters with Joe Mayo, did I ever feel like I wasn't just as important in his eyes as anyone else in this legislature. And every once in a while I would say, "Joe, you can just call me Phil." "Okay, Senator." "No, really, call me Phil." "Okay, Senator." I've never once felt like I wasn't welcome into your office; that I couldn't have a friendly conversation in the midst of the political firestorms that occur, sort of like the one we're in now. I also want you to know, Mr. Clerk, that not once have I walked into your office when everyone on your staff has shown

anything but the utmost professionalism, integrity, and of good humor. I think that's not only a testament to the people who you have surrounded yourself with, but it's certainly a testament to the type of leader you have been as the Clerk of the Maine House of Representatives.

I also found out, Mr. Clerk, that your wife is the Assistant Secretary of State. I didn't know that until I happened to present a Bill to, I think it was the Legal and Veterans Affairs Committee on something to do with corporations. I was in my first term, and as I look back on it, had a lot to learn. There was this very quiet, professional, unassuming person from the Secretary of State's Office who proceeded to go to the podium and systematically destroy the legislation that I had put in front of the committee. I left there smarting, to be sure, and when I regrouped my thoughts and took a look at what Becky had put on the record for testimony, I realized not only how right she was, but how much I admired the way in which she conducted herself because I could have been fair game, so to speak, with that legislation. Since that time, I see Becky in the back in the chamber and I wanted to say a heartfelt "thank you" to you as well. I've called your office numerous times and you always seemed to be willing to drop what you're doing to lend me a helping hand. I thank you so very much for that.

But Madam President, I think I found out why, from the moment I met Joe Mayo, I liked him. It occurred to me last summer. I was invited to play in a charity golf tournament at the Samoset. I happened to be paired up with this guy who works for MBNA. We got to talking about life in Augusta and the challenges we face in the budget and all the things that people tend to want to talk about. He let it be known that he was a Republican and that he was also Joe Mayo's brother-in-law. I said, "That's why I like Joe Mayo." Thank you Madam President.

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

Senator **LIBBY:** Thank you Madam President. Madam President, it has been my distinct pleasure and honor to serve in the Maine House of Representatives for two terms. During those two terms, the 116<sup>th</sup> and the 117<sup>th</sup>, I was fortunate enough to be broken in as a green rookie by Joe Mayo. Joe, I don't think you'll be surprised to learn this, but I am going to share a secret with you today. The secret is that you've been a part of Republican skits as well.

Joe, I guess you know, what I thought I'd ask you today is that I just recently had a Bill held here and I'm wondering if you can help me with it because it looks like it's in real trouble. I thought maybe you could help me with that.

Joe Mayo, the one thing I want to make sure I point out, before I sit down, is that when I left the House and decided to run for the Senate, I went through something that I thought was just a tremendous feeling, a tremendous event, and something that he has honored for years. That is there's a final lighting ceremony that we go through, and on the very last vote that you cast in the House, you press your button and Joe Mayo says every single name of every single member of that House. He does it with class and honor. The same goes for the reunions that we have, the Welcome Back Days. Nothing but class, honor, and respect for both parties. There will never be a person who will do that any better Joe than you. Thank you.

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

Senator **LONGLEY:** Thank you Madam President and colleagues in the Senate and to Joe Mayo and everyone. Welcome to this other body. When I was listening yesterday in the other House, if I can speak about that, it was interesting. I felt the need to press my button and be able to say something. So I'm really grateful we have the time today. What I felt needed to happen yesterday, and I'll share it with all of you. If you get to be in anywhere near Knox County, you'll learn the Mayo's are fabulous campaigners. Their garage is a great place for spaghetti suppers. Lucy was a great mother who baked cookies and Lucy's cookies are famous everywhere. Joe's brother, Michael, makes fried dough and is almost world famous for this fried dough. It's what basically supports all of us in many of our campaigns. We go miles on that fried dough, both financially and physically. To know the Mayo's; it's a traveling show. Mostly happening in their garage. You'll be over there at the end of a campaign making signs, somebody will be pulling down one piece, another person painting, whatever. At the end of the night, it would be ten or eleven, and Joe just drops by to see if he can help. I have a scribbled list here. Then later on after the campaign you can drive all those dumb metal poles that you have after those many poles that basically stick all over your car and then jab you a bunch of times. Well, anyway, you can drive them over to Mayo's barn and Joe will come outside and help you unload them all. Then two years later, you go back and pick them all back up and you save yourself a lot of money. Anyway, they're wonderful, wonderful, wonderful help for those of us who happen to be Democrats.

I'd also like to say, "congratulations" to Jimmy. Yesterday he was up in the gallery. It sounds very promising to this Democrat, because Jimmy came back from school and he'd won the Oratory Contest that day. He also came home with all A's and one B+ and the B+ was in Algebra II, and he's 14 years old. Anyway, the fact that he won the Oratory Contest, to be honest, I thought, oh, good, he's a Mayo. And contrary, if you were a Longley, I'd wonder if he was a Republican or a Democrat. But in that he is a Mayo, except for brothers-in-law, this guy stands a very good chance of someday being here representing our party. So I smiled inside for all of us Democrats, the fact that Jimmy won an oratory contest.

Lastly, I'd just like to say that whenever I was in a crunch, not knowing how something would happen procedurally, I'd beeline it down to Joe's office. Like everyone said, Joe would treat you like there's no one else in the world and he'd calmly walk you through the process. Whether we were from the other body or not, even, evidently whether we were from the other political party in the other body, we all got helped equally. My dad had a couple of expressions, both of which apply, he said, "You make a living by what you make, you make a life by what you give." And you've given a lot. He had another expression, "You can always tell how good a person is by how well they treat somebody they don't need to be nice to." And you have treated all of us extremely well and you didn't need to be nice to many of us many times. So, from the bottom of our hearts, Amen and thank you.

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

Senator **BENNETT:** Thank you Madam President. I hope this tribute goes on a while because I think we're learning all the adversary's secrets. Fried dough, make a note of that.

I first met Joe Mayo when we were on opposite sides of the isle in my first term in the 115<sup>th</sup> Legislature. It was shortly after that that he ascended, or descended, or laterally moved to the position of Clerk. I've had the opportunity and pleasure of working with you in many capacities, in many different ways, over the years. I guess I just have something very simple to say today and that is this. There are many things I admire about you, Joe. Obviously first and foremost, your strong family, your work ethic, your sense of professionalism, your sense of responsibility, and your sense of humor. Over the past years, as I've developed and I hope become better because of this institution, I've come to realize that we share something rather profound and important. That is a love of this institution, the institution of the legislature, and its potential, and its opportunity to make people feel good about where they live and how they live. It helps sustain us all. That's something that you personify, quite frankly, in a way that no one else can. I congratulate you for that, and I look forward to continuing to work with you and to carrying on, as we all do, that very important tradition. Thank you.

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

Senator **FERGUSON:** Thank you very much Madam President. I think I first met Joe Mayo in Locke Mills at the American Legion Post. There was a group of folks over there with my predecessor, Jeff Mills, who has been referred to quite frequently here today. In fact, I don't know but maybe we're giving him a testimony. But, in any event, Joe was there, and maybe President Lawrence was there, but there was a bunch of you young Democrats there. My father was a great admirer of Jeff Mills. He was up in his 80's. I took him over. I admired Jeff too and this was kind of his farewell party, I guess. He was getting out of politics and you were there and I met you. Of course I've read about you in the paper before that, but I think that was the first time that I met you formally. But in any event, in regard to the relationship that I've had with, I was going to say Speaker but, Clerk Mayo. The Clerk is really much more important than the Speaker, much more important. Speakers come and go but the Clerk is there forever. But, in any event, I remember going up and down the halls, and your friendliness, and your greetings. You'd say, "Good morning, Senator, Good afternoon." You'd always take a moment and speak to me. I really appreciated that. Although my family had a long tradition of being over here, I was a freshman Senator and I really didn't know my way around that well.

Another thing, I appreciate what you've done for me personally, as a member of the Saint Andrews Society. You always made space so we could have a table. Just this year, there was a group from the University of Maine that was downstairs in the Hall of Flags and you said, "I'll put you up in the rotunda." And I really appreciated that because that's a much better space. We all know that. The folks were here a couple of weeks ago. They called me and said, "Is it okay if we bring a piper?" I said, "Gee, I don't know what Joe will think of that." But, anyway, I went in and saw Joe and he said, "Boy, I love pipe music." I knew I was off and running then, so I called the folks back up and said, "Bring the piper over." We didn't only bring one piper, we had two pipers here that day. That was very nice of you to do that.

I remember another thing. This is when you were talking with me about that time when I was making arrangements. Apparently you and Jeff Mills went over to Vermont and you had

a conversation. You really got a big kick out of this and I did too. Jeff was telling you he used to come in and visit my folks. My mother put the blast on the Republicans. She quite frequently voted Democratic and there was really a chuckle. You really got a chuckle out of that, and it kind of made my day. You've been a good man for this institution. You really have been. You'll be remembered by all of us. Thank you.

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

Senator **KILKELLY:** Thank you Madam President. Words seem very clumsy today and seem to almost diminish the significance of how deep the feelings are. I've known Joe for 15 years and I'm proud to say that every time I had a chance I voted for him. Sometimes we didn't win and sometimes we did win, but it has always been a joke between us that when he needed a vote I was there. I learned how to make cotton candy and fried dough, note that Senator Bennett. I learned how to do good bean suppers, and really appreciated those kinds of experiences with the Mayos. Joe's deep and abiding respect for this institution, for the people who make it work, is really a model for all of us. He has, as Clerk of the House, really appreciated his role as caretaker for the people's House. He's a person who is welcoming. Whether it's a child, whether it's someone from another country, whether it's someone from another party, whether it's someone from wherever. That person is welcomed to the Maine House in a way that I don't think can be equaled in any other public institution in the country. For that we're very grateful.

One of the things that I don't think people outside of this institution can ever understand is the depth of the feeling of family that comes from the relationships that we build while we're here. We celebrate together, we mourn together, we have fun together, and we work hard together. What is often very frustrating is that people on the outside don't understand how that happens. How can you disagree with someone so adamantly, how can you bicker, and then go to a wedding, or celebrate a birth, or go to a funeral. But we do, and it's the richness of this body and it's the richness of those relationships that makes this place such a wonderful place. As many of you know, I had particular need for that support when my son died. Joe was there. When I needed a place just to be, I could be there. That's what is here for all of us. That's why the words are so hard. Because Joe has been a rock. He's been the place where we've gone. Whether you just needed to have a place to sit and talk, or whether you needed to have a place to sit and cry, or you needed to figure out what the heck is the motion I need to do next to get this Bill out of the place where it is. You could just lay out the issue and you just lay out problem, and Joe always has the answers. It's just an amazing thing. An amazing capacity to smile through difficult times and to just be there for us. It's our turn now to be there for you. It's really an honor to be able to do that, to be whatever help we can be, in any way that we can through this really challenging time.

I want to tell you one of the funniest things that ever happened while I was serving in the House. That was one afternoon, when the announcements were happening about committee meetings and parties and receptions and things that were going on. There was an announcement made by Joe's seat mate that Joe and Becky were going to have their third child. It was like, is there nothing sacred in this family? That's how close it is and that's how wonderful it is when you share everything.

I just want to end this by saying that when it comes to Joe Mayo, and the way that we feel about him, in terms of his equal, there are none.

**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, the first thing I learned about Joe Mayo is, that like Madonna, that's one word, Joe Mayo, that's how we all refer to him. I got curious about him at that point. The second thing I learned about Joe Mayo is that he is a mischief-maker of the first order. So before I even got to know him, that put him very high on my list. I've been thinking, since listening yesterday and today in the chambers, about what I think is the single most important thing that I've learned from Joe Mayo. That is the man never makes you feel a fool, no matter how much you may deserve it at the moment. If you deserve it, you're going to get it behind the scenes. That one quality is probably more important than anything else that we can do, in terms of being able to sort of keep our public thing going here, as difficult as it is, because you know at least from one person you are going to get the public respect that we should accord each other, but also get straightened out after the fact when that is necessary. I can tell you that on a day in the State and Local Government Committee when we had asked Joe to come in on a very small procedural matter on which he very quickly straightened us out. But I, of course, couldn't let it go at that. The presiding officer of this body had said, "You take your instructions from the body." So I had to get a second opinion from the Secretary. Although I could see that Joe was sitting there thinking, "Oh, God, what a jerk." He never said it. He was a perfect gentleman about it and so I thank you for that.

I also want to say that in nursing school we learned that health is about a lot more than the condition of any of our bodies at any given moment. Health has more to do with the spirit than it has to do with physical condition. It has to do with humor, with compassion, with intellect, and with strength in adversity. It is my professional opinion that Joe Mayo is one of the healthiest men I know.

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

Senator **ABROMSON:** Thank you Madam President. Ladies and gentlemen of the Senate, Clerk Mayo. I first met the Clerk in November December of 1994, shortly after I was elected, when the Clerk and the Secretary came to Portland to do a sort of head-start for new legislators. I think that actually Joe came to Portland to see what a Portland Republican looked like. You may not know this, but the last Republican elected to the Senate from Portland was Adam Mack's grandfather. At any rate, when we met that evening, the first thing he said to me was, "Hi, how's Linda?" Now my wife, Linda, happens to be a Democrat and I thought sure, he knows every damned Democrat in the state. Then they went ahead and they did their orientation for new legislators, which is a very scary thing because Joe allowed how he been a very young legislator, and he talked about being appointed to committees. He talked about how he, as a young freshman legislator, was appointed to Aging Retirement and Veterans. He was neither aging, retired, or a veteran. So I said, "My God, what am I going to get?" Then somebody asked him, we were already overwhelmed with all this paper, and we said

"What do you do with all this paper?" The Clerk said, "Well, there are two schools of thought, there is the Representative Joe Mayo school of thought, and Senator Barbara Gill school of thought. The Representative Joe Mayo school said that you just save everything that you get for the session and then at the end of the session, you dump it. Or you do the Senator Barbara Gill school which says that you throw away everything and if it's important, somebody has a copy." I, frankly, have gone with my Republican predecessor.

Then I came up to the State House. I've often told the story, I think, that that was the first time I had been at the State House since as a freshman at Bowdoin when I interviewed Governor Muskie. I was lucky because I knew it was the one with the dome. I got up here and I had to go to the Clerk's office for something. Maybe, I think a pin. I walked in and Joe happened to be there and he said, "Good morning, Senator." I said, "Now he's going to start in because everybody during the campaign, all my friends would say, "Hey Senator, how are you, Senator?" Then I walked a little further into the office and someone got me the pin and said, "Thank you, Senator" when I paid. I thought, "They're all making fun of me." Then I realized that when they started talking to other people that, I guess once you get to Augusta and you're elected Senator you are called, "Senator." Well, then as part of my learning experience when I served a second term on the Banking and Insurance Committee and we had the prostate cancer Bill. I felt very good because it came down to the Senate and it was Ought to Pass. Then it went down to the House and it was Ought Not to Pass. When it came back here I said, "We'll fix that." Boom. As I move toward here, Joe comes running down and he says, "What did you do?" Before I knew it I was working on the second half of the session already trying to figure out how we get this dead Bill back and taking two-thirds of both Houses and everything. He was very helpful, as was the Secretary, in orchestrating how I might do that.

But I guess the thing that I'll, no I won't say remember the most, but something I particularly enjoyed took place just a couple of weeks ago. Following the legislative auction, Representative Arthur Mayo had won lunch which was to be with the Clerk and Becky, provided by the Clerk and Becky, in his office. We had a wonderful, wonderful hour - hour and one-half discussion. It's something that I'll always cherish and I thank you for all your help, Joe.

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

Senator **MURRAY:** Thank you Madam President. Men and women of the Senate, Clerk Mayo, I know how difficult it is for you be in this body, away from your true home in the House. So I appreciate your actually extending us the courtesy of your presence. I had the privilege of being at the other end of the hall yesterday and listening to the tributes. I wasn't surprised by much of what I've heard, because I knew it was all true. I was amazed at some things that I heard. I knew Joe had been involved in previous efforts of redistricting and what that all entails. But as I was standing there yesterday and I heard the fifth current member of the house get up and say, "Joe Mayo used to represent part of my district," I said to myself, "How did this man do this?" This is truly a skill beyond even Joe Mayo's many graces and talents.

I had the privilege and honor of also, when I first came here in the House, of serving with Joe Mayo's father. I'm a lot older than most of you are I guess. Joe Mayo's father was a wonderful



man. Although we only had a short opportunity to serve with Joe's father, he had the kinds of qualities, attributes, and skills that he obviously passed on to his son. It was a pleasure to serve with Joe's father and a great pleasure to serve with Joe.

I came across a saying not too long ago that I think embodies a little bit of what Joe is to all of us. It says, "A friend is someone who understands your past, believes in your future, and accepts you the way you are today." I think Joe does that for each one of us. Joe, you are a man filled with grace. You're a man filled with joy. You're a man filled with integrity. You are filled with goodness, and you are filled with spirit. You face difficult challenges ahead. You will also face many joyful days still ahead. I hope you will take with you this outpouring. Let it sustain you, and hold it close to your bosom because, my friend, it is genuine. It is heartfelt, the love and support all of us have for you. Let it sustain you. Carry on. God speed.

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

Senator O'GARA: Thank you Madam President. I also want to refer briefly to the incredibly wonderful session in the other body yesterday. Very moving. Some of us did learn some things we hadn't heard before and some things we may have wished we didn't hear yesterday either, as a matter of fact. Perhaps even the Clerk wishes there were some things he hadn't heard yesterday. But the theme of yesterday, for those of you who weren't there, was it ran through from the wonderful remarks beginning with the Speaker of the House and the Minority Leader of the House to everybody in between, was Joe's kindness and thoughtfulness and his obvious hard working attempt to be nonpartisan with everybody. To make sure that everybody who walked into his office, or he talked with, he wasn't looking at them with a "D" or an "R" on their forehead. He was looking at them as a legislator. The reason that's important is I think, and I hope Joe won't mind my telling you this story on myself, because he and I discussed it yesterday briefly. I think I have a connection with Joe Mayo that nobody else in this chamber has. When the previous Clerk, Ed Pert, resigned, there was a contest for the Clerk of the House. I made a nominating speech for his opponent. I didn't think Joe could separate himself from partisan politics. That was a mistake that I made because, in fact, Joe Mayo, as a legislator, Joe Mayo as Whip of the House, Joe Mayo as Clerk of the House, and certainly Joe Mayo as husband and father, has been an outstanding representative of what we all hope that we are or what we all try to be. The thing that I wanted to add to that story is to emphasize what we said, what was said in there yesterday about the fact that he was there for everybody. It was that just a couple, or two, or three days later I had one of those issues about how the heck do I get out of this issue. I went to Joe and he treated me as though I had written his nominating speech. I was really just a little uncomfortable going in there, I must tell you. I am very proud that I know you. I'm so glad to have the Senator from Cumberland also refer to your good wife, Becky, who we have just come to love and admire. I hope that the remarks, the final concluding remarks of the Senator Penobscot, that you do take with you. Our love is with you. Some of us are not sure why this is all happening, but we just love you Joe. Thank you.

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

Senator PARADIS: Thank you Madam President. Coming to the legislature 14 years ago from the St. John Valley, I felt very much like a fish out of water many times. Luckily for me you sat in front of me and would listen to my impatience at the pomp and circumstance, at the process being more important to the issues. Over time you gently taught me the process respectfully, kindly, with much sensitivity. I shall always be very, very grateful. Merci, Merci, cher, cher, Joseph.

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

Senator DAGGETT: Thank you Madam President. Members of the Senate and Clerk Mayo, I too have known Joe for quite a long time. It was during my first race for the legislature, which was a tough one and resulted in a ballot inspection afterwards, which Joe was kind enough to help see me through. He has never ceased to remind me of the picture that was taken of him while we were sitting at that inspection. It showed up on, I believe, the front page of his local paper and, as the press has a history of doing, delights in very unflattering photographs. So when I think when he thinks of my first race, he remembers that photograph and how someone in a store in his district cut that out and posted it so that everyone could see that all the time. He was a tremendous support to me at that time and continued to be after I was elected. He is a very special person. I was thrilled to be able to support him when he ran for Clerk, and as has been mentioned, there were people who felt that it would be tough for him to deal with the position in a nonpartisan way. But as I expected, he did a terrific job and is able to do that job in a way that is admirable.

I also know that there is tremendous appreciation for what he has done and the work he has done for his staff, many of whom are my constituents. I know them personally. They have spoken of what a terrific job he has done and the respect they have for him. I know that speaks so well of a person, when the people who work for the person can speak well of them. There have been comments earlier about this being a legislative family and it is. We share the joys. We share the sorrows. Sometimes we fight with each other. Sometimes we have harsh words. But we do love each other as a group, and it is a special affection that is very difficult for some people to understand. I have tremendous respect for Joe, his passion for his work, his appreciation for this institution, and his devotion to his family. He's certainly a model for us all. I can remember how proud he was when Senator Pingree was elected as his Senator. I just want you to know how proud I was when you moved into my district and I was able to be your Senator. Thank you.

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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.

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

**Senator KONTOS:** Thank you Mr. President. Men and women of the Senate, Becky, and Joe. Joe was Whip when I became a Representative in the House. Throughout that time, I thought there was big business going on at the phones between the corners and the Speaker and the Clerk. For two terms I thought the people that sat in those corners were doing great, amazing, sometimes mysterious things. I was in awe of the people who had those positions and those phones. When I was Majority Leader and Joe was Clerk, I had a phone and I thought, now I'm going to know what they do. So Joe called me one of the first days I was in the corner and said, "Have you seen Fargo yet?" From then on I realized that the mystique was truly not what I thought it was. Chellie and I have talked about this, with the mid-west accent, talked about Fargo, that I think Becky has still not been able to watch if I'm correct. We would laugh during long debates. I probably shouldn't tell people what we talked about, but we would laugh during long debates. So from then on I would call him "Marge." Those of you who've seen the movie know. He would call me "Norm." So if you hear us call each other that it's because of that initial conversation about Fargo on the phone. I thought that was quite a wonderful, sort of endearing, experience that we shared.

You need to know, Joe, to take home to Becky and the kids, how much we appreciate their sharing you with us. It wasn't until I got leadership in the house that I realized how many bad pizzas members of leadership have to eat and they eat them away from their families. And your love for Becky, James, William, and Katherine is a huge part of what endears you to us as well. I had the good fortune, where it not for the situation you're in now, I would not have been allowed to do something that was quite wonderful this Christmas time. I got to be an elf with Joe and we did some very significant shopping at K Mart for thing like glittery nail polish and Oil of Olay. For things that were going to be part of what became the Mayo Christmas. Had it not have been for the current situation, I would have been able to do that. So I think what you've helped us do again is guide us and teach us and allow us opportunities to grow. With others, I tell you today in a public way, you are an uncommonly good man. Your example has made all of us feel noble and I thank you.

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

**Senator PINGREE:** Thank you Mr. President. Men and women of the Senate, Clerk Mayo, Becky, I will join with some of my colleagues in saying that when I too first met Joe it started with a campaign. While I'm not going to share any secrets about this, I too can say that I was truly a long-shot candidate, as everyone knows. No one, hardly, in my county thought that somebody who was an unknown who lived on an island of 350 people in a Republican district would ever find themselves in this chair someday. Frankly, there were only a couple of people who, in the beginning, seemed to know that it was actually going to happen. Not only was one of them Clerk Mayo who, of course, has tremendous insights, but another who is sitting behind us today, the former Representative from Rockland, Representative Melendy, who was there at the same time when I first got started and had some confidence in what I was going to do. What I must say is somewhat different from some of what the rest of you have been saying. My first impression of Joe, although I should have

understood that his insights were going to be very helpful to me, was not as good as some of you have been speaking about. I was running to be the Senator in his home district. The home district where his father had served, where all of his family members have worked their heart and soul out on politics; for much longer than I've even known there was such a thing as Democratic politics in Knox County, they have been there working. And I was running to become their Senator and they decided that I was going to win. Picture this, knowing what you all know about Joe, every morning, every noon, every afternoon that Joe could find me on the telephone, he would be saying, "Why was I able to reach you on the phone? Why aren't you out going door-to-door?" And I can tell you I had a lot of good reasons, every day he found me, why I couldn't be going door-to-door. I had shopping to do. I had a business to run. I had children. I had places to be. I had to go to some important meeting where I was going to spiel my views on something political. Joe would say, "Do you want me to drive you tomorrow? You're going door-to-door." Day after day, if he could find me, I was not supposed to be at the other end of the phone. I spent many days in a car with the wonderful Clerk. As I would go up to the door, these aren't any secrets by the way, he would turn the car around and if, per chance, I decided to stay and chat a little while with the person at the door, who had many valuable insights to give to me, things that they needed to say to me, things we had to discuss about my future potential election, he would all but honk on the horn and say, "We've got a quota today. We are going to beat the last quota. We are going to go to every house in Thomaston, Warren, wherever it was." Clerk Mayo made sure that I put in my quota any day he was with me and I've kept careful count of those numbers because he was going to make sure that his insights were not incorrect. No matter what else I had cooked up for this campaign, no matter what special mailing or radio ad or anything else, he knew that it would be by meeting people at their doors - for a very brief time - that I would become the next Senator in Knox County. You've heard wonderful stories about the other quality time I spent with Joe during that campaign and many other campaigns flipping burgers, frying dough, making French fries, and cotton candy. The real essence in Knox County and raising money is being at the Lobster Festival, being at the Blues Festival, being wherever Joe and his brother Mike and everyone else could set up a booth and the Melendy's could make sure that it was well stocked. I know Joe really from going back up to Shop 'n Save for another load of hotdog buns or another load of sugar for the cotton candy. Whatever it was we were out of. He made sure that the equipment was working. Nobody knows more about fast food and its business frankly than Joe and his brother, Mike. There was a tremendous amount to be learned from that about the real essences of meeting people and the grass roots of politics.

I think the other thing that was, for me certainly, the most important about those early days of politics and I hadn't had the benefit of coming from the House. I didn't know all of you. I frankly didn't know what I was getting into, except that it was going to take a long time and a lot of effort. One of the unique qualities of my life, as you all know, is that I live on an island and in that first campaign I was forced to many, many nights stay in Rockland because the last ferry goes home at 5:00. So I knew to win, according to Joe, I had to be out knocking on doors until dark. There was no way to get home and I just kind of moved into the mainland in spite of the fact that I had three teenage kids and a family and a business over there. It was the commitment I needed to make, because otherwise Joe wouldn't have let me

run. So many, many nights I was alone, missing my family, exhausted, as you all know, from what it takes. The most wonderful part of any day that I spent were those nights when I wandered over to the Mayo's, if it was dark and if I had permission to quit for the day, and came into their kitchen where Joe and Becky and their three wonderful kids would be cooking up supper, folding the laundry, doing all the things that families do at the end of the day, putting a few lawn signs in the barn and all those other things. Just giving me that comfort and taking away some of the loneliness of being away from my kids by spending time with their family. As you can imagine, as all of you know who have been around them, their home is always a wonderful place. I felt at home. They made me feel at home and they helped rub off some of the pain of the sacrifices we all make to run for office.

I guess the one thing I'd have to say about now being in the building with Joe, and you all have said so many wonderful things about how tremendous it is to serve with him and what a great friend he is. The thing that really strikes me about Joe is all those moments he looks at you, and whether you want him to or not, he finds you in the hall, he passes you in the corridor, he sees you somewhere and he looks at you and he says, "Are you all right?" He looks inside you. He looks beyond what you've got on your face, and unfortunately, often has the sense of knowing what's going on inside and asks you before you even know sometimes if you need a little help, if you need a friend, if you need some comfort, if you just need a conversation, or in fact, if you need some advice, political advice that he is always wonderful with and ready to give. I'd have to say, as everyone else has said, Joe, you have taught me and you continue to teach me so much about politics. About this deep respect you have for the institution and for democracy; about loyalty and how important that is in the work that we do. Integrity and standing up for what you believe in. About friendship and how important that is. I have to say as a member of the human race, I am sorry sometimes that life is not fair. I've learned it myself. We've all learned it in here. We are sorry when it comes to illness and disease. Life just sometimes just isn't fair, but you have taught us already and we continue to teach us about dignity when you're facing challenges and about love for the people around you and about maintaining your integrity. I will concur with other people. I love you. I love your family. I love all of the people I've gotten to know because of you. My life has been changed absolutely, changed absolutely, from knowing you. I am enriched, I am blessed and I'm going to count on your presence in my life for a very long time. Thank you.

**ADOPTED**, in concurrence.

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Senate at Ease.

Senate called to order by the President.

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

Resolve, Authorizing the Members of the Sullivan Family to Bring Suit Against Waldo County and the State

S.P. 605 L.D. 1728  
(S "A" S-603 to C "B" S-601)

Tabled - April 14, 2000, by Senator **RAND** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, April 12, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-601) AS AMENDED BY SENATE AMENDMENT "A" (S-603)** thereto.)

(In House, April 13, 2000, Report **READ** and Bill and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in **NON-CONCURRENCE**.)

Senator **LONGLEY** of Waldo moved the Senate **RECEDE** and **CONCUR**.

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

On motion by Senator **LONGLEY** of Waldo, 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 Waldo, Senator Longley.

Senator **LONGLEY:** Thank you Mr. President. Colleagues in the Senate, this is simply a motion to send it back to the committee to re-discuss. I would just ask that you allow this process to have an open air in the public. This is, in my opinion, good government. There has been a lot going on in the halls and the committee is very legitimately confused. We've all heard very legitimate issues. In my opinion, there have also been some not so legitimate issues. I would just encourage you to support the process. The Committee on Legal and Veterans Affairs has been dealing with this issue. Let's give them another crack. If we don't like what they come back with, I say that's the opportunity. I'll really appreciate your allowing the committee process to regroup so that we have good, open government with good information, fair process, where people from both sides can express themselves if the committee chooses. I really appreciate your support.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Waldo, Senator Longley to Recede and Concur. 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 (#396)**

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

**NAYS:** Senators: ABROMSON, AMERO, BENNETT, DAGGETT, DAVIS, GOLDTHWAIT, HARRIMAN, KILKELLY, LIBBY, MILLS, PENDLETON, SMALL

**ABSENT:** Senators: BENOIT, CASSIDY, CATHCART, KIEFFER, MACKINNON, MICHAUD, MITCHELL, RUHLIN

15 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 8 Senators being absent, the motion by Senator **LONGLEY** of Waldo to **RECEDE** and **CONCUR, PREVAILED.**

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Senator **LIBBY** of York moved the Senate **RECONSIDER** whereby it **ADHERED** on the following:

**HOUSE REPORTS** - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Authorize Portland College to Grant Degrees" (EMERGENCY)  
H.P. 1657 L.D. 2326

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-1078)** (9 members)

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

Abstained - (1 member)

(In House, April 11, 2000, that Body **ADHERED** to **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1078).**)

(In Senate, April 14, 2000, on motion by Senator **BERUBE** of Androscoggin, the Senate **ADHERED** to **ACCEPTANCE** of the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE.**)

On motion by Senator **MURRAY** of Penobscot, **TABLED** until Later in Today's Session, pending the motion by Senator **LIBBY** of York to **RECONSIDER** whereby the Senate **ADHERED.**

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Off Record Remarks

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

After Recess

Senate called to order by the President.

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

## COMMUNICATIONS

The Following Communication: H.C. 429

### STATE OF MAINE HOUSE OF REPRESENTATIVES AUGUSTA, MAINE 04333

April 14, 2000

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

The House voted today to adhere to its former action whereby it failed to enact 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)

Sincerely,

S/Joseph W. Mayo  
Clerk of the House

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

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

## PAPERS FROM THE HOUSE

### Joint Order

The following Joint Order: H.P. 1948

**ORDERED**, the Senate concurring, that Bill, "An Act to Create a Heating Oil Emergency Management Program," H.P. 1922, L.D. 2668, be recalled from the Governor's desk to the House.

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

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

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

## ENACTORS

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

## Acts

An Act to Improve Standards for Public Assistance to Maine Employers and Employees

S.P. 967 L.D. 2516  
(S "A" S-689 to C "A" S-637)

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

An Act to Support Maine's Only Representative to the Nation's Capital Bicentennial Celebration

S.P. 1042 L.D. 2630  
(CC "A" S-701)

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

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

#### PAPERS FROM THE HOUSE

##### Joint Order

The following Joint Order: H.P. 1949

ORDERED, the Senate concurring, that Bill, "An Act to Ensure that Maine Citizens Injured While Working in Foreign Countries are Provided with Workers' Compensation Benefits," H.P. 1907, L.D. 2652, and all its accompanying papers, be recalled from the Governor's desk to the House.

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

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

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

#### REPORTS OF COMMITTEES

##### Senate

##### Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine Establishing a Budget Stabilization Fund

S.P. 928 L.D. 2378

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-709).

Signed:

Senators:

**MICHAUD** of Penobscot  
**CATHCART** of Penobscot  
**HARRIMAN** of Cumberland

Representatives:

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

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

Signed:

Representatives:

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

Reports **READ**.

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

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

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

Senator **MILLS:** Mr. President, I rose to say that I just read, for the first time, this rather lengthy proposed change to the Maine Constitution. I have to say that I share the sentiments behind the drafting of it and I share the concerns that are evident from how it's worded. But I must say I was a bit concerned about the extraordinary detail in the draft and the manner in which the draft is constructed. It seems to me to be a very complex array of notions to be putting into something as basic and as fundamental as the constitution. For one thing, the entire system that's envisioned by this amendment depends on defining excess revenues which are revenues at the end of a fiscal year exceed, "accepted general fund revenue estimates." It goes on to say that 75% of those surpluses must be put into this fund, which is locked up essentially, and can only be released upon a vote of two-thirds of the succeeding legislature. My concern was the fact that the phrase, "general fund revenue estimates," that's a concept that we currently use based on statutory formulations that are subject to change quite often. It seems to me we even have a great deal of latitude in how we define how to make those estimates and maybe even have the power to notwithstanding certain provisions for making those so-called "accepted estimates." So my main reason for rising is to express some misgivings about the drafting of this document and to suggest that, in its present form, I think I'm inclined to oppose it although not to oppose the policy concerns that lie behind it. Thank you Mr. President.

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

Senator **LIBBY:** Thank you Mr. President. Men and women of the Senate, good afternoon. I rise today to oppose the pending motion to establish a budget stabilization fund. I have some concerns about the way that the fund is put together and also, especially, some concerns about the fact that the Budget Stabilization Fund seems to have some of the same, or at least one of the same, purposes as the Maine Rainy Day Fund. That is regarding capital construction projects. When you establish, through taxation, a Budget Stabilization Fund like this, it can be viewed several ways. One, it can be viewed as a cushion and it can have a positive impact that I think the authors would like to see as a result of putting this on the ballot and possibly amending our constitution. But on the other hand, it also serves as a way of pre-taxing a lot of citizens in order to establish the fund at any given level. Given the fact that we already have a Rainy Day Fund here in Maine and that Rainy Day Fund can be used for capital projects along with emergencies, I question the need to have a second fund that has some of the similar components. We've talked about this issue back in the early '90s, when I was a member of the other body. One of the things that I think is important for a Governor at least, or a legislature to at least, to discuss is the possibility of having what's called a "flexible budget," which is a much different mechanism than the component that we're talking about here with this Budget Stabilization Fund. A flex budget has components that give the state government the opportunity to fall within a percentage point negative or positive rather than specifically state the exact budget figures line-by-line. Flex budgeting is used by a lot of different businesses. It's too bad I think, very unfortunate, that we don't talk about running this institution a little bit more like a business. This proposed amendment to the constitution, I believe, is unnecessary at this time, particularly right now when we have a fund already established that has about \$140 million in it and that is the Rainy Day Fund. I really would question putting together a second fund. I hate to go against the vote of my good friend, the Senator from Cumberland, Senator Harriman, who has been a part of this Bill. But I just disagree with the need for it at this time. I don't necessarily think it's going to lead to the kind of results that maybe the authors and the people who for this would like to see. So, therefore, when the vote is taken, I request a roll call.

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

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

Senator **HARRIMAN:** Thank you very much Mr. President. Good afternoon ladies and gentlemen of the Senate. Mr. President, I suspect that most people in the legislature and perhaps those who follow the activities that go on in these hallowed halls closely know that we already have in statute a provision of law that's called the Rainy Day Fund. Further, I would suspect, Mr. President, that if you ask someone to tell you what the Rainy Day Fund is for, most people would quickly come to the statement that might go something like this, "well, it's an account for state government to have some money in the bank in case we run into tough times." When, in fact, if you read the statute regarding the Rainy Day Fund, it says, in part, "...for emergencies and for

capital construction projects over \$500,000..." Yet, in fact, this account has been accessed numerous times over the years for expenditures for which this Rainy Day Fund was never intended. So the most powerful language in the legislative lexicon, the word "notwithstanding", has been put in front of this statute dozens of times. In fact, most recently in the last biennial budget, the one that we are currently working in, that we're halfway through, we accessed this fund to buy Higgins Beach in Scarborough. It occurs to me, Mr. President, that we tell ourselves that we have a Rainy Day Fund for emergencies yet, historically, this body has been willing to go along and take the money out of the Rainy Day account for unintended purposes. I was happy to join my colleague from Penobscot, Senator Michaud, in proposing this amendment to our constitution that simply says this, "we will take no more than 10% of the General Fund revenues received in the immediate fiscal year and will put that money into an account which can only be accessed by two-thirds of the legislature for the following reasons: if we have revenue shortfalls that have been projected or are known; to pay unfunded liabilities to the Maine State Retirement System; for current expenditure needs in order to avoid serious fiscal dislocation or disruption affecting Maine citizens; to reserve for unfounded liabilities of State Government; or for major construction exceeding \$1 million." This would memorialize in our constitution what I would consider a true emergency fund. If you are inclined not to support the pending legislation before you, we will continue to have the false sense of security that we have a Rainy Day Fund that can only be accessed for emergencies. I hope you'll see the wisdom in what this legislation is trying to accomplish, to help us prepare for future legislators who may not be serving in the most prolific economic times as we are enjoying now. This is a chance to assure that if our economy or our state budget turns in the wrong direction there will, indeed, be an account where we can address emergencies, capital construction, and unfunded liabilities. Thank you, Mr. President.

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

Senator **CAREY:** Thank you Mr. President. Mr. President and members of the Senate, this is no more than what we do at the local level when we have a 5% overlay on any tax commitment that we have. It's a fund that has much more severe restrictions, in my own mind, than just dipping into the Rainy Day Fund. I don't see any real problems granting this level of savings. When we have cost overruns, obviously, this would come in extremely handy. Especially with the estimating that's been done on the recent projects that, because there was so much construction going on, everything skyrocketed as far as prices for materials were concerned. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Penobscot, Senator Cathcart 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 (#397)**

**YEAS:** Senators: ABROMSON, AMERO, BENNETT, BERUBE, CAREY, CASSIDY, CATHCART, FERGUSON, HARRIMAN, PENDLETON, SMALL, THE PRESIDENT - MARK W. LAWRENCE

**NAYS:** Senators: DAGGETT, DAVIS, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PINGREE, RAND, TREAT

**ABSENT:** Senators: BENOIT, DOUGLASS, KIEFFER, MACKINNON, MICHAUD, MITCHELL, RUHLIN

12 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 7 Senators being absent, the motion by Senator **CATHCART** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (4/13/00) Assigned matter:

**JOINT ORDER** - relative to recognizing Zachary Beaulieu  
SLS 512

Tabled - April 13, 2000, by Senator **RAND** of Cumberland.

Pending - motion by Senator **PARADIS** of Aroostook to **PASS**

(In Senate, April 13, 2000, **READ**.)

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

Senator **PARADIS:** Thank you Mr. President. Men and women of the chamber, it is indeed a pleasure for me today to host a very interesting young man. He and his family hail originally from the Saint John Valley. If you note, on page 7 of the St. John Valley Times, his story that a reporter gave me the heads up on. He is a member of the Boston Junior Celtics, a basketball team of wheelchair bound teenagers. They placed 10<sup>th</sup> at the nationals in Los Angeles. He's just back from there with his family. Zach is the only team member from Maine and is the youngest player on the team. He's got to go practice in Boston, I guess. We just wanted to honor him today, with Senator Daggett, and honor this young man's incredible courage, tenacity, athleticism, and leadership. He is with his parents, Raymond and Monica

Beaulieu, and his older sister, Amanda, and younger brother, Eric. So it's my pleasure today to honor them.

**PASSED.**

**THE PRESIDENT:** Chair is pleased to recognize in the chamber, Zachary Beaulieu; his father, Raymond; his mother, Monica; his brother, Eric; and his sister, Amanda. Will the Senate please welcome them.

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

**COMMUNICATIONS**

The Following Communication: S.C. 649

**THE SENATE OF MAINE  
OFFICE OF THE PRESIDENT  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

April 14, 2000

Joy J. O'Brien  
Secretary of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear Secretary O'Brien:

Please be advised that I have appointed the following Senators to the Committee of Conference on L.D. 1883 "An Act to Ensure that Certain Land Transfers Accomplished through Stock Transfers are not Exempt from the Transfer Tax":

Senator S. Peter Mills of Somerset  
Senator John M. Nutting of Androscoggin  
Senator Beverly C. Daggett of Kennebec.

If you have any questions, please see me.

Sincerely,

S/Mark W. Lawrence  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

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Senate at Ease.

Senate called to order by the President.

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

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Off Record Remarks

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

After Recess

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

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

The Senate called to order by President Pro Tem **ROBERT E. MURRAY, JR.** of Penobscot County.

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**ORDERS OF THE DAY**

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

Bill "An Act to Authorize Portland College to Grant Degrees" (EMERGENCY)

H.P. 1657 L.D. 2326

Tabled - April 14, 2000, by Senator **MURRAY** of Penobscot.

Pending - motion by Senator **LIBBY** of York to **RECONSIDER** whereby the Senate **ADHERED**

(In House, April 11, 2000, that Body **ADHERED** to **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1078).**)

(In Senate, April 14, 2000, on motion by Senator **BERUBE** of Androscoggin, the Senate **ADHERED** to **ACCEPTANCE** of the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE.**)

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

Senator **CAREY:** Thank you Mr. President. Unless somebody can tell me that there's been a great big change made between our last vote and this vote, I'm going to ask that people stay exactly where they were with their previous vote. Thank you, Mr. President.

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

Senator **LIBBY:** Thank you Mr. President. Men and women of the Senate, the previous vote went under the hammer and I didn't feel comfortable with it. So I did have the Bill held and I'd like to get an opportunity to vote on it again. Thank you.

On motion by Senator **LIBBY** of York, 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 (#398)**

**YEAS:** Senators: **ABROMSON, AMERO, BENNETT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, LIBBY, MILLS, PENDLETON**

**NAYS:** Senators: **BERUBE, CAREY, CATHCART, DAGGETT, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, NUTTING, PARADIS, RAND, TREAT, THE PRESIDENT PRO-TEM - ROBERT E. MURRAY JR.**

**ABSENT:** Senators: **BENOIT, DOUGLASS, KIEFFER, LAWRENCE, MACKINNON, MICHAUD, MITCHELL, O'GARA, PINGREE, RUHLIN, SMALL**

10 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 11 Senators being absent, the motion by Senator **LIBBY** of York to **RECONSIDER** whereby the Senate **ADHERED, FAILED.**

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The Chair laid before the Senate the following Tabled and Later (4/7/00) 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 **TREAT** of Kennebec.

Pending - motion by Senator **KILKELLY** of Lincoln to **INSIST** (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.**)

(In Senate, April 7, 2000, motion by Senator **TREAT** of Kennebec to **RECEDE** and **CONCUR FAILED.** Subsequently, Senator **KILKELLY** of Lincoln moved to **INSIST.**)

On motion by Senator **TREAT** of Kennebec, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-617)**.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED** Committee Amendment "A" (S-617).

On further motion by same Senator, Senate Amendment "B" (S-710) to Committee Amendment "A" (S-617) **READ** and **ADOPTED**.

Committee Amendment "A" (S-617) as Amended by Senate Amendment "B" (S-710) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-617) AS AMENDED BY SENATE AMENDMENT "B" (S-710)** thereto, in **NON-CONCURRENCE**.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

---

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator **TREAT** for the Committee on **NATURAL RESOURCES** on Bill "An Act to Establish Clean-up Standards for Decommissioning Nuclear Facilities"

S.P. 1084 L.D. 2688

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-713)**.

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

**READ ONCE**.

Committee Amendment "A" (S-713) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-713)**.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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Senate at Ease.

Senate called to order by President Pro Tem  
**ROBERT E. MURRAY, JR.** of Penobscot.

---

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

**COMMUNICATIONS**

The Following Communication: H.C. 430

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

April 14, 2000

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

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Ensure that Certain Land Transfers Accomplished through Stock Transfers are not Exempt from the Transfer Tax" (S.P. 661) (L.D. 1883)

Representative **COLWELL** of Gardiner  
Representative **LEMOINE** of Old Orchard Beach  
Representative **CIANCHETTE** of South Portland

Sincerely,

S/Joseph W. Mayo  
Clerk of the House

**READ** and **ORDERED PLACED ON FILE**.

---

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act to Prohibit Hunting Animals in Enclosed Areas"  
S.P. 457 L.D. 1332  
(S "C" S-697 to C "A" S-655)

In Senate, April 13, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-655) AS AMENDED BY SENATE AMENDMENT "C" (S-697)** thereto, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1134)**, in **NON-CONCURRENCE**.



On motion by Senator **KILKELLY** of Lincoln, the Senate **RECEDED** and **CONCURRED**.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Division.

---

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

**ORDERS**

**Joint Order**

On motion by Senator **RAND** of Cumberland, under unanimous consent on behalf of Senator **PINGREE** of Knox, the following Joint Order:

S.P. 1087

**ORDERED**, the House concurring, that when the House and Senate adjourn they do so until Monday, April 24, 2000, at 10 o'clock in the morning.

**READ** and **PASSED**.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

---

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

**COMMUNICATIONS**

The Following Communication: H.C. 426

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

April 13, 2000

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

Dear Madam Secretary:

The House voted today to adhere on Bill "An Act to Clarify the Authority of Maine Game Wardens to Stop Motor Vehicles" (H.P. 1627) (L.D. 2274)

Sincerely,

S/Joseph W. Mayo  
Clerk of the House

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

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

**ENACTORS**

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

**Act**

An Act Raising the Minimum Wage

H.P. 253 L.D. 357  
(C "A" H-918)

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

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

**ENACTORS**

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

**Act**

An Act to Establish Fairer Pricing for Prescription Drugs

S.P. 1026 L.D. 2599  
(C "A" S-686)

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

---

Senate at Ease.

Senate called to order by President Pro Tem **ROBERT E. MURRAY, JR.** of Penobscot County.

---

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act to Create Employment Opportunities by Clarifying Maine's Tax Laws Regarding Mutual Fund Companies"

H.P. 1694 L.D. 2400  
(C "A" H-867)

In Senate, April 13, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-867)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-867) AS AMENDED BY HOUSE AMENDMENT "A" (H-1133)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **DAGGETT** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

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**ORDERS OF THE DAY**

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

**JOINT ORDER** - relative to the Joint Standing Committee on Banking and Insurance reporting out a Bill requiring the Superintendent of Insurance to establish a plan or other legislative options for guaranteeing access to and availability of healthcare coverage for residents

H.P. 1944

Tabled - April 14, 2000, by Senator **PINGREE** of Knox.

Pending - motion by Senator **RAND** of Cumberland to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE** (Roll Call Ordered)

(In House, April 11, 2000, **READ** and **PASSED**.)

(In Senate, April 13, 2000, **READ** and **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.)

(In House, April 14, 2000, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#399)**

**YEAS:** Senators: **CAREY, CATHCART, PINGREE, RAND, TREAT**

**NAYS:** Senators: **ABROMSON, AMERO, BENNETT, BERUBE, DAGGETT, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MILLS, NUTTING, PARADIS, PENDLETON, SMALL, THE PRESIDENT PRO-TEM - ROBERT E. MURRAY JR.**

**ABSENT:** Senators: **BENOIT, CASSIDY, DOUGLASS, KIEFFER, LAWRENCE, MACKINNON, MICHAUD, MITCHELL, O'GARA, RUHLIN**

5 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 10 Senators being absent, the motion by Senator **RAND** of Cumberland to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**, **FAILED**.

On motion by Senator **LAFOUNTAIN** of York, the Senate **ADHERED**.

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

**SENATE PAPERS**

Bill "An Act to Clarify the Law Enforcement Authority of Game Wardens" (EMERGENCY)

S.P. 1088 L.D. 2691

Sponsored by Senator **KILKELLY** of Lincoln.(GOVERNOR'S BILL)

Cosponsored by Representative **DUNLAP** of Old Town and Senator: **FERGUSON** of Oxford, Representatives: **LaVERDIERE** of Wilton, **LINDAHL** of Northport, **MARTIN** of Eagle Lake, **PERKINS** of Penobscot, **SAVAGE** of Union, **SAVAGE** of Buxton.

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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**ORDERS OF THE DAY**

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

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

S.P. 1019 L.D. 2588

(S "B" S-696 to C "A" S-650)

Tabled - April 14, 2000, by Senator **RAND** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, April 12, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-650) AS AMENDED BY SENATE AMENDMENT "B" (S-696)** thereto.)

(In House, April 13, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-650) AS AMENDED BY HOUSE AMENDMENT "A" (H-1128)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **LAFOUNTAIN** of York, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-650) AS AMENDED BY SENATE AMENDMENT "B" (S-696)** thereto.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED** Committee Amendment "A" (S-650) as Amended by Senate Amendment "B" (S-696) thereto.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED** Senate Amendment "B" (S-696) to Committee Amendment "A" (S-650).

On further motion by same Senator, Senate Amendment "B" (S-696) to Committee Amendment "A" (S-650) **INDEFINITELY POSTPONED**.

House Amendment "A" (H-1128) to Committee Amendment "A" (S-650) **READ**.

On motion by Senator **LAFOUNTAIN** of York, House Amendment "A" (H-1128) to Committee Amendment "A" (S-650) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "C" (S-771) to Committee Amendment "A" (S-650) **READ**.

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

Senator **LAFOUNTAIN:** Thank you Mr. President. Men and women of the Senate, Senate Amendment "C" is a compromise that was made informally between members of the committee and the interested parties. As you know, this Bill has passed through the chambers in numerous versions. What the amendment does is makes several changes to the study requirements for a legislative measure containing an unemployment benefit change. It also provides a table that caps the Unemployment Compensation Fund at between 20 and 21 months of benefits. Thank you.

On further motion by same Senator, Senate Amendment "C" (S-771) to Committee Amendment "A" (S-650) **ADOPTED**.

Committee Amendment "A" (S-650) as Amended by Senate Amendment "C" (S-771) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-650) AS AMENDED BY SENATE AMENDMENT "C" (S-771)** thereto, in **NON-CONCURRENCE**.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **JUDICIARY** on Joint Order Establishing the Commission on the Study and Prevention of Child Abuse  
H.P. 1930

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-1135)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Joint Order **PASSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1135)**.

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

Committee Amendment "A" (H-1135) **READ** and **ADOPTED**, in concurrence.

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

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act to Create a Heating Oil Emergency Management Program"

H.P. 1922 L.D. 2668

In Senate, April 6, 2000, **PASSED TO BE ENACTED**, in concurrence.

**RECALLED** from the Governor's Desk, pursuant to Joint Order, H.P. 1948, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1136)**, in **NON-CONCURRENCE**.

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

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator HARRIMAN for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Increase the Cap on the Maine Rainy Day Fund"

S.P. 62 L.D. 132

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-714)**.

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

**READ ONCE**.

Committee Amendment "A" (S-714) **READ** and **ADOPTED**. Under suspension of the Rules, **READ A SECOND TIME**.

At the request of Senator **RAND** of Cumberland a Division was had. 9 Senators having voted in the affirmative and 14 Senators having voted in the negative, **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-714), FAILED**.

(See action later today.)

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Senate at Ease.

Senate called to order by President Pro Tem **ROBERT E. MURRAY, JR.** of Penobscot.

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

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order: H.P. 1950

**ORDERED**, the Senate concurring, that Bill, "An Act to Limit Mandatory Overtime," H.P. 729, L.D. 1019, and all its accompanying papers, be recalled from the Governor's desk to the House.

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

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

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Senator **PINGREE** of Knox moved the Senate **RECONSIDERED** whereby it **FAILED** to **PASS TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-714)** the following:

Bill "An Act to Increase the Cap on the Maine Rainy Day Fund" S.P. 62 L.D. 132

(In Senate, April 14, 2000, Report **READ** and **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (S-714) **READ** and **ADOPTED**. Under suspension of the Rules **READ A SECOND TIME** and **PASSAGE TO BE ENGROSSED AS AMENDED, FAILED**.)

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECONSIDER** whereby the Bill **FAILED PASSAGE TO BE ENGROSSED AS AMENDED**.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Reconstruct 2 Small Dams on Rocky Lake in Whiting"

H.P. 1768 L.D. 2481

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-1137)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1137)**.

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

**READ ONCE**.

Committee Amendment "A" (H-1137) **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-1137)**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Division.

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

**COMMUNICATIONS**

The Following Communication: H.C. 432

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

April 14, 2000

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

Dear Madam Secretary:

House Paper 105 Legislative Document 136 "An Act Relating to Employment Contracts" having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Seventy-five voted in favor and fifty-eight against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Joseph W. Mayo  
Clerk of the House

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

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:

**Resolves**

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

S.P. 956 L.D. 2497  
(S "A" S-707 to C "A" S-556)

Resolve, to Ensure Adequate Funding for the Lewiston District Court

S.P. 1029 L.D. 2609  
(S "A" S-708 to C "A" S-561)

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

Senate at Ease.

Senate called to order by President Pro Tem  
**ROBERT E. MURRAY, JR.** of Penobscot County.

Off Record Remarks

Senate at Ease.

Senate called to order by President Pro Tem  
**ROBERT E. MURRAY, JR.** of Penobscot.

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

**ENACTORS**

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

**Emergency Measure**

An Act to Clarify the Authority of State Environmental and Public Health Officials to Monitor and Regulate Nuclear Power Plant Decommissioning, Site Cleanup and Restoration Activities  
S.P. 955 L.D. 2496  
(S "B" S-710 to C "A" S-617)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with no Senators having voted in the negative, and 24 being 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.

**Act**

An Act to Establish Clean-up Standards for Decommissioning Nuclear Facilities

S.P. 1084 L.D. 2688  
(C "A" S-713)

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

Senator **BENNETT** of Oxford rose to a **POINT OF ORDER** and inquired whether the Senate was in violation of Senate Rule 514.

Senate at Ease.

Senate called to order by President Pro Tem  
**ROBERT E. MURRAY, JR.** of Penobscot County.

LEGISLATIVE RECORD - SENATE, FRIDAY, APRIL 14, 2000

On motion by Senator **BENNETT** of Oxford, **ADJOURNED**,  
pursuant to the Joint Order, until Monday, April 24, 2000, at 10:00  
in the morning.