

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

Interim Communications Appendix

Senate Legislative Sentiments

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

In Senate Chamber
Thursday
May 11, 2000

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

Prayer by Senator John W. Benoit of Franklin County.

SENATOR BENOIT: Thank you Mr. President. May it please the Senate. At the start of my 2nd term, the then Secretary of the Senate, May Ross, retired and several gave expressions of recognition for the many years of public service here. One of those who spoke with eloquence was the Senator from Kennebec, Senator Carey. During his warm remarks for May Ross, his voice broke from emotion and when it did I looked into his heart. His heartfelt emotion spoke volumes about the considerable importance of what we do here, the good manner in which we do it, and the meaningful memories we take when we leave. Senator Carey's emotions that day motivate my prayer poem this morning and it will be greatly aided if we will be in a prayerful state.

Lord, soon public work will be completed here,
and with it meaningful political career,
causing even the strong among us to loosen a tear.
Lord, why will that happen?
We need to be home
freed from shouldering the Capitol Dome.
Is the answer for tears found in the Senate's tome?
Lord, we are proud to have worked in this place,
to have drawn lifelines on Maine's historic face.
Governing ourselves with manners and even some grace.
Lord, we are humbled by the title we wear,
by the Senate oath, by the duties we bear.
Careful as we toil to handle with care.
Lord, branches of our government total to three
with the Legislative Branch high up on the tree.
Through enactment of laws that keep all of us free.
Lord, this place would be here though we were not
and that's one big reason for the tears we've got.
Thankful for some time in this history spot.
Lord, as we leave here proud tears on our face,
we treasure precious memories like the finest lace.
Our work penned in lifelines that each of us trace.
For you know best Lord what we do with our years,
how we look to Your guidance in our hopes and our fears.
Now give us wide smiles to wear with pride's tears.
Amen

Pledge of Allegiance led by Senator Joel Abromson of Cumberland County.

Reading of the Journal of Thursday, April 27, 2000.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order H.P. 1955

ORDERED, the Senate concurring, that the Joint Select Committee on the Psychiatric Treatment Initiative is established as follows.

Sec. 1. Committee established. The Joint Select Committee on the Psychiatric Treatment Initiative, referred to in this order as the "committee," is established to work with the interested parties in the community and to report regarding the actions taken by the Department of Mental Health, Mental Retardation and Substance Abuse Services regarding the recommendations for improved community services as described in the executive summary of the report "Maine Inpatient Treatment Initiative: Civil and Forensic."

Sec. 2. Membership. The President of the Senate shall appoint 4 members from the Senate, 2 of whom are not members of the majority party. The Speaker of the House shall appoint 4 members from the House of Representatives, 2 of whom are not members of the majority party. In making the appointments, preference must be given to members of the Joint Standing Committee on Health and Human Services, the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Criminal Justice.

Sec. 3. Appointments; chairs; convening of committee. All appointments must be made no later than August 1, 2000. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. The first named Senate member is the Senate chair and the first named House of Representatives member is the House chair. The first meeting must be called by the chairs no later than September 1, 2000. The committee may meet up to 4 times to carry out its duties.

Sec. 4. Duties. The duties of the committee include:

1. Overseeing the efforts of the Department of Mental Health, Mental Retardation and Substance Abuse Services to

address the recommendations for departmental action detailed in pages 24 to 26 of the executive summary of the report "Maine Inpatient Treatment Initiative: Civil and Forensic";

2. Working with community hospitals, community psychiatric hospitals, community providers, consumers of mental health services and interested members of the public; and

3. Reporting on the actions taken by the Department of Mental Health, Mental Retardation and Substance Abuse Services to the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Criminal Justice by November 1, 2000. If the committee requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension.

Sec. 5. Staff assistance. Staffing may be provided by the Office of Policy and Legal Analysis by request of the committee to the Legislative Council, with secondary staffing provided by the Department of Mental Health, Mental Retardation and Substance Abuse Services. The department shall provide information, data and research services as reasonably required by the committee. The committee shall request the assistance of and shall invite to their meetings representatives of the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Human Services and the Department of Corrections.

Sec. 6. Compensation. The members of the committee are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement of necessary expenses incurred for their attendance at authorized meetings of the committee.

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

READ and **PASSED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 658

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

April 24, 2000

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

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Agriculture, Conservation and Forestry during the Second Regular Session of the 119th Legislature has

been completed. The breakdown of bills before our committee follows:

Total number of bills	35
Unanimous reports	20
Ought to Pass	4
Ought to Pass as Amended	11
Ought Not to Pass	5
Divided reports	10
Committee Bills & Papers	5
Pursuant to Public Law	3
Pursuant to Statute	2

Respectfully submitted,

S/John M. Nutting
Senate Chair

S/Wendy Pieh
House Chair

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 659

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

April 27, 2000

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

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Appropriations and Financial Affairs during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	70
Unanimous reports	53
Ought to Pass	2
Ought to Pass as Amended	17
Ought Not to Pass	31
Referred to Another Committee	3
Divided reports	17

Respectfully submitted,

S/Michael H. Michaud
Senate Chair

S/Elizabeth Townsend
House Chair

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 660

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

April 24, 2000

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

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Banking and Insurance during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	24
Unanimous reports	20
Ought to Pass	1
Ought to Pass as Amended	9
Ought Not to Pass	10
Divided reports	4

Respectfully submitted,

S/Lloyd P. LaFountain III S/Jane W. Saxl
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 661

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC
DEVELOPMENT**

April 24, 2000

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

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Business and Economic Development during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	62
Unanimous reports	53
Ought to Pass	2

Ought to Pass as Amended	16
Ought Not to Pass	29
Referred to Another Committee	6
Divided reports	3
Committee Bills & Papers	
Pursuant to Public Law	1
Pursuant to Resolve	1
Pursuant to Joint Order	1

Second named Committee on 1 jointly referred bill.

Respectfully submitted,

S/Carol A. Kontos S/Gary O'Neal
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 662

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE**

April 24, 2000

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

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Criminal Justice during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	45
Unanimous reports	34
Ought to Pass	1
Ought to Pass as Amended	18
Ought Not to Pass	14
Referred to Another Committee	1
Divided reports	10
Committee Bills & Papers	1
Pursuant to Joint Order	1

Respectfully submitted,

S/Robert E. Murray Jr. S/Edward J. Povich
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 663

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

April 24, 2000

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

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Education and Cultural Affairs during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	45
Unanimous reports	33
Ought to Pass	6
Ought to Pass as Amended	11
Ought Not to Pass	16
Divided reports	8
Committee Bills & Papers	4
Pursuant to Statute	1
Pursuant to Joint Order	3

Respectfully submitted,

S/Georgette B. Berube
Senate Chair

S/Michael F. Brennan
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 664

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

April 24, 2000

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

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Health and Human Services during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	60
Unanimous reports	53

Ought to Pass	6
Ought to Pass as Amended	21
Ought Not to Pass	24
Referred to Another Committee ²	
Divided reports	4
Committee Bills & Papers	3
Pursuant to Joint Order	3

Second named Committee on 1 jointly referred bill.

Respectfully submitted,

S/Judy Paradis
Senate Chair

S/Thomas J. Kane
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 665

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

April 24, 2000

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

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Inland Fisheries and Wildlife during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	36
Unanimous reports	27
Ought to Pass	4
Ought to Pass as Amended	5
Ought Not to Pass	14
Referred to Another Committee ⁴	
Divided reports	5
Committee Bills & Papers	4
Pursuant to Joint Order	4

Respectfully submitted,

S/Marge L. Kilkelly
Senate Chair

S/Matthew Dunlap
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 666

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

April 27, 2000

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

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Judiciary during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	60
Unanimous reports	43
Ought to Pass	3
Ought to Pass as Amended	20
Ought Not to Pass	20
Divided reports	15
Committee Bills & Papers	2
Pursuant to Joint Order	2

Respectfully submitted,

S/Susan W. Longley S/Richard H. Thompson
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 667

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

April 24, 2000

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

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Labor during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	50
Unanimous reports	25
Ought to Pass	3
Ought to Pass as Amended	9

Ought Not to Pass 13
Divided reports 25

Respectfully submitted,

S/Neria R. Douglass S/Pamela H. Hatch
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 668

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

April 24, 2000

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

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Legal and Veterans Affairs during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	45
Unanimous reports	32
Ought to Pass	0
Ought to Pass as Amended	15
Ought Not to Pass	17
Divided reports	13

Respectfully submitted,

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

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 669

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

April 24, 2000

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

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Marine Resources during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	18
Unanimous reports	13
Ought to Pass	0
Ought to Pass as Amended	7
Ought Not to Pass	6
Divided reports	5

Respectfully submitted,

S/Jill M. Goldthwait S/David Etnier
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 670

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

April 24, 2000

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

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Natural Resources during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	37
Unanimous reports	29
Ought to Pass	4
Ought to Pass as Amended	18
Ought Not to Pass	7
Divided reports	8

Respectfully submitted,

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

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 671

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
JOINT SELECT COMMITTEE ON RESEARCH &
DEVELOPMENT**

April 24, 2000

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

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Research and Development during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	6
Unanimous reports	4
Ought to Pass	1
Ought to Pass as Amended	3
Ought Not to Pass	0
Divided reports	1
Committee Bills & Papers	1
Pursuant to Joint Order	1

Respectfully submitted,

S/Carol A. Kontos S/Scott Cowger
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 672

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

April 24, 2000

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

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on State and Local Government during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	32
Unanimous reports	15
Ought to Pass	2
Ought to Pass as Amended	9
Ought Not to Pass	4

Divided reports 14
 Committee Bills & Papers 3
 Pursuant to Joint Order 3

Respectfully submitted,

S/Peggy A. Pendleton S/Douglas J. Ahearne
 Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 673

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

April 24, 2000

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

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Taxation during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills 59
 Unanimous reports 40
 Ought to Pass 2
 Ought to Pass as Amended 20
 Ought Not to Pass 17
 Referred to Another Committee 1
 Divided reports 13
 Committee Bills & Papers 6
 Pursuant to Joint Order 6

Respectfully submitted,

S/Richard P. Ruhlin S/Kenneth T. Gagnon
 Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 674

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

April 24, 2000

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

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Transportation during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills 40
 Unanimous reports 28
 Ought to Pass 5
 Ought to Pass as Amended 6
 Ought Not to Pass 16
 Referred to Another Committee 1
 Divided reports 11
 Committee Bills & Papers 1
 Pursuant to Statute 1

Second named Committee on 2 jointly referred bills.

Respectfully submitted,

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

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 675

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

April 24, 2000

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

Dear President Lawrence and Speaker Rowe:

We are pleased to report that all business which was placed before the Committee on Utilities and Energy during the Second Regular Session of the 119th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills 38
 Unanimous reports 33
 Ought to Pass 6
 Ought to Pass as Amended 19
 Ought Not to Pass 8
 Divided reports 1
 Committee Bills & Papers 4
 Pursuant to Public Law 1
 Pursuant to Statute 1

Pursuant to Joint Order 2

Respectfully submitted,

S/Richard J. Carey
Senate Chair

S/Thomas M. Davidson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 676

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

May 8, 2000

Dear Members of the 119th Legislature,

Enclosed please find S.P. 967, L.D. 2516, "An Act to Improve Standards for Public Assistance to Maine Employers," which I am returning without my signature or approval.

This bill was presented to you as a modest "corporate accountability" measure that will ensure that employers receiving public funds pay their employees a living wage. You have also been told that it will impact only a very few Maine businesses. Unfortunately, this is not accurate. L.D. 2516 actually has serious and far-reaching implications to Maine's business climate, would restrict local choice while adding to municipal administrative burdens, would worsen regional economic disparities and place impossible demands upon Maine Revenue Services and the Department of Economic and Community Development. This bill would ultimately result in the significant loss of existing and potential high quality jobs, and impair the quality and security of our remaining jobs. Furthermore, LD 2516 would make it difficult to attract those business investments necessary to sustain our economy and our efforts to achieve a higher quality of life for those Maine people who have not yet benefited from the strong economy.

I want to be very clear that my highest priority – as it has been from my first day in office – is the economic well-being of all Maine people, and I know that is equally important to you. You should be very proud of the extraordinary things we have accomplished together over the past few years. As a result of Maine's improved competitive position, businesses have invested billions of dollars in new facilities, machinery and equipment and now provide Maine workers with more opportunities for quality employment and career advancement than ever before. And while this economic growth is the product of many factors, two economic development programs – BETR and TIF – have played an absolutely pivotal role. Unfortunately, L.D. 2516 makes fundamental changes to these programs that, if signed into law, would render them ineffective.

As you know, BETR was established for the sole purpose of neutralizing the annual penalty on capital investment that is imposed through Maine's business personal property tax, thus

making the tax irrelevant to business growth decisions. BETR is not an incentive; it is the elimination of a disincentive, and the distinction is significant. Because L.D. 2516 would make BETR conditional and variable based upon factors beyond the control of any business, it could not be counted on to offset the personal property tax from year to year, and thus the tax would become relevant once again. Adding this instability to the business environment, along with the increased bureaucracy of a statutory wage certification process, would cause Maine's competitive position to take a giant step backward from the significant progress we have made.

The negative impacts that this bill would have upon the municipal TIF program – and thus local economic development efforts – are equally significant:

First, it would render our communities powerless to pursue their own economic development goals. As you know, TIF is one of only a few economic development tools available to Maine municipalities, and is certainly the most powerful. It involves the use of the community's money to support projects that are decided through a formal public process. Though somewhat complicated, it is also very flexible and highly effective. When established, each TIF development project reflects the values, culture and will of its community. L.D. 2516, however, would effectively eliminate local decision-making through the imposition of arbitrary State limitations upon community-business partnerships. Further, because the bill would make TIF benefits variable from year to year, municipal budgeting processes would become significantly more complicated and expensive, including the requirement that municipalities make annual retroactive adjustments to their county taxes and State education and revenue sharing subsidies.

Maine's communities have proven TIF's effectiveness as a locally-determined economic development tool, and I strongly support its continuing availability to them.

Second, L.D. 2516 would destroy TIF as a financing vehicle for businesses. TIF credit enhancement agreements (CEA) – the mechanism by which TIF funds are paid to businesses – are formal mechanisms that are tied by law to the financing of an investment. A TIF CEA is a contract wherein the municipality pledges a series of payments (backed by its taxing authority) to an investing business, which the business subsequently pledges to apply to its cost of capital. Generally this also involves a bank or other third party lender. Because L.D. 2516 makes this stream of payments conditional and variable, the CEA is essentially invalidated as a financial mechanism, thereby increasing the business' financial risk and cost of capital.

To circumvent such issues, municipalities will feel compelled to revert to the pre-1991 standard, where TIF law required municipalities to issue bonds to finance the same types of development projects that are currently financed through CEAs. In such cases, the TIF payment stream would go to municipal debt service, rather than to the business', and thus the restrictions of L.D. 2516 would not be invoked. Not only would this be more expensive and administratively burdensome to the municipality, it would also eliminate the accountability inherent in CEAs, and shift the financial risk from the business to the municipality. I can see no rational reason for interfering in the

contractual financial arrangements between municipalities, businesses and lenders, and at the same time restricting municipal choice and increasing their risk.

Third, L.D. 2516 imposes administrative burdens upon state agencies that cannot be absorbed within their existing resources. BETR and TIF are labor intensive, and our taxation and economic development staffs spend thousands of hours each year administering these programs and working with municipalities and businesses. L.D. 2516 would require the establishment of separate systems to accommodate its unique data-management, auditing, enforcement and due process requirements, and even then, many policy and operational questions remain unanswered. Not only is the implementation of these requirements far beyond the current capacity of Maine Revenue Services and the Department of Economic and Community Development, if pursued it would create a confusing, pointless bureaucracy that would undoubtedly become an embarrassment to us all.

Again, I am completely committed to improving the quality of the lives of Maine's workers, including the ability of each and every one to earn a livable wage. I believe, however, that this is best (and most responsibly) accomplished through an environment that encourages business growth and investment, and by providing workers with the opportunity to improve their skills and increase their value to their employers. For the reasons outlined above, I believe that L.D. 2516 will discourage community-business partnerships and private sector investment, ultimately harming the very people it presumes to help. I respectfully urge you to sustain my veto.

Sincerely,

S/Angus S. King, Jr.
Governor

READ and ORDERED PLACED ON FILE.

The Accompanying Bill:

An Act to Improve Standards for Public Assistance to Maine Employers

S.P. 967 L.D. 2516
(S "B" S-784 to C "A" S-637)

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

The Following Communication: S.C. 677

**CENTER FOR CAREER DEVELOPMENT
SOUTHERN MAINE TECHNICAL COLLEGE
FORT ROAD
SOUTH PORTLAND, ME 04106**

April 28, 2000

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

Dear President Lawrence and Speaker Rowe,

I am pleased to forward a copy of the annual report for the Maine Quality Centers as required by statute. Copies have also been sent directly to members of the Joint Standing Committee on Business and Economic Development and the Economic Development Incentive Commission.

The Maine Quality Centers is an economic development program of the Maine Technical College System. The program's statutory mission is ". . .to meet the workforce education and training needs of new and expanding businesses in the State and provide new employment and career advancement opportunities for Maine people."

Please let me know if you have any questions or comments.

Sincerely,

S/James H. McGowan
State Director
Maine Quality Centers

READ and with accompanying papers ORDERED PLACED ON FILE.

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Mark W. Lawrence, Senator of York County, President of the Maine Senate, on his dedicated and outstanding service to the people of the State of Maine. President Lawrence was unanimously elected to a 2nd term as President for the 119th Legislative Session and has served 4 terms in the Senate. He previously held the position of Minority Leader and also served 2 terms in the Maine House of Representatives. We extend our congratulations and best wishes to him;

SLS 502

Sponsored by Senator RAND of Cumberland.
Cosponsored by Speaker ROWE of Portland, Senator PARADIS of Aroostook, Senator KIEFFER of Aroostook, Senator MICHAUD of Penobscot, Senator CASSIDY of Washington, Senator GOLDTHWAIT of Hancock, Senator RUHLIN of Penobscot, Senator CATHCART of Penobscot, Senator DAVIS of Piscataquis, Senator MURRAY of Penobscot, Senator MITCHELL of Penobscot, Senator LONGLEY of Waldo, Senator PINGREE of Knox, Senator MILLS of Somerset, Senator DAGGETT of Kennebec, Senator CAREY of Kennebec, Senator KILKELLY of Lincoln, Senator BENOIT of Franklin, Senator TREAT of Kennebec, Senator SMALL of Sagadahoc, Senator NUTTING of Androscoggin, Senator BERUBE of Androscoggin,

Senator DOUGLASS of Androscoggin, Senator HARRIMAN of Cumberland, Senator FERGUSON of Oxford, Senator BENNETT of Oxford, Senator KONTOS of Cumberland, Senator ABROMSON of Cumberland, Senator O'GARA of Cumberland, Senator AMERO of Cumberland, Senator PENDLETON of Cumberland, Senator LaFOUNTAIN of York, Senator MacKINNON of York, Senator LIBBY of York, Representative MURPHY of Berwick, Representative WHEELER of Eliot, Representative LEMONT of Kittery, Representative COLLINS of Wells, Representative MACDOUGALL of North Berwick, Representative ANDREWS of York.

READ.

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

Senator Chellie Pingree, of Knox County, Majority Leader, for her dedicated and outstanding service to the people of the State of Maine during the 116th-119th Legislative Sessions in the Maine Senate, and in extending our best wishes to her;
SLS 499

Sponsored by President LAWRENCE of York. Cosponsored by Speaker ROWE of Portland, Senator PARADIS of Aroostook, Senator KIEFFER of Aroostook, Senator MICHAUD of Penobscot, Senator CASSIDY of Washington, Senator GOLDTHWAIT of Hancock, Senator RUHLIN of Penobscot, Senator CATHCART of Penobscot, Senator DAVIS of Piscataquis, Senator MURRAY of Penobscot, Senator MITCHELL of Penobscot, Senator LONGLEY of Waldo, Senator MILLS of Somerset, Senator DAGGETT of Kennebec, Senator CAREY of Kennebec, Senator KILKELLY of Lincoln, Senator BENOIT of Franklin, Senator TREAT of Kennebec, Senator SMALL of Sagadahoc, Senator NUTTING of Androscoggin, Senator BERUBE of Androscoggin, Senator DOUGLASS of Androscoggin, Senator HARRIMAN of Cumberland, Senator FERGUSON of Oxford, Senator BENNETT of Oxford, Senator KONTOS of Cumberland, Senator ABROMSON of Cumberland, Senator RAND of Cumberland, Senator O'GARA of Cumberland, Senator AMERO of Cumberland, Senator PENDLETON of Cumberland, Senator LaFOUNTAIN of York, Senator MacKINNON of York, Senator LIBBY of York, Representative POWERS of Rockport, Representative PIEH of Bremen, Representative SAVAGE of Union, Representative VOLENIK of Brooklin, Representative SKOGLUND of St. George, Representative McNEIL of Rockland.

READ.

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

Senator Jane A. Amero, of Cumberland County, Minority Leader, for her dedicated and outstanding service to the people of the State of Maine during the 116th-119th Legislative Sessions in the Maine Senate, and in extending our best wishes to her;
SLS 498

Sponsored by President LAWRENCE of York. Cosponsored by Speaker ROWE of Portland, Senator PARADIS of Aroostook, Senator KIEFFER of Aroostook, Senator MICHAUD of Penobscot, Senator CASSIDY of Washington, Senator GOLDTHWAIT of Hancock, Senator RUHLIN of Penobscot, Senator CATHCART of Penobscot, Senator DAVIS of Piscataquis, Senator MURRAY of Penobscot, Senator MITCHELL of Penobscot, Senator LONGLEY of Waldo, Senator PINGREE of Knox, Senator MILLS of Somerset, Senator DAGGETT of Kennebec, Senator CAREY of Kennebec, Senator KILKELLY of Lincoln, Senator TREAT of Kennebec, Senator BENOIT of Franklin, Senator SMALL of Sagadahoc, Senator NUTTING of Androscoggin, Senator BERUBE of Androscoggin, Senator DOUGLASS of Androscoggin, Senator HARRIMAN of Cumberland, Senator FERGUSON of Oxford, Senator BENNETT of Oxford, Senator KONTOS of Cumberland, Senator ABROMSON of Cumberland, Senator RAND of Cumberland, Senator O'GARA of Cumberland, Senator PENDLETON of Cumberland, Senator LaFOUNTAIN of York, Senator MacKINNON of York, Senator LIBBY of York, Representative CIANCHETTE of South Portland, Representative MARVIN of Cape Elizabeth, Representative LOVETT of Scarborough, Representative CLOUGH of Scarborough, Representative MUSE of South Portland, Representative GLYNN of South Portland.

READ.

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

Senator Vinton E. Cassidy, of Washington County, for his dedicated and outstanding service to the people of the State of Maine during the 117th-119th Legislative Sessions in the Maine Senate, and in extending our best wishes to him;
SLS 500

Sponsored by President LAWRENCE of York. Cosponsored by Speaker ROWE of Portland, Senator PARADIS of Aroostook, Senator KIEFFER of Aroostook, Senator MICHAUD of Penobscot, Senator GOLDTHWAIT of Hancock, Senator RUHLIN of Penobscot, Senator CATHCART of Penobscot, Senator DAVIS of Piscataquis, Senator MURRAY of Penobscot, Senator MITCHELL of Penobscot, Senator LONGLEY of Waldo, Senator PINGREE of Knox, Senator MILLS of Somerset, Senator DAGGETT of Kennebec, Senator CAREY of Kennebec, Senator KILKELLY of Lincoln, Senator BENOIT of Franklin, Senator TREAT of Kennebec, Senator SMALL of Sagadahoc, Senator NUTTING of Androscoggin, Senator BERUBE of Androscoggin, Senator DOUGLASS of Androscoggin, Senator HARRIMAN of Cumberland, Senator FERGUSON of Oxford, Senator BENNETT of Oxford, Senator KONTOS of Cumberland, Senator ABROMSON of Cumberland, Senator RAND of Cumberland, Senator O'GARA of Cumberland, Senator AMERO of Cumberland, Senator PENDLETON of Cumberland, Senator LaFOUNTAIN of York, Senator MacKINNON of York, Senator LIBBY of York, Representative DUGAY of Cherryfield, Representative SHOREY of Calais, Representative BAGLEY of Machias, Representative GILLIS of Danforth, Representative GOODWIN of Pembroke.

READ.

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

Senator John W. Benoit, of Franklin County, for his dedicated and outstanding service to the people of the State of Maine during the 117th-119th Legislative Sessions in the Maine Senate, and in extending our best wishes to him;

SLS 501

Sponsored by President **LAWRENCE** of York. Cosponsored by Speaker **ROWE** of Portland, Senator **PARADIS** of Aroostook, Senator **KIEFFER** of Aroostook, Senator **MICHAUD** of Penobscot, Senator **CASSIDY** of Washington, Senator **GOLDTHWAIT** of Hancock, Senator **RUHLIN** of Penobscot, Senator **CATHCART** of Penobscot, Senator **DAVIS** of Piscataquis, Senator **MURRAY** of Penobscot, Senator **MITCHELL** of Penobscot, Senator **LONGLEY** of Waldo, Senator **PINGREE** of Knox, Senator **MILLS** of Somerset, Senator **DAGGETT** of Kennebec, Senator **CAREY** of Kennebec, Senator **KILKELLY** of Lincoln, Senator **TREAT** of Kennebec, Senator **SMALL** of Sagadahoc, Senator **NUTTING** of Androscoggin, Senator **BERUBE** of Androscoggin, Senator **DOUGLASS** of Androscoggin, Senator **HARRIMAN** of Cumberland, Senator **FERGUSON** of Oxford, Senator **BENNETT** of Oxford, Senator **KONTOS** of Cumberland, Senator **ABROMSON** of Cumberland, Senator **RAND** of Cumberland, Senator **O'GARA** of Cumberland, Senator **AMERO** of Cumberland, Senator **PENDLETON** of Cumberland, Senator **LaFOUNTAIN** of York, Senator **MackINNON** of York, Senator **LIBBY** of York, Representative **LaVERDIERE** of Wilton, Representative **McGLOCKLIN** of Embden, Representative **SAMSON** of Jay, Representative **JODREY** of Bethel, Representative **GOOLEY** of Farmington, Representative **TRACY** of Rome.

READ.

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

Senator Robert E. Murray, Jr., of Penobscot County, for his dedicated and outstanding service to the people of the State of Maine during the 111th-112th Legislative Sessions in the Maine House of Representatives and the 118th-119th Legislative Sessions in the Maine Senate, and in extending our best wishes to him;

SLS 503

Sponsored by President **LAWRENCE** of York. Cosponsored by Speaker **ROWE** of Portland, Senator **PARADIS** of Aroostook, Senator **KIEFFER** of Aroostook, Senator **MICHAUD** of Penobscot, Senator **CASSIDY** of Washington, Senator **GOLDTHWAIT** of Hancock, Senator **RUHLIN** of Penobscot, Senator **CATHCART** of Penobscot, Senator **DAVIS** of Piscataquis, Senator **MITCHELL** of Penobscot, Senator **LONGLEY** of Waldo, Senator **PINGREE** of Knox, Senator **MILLS** of Somerset, Senator **CAREY** of Kennebec, Senator **DAGGETT** of Kennebec, Senator **KILKELLY** of Lincoln, Senator **BENOIT** of Franklin, Senator **TREAT** of Kennebec, Senator **SMALL** of

Sagadahoc, Senator **NUTTING** of Androscoggin, Senator **BERUBE** of Androscoggin, Senator **DOUGLASS** of Androscoggin, Senator **HARRIMAN** of Cumberland, Senator **FERGUSON** of Oxford, Senator **BENNETT** of Oxford, Senator **KONTOS** of Cumberland, Senator **ABROMSON** of Cumberland, Senator **RAND** of Cumberland, Senator **O'GARA** of Cumberland, Senator **AMERO** of Cumberland, Senator **PENDLETON** of Cumberland, Senator **LaFOUNTAIN** of York, Senator **MackINNON** of York, Senator **LIBBY** of York, Representative **BAKER** of Bangor, Representative **PERRY** of Bangor, Representative **BRAGDON** of Bangor, Representative **SAXL** of Bangor, Representative **CAMPBELL** of Holden.

READ.

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

Senator Judy Ayotte Paradis, of Aroostook County, for her dedicated and outstanding service to the people of the State of Maine during the 113th-115th Legislative Sessions in the Maine House of Representatives and the 116th-119th Legislative Sessions in the Maine Senate, and in extending our best wishes to her;

SLS 504

Sponsored by President **LAWRENCE** of York. Cosponsored by Speaker **ROWE** of Portland, Senator **KIEFFER** of Aroostook, Senator **MICHAUD** of Penobscot, Senator **CASSIDY** of Washington, Senator **GOLDTHWAIT** of Hancock, Senator **RUHLIN** of Penobscot, Senator **CATHCART** of Penobscot, Senator **DAVIS** of Piscataquis, Senator **MURRAY** of Penobscot, Senator **MITCHELL** of Penobscot, Senator **LONGLEY** of Waldo, Senator **PINGREE** of Knox, Senator **MILLS** of Somerset, Senator **CAREY** of Kennebec, Senator **DAGGETT** of Kennebec, Senator **KILKELLY** of Lincoln, Senator **BENOIT** of Franklin, Senator **TREAT** of Kennebec, Senator **SMALL** of Sagadahoc, Senator **NUTTING** of Androscoggin, Senator **BERUBE** of Androscoggin, Senator **DOUGLASS** of Androscoggin, Senator **HARRIMAN** of Cumberland, Senator **FERGUSON** of Oxford, Senator **BENNETT** of Oxford, Senator **KONTOS** of Cumberland, Senator **ABROMSON** of Cumberland, Senator **RAND** of Cumberland, Senator **O'GARA** of Cumberland, Senator **AMERO** of Cumberland, Senator **PENDLETON** of Cumberland, Senator **LaFOUNTAIN** of York, Senator **MackINNON** of York, Senator **LIBBY** of York, Representative **AHEARNE** of Madawaska, Representative **DESMOND** of Mapleton, Representative **KNEELAND** of Easton, Representative **WHEELER** of Bridgewater, Representative **SIROIS** of Caribou, Representative **MARTIN** of Eagle Lake.

READ.

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

Senator R. Leo Kieffer, of Aroostook County, for his dedicated and outstanding service to the people of the State of Maine during the 116th-119th Legislative Sessions in the Maine Senate, and in extending our best wishes to him;

SLS 505

Sponsored by President LAWRENCE of York.
Cosponsored by Speaker ROWE of Portland, Senator PARADIS of Aroostook, Senator MICHAUD of Penobscot, Senator CASSIDY of Washington, Senator GOLDTHWAIT of Hancock, Senator RUHLIN of Penobscot, Senator CATHCART of Penobscot, Senator DAVIS of Piscataquis, Senator MURRAY of Penobscot, Senator MITCHELL of Penobscot, Senator LONGLEY of Waldo, Senator PINGREE of Knox, Senator MILLS of Somerset, Senator DAGGETT of Kennebec, Senator CAREY of Kennebec, Senator KILKELLY of Lincoln, Senator BENOIT of Franklin, Senator TREAT of Kennebec, Senator SMALL of Sagadahoc, Senator NUTTING of Androscoggin, Senator BERUBE of Androscoggin, Senator DOUGLASS of Androscoggin, Senator HARRIMAN of Cumberland, Senator FERGUSON of Oxford, Senator BENNETT of Oxford, Senator KONTOS of Cumberland, Senator ABROMSON of Cumberland, Senator RAND of Cumberland, Senator O'GARA of Cumberland, Senator AMERO of Cumberland, Senator PENDLETON of Cumberland, Senator LaFOUNTAIN of York, Senator MacKINNON of York, Senator LIBBY of York, Representative BELANGER of Caribou, Representative O'NEAL of Limestone, Representative SIROIS of Caribou, Representative KNEELAND of Easton, Representative WHEELER of Bridgewater, Representative DUNCAN of Presque Isle.

READ.

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

Senator Bruce W. MacKinnon, of York County, for his dedicated and outstanding service to the people of the State of Maine during the 118th-119th Legislative Sessions in the Maine Senate, and in extending our best wishes to him;

SLS 506

Sponsored by President LAWRENCE of York.
Cosponsored by Speaker ROWE of Portland, Senator PARADIS of Aroostook, Senator KIEFFER of Aroostook, Senator MICHAUD of Penobscot, Senator CASSIDY of Washington, Senator GOLDTHWAIT of Hancock, Senator RUHLIN of Penobscot, Senator CATHCART of Penobscot, Senator DAVIS of Piscataquis, Senator MURRAY of Penobscot, Senator MITCHELL of Penobscot, Senator LONGLEY of Waldo, Senator PINGREE of Knox, Senator MILLS of Somerset, Senator DAGGETT of Kennebec, Senator CAREY of Kennebec, Senator KILKELLY of Lincoln, Senator BENOIT of Franklin, Senator TREAT of Kennebec, Senator SMALL of Sagadahoc, Senator NUTTING of Androscoggin, Senator BERUBE of Androscoggin, Senator DOUGLASS of Androscoggin, Senator HARRIMAN of Cumberland, Senator FERGUSON of Oxford, Senator BENNETT of Oxford, Senator KONTOS of Cumberland, Senator ABROMSON of Cumberland, Senator RAND of Cumberland, Senator O'GARA of Cumberland, Senator AMERO of Cumberland, Senator PENDLETON of Cumberland, Senator

LaFOUNTAIN of York, Senator LIBBY of York, Representative MURPHY of Berwick, Representative MACDOUGALL of North Berwick, Representative CHICK of Lebanon, Representative BOWLES of Sanford, Representative TUTTLE of Sanford, Representative COLLINS of Wells.

READ.

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

Senator Philip E. Harriman, of Cumberland County, for his dedicated and outstanding service to the people of the State of Maine during the 116th-119th Legislative Sessions in the Maine Senate, and in extending our best wishes to him;

SLS 507

Sponsored by President LAWRENCE of York.
Cosponsored by Speaker ROWE of Portland, Senator PARADIS of Aroostook, Senator KIEFFER of Aroostook, Senator MICHAUD of Penobscot, Senator CASSIDY of Washington, Senator GOLDTHWAIT of Hancock, Senator RUHLIN of Penobscot, Senator CATHCART of Penobscot, Senator DAVIS of Piscataquis, Senator MURRAY of Penobscot, Senator MITCHELL of Penobscot, Senator LONGLEY of Waldo, Senator PINGREE of Knox, Senator MILLS of Somerset, Senator DAGGETT of Kennebec, Senator CAREY of Kennebec, Senator KILKELLY of Lincoln, Senator BENOIT of Franklin, Senator TREAT of Kennebec, Senator SMALL of Sagadahoc, Senator NUTTING of Androscoggin, Senator BERUBE of Androscoggin, Senator DOUGLASS of Androscoggin, Senator FERGUSON of Oxford, Senator BENNETT of Oxford, Senator KONTOS of Cumberland, Senator ABROMSON of Cumberland, Senator RAND of Cumberland, Senator O'GARA of Cumberland, Senator AMERO of Cumberland, Senator PENDLETON of Cumberland, Senator LaFOUNTAIN of York, Senator MacKINNON of York, Senator LIBBY of York, Representative RICHARDSON of Brunswick, Representative DAVIDSON of Brunswick, Representative SCHNEIDER of Durham, Representative BULL of Freeport, Representative BUCK of Yarmouth.

READ.

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

Senator Richard "Spike" Carey, of Kennebec County, for his dedicated and outstanding service to the people of the State of Maine during the 103rd-108th Legislative Sessions in the Maine House of Representatives and the 116th-119th Legislative Sessions in the Maine Senate, and in extending our best wishes to him;

SLS 508

Sponsored by President LAWRENCE of York.
Cosponsored by Speaker ROWE of Portland, Senator PARADIS of Aroostook, Senator KIEFFER of Aroostook, Senator MICHAUD of Penobscot, Senator CASSIDY of Washington, Senator GOLDTHWAIT of Hancock, Senator RUHLIN of Penobscot,

Senator CATHCART of Penobscot, Senator DAVIS of Piscataquis, Senator MURRAY of Penobscot, Senator MITCHELL of Penobscot, Senator LONGLEY of Waldo, Senator PINGREE of Knox, Senator MILLS of Somerset, Senator DAGGETT of Kennebec, Senator KILKELLY of Lincoln, Senator BENOIT of Franklin, Senator TREAT of Kennebec, Senator SMALL of Sagadahoc, Senator NUTTING of Androscoggin, Senator BERUBE of Androscoggin, Senator DOUGLASS of Androscoggin, Senator HARRIMAN of Cumberland, Senator FERGUSON of Oxford, Senator BENNETT of Oxford, Senator KONTOS of Cumberland, Senator ABROMSON of Cumberland, Senator RAND of Cumberland, Senator O'GARA of Cumberland, Senator AMERO of Cumberland, Senator PENDLETON of Cumberland, Senator LaFOUNTAIN of York, Senator MacKINNON of York, Senator LIBBY of York, Representative BUMPS of China, Representative FULLER of Manchester, Representative NUTTING of Oakland, Representative JABAR of Waterville, Representative GAGNON of Waterville, Representative TESSIER of Fairfield, Representative MATTHEWS of Winslow.

READ.

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

Senator James D. Libby, of York County, for his dedicated and outstanding service to the people of the State of Maine during the 116th-117th Legislative Sessions in the Maine House of Representatives and the 118th-119th Legislative Sessions in the Maine Senate, and in extending our best wishes to him;
SLS 509

Sponsored by President LAWRENCE of York. Cosponsored by Speaker ROWE of Portland, Senator PARADIS of Aroostook, Senator KIEFFER of Aroostook, Senator MICHAUD of Penobscot, Senator CASSIDY of Washington, Senator GOLDTHWAIT of Hancock, Senator RUHLIN of Penobscot, Senator CATHCART of Penobscot, Senator DAVIS of Piscataquis, Senator MURRAY of Penobscot, Senator MITCHELL of Penobscot, Senator LONGLEY of Waldo, Senator PINGREE of Knox, Senator MILLS of Somerset, Senator DAGGETT of Kennebec, Senator CAREY of Kennebec, Senator KILKELLY of Lincoln, Senator BENOIT of Franklin, Senator TREAT of Kennebec, Senator SMALL of Sagadahoc, Senator NUTTING of Androscoggin, Senator BERUBE of Androscoggin, Senator DOUGLASS of Androscoggin, Senator HARRIMAN of Cumberland, Senator FERGUSON of Oxford, Senator BENNETT of Oxford, Senator KONTOS of Cumberland, Senator ABROMSON of Cumberland, Senator RAND of Cumberland, Senator O'GARA of Cumberland, Senator AMERO of Cumberland, Senator PENDLETON of Cumberland, Senator LaFOUNTAIN of York, Senator MacKINNON of York, Representative NASS of Acton, Representative SAVAGE of Buxton, Representative TRUE of Fryeburg, Representative DAIGLE of Arundel, Representative CHICK of Lebanon, Representative MCALEVEY of Waterboro, Representative MACK of Standish.

READ.

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

Senator Georgette B. Berube, of Androscoggin County, for her dedicated and outstanding service to the people of the State of Maine from the 105th to the 110th legislative session in the Maine House of Representatives and from the 112th to the 117th legislative session and the 119th legislative session in the Maine Senate and in extending our best wishes to her;
SLS 554

Sponsored by President LAWRENCE of York. Cosponsored by Speaker ROWE of Portland, Senator PARADIS of Aroostook, Senator KIEFFER of Aroostook, Senator MICHAUD of Penobscot, Senator CASSIDY of Washington, Senator GOLDTHWAIT of Hancock, Senator RUHLIN of Penobscot, Senator CATHCART of Penobscot, Senator DAVIS of Piscataquis, Senator MITCHELL of Penobscot, Senator LONGLEY of Waldo, Senator PINGREE of Knox, Senator MILLS of Somerset, Senator CAREY of Kennebec, Senator DAGGETT of Kennebec, Senator KILKELLY of Lincoln, Senator BENOIT of Franklin, Senator TREAT of Kennebec, Senator SMALL of Sagadahoc, Senator DOUGLASS of Androscoggin, Senator HARRIMAN of Cumberland, Senator FERGUSON of Oxford, Senator BENNETT of Oxford, Senator KONTOS of Cumberland, Senator ABROMSON of Cumberland, Senator RAND of Cumberland, Senator O'GARA of Cumberland, Senator AMERO of Cumberland, Senator PENDLETON of Cumberland, Senator LaFOUNTAIN of York, Senator MacKINNON of York, Senator LIBBY of York, Representative MAILHOT of Lewiston, Representative COTE of Lewiston, Representative MENDROS of Lewiston, Representative O'BRIEN of Lewiston, Representative BOUFFARD of Lewiston.

READ.

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

ENACTORS

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

Emergency Measure

An Act to Appropriate Funding for the Maine School of Science and Mathematics for Fiscal Year 1999-00

H.P. 1687 L.D. 2393
(H "A" H-1180)

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.

Emergency Measure

An Act to Establish Requirements for the Removal of Directors of Certain Maine Business Corporations before the Expiration of Their Established Terms

S.P. 1089 L.D. 2693
(C "A" S-740)

Comes from the House, **FAILED ENACTMENT.**

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in **NON-CONCURRENCE.**

Emergency Resolve

Resolve, to Create the Commission to Study the Establishment of an Environmental Leadership Program

S.P. 529 L.D. 1562
(S "A" S-786 to C "A" S-516)

Comes from the House, **FAILED FINAL PASSAGE.**

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in **NON-CONCURRENCE.**

Emergency Resolve

Resolve, Regarding Access to Marijuana for Medical Use

S.P. 1012 L.D. 2580
(S "A" S-776 to C "A" S-597)

Comes from the House, **FAILED FINAL PASSAGE.**

On motion by Senator **RAND** of Cumberland, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-597) AS AMENDED BY SENATE AMENDMENT "A" (S-776)** thereto.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-597) as Amended by Senate Amendment "A" (S-776) thereto.

On further motion by same Senator, Senate Amendment "B" (S-797) to Committee Amendment "A" (S-597) **READ** and **ADOPTED.**

Committee Amendment "A" (S-597) as Amended by Senate Amendments "A" (S-776) and "B" (S-797) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-597) AS AMENDED BY SENATE AMENDMENTS "A" (S-776) AND "B" (S-797) thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

Act

An Act to Protect and Enhance the United States Naval Shipyard in Kittery, Maine

S.P. 1031 L.D. 2611
(C "A" S-616; S "B" S-796)

An Act to Fund the Construction of Court Facilities in Maine

S.P. 1034 L.D. 2619
(C "A" S-757)

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (2/8/00) Assigned matter:

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Provide Funding for Background Checks and Fingerprinting for School District Employees and Volunteers"

S.P. 951 L.D. 2490

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-474)** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-475)** (1 member)

Tabled - February 8, 2000, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, February 8, 2000, Reports **READ.**)

On motion by Senator **MURRAY** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-474)** Report **ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-474) **READ.**

On motion by Senator **MURRAY** of Penobscot, Senate Amendment "D" (S-801) to Committee Amendment "A" (S-474) **READ.**

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

Senator **MURRAY:** Thank you Mr. President. Men and women of the Senate, what is before the Senate now is a proposed amendment to the fingerprinting issue. As you may recall, when the veto of the previous Bill dealing with fingerprinting was sustained, we were left with current law. The problem is there are a number of items in current law that still need to be addressed. The proposal before you in Senate Amendment "D" attempts to address some of those issues.

Let me just briefly outline for you what those are and how this proposed amendment would address them. To begin with, as I suspect many of you understand, current law does not provide for a mechanism to pay for the background checks and fingerprinting that would be required. The proposal in front of you clarifies that the reimbursement will be made to those individuals who have already gone through the process and incurred an expense. Also, the amendment clarifies that into the future the cost of this background check will be borne by the State of Maine as opposed to individual employees or school districts. Also, what became very apparent with regard to the current law is that it is logistically impossible to undertake the fingerprinting and background check of all of the individuals who would necessarily be required to do so. The amendment before you proposes a phased-in period of 4 years for the actual background checks to be undertaken, where roughly one-quarter of those who would be required to undergo the fingerprinting will undergo that process in each of the next 4 years.

The other problem that the amendment before you attempts to address is part of the ongoing funding problem. But it also addresses an issue that I think was a flaw in the current requirement of the law. Let me briefly address that for you. Right now, under the current law, everyone will undergo this background check. But the law also requires that those same individuals be submitted to a national FBI background check every 5 years, even after they've gone through an initial check. In so doing, this would incur the cost of \$25 associated with submitting that background check to the FBI so that it can be undertaken. Well, the problem is the likelihood of any information being obtained from a subsequent background check is virtually nil. What we are focusing on here is only the national background check and eliminating the need for that subsequent check to occur into the future. We will still be allowed in the State of Maine to run checks within the state criminal records history, so that any conviction that may arise that occurred in the State of Maine would be discovered and would be acted upon by the Department of Education. What this Bill attempts to do is limit that subsequent check on the national level, after everyone has gone through a background check once, and eliminate the cost of doing so. That cost, ladies and gentlemen and Mr. President, is very significant. What we're talking about, on an ongoing basis into the future, is roughly a quarter of a million dollars every year to do a subsequent national background check. Quite frankly, all that could possibly produce by way of information that would not otherwise be known would be if an

individual left the State of Maine during a summer break, committed some crime in another state during that summer break, was caught in that other state, was prosecuted in that other state, and was convicted in that other state. All happening during summer break and was not sentenced to imprisonment in that other state. Under any other scenario, the information we would know about, because the individual would not be showing up back for work here in the State of Maine. That particular scenario which, in my opinion, is virtually a non-existent scenario. That's what we would be eliminating and also eliminating that quarter of a million dollar annual cost associated with doing that subsequent background check.

I would urge you to join with me in supporting the pending amendment to this measure that addresses a number of the issues that I raised previously which I think, in my opinion at least, are important issues that need to be resolved in order for this program to go forward. For all these reasons I would ask you to vote "yes" on the pending motion.

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

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

THE PRESIDENT: The Senator may pose her question.

Senator **LONGLEY:** To anyone, probably the Senator from Penobscot, my question concerns the cost. Yesterday a constituent was speaking to me, asking me why was it that a fingerprinting process costs \$50. My question is, why? Secondly, what does that \$50 cover? Thirdly, were there attempts to bring down that cost? I guess its 3 questions if I may.

THE PRESIDENT: The Senator from Waldo, Senator Longley poses a series of questions through the Chair to anyone who may be able to answer. The Chair recognizes the Senator from Penobscot, Senator Murray.

Senator **MURRAY:** Thank you Mr. President. Men and women of the Senate, the costs are fairly fixed with regard to what's associated with this. The \$49 cost, which is the cost of doing this initially, is basically broken into 2 categories. Roughly half of that is the cost that's imposed by the FBI in doing the national background check and that is a fixed cost. The remainder of the cost is associated with cost involved with actually taking the prints, establishing the mechanism necessary to both take those prints and maintain those records into the future. Obviously, once the prints are taken for a first time, that part of the cost goes away. However, what doesn't go away is every time you knock on the door of the FBI to say, "Run this background check," we are going to be assessed the \$24 or \$25 fee associated with that. That is what I hope to eliminate into the future for these subsequent checks. Quite frankly, right now that ongoing cost is not met in the budget. The budget that was approved included enough money to do the version that was enacted by this legislature and vetoed. If we, in fact, go into the future without amending this Bill as suggested by the pending amendment, there is a structural gap created because it's not funded into the future which, in my opinion, also creates a problem which we ought to attempt to address now.

Senator **GOLDTHWAIT** of Hancock requested a Division.

On motion by Senator **AMERO** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **MURRAY** of Penobscot to **ADOPT** Senate Amendment "D" (S-801) to Committee Amendment "A" (S-474). (Division Requested)

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

Bill "An Act to Appropriate Matching Funds for the Study of Nondefense Uses of the Portsmouth Naval Shipyard"
S.P. 1020 L.D. 2589

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

Pending - motion by same Senator to **INDEFINITELY POSTPONE** Bill and accompanying papers

(Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested and ordered printed.)

On motion by Senator **PINGREE** of Knox, Bill and accompanying papers **INDEFINITELY POSTPONED**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (4/28/00) Assigned matter:

Emergency Resolve

Resolve, to Create a Commission to Study and Establish Moral Policies Regarding Foreign Investments and Foreign Purchasing by the State

H.P. 1755 L.D. 2461
(S "D" S-790 to C "A" H-870)

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

Pending - **FINAL PASSAGE**, in **NON-CONCURRENCE**

(In Senate, April 27, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-870) AS AMENDED BY SENATE AMENDMENT "D" (S-790)** thereto, in **NON-CONCURRENCE**.)

(In House, April 28, 2000, **FAILED FINAL PASSAGE**.)

On motion by Senator **KILKELLY** of Lincoln, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-870) AS AMENDED BY SENATE AMENDMENT "D" (S-790)** thereto, in **NON-CONCURRENCE**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-870) as Amended by Senate Amendment "D" (S-790) thereto.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "D" (S-790) to Committee Amendment "A" (H-870).

On further motion by same Senator, Senate Amendment "E" (S-800) to Committee Amendment "A" (H-870) **READ** and **ADOPTED**.

On further motion by same Senator, Senate Amendment "D" (S-790) to Committee Amendment "A" (H-870) **INDEFINITELY POSTPONED**.

Committee Amendment "A" (H-870) as Amended by Senate Amendment "E" (S-800) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-870) AS AMENDED BY SENATE AMENDMENT "E" (S-800) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/28/00) Assigned matter:

Emergency Resolve

Resolve, to Establish the Commission to Study Ownership Patterns in Maine

H.P. 1809 L.D. 2535
(S "A" S-775 to C "A" H-932)

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

Pending - motion by same Senator to **RECONSIDER** whereby Resolve **FAILED FINAL PASSAGE**, in **NON-CONCURRENCE**

(In House, April 27, 2000, **FINALLY PASSED**.)

(In Senate, April 28, 2000, **FAILED FINAL PASSAGE**, in **NON-CONCURRENCE**.)

At the request of Senator **BENNETT** of Oxford a Division was had. 15 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **PINGREE** of Knox to **RECONSIDER** whereby Resolve **FAILED FINAL PASSAGE**, in **NON-CONCURRENCE**, **PREVAILED**.

Senator **PINGREE** of Knox moved the **RULES BE SUSPENDED**.

At the request of Senator **BENNETT** of Oxford a Division was had. 15 Senators having voted in the affirmative and 11 Senators having voted in the negative and 15 being less than two-thirds of the members present and voting, the motion by Senator **PINGREE** of Knox to **SUSPEND THE RULES**, **FAILED**.

This being an Emergency Measure and having received the affirmative vote of 12 Members of the Senate, with 15 Senators having voted in the negative, and 12 being less than two-thirds of the entire elected Membership of the Senate, **FAILED FINAL PASSAGE**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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 Increase the Minimum Wage in Maine"
S.P. 425 L.D. 1262
(S "A" S-620 to C "A" S-534)

In Senate, March 31, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-534) AS AMENDED BY SENATE AMENDMENT "A" (S-620)** thereto.

Comes from the House, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

ORDERS OF THE DAY

On motion by Senator **PINGREE** of Knox, the Senate removed from the **SPECIAL STUDY TABLE** the following:

JOINT ORDER - relative to Establishing the Committee to Study Access to Private and Public Lands in Maine
H.P. 1951

Tabled - April 24, 2000, by Senator **PINGREE** of Knox.

Pending - **PASSAGE**, in concurrence

(In House, April 24, 2000, **READ** and **PASSED**.)

(In Senate, April 24, **READ**.)

PASSED, in concurrence.

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

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

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

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

After Recess

Senate called to order by the President.

Off Record Remarks

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

ORDERS

Joint Resolution

On motion by Senator **PINGREE** of Knox (Cosponsored by Speaker **ROWE** of Portland and Senators: **ABROMSON** of Cumberland, **AMERO** of Cumberland, President **LAWRENCE** of York, **LONGLEY** of Waldo, **PENDLETON** of Cumberland, **RAND** of Cumberland, Representatives: **SAXL** of Portland, **SHIAH** of Bowdoinham), the following Joint Resolution:
S.P. 1093

JOINT RESOLUTION ESTABLISHING JUNE 18, 2000 AS "WALK WITH THE ONE YOU LOVE DAY"

WHEREAS, on Sunday, June 18, 2000, the Maine Speakout Project will sponsor its 3rd annual "Walk with the One You Love Day" in the State of Maine; and

WHEREAS, the event is being held to foster greater appreciation for diversity and to make a strong, positive statement about the kind of community and State we want to live in and where all of us feel free to be ourselves in public without fear of harassment or violence, regardless of sexual orientation or any other difference; and

WHEREAS, the "Walk with the One You Love Day" is also being held in an effort to help raise awareness in our State that most citizens want laws that support committed relationships between all couples, regardless of sexual orientation; and

WHEREAS, during the walk, both gay and nongay people walk together as an act of solidarity and community building to affirm the value of family and the belief that everyone deserves the right to be who they are, love who they want and walk with whom they choose in the community without fear; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature now assembled in the Second Regular Session, on behalf of the people of the State of Maine, take this occasion to urge citizens throughout the State to support and participate in this event; and be it further

RESOLVED: That a suitable copy of this resolution, duly authorized by the Secretary of State, be transmitted to the Maine Speakout Project.

READ and ADOPTED.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: H.C. 460

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

May 11, 2000

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

Dear Madam Secretary:

House Paper 253 Legislative Document 357 "An Act Raising the Minimum Wage" 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-three voted in favor and sixty-five 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:

COMMUNICATIONS

The Following Communication: H.C. 461

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

May 11, 2000

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

Dear Madam Secretary:

House Paper 1939 Legislative Document 2682 "An Act to Provide Equal Treatment for State Employees" 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?"

Eighty-one voted in favor and sixty 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.

ORDERS OF THE DAY

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

Bill "An Act to Provide Funding for Background Checks and Fingerprinting for School District Employees and Volunteers"
S.P. 951 L.D. 2490

Tabled - May 11, 2000, by Senator AMERO of Cumberland.

Pending - motion by Senator MURRAY of Penobscot to **ADOPT SENATE AMENDMENT "D" (S-801) TO COMMITTEE AMENDMENT "A" (S-474)** (Division Requested)

(In Senate, May 11, 2000, on motion by Senator **MURRAY** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-474)** Report **ACCEPTED. READ ONCE.** Committee Amendment "A" (S-474) **READ.** On motion by Senator **MURRAY** of Penobscot, Senate Amendment "D" (S-801) to Committee Amendment "A" (S-474) **READ.**)

At the request of Senator **GOLDTHWAIT** of Hancock a Division was had. 27 Senators having voted in the affirmative and 1 Senator having voted in the negative, the motion by Senator **MURRAY** of Penobscot to **ADOPT** Senate Amendment "D" (S-801) to Committee Amendment "A" (S-474), **PREVAILED.**

Senate at Ease.

Senate called to order by the President.

On motion by Senator **LIBBY** of York, Senate Amendment "E" (S-805) to Committee Amendment "A" (S-474) **READ.**

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#428)

YEAS: Senators: **CASSIDY, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, LIBBY, LONGLEY, MICHAUD, PINGREE, RAND**

NAYS: Senators: **ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, DAGGETT, DOUGLASS, KONTOS, LAFOUNTAIN, MACKINNON, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, RUHLIN, SMALL, THE PRESIDENT - MARK W. LAWRENCE**

ABSENT: Senators: **CAREY, CATHCART, KIEFFER, KILKELLY, TREAT**

10 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 5 Senators being absent, the motion by Senator **LIBBY** of York to **ADOPT** Senate Amendment "E" (S-805) to Committee Amendment "A" (S-474), **FAILED.**

Committee Amendment "A" (S-474) as Amended by Senate Amendment "D" (S-801) thereto, **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-474) AS AMENDED BY SENATE AMENDMENT "D" (S-801)** thereto.

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

The Chair laid before the Senate the following Tabled and Later (4/28/00) Assigned matter:

An Act to Establish Fairer Pricing for Prescription Drugs
S.P. 1026 L.D. 2599
(C "A" S-686)

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

Pending - **ENACTMENT**, in concurrence

(In House, April 14, 2000, **PASSED TO BE ENACTED**, in concurrence.)

(In Senate, April 26, 2000, **PASSED TO BE ENACTED**, in concurrence. Subsequently, **RECALLED FROM THE GOVERNOR'S DESK**, pursuant to Joint Order S.P. 1091, in concurrence.)

(In Senate, April 28, 2000, on motion by Senator **PINGREE** of Knox, **RULES SUSPENDED. RECONSIDERED ENACTMENT.**)

On motion by Senator **PINGREE** of Knox, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-686).**

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-686).

On further motion by same Senator, Committee "A" (S-686) **INDEFINITELY POSTPONED, in NON-CONCURRENCE.**

On further motion by same Senator, Senate Amendment "A" (S-803) **READ.**

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

Senator **PINGREE:** Thank you Mr. President. Mr. President, men and women of the Senate, I am very pleased to stand before you today with a Senate Amendment to L.D. 2599, a Bill that we have spent a lot of time discussing. I will begin by saying that this is an issue that I think all of us share a concern about finding a solution to. A problem that we hear about every day from our constituents. Most of us have heard the story many, many times from seniors. From people who thought that they could afford the price of prescription drugs, but who have come to us and said, "I have to make this terrible choice, do I buy the prescription that my doctor has given me or do I pay for food? Do I pay for oil?"

Do I pay for my spouses prescription? Do I take a pill every other day? What do I do?"

Way too many times people are confronted with taking their prescription to their pharmacist and hearing them say, "That will be \$110. That will be \$150. That will be \$95." Whatever it is for those people who are not covered by an insurance plan, who don't have some way to afford the cost. They have to take the prescription back, go home and say, "I just can't have it filled." I know that everyone in the room shares a deep concern. I know it's an issue we spent many years working on. Since 1975, Maine has had a benefit plan to find a way to help seniors, in particular, to pay for the cost of prescription drugs. Just this year, we enacted a budget that put another \$10 million into the Drugs for the Elderly Program. I know that we have been working very hard. We have not yet been able to solve the problem of excessively high prices for a product that is basic to people's life and safety.

We've talked a lot, and I don't need to repeat all the arguments that we've heard, about an industry that is the most profitable industry in the world. An industry that can offer prices in Canada, in England, in Mexico, in countries all over the world that are far lower than what our seniors here in the State of Maine, and our citizens here in the State of Maine, can pay for. That's why L.D. 2599 has been before you during this legislative session.

As you know, we've taken many votes on this Bill. We've passed this Bill several times. But after conversations with the Executive Branch, we decided to recall this Bill and spend the last 10 days seeing if we could craft a solution that would provide us with the very best opportunities for the people in the State of Maine and something that we think would be the strongest Bill, should there ever be a legal challenge. What you have before you today is an amendment that basically stays within the structure of the original Bill. The original Bill said we want to do everything possible, in our power, to bring down the cost of prescription drugs. We want to make sure that our citizens are able to pay the lowest price for prescription drugs that anyone in the United States or anyone in Canada is paying today. Well, that was step A in this Bill. The second step was to say, after we've tried all the solutions, after we've done everything in our power, put some more money into our benefit programs, tried to negotiate the price, tried to ask manufacturers to give Maine citizens the best price. If they don't, then we say, at some date out there in the future, we are going to require this of you. We are going to require that you give us the best prices whether they're paid across the border in Canada or paid by veterans in this state. We want to receive the very best prices.

This Bill does something very similar, but I think we're going to try even harder to make that happen. The first thing that we've done in the amendment is to outline what we're going to call the "Maine RX Program". We are going to say to citizens who are not currently covered by an insurance plan, or their plan has them underinsured, that they can get a card called the "Maine RX" card. You can take it into your pharmacy and you can get a discount on the price of prescription drugs. We're going to use the market power, the power that your HMO uses, that the federal government uses, that other countries are now using, to negotiate with the manufacturers to say, bring down the cost of these drugs. We're going to ask people to use their card and we will, through a system that is already use in the Medicaid Program, the DEL Program, and the supplemental programs that we've been operating for a long time. We're going to ask for rebates from the manufacturers. We're going to make sure that

some of that rebate money is returned to the consumer. We are going to ask the Commissioner to negotiate until the point that we've reached is the same as the FSS, the name for the price which is what veterans in the State of Maine at Togus, or people at federally qualified health centers here in the State of Maine, now receive. We are going to negotiate to those prices and as we get ever increasing discounts, we will return those to the consumers. If, in fact, manufacturers choose not to cooperate, we will use all the tools available to us here in the state. We will require their participation in this program if they want to participate in the Medicaid Program. We will suggest to them that we will require prior authorization of their drugs in the Medicaid Program. We will use the language in the profiteering statute that says that if there is non-participation, we will ask the Attorney General to prosecute under a statute that says excessive profits cannot be made on the necessities of life. If again, in fact, we are unable to bring the prices down, then we will have to enact something that requires them to sell at the best possible price anyone else is getting.

This makes us a leader in many ways and it also gives us challenges. We have done our best in this Bill to craft language that is legally defensible, to craft language that is enactable, and doable by the department right now, and that also allows for some review as we go down this road. I think it's safe to say that no one wants to see this state in the position of requiring prices, or interfering with the market. That's why we push the implementation date of that until 2003. It's why we have an extensive process with an advisory board that brings in practitioners, people who write prescriptions, that has a process that brings in pharmacists to help advise us on this and allows for rule making to come back to the legislature so that we have plenty of time and plenty of opportunities to consider this along the way. It is our sincere hope that there are actions taken in the federal government that enact many of the things that we are asking to have happen here today; that we see other states joining with us in this mission, but that we find a way to make a very strong statement on the part of our citizens that this is something that must happen. This is something that is a crisis for many Maine people and this is something that we want to take action on right away.

We have spent a lot of time trying to imagine what could be the unintended consequences. What could happen in cost shift here? We have put language in the Bill to direct the Commissioner and the advisory committee to look at bringing other people into a purchasing alliance. The Governor yesterday said that he would make sure that this language was given to other states. We will be meeting with other states to see how many other entities would like to join with us in creating a purchasing pool that only improves our market power. We have been trying to think about as many things as we possibly can to make sure that Maine is taking very strong action to defend and to protect what we think is a very important issue on the part of our citizens. I hope you will all seriously consider voting "yes" on this amendment. I think you will feel as proud as I do for the work that we've been able to do this session on this Bill and for the actions that we hope that we can take today on behalf of many people who struggle to afford prices that have become way too high. Thank you very much.

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

Senator AMERO: Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today to speak about the great improvements that this amendment brings to the original Bill. Several of us were concerned that the original prescription drug Bill had 2 major problems with it. First of all, it wasn't a real solution that was going to lower drug prices in a timely manner. It has a timeline of about 2 years before anything would actually be accomplished. The second objection which many of us shared was tying the price controls of prescription drugs in Maine to a Canadian standard. This interfered with interstate commerce and would have caused that prescription drug Bill to end up in the courts maybe for years and would have required the state to have expended a large amount of funds defending a Bill in court which maybe was not defensible.

So we see, with the improvements in this Bill, an opportunity here to address those 2 issues that we were concerned about. We now see an RX drug card being offered which will address, in a timely manner, the needs of folks who are having problems purchasing their drugs for a reasonable cost. We think this is a great improvement. Also the fact that the Commission, which is going to be established if drug prices don't come down, is in fact an advisory commission, which will make recommendations to the Executive branch or the Legislative branch for how to further bring down the price of drugs.

I think it is a far better solution than the original Bill. I think it is a good beginning in this state to helping people address the high cost of drugs. I do, however, feel that there will have to be action at the congressional level to expand Medicare coverage to include prescription drugs. If we can work as a state with Congress to find a national solution to the high cost of drugs, I think that we will be in much better shape than we are today. I also would like, at this time, to commend our Chief Executive Officer for bringing people together to address a problem that we all know is a problem in the State of Maine, one that we all felt needed addressing, and one that brought the parties together so that we could come up with a reasonable approach that will work in the State of Maine and that will not cost us thousands, and maybe millions, of dollars by having to defend the Bill in the courts. With that, Mr. President, I would urge support for this amendment and when the vote is taken, I would request the yeas and the nays.

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

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

Senator MILLS: Mr. President. Men and women of the Senate, I think we need to recognize that the amendment that has been presented to us this morning is, in effect, a brand new Bill. It is not an amendment. It is a complete rewrite. It contains brand new concepts, some of them highly creative. It results from, what I understand was, a very intensive series of negotiations and a lot of work that was done over the past 10 days. I think an awful lot of credit goes to the Governor in this instance, to his legal counsel, and to the Department of Human Services, from which many of these ideas emanated. I only regret that this work could not have been done in the committee, when the committee had these issues before it. Unfortunately, when the Bill came out of committee, it came out in divided form with apparently very little opportunity to blend people's competing ideas.

I voted for the Bill that passed this chamber several weeks ago, knowing in my own mind that the Bill would almost certainly fail in court. I did so because I thought it was more powerful to send out a defective Bill and prove, if you will, the difficulty that we have as states in regulating in this difficult area. It was preferable to do that than to send some weak and wobbly resolution down to Congress that doesn't mean anything. It just gets tossed into somebody's circular file down there. Clearly, federal action of some sort is called for. But to the extent that the state had any jurisdiction over the issue, any capacity to act, any power, I thought it was important that we at least attempt something. The prior Bill, I think, would have failed in court miserably. Nevertheless, I thought that the spirit behind it was well taken and that we needed to make a stronger statement than simply sending out a resolution.

The Bill that is now before us contains several brand new concepts. The purchasing card concept. The use of the profiteering statute. The tying of price regulation to in-state standard. I think all 3 of those new concepts have fairly decent viability in court. They are certainly open to challenge, but I think we've got a fighting chance to sustain them in a court of competent jurisdiction. I'm very pleased with the work that has gone into this new Bill. I will vote for it much more willingly than I did the prior version. Again, I want to congratulate the Governor's Office and the Department of Human Services for doing such a fine job in coming up with these ideas. Thank you.

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

Senator HARRIMAN: Thank you very much Mr. President. Good afternoon ladies and gentlemen of the Senate. Mr. President, I was one of the members of this body that voted against the original version of this Bill. I did so not because I didn't care about the issue. Certainly we all have an interest in finding a workable solution to lower the cost of prescription drugs. I voted against that original Bill because, as my good friend from Somerset, Senator Mills, has pointed out, it was most certainly defective. In fact, since the Bill reached the Governor's desk, I've been told that numerous legal opinions affirmed that this Bill, in its original form, was clearly unconstitutional. I'm delighted that the legislative process has enabled this Bill to be pulled back into this chamber where it can be worked in a fashion that will make a difference for Maine citizens.

Having said that, Mr. President, I was not fortunate enough to be part of the negotiations that have been going on since we left town a few weeks ago and literally have just received the final version of this amendment about an hour ago. So, if you will indulge me, Mr. President, I have a number of questions that I'm hoping that someone might be able to answer so that I know exactly, to the extent possible, what this Bill is actually going to do.

THE PRESIDENT: The Senator may proceed with his questions.

Senator HARRIMAN: Thank you Mr. President. In the amendment it states that the manufacturers, or labelers, who do not participate in the program will need to go through a process called "prior authorization" through the Medicaid Program. It is my understanding that you're only allowed to use, under Medicaid laws, the prior authorization process for medical reasons, not for financial reasons. This Bill seems to indicate that we'll be using that statute, or rule, for financial reasons.

THE PRESIDENT: The Senator may proceed if he has more questions.

Senator **HARRIMAN:** Thank you Mr. President. In the amendment it also says that we're going to take the \$4.6 million from the Trust Fund for a Healthy Maine to capitalize this Bill. It was my understanding, clear understanding, that the money set aside in the Fund for a Healthy Maine from the tobacco settlement money was to be used to build up the Fund for a Healthy Maine so that when the programs that are being funded out of the Fund for a Healthy Maine exceed what we're currently receiving for settlement money, that we could go to this trust fund and make up the difference. I'm anxious to know what are the implications for the Fund for a Healthy Maine if we take roughly 40% of that fund now to pay for this program?

Further, Mr. President, in the amendment, there are 6 new positions created in the Department of Human Services to administer the program. The fiscal note estimates that these costs will grow to well over a \$1 million in the future. I'm wondering if someone can explain to me how this new bureaucracy is going to work?

The Bill also allows for outsourcing of the services contained in this Bill. I'd like to know how that's going to work?

Lastly, Mr. President, there is \$130,000 for a new Assistant Attorney General's position for litigation costs. I'm anxious to know if we really know how much this amendment is going to generate for litigation and have we set aside enough money to do that? Thank you, Mr. President.

THE PRESIDENT: The Senator from Cumberland, Senator Harriman, poses a series of questions through the Chair to anyone who may be able to answer. The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you Mr. President. Men and women of the Senate, I will do my best to answer some of the questions that have been posed. In the first instance, under prior authorization, it is my understanding under the rules of Medicaid that the state cannot implement a formulary but can have prior authorization. That is very similar to what happens in most insurance companies today. Your doctor may suggest a particular drug that might be the most expensive drug for treating that purpose. There is an allowance, as I say it often happens in the HMO market today, for offering that patient the lowest priced available drug that will clinically and medically do the right thing. So this is a tool that is available. It is occasionally used and the department has stated that it would be an effective tool in encouraging manufacturers to participate in this program.

As to the financial issues that the good Senator from Cumberland, Senator Harriman, has raised. I do appreciate his comments about not being a participant in the week-long negotiating process. But I do think he was a participant yesterday when this Bill was discussed in the Appropriations Committee and many of these issues were raised. So I don't think it is the first time that the fiscal note has been available to anyone on the Appropriations Committee which met at 3:00 yesterday afternoon.

As to the \$4.6 million from the Trust Fund for a Healthy Maine. This was an issue much discussed in this process about where some money to capitalize this particular RX fund would come from. While we looked at the Rainy Day money, and we looked at other sources, it seemed appropriate, in speaking with

many of the individuals who had been involved with crafting the legislation around the Fund for a Healthy Maine, that this particular fund of money, which is in statute to be set aside for a Trust Fund to build up in the future, was an appropriate place to go. I want to be very clear, in the Fund for a Healthy Maine there are 2 set asides; one is \$25 million and this was \$10,000. The \$25 million is the reserve fund that has been set aside in case there is not money available in the future to fund the programs that currently have been enacted, or money has been allocated to, in the Fund for a Healthy Maine. We have not touched that money. That was a very important decision to be made because that money is set aside to make sure that none of the programs that we have already decided to support, whether it's for child care, whether it's for early childhood development, whether it's for prescription drugs, or tobacco cessation, will not be affected. The pot of money that we looked at was the money that will be built up into a trust fund over the years and the interest will then be applied to other health care needs. As you will see in the amendment, this is a capitalization fund. There is a plan whereby the state will repay into that fund every year. The money will go back into the trust fund. Our intent in this law is to make sure that it is merely a loan to capitalize this fund.

Not to get too deep into the details, although I'd be happy to answer anyone who has questions. The way the Maine RX Program works is very similar to the way that this entire industry works. It's not based on discounts, it's based on rebates, and rebates are what we currently earn under the Medicaid Program. We are just expanding our use of those rebates. Our intention is for the Commissioner to get as big of a rebate as he can on January 1, but to continue negotiating those rebates until we're able to offer the citizens of the State of Maine, who want to participate under this program, the same rebate that is negotiated by the federal government, the FSS, or the veteran's price, down the road. We wanted to make sure that from day one when someone used their card, they not only got the first rebate we think we can get, which is the Medicaid rebate, but we also had money set aside to make sure that the local pharmacy got a \$3 professional fee. They can add this to their dispensing fee, which helps them to absorb any cost that they assume if they choose to participate in this entirely volunteer program. So we needed to capitalize that fund. We thought it was important for Maine citizens. We did not want to be asking people to use an RX Card and then find that they really couldn't accumulate the discounts until somewhere down the road. That was our decision to make sure that people saw an immediate benefit. We are hoping that not only do they get a benefit on day one, but through our negotiations and rebates and using some of the tools like prior authorization to make sure the industry participates with us, they will see ever increasing rebates.

As to the funding for the AG, we have cut that because we think that this is legally defensible. More legally defensible than our previous Bill. It's been the agreement on this. But we want to keep some money in a reserve fund because, again, we anticipate an industry that does not like anyone suggesting to them that they should offer the best price that they're giving to everybody else, to the citizens of the State of Maine. Our history and track record on this is that they do not like to give us a percentage of their profits to make their products more affordable. So, we are anticipating a potential legal case. We don't know where it will come from, but we wanted to be sure that we gave some reassurance to our colleagues and set aside some of that money.

The new positions that are funded under this are because the state is going to become a pharmacy benefits manager. That's what the Maine RX Program is. We use a tool that is used now by the insurance industry, that is used by the federal government. If you read last Sunday's issue of the New York Times, you can see it's a part of this particular industry where a lot of money is accumulated. We wanted to make sure if there was an opportunity for us to participate in a revolutionary way on behalf of our citizens, that we had the tools that we needed to do that. We are suggesting to the department that they hire someone who is familiar with PBM's, as they are called, who can bring the best expertise to this and that we're able to use our negotiating power on behalf of our citizens. We have attempted to fund it under the same fiscal note that there was for the original Bill that has already been allocated by the legislature. Many of those things that were in the fiscal note, the bulk of which was a study that the department was going to conduct to understand some of the ramifications of this. We are now putting that into position and that is what the fiscal note looks like. I have attempted to do my best to answer the questions before us.

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

Senator **DOUGLASS:** Mr. President. I rise today to say thank you to those who brought this Bill to us. I rise to recognize the people of Maine who said, "We demand fair prescription drug prices and we can do better in Maine than what we have now." I rise to recognize the leadership in the legislature who said, "We can do better than what we have now." Who demanded fair prescription drug prices. I want to thank the Governor for participating in making this a better law. I want to thank members of the other party for agreeing to make this a better law. I think it's important to recognize where the surge began. It was with the people of Maine and with the good Senator from Knox, Senator Pingree. I think it's important to also recognize the leadership of the Senator from Aroostook, Senator Paradis, who constantly told us about the constituents in her area who could choose to get fair prescription drugs across the border or suffer with those that we have in Maine.

I think it's important as we ride this wave of being first in the nation to help preserve our health, to help further preventive medicine, to say we remember where that surge began. With that, I hope you will all vote in favor.

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

Senator **LONGLEY:** Thank you Mr. President. Colleagues in the Senate, I too would like to throw in my thank you for all the work that many, many people here have been doing over time. You know, they talk about devolution and the state legislatures. How those in the State House are in the laboratories of democracy. In many respects, all of us in this State House today are in one giant test tube. What we're coming up with is a formula that hasn't happened anywhere else in the nation. I think we all can be very happy and proud.

In the devolution scheme, I think it shows that what's missing when we throw all this power to the states, is the fact that states in our test tubes, we bump up against Congress and their power with the commerce powers. I think we can't do things that Congress can do. We cannot do things by Executive Order like the President can do. We can't do things that the courts can do.

I'd just like to elaborate a little on the commerce clause. Basically, we're not allowed to isolate ourselves from the national economy in any way, shape, or form. As the Senator from Somerset said, we have constitutional issues that are of great concern. We can't do things for our constituents that can be labeled economic protectionism. We all, who studied constitutional law, remember Wickard and Filburn, the farmer who wanted to consume his wheat on his own farm. The courts came and said that comes within the commerce power of Congress. So the commerce power is very strong. A Maine case went to the U.S. Supreme Court a few years ago on giving special benefits to campers who came from Maine as opposed to campers from out of state at Maine camps. The court struck it down. In terms of Executive Order, this morning I woke up to a BBC report saying that South Africa finally was getting what it was asking for. Last May in the New York Times, the title was "Victim's Lost in Battle over Drug Patents". We look at Congress and we think with your protectionism around patents you're hurting people in all the states, all those who need prescription drugs and could get it at lower price if that patent protections weren't so extreme. Anyway, President Nelson Mandela didn't want to have to honor patents when people were dying of AIDS left and right. So what South Africa attempted last May, and what they received yesterday, was they attempted to allow local firms to make, market, and sell generic versions of drugs, patented by the multinational drug companies. They, too, set off a tidal wave. Yesterday, by Executive Order, President Clinton said, "Okay, we're going to grant you relief by Executive Order, you can locally manufacture generic drugs to help with the crises surrounding AIDS and Africans dying by the thousands." In terms of courts, maybe the antitrust provisions are a way that we can bet at the prices of drugs. 1890 with the railroad tycoons, oil tycoons, we decided, wait a minute, what they're doing is restraining trade and we ought to stop it. The Standard Oil case came out. Maybe this is going on in the prescription drug world. The combinations that amount to unreasonable restraints of trade cannot be allowed. Maybe that's an avenue we can go in the courts. Congress has the power. Executive Orders have the power. Courts have the power. What we've done in this laboratory of democracy in this State House is we've found a way, given our limited powers, to try to bring prices down for constituents. The prices, as is, will begin to go down at 6%. Hopefully, they'll rise.

I think we've got to be aware of the fact that what we're doing is the best we can do. But there are other forces out there, outside of the State House, that need to help. We need help. What we're doing is great, it's fabulous, and it's a wonderful product of our laboratory. I look forward to our constituents getting lower cost drugs. But I also look forward to the courts, Executive Order, the President, and Congress helping us with this very difficult task of lowering the price of prescription drugs. Thank you very much.

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

Senator **ABROMSON:** Thank you Mr. President. I have a question for anyone who might answer.

THE PRESIDENT: The Senator may pose his question.

Senator **ABROMSON**: Mr. President, in subchapter 3 of the amendment, "Profiteering and Prescription Drugs," it mentions as a definition for profiteering as "something where the manufacturer, distributor, or labeler exacts, or demands, an unconscionable price." It goes on to say, "exact or demands prices that lead to any unjust or unreasonable profit."

I'm just wondering, it isn't in this amendment; perhaps it's in the anti-profiteering statute, if anyone knows if there are definitions of unconscionable, unjust, or unreasonable?

THE PRESIDENT: The Senator from Cumberland, Senator Abromson, poses a question through the Chair to anyone who may be able to answer. The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE**: Thank you Mr. President. I will do my best to answer the question. Based on sort of how this issue has been thought through over the past few days, but I'd be happy to hear from any of the legal minds who know more about case law. My understanding is this is not defined in the statute, but in fact, there is case law that supports the use of these words. Picture yourself locked in a room with several lawyers for 10 days. A number of conversations around what is the best defensible language to use for this. I think people who deal with the courts and deal with legal issues may be able to expand on that, but my understanding is that those words were chosen because of the volume of case law that supports them and their use.

As many of you probably know, the profiteering statute has been on the books for many years. We just moved some of that language into this section to make it very clear that we felt it was appropriate to use this statute in this because we consider prescription drugs as a necessity of life. The profiteering statute now has a list of other items that are covered. We decided these should be covered as well.

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

Senator **BENNETT**: Thank you Mr. President. Fellow members of the Senate, good afternoon. I stand in support of adopting this amendment. This Bill is clearly better with this amendment attached to it. The more people who are involved in a policy making enterprise such as this one, I think, the better is the work product that they create in our legislative system. Regrettably, I believe this legislature earlier failed in producing something on our own that was supportable. Unfortunately, it appears we needed the disciplinary force of a possible Governor's Veto to produce a supportable approach in this difficult issue.

Does this Bill put the state in the drug business? Well, the state is already waist deep in the drug business. I would submit that this Bill would just make us perhaps chest deep in the drug business. There are some problems with this Bill. I think that some provisions of this Bill are going to be challenged for constitutionality. I think the profiteering statute provisions, the prior authorization, the price control mechanism itself may be challenged. But, I believe that these devices are hung about the kernel of something very good. A very good idea. That good idea is a market approach to solving this problem. The good idea is combining the forces of Maine citizens, neighbors, and community members together and ensuring the best price for pharmaceuticals.

Most importantly, this Bill starts immediately and provides immediate relief from the tremendously burdensome problem that

many of our constituents face with the price and the cost of prescription drugs. With this Bill, in short, how will my constituents spell "relief"? Maine RX. I urge you to vote to adopt this amendment.

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

The President retired from the Chamber.

The Senate called to order by President Pro Tem **ANNE M. RAND** of Cumberland County.

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

Senator **BENOIT**: Thank you Madam President. May it please the Senate. Six years ago when I ran for the Senate, the first day of my campaign I established a motto I've tried to follow. It is a simple one. It is that my constituents' agenda leads and my agenda follows. I have been criticized, even here in the Senate, for having such a motto. I've tried to follow it. I will follow it, and support this Bill, although I see it as a source of future litigation. The Bill smartly, intelligently predicts such litigation. The good Senator from Cumberland, Senator Abromson, stood and posed a question a few moments ago and got an answer from the Senator from Knox, Senator Pingree. She gave as good an answer as can be given today on that language. Don't be surprised, however, if this ends up in court and is declared, for that language, to be void for vagueness. That bothers me. There are other particulars about the measure as well that bother me and seem to promote litigation. Litigation which could be, unfortunately, successful.

I am voting in support of it because my constituents' agenda reads that way. I have many constituents who have waited too long for this kind of relief. I have worked for this kind of legislation in my 3 terms. What a pity it would be, this amendment being prepared in the eleventh hour, for it to fail in court, thus denying our senior citizens the very relief we wish to give them. What a pity. I hope that doesn't happen. I hope it's a piece of legislation that will stand the test of court. But I am troubled by its language. Some of which has been discussed today. I hope, as well, that this Bill will not deny a single person, will not diminish to a single Maine person, the availability of a life-sustaining drug. I hope that doesn't happen. Somehow some provider of such a drug pulling out of Maine, or not presenting that sort of drug to someone who needs it. I pray that the Bill will not sponsor our business community to decline to continue issuing drug cards to employees, or to renege on those that exist, taking away from our citizens something they possess today.

Again, in conclusion, Madam President, I support this Bill. I want to see something done in this area. It is long overdue. I pray that this will live beyond court challenge. Thank you.

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

Senator **HARRIMAN**: Thank you very much Madam President. Good afternoon ladies and gentlemen of the Senate. I think before we take a vote on this Bill we ought to pause for a moment and remind ourselves of the good work that this legislature has done on this issue in the past. We have created and expanded the Low Cost Drugs for the Elderly Program. We also, in the Fund for a Healthy Maine, added additional funding to help take the edge off the high cost of prescription drugs. We created a voluntary program that invited manufacturers and labelers of prescription drugs to participate in our Medicaid Program. In fact, this new Bill before us repeals that program that was begun just 6 months ago. I'd be curious to know how it has worked and why it is being repealed. But, nonetheless, we have a lot to be proud of for the work that has been done on this issue, and in fact, the provisions in the Fund for a Healthy Maine took it even several steps beyond that.

Earlier, Madam President, the good Senator from Knox, my friend, Senator Pingree, indicated that there was a briefing in the Appropriations Committee yesterday. In fact, there was an informal briefing. I was able to step in towards the end of it where I was hearing the financial implications of this Bill. I got a chance to see its final version just an hour ago. The good Senator from Knox was kind enough to share with me a draft of that Bill late yesterday afternoon. I was reminded that it may not be final and formal, but, nonetheless, I appreciated the chance to review that and read it which is what, in part, has posed the questions that I asked earlier.

This Bill before us now is where the legislature should have started, not where it is going to end up. Like my good friend from Franklin, Senator Benoit, my constituents want to know that this legislature understands the challenges that many families are facing when it comes to the cost of prescription drugs. So, I will be cheerfully supporting this new Bill and doing so with some concerns. The concerns about the sections on profiteering were mentioned earlier. But the one that I have a special concern about is in the section where it says, "if a labeler or a manufacturer intentionally prevents, limits, lessens, or restricts the sale or distribution of prescription drugs in the state in retaliation for the provisions of this chapter." I don't know why we would put such strong and harsh language in there. If what we're saying is, "If you're doing business now and you choose not to be part of this program and decide to no longer offer your products in this state, we're going to come after you under this statute, and if we're successful, we're going to get you to reimburse us for necessary and reasonable investigative costs, expert fees, reasonable attorney fees, and damages."

I mentioned earlier, Madam President, it was my understanding, I once served on the Health and Human Services Committee. I think I have a pretty good understanding of how the prior authorization process works under Medicaid. Our new Bill says that the Medicaid Program, requiring additional prior authorization for the dispensing of drugs, determined to be priced above the established maximum retail price level. To me this is in direct conflict of what prior authorization is meant to be used for under Medicaid. It is to be used for medically necessary decisions, not for price decisions. But that's what this new Bill says. Madam President, we also see throughout this Bill extraordinary language empowering the Commissioner of Health and Human Services, who I parenthetically say the Commissioner is a fine public servant and someone I have truly enjoyed working with and debating with from time to time. Nonetheless, this Bill gives extraordinary powers to one individual to decide numerous provisions of this Bill. The Bill, Madam

President, also determines that a Bill of this magnitude, any rules that are adopted by the department are going to be considered minor rules, not major substantive rules that must come back to you and I for further discussion and approval. The Bill has price controls. Others have already spoken to the concerns of that earlier.

But having said that, Madam President, I think at the end of the day these discussions and actions, or reactions, will take place in the months ahead. The message today is that, in addition to what we've done on prescription drug costs prior to this, we also have a pretty big, bold statement coming out of this legislature that says that we're going to work to find a way to make sure that we can have the advantage of market power purchasing. Lastly, Madam President, I must say how proud I am of our Governor, who had the courage to take this issue and send it back to us to work on. Quite frankly, I think he would have been on very defensible ground to say, "Good idea, very important issue, but for all of these reasons I must veto it." Instead, our Governor deserves a tremendous amount of credit for recognizing the flaws that were in the Bill before us and sending them back up here where we could work on something that had a better chance of making a real difference in the lives of people who are paying for prescription drugs. I take my hat off to him and I compliment him. Thank you, Madam President.

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

Senator **LAWRENCE**: Thank you Madam President. Men and women of the Senate, I just wanted to make a few remarks and thank a few people. Before I do that I just want to point out one particular point that was made in previous debate. All the rules regarding if there was an eventual price control in this Bill, all those rules would be major substantive rules and have to come back to the Legislature at that time.

The point I want to make is to simply thank the good Senator from Knox, Senator Pingree, for her courage in bringing forward this Bill. But for that courage, we would not be here today. I want to thank the people who co-sponsored that Bill in this chamber, members of both parties who co-sponsored this Bill. It was a very courageous move. I remember when the first incarnation of this Bill came in and there were only 6 or 7 of us on the Bill. Then we made some additional changes and we got up to over 70 co-sponsors on this Bill. I especially want to thank the Health and Human Services Committee and the members of this chamber. But for your courage, we would not be here today. Because, although there are changes in this Bill, the philosophy is still the same. The important part of this Bill is still the same. This is a Bill designed to reduce drug prices in this state. I want to thank the Governor for agreeing to allow us to recall the Bill from his desk so that we could sit down with him and talk about his differences. Those differences weren't major and we've actually been able to craft something that actually presents a better legal argument for us. I know this will be challenged. But we really haven't changed the substance of what we were accomplishing in the original Bill.

The people I want to thank the most are the people who are behind us in this chamber and the many more who are with them, because they're the original originators of this Bill. They're the ones who started this legislation. They're the people who we went out and talked to around the state. They're the people like the people in Rumford who we went to see and the good Senator from Oxford, Senator Ferguson, went to see and to talk to about

the needs to make this change. They're the people who talked to us in Presque Isle and Madawaska and said, "We need to start this ball rolling. We need people with courage in the Maine Senate to move this Bill to the point where we can get it resolved." We did that and I want to thank the members in this chamber who had the courage to put this Bill down on the Governor's desk so we could ultimately end up with what I think is a fair solution that will move us and make us first in the nation to do this. But the challenge begins today because we will obviously be challenged on this. We've got to be willing to stand up to that challenge and we've got to have the persistence to hang with this. We've said loud and clear from the State of Maine that the change that has started here in Maine needs to happen in Washington D.C. Thank you very much.

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 Cumberland, Senator **RAND** to her seat on the floor.

Senate called to order by the President.

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

Senator **GOLDTHWAIT:** Thank you Mr. President. Ladies and gentlemen of the Senate, when the Senator from Franklin, Senator Benoit, said that he had been waiting for 3 terms for this legislation, it struck me that so had I. I'm not sure why I did that because, certainly, I was aware of the problem in this area and how acute it was for many of the citizens in the State of Maine. Yet I waited for a solution to this problem. Fortunately, the Senator from Knox, Senator Pingree, didn't wait. She raised a Bill that had tons of objections, tons of problems, and tons of very difficult issues to work out. They have been worked out through very arduous negotiations that involved both bodies, both parties and even somebody from no party at all.

We are denying life sustaining drugs to people in the State of Maine right now, so I am not concerned that this particular Bill might in some way impact that because it sure is not going to make it any worse. We have ample opportunity to refine this Bill, soon to be law I hope, as we go forward. I am sure that we will find occasion to do that, but that is not a reason not to support it now. I am glad that many members of the chamber have expressed their willingness to overcome their very legitimate objections and support this Bill, because it's a great Bill. I love the Bill and I hope we vote very soon. Thank you.

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

Senator **NUTTING:** Thank you Mr. President. Ladies and gentlemen of the Senate, not to delay our vote too much longer. I wasn't planning on speaking today but some of the earlier statements about a concern that we shouldn't use the state's profiteering laws really began to get my hair standing up on the back of my neck. I am also troubled about some of the phone

calls that some of my constituents have been getting today, some of my elderly constituents. They've been getting phone calls from pharmaceutical lobbyists telling them that they should call me to oppose this Bill because if this Bill passes in its current form, there will not be a single prescription written again in the State of Maine. I thought that was quite a campaign for the pharmaceutical industry to be entertaining and embarking on today. I think there is profiteering going on.

Believe it or not, ladies and gentlemen of the Senate, now and then, my cows on my farm fail to ovulate. That's just something that I wasn't planning on bringing forth. It is relative, I think, to the debate we're having today and have had on this issue. With the veterinarian's guidance, for \$32 I can buy 10 ccs of a gonadotrophin product that will correct the problem. It has a very distinct bottle and a very distinct company. That 10 ccs costs me \$32. I can remember going with my wife on a routine visit with her to her baby doctor. While I was in the office, I happened to notice the exact same bottle. The exact same company. The doctor was a great friend who has since passed away. He was a lovely man. Doctor Johnson in Auburn. I got asking him what he paid for that 10 cc bottle. He didn't pay \$32. He paid just under \$1,000 for the exact same thing. Now you might think it was probably different. We talked several times back and forth. It was not only the same bottle, it was not only the same company, yes, it did have a different label, but it had the exact same lot number of manufacture.

To me, that's reason to support this Bill. Heck, I'd almost vote for anything, because this industry to me has no conscience. That's best exhibited by what they're telling my constituents today. False statements about the fact that there's not going to be any more prescriptions ever written in the State of Maine today. That happened this morning to several of my constituents. I think that's just plain bad. I urge everyone to vote for this Bill in its amended form. Thank you.

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

Senator **PENDLETON:** Thank you Mr. President. Mr. President, men and women of the Senate, I am not going to stand here and say that I didn't plan to speak and I'm not going to stand here and say I'm going to be brief. But I would like to say this. I would like to say thank you very much to Senator Pingree, to the Chief Executive, and to both parties for working on this issue so diligently.

I ran on this issue back in 1988. I belonged to a different party and I was running for a different body at that time. I was just coming out of being a public health nurse. I was caring for patients in their own homes. I was teaching them how to use their medications. I was monitoring their use of the medications. I was trying to figure out what worked and what didn't as far as their medical care was concerned. I can particularly remember one patient who had high blood pressure. I made sure that she got her medication. I checked her blood pressure conscientiously. I checked her diet. I thought she was following the rules. I thought she was doing exactly what I was asking her to do. But her blood pressure was always going up and up and up. Finally, it dawned on me. "Are you taking your pills every day as I instructed you to do?" "Oh, no, I'm taking them every other day because I can't afford to take them every day."

Men and women of the body and Mr. President, that was almost 20 years ago. I remember going back to the office and saying, "I wish somebody would do something, there ought to

really be a law." I'm sorry I didn't step forward sooner. I'm glad I co-sponsored this piece of legislation and I'm glad we're finally stepping forward. I'm a patient person, but 20 years is a long time to wait. Thank you.

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

Senator **HARRIMAN:** Thank you very much Mr. President. Mr. President, I request leave of the Senate to speak a third time.

THE PRESIDENT: The Senator from Cumberland, Senator Harriman, requests unanimous consent of the Senate to address the Senate a third time on this matter. The Senator may proceed.

Senator **HARRIMAN:** Thank you very much. Ladies and gentlemen of the Senate, good afternoon. Mr. President, just for the record. I again wanted to say that I barely had time to go through this in much detail, but I think I've got a pretty good grasp of what is before us. From what I read in regard to the rule making, it says on page 6 of the Bill, "The Department may adopt rules to implement the provisions of this section. Rules adopted pursuant to this section are routine technical rules." Routine technical, not major substantive. The only section of this new Bill that has an opportunity for this legislature to review the rules that are promulgated have to with the price setting board. Other than that, it is my understanding that all of the rules that will be promulgated, will be routine and will not come back before us. If that is in error, I would certainly stand corrected. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Knox, Senator Pingree to Adopt Senate Amendment "A" (S-803). 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 (#429)

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

NAYS: Senators: None

ABSENT: Senators: CAREY, CATHCART, KIEFFER, KILKELLY, TREAT

30 Senators having voted in the affirmative and no Senators having voted in the negative, with 5 Senators being absent, the motion by Senator **PINGREE** of Knox to **ADOPT** Senate Amendment "A" (S-803), **PREVAILED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-803), 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:

COMMUNICATIONS

The Following Communication: H.C. 458

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

May 8, 2000

Dear Members of the 119th Legislature,

Enclosed please find H.P. 1214, L.D. 1743, "An Act to Preserve Live Harness Racing in the State," which I am returning without my signature or approval.

I can appreciate and support efforts to maintain and improve the Harness Racing tradition here in Maine. The harness race, Maine horsemen and women, and the Agricultural Fairs are part of our culture and our history. I realize L.D. 1743 is intended to help maintain this tradition and culture, but I believe this approach will lead to a compromise of the very tradition it seeks to preserve. I believe tele-betting will ultimately undermine the traditional harness racing experience many supporters cherish.

Convenience gambling only serves to increase the pool of gamblers, thereby increasing the level of the wagering right down to the individual bet. While there may be short-term benefit to the Maine harness racing community resulting from revenues realized from tele-betting, I am not convinced that in the long-run, the tradition and culture will be preserved by encouraging remote betting from our living rooms. I am aware that access currently exists for wagering to occur over the telephone or the internet. Unfortunately, I'm also aware that we possess little authority to prohibit much of that activity as it almost always originates elsewhere.

The 1999 report of the National Gambling Impact Study Commission concluded that "convenience gambling, such as electronic devices in neighborhood outlets," (or telephones in living rooms!) "provides fewer economic benefits and creates potentially greater social costs by making gambling more available and accessible. Therefore, the Commission recommends that states should not authorize any further convenience gambling operations and should cease and roll back existing operations." I believe at the very least we ought to heed their advice not to further expand convenience gambling operations in Maine. I further believe that the Federal Government needs to develop national policies on the regulation and/or prohibition of this type of gambling activity. If the Federal Government is going to rely on states to control gaming activity,

they must ensure we have the ability to do so. In the meantime, expanding easy access to gambling certainly doesn't constitute the kind of "value added" economic development to which I know we are all committed.

For the reasons outlined above, I am in firm opposition to L.D. 1743 and respectfully urge you to sustain my veto.

Sincerely

S/Angus S. King, Jr.
Governor

READ and ORDERED PLACED ON FILE.

The Accompanying Bill:

An Act to Preserve Live Harness Racing in the State
H.P. 1214 L.D. 1743
(S "A" S-638 to C "A" H-913)

Comes from the House, 94 members having voted in the affirmative and 47 members having voted in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

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

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 Provide Legal Access to Marijuana for Medical Use"
S.P. 1012 L.D. 2580
(S "A" S-776; S "B" S-797 to C "A" S-597)

In Senate, May 11, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-597) AS AMENDED BY SENATE AMENDMENTS "A" (S-776) AND "B" (S-797) thereto, in NON-CONCURRENCE.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-597) AS AMENDED BY SENATE AMENDMENT "B" (S-797) thereto, in NON-CONCURRENCE.**

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

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 Broaden Business Ownership in Maine"
H.P. 1809 L.D. 2535
(S "A" S-775 to C "A" H-932)

In Senate, May 11, 2000, **FAILED FINAL PASSAGE, in NON-CONCURRENCE.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-932) AS AMENDED BY HOUSE AMENDMENT "A" (H-1184) thereto, in NON-CONCURRENCE.**

Senator **PINGREE** of Knox moved the Senate **RECEDE and CONCUR.**

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#430)

YEAS: Senators: BERUBE, DAGGETT, DOUGLASS, KONTOS, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, THE PRESIDENT - MARK W. LAWRENCE

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

ABSENT: Senators: CAREY, CATHCART, KIEFFER, KILKELLY, TREAT

17 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 5 Senators being absent, the motion by Senator **PINGREE** of Knox to **RECEDE and CONCUR, PREVAILED.**

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

ORDERS OF THE DAY

Senator **BENNETT** of Oxford moved the Senate remove from the **TABLE** the following:

An Act to Increase Health Insurance Benefits for Retired Educators

S.P. 607 L.D. 1730
(H "A" H-794 to C "B" S-480)

Tabled - April 26, 2000, by Senator **MICHAUD** of Penobscot.

Pending - motion by same Senator to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE** (Roll Call Requested)

(In Senate, March 14, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-480) AS AMENDED BY HOUSE AMENDMENT "A" (H-794)** thereto, in concurrence.)

(In House, March 16, 2000, **PASSED TO BE ENACTED.**)

The same Senator requested and received leave of the Senate to withdraw his motion to **REMOVE** from the **TABLE**.

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

An Act to Improve Standards for Public Assistance to Maine Employers

S.P. 967 L.D. 2516
(S "B" S-784 to C "A" S-637)

Tabled - May 11, 2000, by Senator **PINGREE** of Knox.

Pending - **CONSIDERATION**

(In Senate, April 28, 2000, **PASSED TO BE ENACTED**, in concurrence.)

(In Senate, May 11, 2000, Veto Communication (S.C. 676) **READ** and **ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall this Bill become Law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#431)

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

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

ABSENT: Senators: **CAREY, CATHCART, KIEFFER, KILKELLY, TREAT**

18 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 5 Senators being absent, and 18 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

Off Record Remarks

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

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

After Recess

Senate called to order by the President.

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:

Resolve

Resolve, to Create a Commission to Study and Establish Moral Policies Regarding Foreign Investments and Foreign Purchasing by the State

H.P. 1755 L.D. 2461
(S "E" S-800 to C "A" H-870)

At the request of Senator **AMERO** of Cumberland a Division was had. 13 Senators having voted in the affirmative and 11 Senators having voted in the negative, was **FINALLY PASSED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 4 Senators being absent, and 20 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

ORDERS OF THE DAY

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

An Act to Preserve Live Harness Racing in the State"
H.P. 1214 L.D. 1743
(S "A" S-638 to C "A" H-913)

Tabled - May 11, 2000, by Senator **RAND** of Cumberland.

Pending - **CONSIDERATION**

(In House, May 11, 2000, Veto **OVERRIDDEN**.)

(In Senate, May 11, 2000, Veto Communications (H.C. 458)
READ and ORDERED PLACED ON FILE.)

The President laid before the Senate the following: "Shall this Bill become Law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#432)

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

NAYS: Senators: AMERO, BENNETT, BENOIT,
BERUBE, CASSIDY, DAVIS, GOLDTHWAIT,
LIBBY, MACKINNON, MILLS, SMALL

ABSENT: Senators: CAREY, CATHCART, KIEFFER,
TREAT

Senate at Ease.

Senate called to order by the President.

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

Emergency Measure

An Act to Establish Requirements for the Removal of Directors of Certain Maine Business Corporations before the Expiration of Their Established Terms

S.P. 1089 L.D. 2693
(C "A" S-740)

Tabled - May 11, 2000, by Senator **PINGREE** of Knox.

Pending - **ENACTMENT**, in **NON-CONCURRENCE**

(In Senate, April 26, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-740).**)

(In House, April 27, 2000, **FAILED ENACTMENT.**)

Senator **AMERO** of Cumberland moved the **RULES BE SUSPENDED**.

At the request of Senator **BENNETT** of Oxford a Division was had. 23 Senators having voted in the affirmative and 5 Senators having voted in the negative, and 23 being more than two-thirds of the Members present and voting, the motion by Senator **AMERO** of Cumberland to **SUSPEND THE RULES, PREVAILED**.

On motion by Senator **AMERO** of Cumberland, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-740)**.

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-740).

On further motion by same Senator, Senate Amendment "A" (S-807) to Committee Amendment "A" (S-740) **READ**.

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

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today to offer Senate Amendment "A" to the majority Committee Amendment to L.D. 2693. The purpose of this amendment is to lower the threshold required to call a special meeting of the shareholders to remove the directors of a publicly traded company down from 50% of the outstanding shares, as required in the current Bill, to 25% under this amendment. This amendment does 2 very important things. First by lowering the threshold to 25%, we are making this law consistent with Maine's current Anti-Hostile Takeover statute that prevents certain business combinations once a shareholder obtains 25% of the outstanding shares of a corporation. Second, it reaches, what I believe is, a more equitable balance between the competing interests of minority share holders in being able to call a special meeting to remove the directors and the interests of the directors in being able to manage the company without harassment from self-motivated shareholders constantly calling meetings to threaten their removal. This amendment makes it clear that a would-be corporate raider will not be able to easily circumvent Maine's Anti-Takeover laws by ousting the board of directors. I have spoken with BTI and they support this as a friendly amendment. For these reasons, I can and do support this Bill as amended and would ask that you please support the adoption of this amendment. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-807) to Committee Amendment "A" (S-740) **ADOPTED**.

Committee Amendment "A" (S-740) as Amended by Senate Amendment "A" (S-807) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

At the request of Senator **BENNETT** of Oxford a Division was had. 24 Senators having voted in the affirmative and 7 Senators having voted in the negative, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-740) AS AMENDED BY SENATE AMENDMENT "A" (S-807)** thereto, in **NON-CONCURRENCE**.

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

The Chair laid before the Senate the following Tabled and Later (4/26/00) Assigned matter:

An Act to Implement the Recommendations of the 118th Legislative Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators
S.P. 111 L.D. 308
(C "B" S-621)

Tabled - April 26, 2000, by Senator **MURRAY** of Penobscot.

Pending - motion by same Senator to **RECONSIDER** whereby Bill and accompanying papers was **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**

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

(In Senate, April 26, 2000, on motion by Senator **MICHAUD** of Penobscot, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.)

On motion by Senator **MURRAY** of Penobscot, the Senate **RECONSIDERED** whereby Bill and accompanying papers was **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Regulate Push Polling" S.P. 420 L.D. 1257
(H "A" H-1178 to C "B" S-502)

In Senate, April 28, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-502) AS AMENDED BY HOUSE AMENDMENT "A" (H-1178)** thereto, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1185)**, in **NON-CONCURRENCE**.

Senator **RAND** of Cumberland moved the Senate **ADHERE**.

Senator **BENNETT** of Oxford moved the Senate **RECEDE**.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending the motion by Senator **BENNETT** of Oxford to **RECEDE**.

ORDERS OF THE DAY

Senator **BENNETT** of Oxford moved the Senate remove from the **TABLE** the following:

An Act to Increase Health Insurance Benefits for Retired Educators
S.P. 607 L.D. 1730
(H "A" H-794 to C "B" S-480)

Tabled - April 26, 2000, by Senator **MICHAUD** of Penobscot.

Pending - motion by same Senator to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE** (Roll Call Requested)

(In Senate, March 14, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-480) AS AMENDED BY HOUSE AMENDMENT "A" (H-794)** thereto, in concurrence.)

(In House, March 16, 2000, **PASSED TO BE ENACTED.**)

Senator **PINGREE** of Knox 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.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#433)

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

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

ABSENT: Senators: CAREY, CATHCART, KIEFFER, TREAT

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator **BENNETT** of Oxford to **REMOVE** from **TABLE, FAILED.**

Senator **BENNETT** of Oxford moved the Senate remove from the **TABLE** the following:

Emergency Resolve

Resolve, to Improve the Quality of Long-term Care Services
H.P. 33 L.D. 42
(C "A" H-1089)

Tabled - April 26, 2000, by Senator **MICHAUD** of Penobscot.

Pending - motion by same Senator to **INDEFINITELY POSTPONE** Resolve and accompanying papers, in **NON-CONCURRENCE** (Roll Call Requested)

(In Senate, April 7, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1089)**, in concurrence.)

(In House, April 7, 2000, **FINALLY PASSED.**)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#434)

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

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

ABSENT: Senators: CAREY, CATHCART, KIEFFER, TREAT

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator **BENNETT** of Oxford to **REMOVE** from **TABLE, FAILED.**

Senator **BENNETT** of Oxford moved the Senate remove from the **TABLE** the following:

Resolve, to Reinstate Emergency Assistance for Dependents of Veterans

S.P. 688 L.D. 1934
(C "A" S-482)

Tabled - April 26, 2000, by Senator **BENNETT** of Oxford.

Pending - motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** Resolve and accompanying papers, in **NON-CONCURRENCE**

(In Senate, February 18, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-482)**, in concurrence.)

(In House, March 3, 2000, **FINALLY PASSED.**)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#435)

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

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

ABSENT: Senators: CAREY, CATHCART, KIEFFER, TREAT

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator **BENNETT** of Oxford to **REMOVE** from **TABLE, FAILED.**

Senator **BENNETT** of Oxford moved the Senate remove from the **TABLE** the following:

An Act to Expand Eligibility for the Veterans' Property Tax Exemption

H.P. 1662 L.D. 2331
(C "A" H-882)

Tabled - April 26, 2000, by Senator **BENNETT** of Oxford.

Pending - motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE**

(In Senate, April 4, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-882)**, in concurrence.)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#436)

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

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

ABSENT: Senators: CAREY, CATHCART, KIEFFER, TREAT

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator **BENNETT** of Oxford to **REMOVE** from **TABLE, FAILED.**

Senator **BENNETT** of Oxford moved the Senate remove from the **TABLE** the following:

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

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

Tabled - April 26, 2000, by Senator **BENNETT** of Oxford.

Pending - motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE**

(In Senate, April 5, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-525).**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#437)

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

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

ABSENT: Senators: CAREY, CATHCART, KIEFFER, TREAT

13 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator **BENNETT** of Oxford to **REMOVE** from **TABLE, FAILED.**

Senate called to order by the President.

Senator **BENNETT** of Oxford moved the Senate remove from the **TABLE** the following:

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

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

Tabled - April 26, 2000, by Senator **MICHAUD** of Penobscot.

Pending - motion by same Senator to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE** (Roll Call Requested)

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

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#438)

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

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

ABSENT: Senators: **CAREY, CATHCART, KIEFFER, TREAT**

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator **BENNETT** of Oxford to **REMOVE** from **TABLE, FAILED.**

Senate at Ease.

Senator **BENNETT** of Oxford moved the Senate remove from the **TABLE** the following:

Resolve, to Provide Temporary Relief from the Excise Tax on Diesel Fuel

H.P. 1832 L.D. 2568
(H "A" H-912 to C "A" H-901)

Tabled - April 26, 2000 by Senator **MICHAUD** of Penobscot.

Pending - motion by same Senator to **INDEFINITELY POSTPONE** Resolve and accompanying papers, in **NON-CONCURRENCE** (Roll Call Requested)

(In Senate, April 6, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-901) AS AMENDED BY HOUSE AMENDMENT "A" (H-912)** thereto, in concurrence.)

(In House, April 7, 2000, **FINALLY PASSED.**)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#439)

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

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

ABSENT: Senators: **CAREY, CATHCART, KIEFFER, TREAT**

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator **BENNETT** of Oxford to **REMOVE** from **TABLE, FAILED.**

Senator **BENNETT** of Oxford moved the Senate remove from the **TABLE** the following:

An Act to Exempt a Portion of Private and Public Pensions from Income Taxation

S.P. 1049 L.D. 2641
(S "A" S-619)

Tabled - April 26, 2000 by Senator **MICHAUD** of Penobscot.

Pending - motion by same Senator to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE** (Roll Call Requested)

(In Senate, March 31, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-619).**)

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

The Chair ordered 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.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#440)

YEAS: Senators: ABROMSON, AMERO, BENNETT, CASSIDY, DAVIS, GOLDTHWAIT, HARRIMAN, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL

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

ABSENT: Senators: CAREY, CATHCART, KIEFFER, TREAT

12 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator **BENNETT** of Oxford to **REMOVE** from **TABLE, FAILED.**

Senator **BENNETT** of Oxford moved the Senate remove from the **TABLE** the following:

An Act to Increase the Rate of Pay for Forest Fire Wardens
S.P. 894 L.D. 2313
(C "A" S-520)

Tabled - April 26, 2000, by Senator **MICHAUD** of Penobscot.

Pending - motion by Senator **BENNETT** of Oxford to **RECONSIDER** whereby Bill and accompanying papers were **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**

(In House, March 21, 2000, **PASSED TO BE ENACTED.**)

(In Senate, April 26, 2000, on motion by Senator **MICHAUD** of Penobscot, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#441)

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

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

ABSENT: Senators: CAREY, CATHCART, KIEFFER, TREAT

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator **BENNETT** of Oxford to **REMOVE** from **TABLE, FAILED.**

Senate at Ease.

Senate called to order by the President.

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 Provide Funding for Background Checks and Fingerprinting for School District Employees

S.P. 951 L.D. 2490
(S "D" S-801 to C "A" S-474)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with 1 Senator 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.

Resolve

Resolve, Regarding Access to Marijuana for Medical Use
S.P. 1012 L.D. 2580
(S "B" S-797 to C "A" S-597)

At the request of Senator **BENNETT** of Oxford a Division was had. 12 Senators having voted in the affirmative and 10 Senators having voted in the negative, was **FINALLY PASSED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

Resolve

Resolve, to Establish the Commission to Study Ownership Patterns in Maine

H.P. 1809 L.D. 2535
(H "A" H-1184 to C "A" H-932)

The Chair ordered a Division. 12 Senators having voted in the affirmative and 11 Senators having voted in the negative, was **FINALLY PASSED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

Non-Concurrent Matter

Bill "An Act to Regulate Push Polling"
S.P. 420 L.D. 1257
(H "A" H-1178 to C "B" S-502)

Tabled - May 11, 2000, by Senator **PINGREE** of Knox.

Pending - motion by Senator **BENNETT** of Oxford to **RECEDE**

(In Senate, April 28, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-502) AS AMENDED BY HOUSE AMENDMENT "A" (H-1178)** thereto, in concurrence.)

(In House, May 11, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1185)**, in **NON-CONCURRENCE**.)

(In Senate, May 11, 2000, Senator **RAND** of Cumberland moved the Senate **ADHERE**.)

On motion by Senator **BENNETT** of Oxford, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-502) AS AMENDED BY HOUSE AMENDMENT "A" (H-1178)** thereto, in concurrence.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED** Committee Amendment "B" (S-502) as Amended by House Amendment "A" (H-1178) thereto, in concurrence.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED** House Amendment "A" (H-1178) to Committee Amendment "B" (S-502), in concurrence.

On further motion by same Senator, House Amendment "A" (H-1178) to Committee Amendment "B" (S-502) **INDEFINITELY POSTPONED**.

On further motion by same Senator, Senate Amendment "B" (S-808) to Committee Amendment "B" (S-502) **READ** and **ADOPTED**.

Committee Amendment "B" (S-502) as Amended by Senate Amendment "B" (S-808) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

House Amendment "A" (H-1185) **READ**.

On motion by Senator **BENNETT** of Oxford, House Amendment "A" (H-1185) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-502) AS AMENDED BY SENATE AMENDMENT "B" (S-808) thereto, in **NON-CONCURRENCE**.

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

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Establish Fairer Pricing for Prescription Drugs"
S.P. 1026 L.D. 2599
(S "A" S-803)

In Senate, May 11, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-803)**, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-803) AS AMENDED BY HOUSE AMENDMENT "A" (H-1187)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **PINGREE** of Knox, the Senate **RECEDED** and **CONCURRED**.

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

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 1957

JOINT RESOLUTION ENCOURAGING THE BOARD OF VISITORS FOR THE MAINE YOUTH CENTER AND THE DEPARTMENT OF CORRECTIONS TO EVALUATE THE POLICIES OF THE BOARD OF VISITORS

WHEREAS, it is important that the organizational relationship of the Board of Visitors with the Maine Youth Center and communications by the Board of Visitors to the Legislature are effective and efficient; and

WHEREAS, it is the opinion of the Legislature that in order to maintain the safety of Maine's youth this issue should be addressed; and

WHEREAS, members of the Legislature would like to encourage the Maine Youth Center's Board of Visitors and the Department of Corrections to evaluate the Board of Visitors' enabling legislation and its current policies and procedures; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, encourage the Maine Youth Center's Board of Visitors and the

Department of Corrections to evaluate the Board of Visitors' current policies and practices; and be it further

RESOLVED: That we encourage the Board of Visitors through public meetings to make recommendations that may help to improve the effectiveness and efficiency of the organizational relationship of the Board of Visitors with the Maine Youth Center and of the communications by the Board of Visitors to the Legislature; and be it further

RESOLVED: That the Board of Visitors may report its findings to the Legislature; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Board of Visitors of the Maine Youth Center and the Commissioner of Corrections.

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

READ and **ADOPTED**, in concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Regulate Push Polling"
S.P. 420 L.D. 1257
(S "B" S-808 to C "B" S-502)

In House, May 11, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1185)**, in **NON-CONCURRENCE**.

In Senate, May 11, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-502) AS AMENDED BY SENATE AMENDMENT "B" (S-808)** thereto, in **NON-CONCURRENCE**.

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

Senator **BENNETT** of Oxford moved the Senate **RECEDE** and **CONCUR**.

The Chair ordered a Division.

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

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

Senator **BENNETT:** Thank you Mr. President. I was hoping that further comment today would be unnecessary, but apparently it is. This Bill has had a rather tortured existence in recent legislative days. As the Senate may know, this Bill first appeared

last year. It came out of committee with a majority Ought to Pass report. It was held until the end of the first regular session. It was then sent back to committee in the waning days of the last session. It had a work session the day before the normal legislative session started. In the second regular session this year it was reported out of committee and languished on the Senate Calendar for over 2 months before action was ultimately taken.

Since that time, we have been engaged in, what I can only characterize as, sort of a joint select committee of the entire legislature working this Bill in a very cumbersome process involving both bodies. It's unfortunate because what I've heard is that people are in favor of considering some form of regulation on this terrible activity called "push polling" which is something which all have us have said that we disdain, we don't like it. All this Bill would do, in its original form and several of its previous iterations, would have required the same disclosure laws on this form of paid political speech that we require on all other forms of paid political speech, such as direct mail pieces, newspaper ads, and radio ads.

So, we're here today with an option of receding and concurring and I encourage you to do so. What we would be doing, if we recede and concur is asking the Commission on Governmental Ethics and Election Practices, who has to oversee the enforcement of our election law, to create some rules around push polling. It's that simple. Is this Bill perfect? No. It doesn't do what I originally intended, which was to keep this a legislative matter and to work it out here in the legislature, unfortunately. I think it's very important that this legislature go on record this year at the start of a probably contentious election season when you've got a presidential election, U.S. Senate races, Congressional races, and a lot of other races up on the ballot. To make a statement right now at the beginning of that process that this is a form of political speech which should be disdained. If it isn't, at least people should tell the public who is paying for this speech, who is paying to cast slurs and smears upon good people running for office. That's all this Bill is about. That's all this Bill is about in its current form before us. The vote today is a vote to make some effort to curb the abuses of push polling, this pernicious form of political speech or to do nothing. If you vote against receding and concurring, you're voting to do nothing. You're opening the floodgates and telling the people that this is an okay practice. For this Senator, I reject that and I encourage you to do the same. Please vote to recede and concur.

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

Senator **DAGGETT:** Thank you Mr. President and members of the Senate. I will tell you that I share some of the feelings and some of the remarks that the good Senator from Oxford, Senator Bennett, has just made. I have, indeed, spent a considerable amount of time trying to reach an agreement and certainly appreciate the good Senator's efforts in doing that. In fact, we had conversations earlier in which we talked about some further ideas, some suggestions, that the good Senator had. I'm not sure if we're going to have an opportunity to see those happening.

I would say that I'm somewhat concerned. I have voted against recede and concur because, in fact, I think that if we recede and concur, we are doing nothing. I think to support any other motion and to support a motion to recede and concur means that we are doing nothing. The rule making that is

referred to in that amendment is major substantive rules. They clearly would not take effect during the coming year. There is no definition, legislatively created, that talks about push polling, describes push polling. It's my understanding, from a conversation that the good Senator from Oxford and I had earlier, that there is no good statutory basis for these rules. Therefore, the rules which cannot take place this year, would be somewhat difficult to develop. That explains my vote against receding and concurring, because there is no substance there. So I would encourage you to oppose that. If there cannot be some agreement on this very contentious issue, then perhaps it is an issue that will need to be addressed in the next session. Thank you very much.

THE PRESIDENT: A matter of procedural clarification. Should the vote to recede and concur fail, a motion to adhere or insist would kill the Bill. Essentially a motion to recede would keep the Bill alive and allow for further amendment by the Senate.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Bennett 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 (#442)

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CASSIDY, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KILKELLY, KONTOS, LIBBY, MACKINNON, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PENDLETON, SMALL

NAYS: Senators: DAGGETT, DOUGLASS, LAFOUNTAIN, MICHAUD, PARADIS, PINGREE, RAND, RUHLIN, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: CAREY, CATHCART, KIEFFER, LONGLEY, TREAT

21 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 5 Senators being absent, the motion by Senator **BENNETT** of Oxford to **RECEDE** and **CONCUR**, **PREVAILED**.

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

LEGISLATIVE RECORD - SENATE, THURSDAY, MAY 11, 2000

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

Joint Order - relative to recognizing Mark W. Lawrence, Senator of York County, President of the Maine Senate.
SLS 502

Tabled - May 11, 2000, by Senator **PINGREE** of Knox.

Pending - **PASSAGE**

(In Senate, May 11, 2000, **READ.**)

PASSED.

Sent down for concurrence.

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

Joint Order - relative to recognizing Senator Chellie Pingree, of Knox County.

SLS 499

Tabled - May 11, 2000, by Senator **PINGREE** of Knox.

Pending - **PASSAGE**

(In Senate, May 11, 2000, **READ.**)

PASSED.

Sent down for concurrence.

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

Joint Order - relative to recognizing Senator Jane A. Amero, of Cumberland County.

SLS 498

Tabled - May 11, 2000, by Senator **PINGREE** of Knox.

Pending - **PASSAGE**

(In Senate, May 11, 2000, **READ.**)

PASSED.

Sent down for concurrence.

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

Joint Order - relative to recognizing Senator Vinton E. Cassidy, of Washington County.

SLS 500

Tabled - May 11, 2000, by Senator **PINGREE** of Knox.

Pending - **PASSAGE**

(In Senate, May 11, 2000, **READ.**)

PASSED.

Sent down for concurrence.

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

Joint Order - relative to recognizing Senator John W. Benoit, of Franklin County.

SLS 501

Tabled - May 11, 2000, by Senator **PINGREE** of Knox.

Pending - **PASSAGE**

(In Senate, May 11, 2000, **READ.**)

PASSED.

Sent down for concurrence.

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

Joint Order - relative to recognizing Senator Robert E. Murray, Jr., of Penobscot County.

SLS 503

Tabled - May 11, 2000, by Senator **PINGREE** of Knox.

Pending - **PASSAGE**

(In Senate, May 11, 2000, **READ.**)

PASSED.

Sent down for concurrence.

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

Joint Order - relative to recognizing Senator Judy Ayotte Paradis, of Aroostook County.

SLS 504

Tabled - May 11, 2000, by Senator **PINGREE** of Knox.

Pending - **PASSAGE**

(In Senate, May 11, 2000, **READ.**)

PASSED.

Sent down for concurrence.

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

Joint Order - relative to recognizing Senator R. Leo Kieffer, of Aroostook County.

SLS 505

Tabled - May 11, 2000, by Senator **PINGREE** of Knox.

Pending - **PASSAGE**

(In Senate, May 11, 2000, **READ.**)

PASSED.

Sent down for concurrence.

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

Joint Order - relative to recognizing Senator Bruce W. MacKinnon, of York County.

SLS 506

Tabled - May 11, 2000, by Senator **PINGREE** of Knox.

Pending - **PASSAGE**

(In Senate, May 11, 2000, **READ.**)

PASSED.

Sent down for concurrence.

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

Joint Order - relative to recognizing Senator Philip E. Harriman, of Cumberland County.

SLS 507

Tabled - May 11, 2000, by Senator **PINGREE** of Knox.

Pending - **PASSAGE**

(In Senate, May 11, 2000, **READ.**)

PASSED.

Sent down for concurrence.

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

Joint Order - relative to recognizing Senator Richard "Spike" Carey, of Kennebec County.

SLS 508

Tabled - May 11, 2000, by Senator **PINGREE** of Knox.

Pending - **PASSAGE**

(In Senate, May 11, 2000, **READ.**)

PASSED.

Sent down for concurrence.

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

Joint Order - relative to recognizing Senator James D. Libby, of York County.

SLS 509

Tabled - May 11, 2000, by Senator **PINGREE** of Knox.

Pending - **PASSAGE**

(In Senate, May 11, 2000, **READ.**)

PASSED.

Sent down for concurrence.

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

Joint Order - relative to recognizing Senator Georgette B. Berube, of Androscoggin County.

SLS 554

Tabled - May 11, 2000, by Senator **PINGREE** of Knox.

Pending - **PASSAGE**

(In Senate, May 11, 2000, **READ.**)

PASSED.

Sent down for concurrence.

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

Senator **PINGREE:** Thank you Mr. President. Men and women of the Senate, it just does not seem like the time for a very long speech. But as we look at the sentiments that are before us for all of the members who are either retiring because of term limits or leaving us, I do want to say a couple of words. They're going to come to me here.

First off, I want to say that it has been a pleasure to serve with every single person who is on this list today. Without taking the time to discuss each one individually, I do want to say that certainly, when I came to the legislature myself 8 years ago, I didn't know how quickly it would pass. I didn't know how, as I think the good Senator from Lincoln once said to us earlier this session, how much of a family it truly is in the legislature. While I had my suspicions that the legislative process was nothing like you read in the newspaper, I don't think that I understood how absolutely professional most people are about the political work that they do here. We often read in the newspaper, or we hear about politicians, or we certainly hear from people on the street that everybody is here for the wrong reasons. That people fight and bicker all the time. That we don't have good intent necessarily. I think it's safe to say that I can tell all of my friends and colleagues, and I have many times, for people who don't spend time in the legislative process, I think I can say that I truly appreciate that even when you find you disagree with one of your colleagues here in the Senate, people treat each other with the utmost of respect. They give a tremendous amount to their jobs. The people are truly public servants. We spend hundreds of hours, as we all know, away from our families, away from our communities, and away from our work. There is a lot of devotion to what we do here, even when we disagree. I've really appreciated all the consideration that we show each other and the tremendous impact that the work that we do makes on the rest of the state and the good work that we've done. This has been a long session and we've all been here many more days than we expected. This, in itself, has been a long day and we've all had to stand up and talk about far more, probably, than we thought we did. I just want to take this opportunity to say how much I appreciate all the people who are retiring. How grateful I am for all of you who will be back doing the good work even when I'm not here. How privileged and fortunate I've been to get an opportunity to serve my district and serve with all of you. I've had a lot of fun and learned a lot. I'm really grateful for all that and really enjoyed my time with you.

While I know this night isn't over, it will be soon and I'll look forward to the coming months this year when I get to watch all of you run for election and I get to take a little bit of time off. Thank you for recognizing me in one of these sentiments, but also, thank you all for the good work that you do and the time that you've served here.

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

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

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

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
(H "A" H-1187 to S "A" S-803)

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

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

ENACTORS

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

Emergency Measure

An Act to Establish Requirements for the Removal of Directors of Certain Maine Business Corporations before the Expiration of Their Established Terms
S.P. 1089 L.D. 2693
(S "A" S-807 to C "A" S-740)

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

Senator **BENNETT:** Thank you Mr. President. Fellow members of the Senate, I rise in opposition to the pending motion for several reasons. This Bill, as all of us know since we've suddenly had a lesson in some of the issues presented with corporate governance, is a very significant piece of legislation. I counsel the Senate to pause before we enact this piece of legislation for several reasons.

First, I want to say that I have a particular interest in this legislation, more so than probably most legislators. What I do outside of this building when the Senate is not in session, and indeed occasionally while it is, is work at a firm that specializes in investing in companies that are poorly performing. Using the rights of shareholders, we help improve those companies, get them back on their feet, and performing better. The issues that are presented in this Bill are issues that I deal with on a day-to-day basis in my work outside this legislature. I will say without a

moment's hesitation that I find it thoroughly inappropriate, unfair, offensive, and indeed, outrageous that this Bill would be before the Senate and this legislature in this fashion.

What we have here today is a private and special law for one company, indeed for one circumstance involving the life of that company. Masquerading before us, masquerading as a public law. It is thoroughly inappropriate that we take a side, as this Bill asks us to do, in an internal company dispute. This is not a dispute between Saint Gobain and Brunswick Technologies. This is a dispute within and among the shareholders of Brunswick Technologies. Saint Gobain is a significant shareholder in Brunswick Technologies. They have exercised certain rights accorded to them under the by-laws, the charter, and Maine's corporate statute. What this Bill would do, very simply, is enter into the dispute that has arisen between the shareholders of this firm and pick a side. We are deciding, based on a couple days of testimony and a lot of lobbying in the hallway, that we like the current management, CEO Martin Grimnes and the other managers of Brunswick Technologies. We are weighing in, if we pass this Bill, on their side in this dispute. It is thoroughly and totally inappropriate that we do so.

This goes to the heart of the question. Who and what is this corporation? This corporation is owned by its shareholders. The founders of this company went to the public markets in 1997. They decided that they wanted some money, sold stock, and in exchange for that stock, they gave a contract. Part of that contract was provisions of control for the company. Indeed, we have a tremendously sophisticated system in this country. A tremendously mature, sophisticated, and sensible system in this country, of shareholder democracy, corporate democracy, that is predicated and founded on the same principles that our institutions of government are. It's very mature and sophisticated. There is no need for us to weigh in and change that.

One of the most disconcerting aspects of this Bill, just prior to us adjourning before we came back for veto day, I read a headline that read as follows, "Maine Ponders Anti-Takeover Statute". This headline and accompanying story was broadcast to Wall Street. Anybody that had Maine on their search engine, particularly Maine business, would have seen this headline. What that said to the financial community, the investment community, and frankly, to the rest of the business community, is that this state, Maine, is not a predictable place to invest in because, willy nilly, the State Legislature will involve itself not only in public issues, but in private contractual arrangements. If we pass this Bill, it is sending a broad message to the financial community, to the investment community, and to the business community that Maine is an unpredictable place to do business in. That is a dangerous message to be sending. It's dangerous with taxation policies, dangerous with Workers' Compensation policies, and it's even more dangerous when you're talking about the underpinnings on which a company's own processes and standards of accountability are built.

Now, I think most outrageous of all for me was yesterday when I opened the Lewiston Sun. I saw a full-page ad taken out by the current management of Brunswick Technologies and signed by its CEO. There is a paragraph in this ad. It's a letter to Maine citizens and the letter asks Maine citizens to call local State Senators and State Representatives. The paragraph is this and I quote, "There is a Maine law which protects public companies in our state from hostile takeovers. Because of a loophole in that law, a corporate raider can launch a hostile takeover and then quickly call a special meeting of shareholders

to oust the current board. If this tactic is successful, then the new board handpicked by the raider, approves the takeover, thereby circumventing the intended affects of this Maine statute. That's exactly what's happening to BTI."

That one simple paragraph contains at least 3 misleading fallacies. The first is that there is a loophole in Maine's law. There is, indeed, no loophole in Maine's law. Maine's law is clear and it gives tremendous latitude to the company in its charter and its by-laws to make the decisions about who can form and call for an annual meeting. Brunswick Technologies' by-laws say 10%. What this Bill would do is make Brunswick Technologies' by-laws illegal. Why? Because they didn't have the time, or the inclination, or the thought while they were adopting a poison pill a few weeks back to change their own by-laws in this situation. Because they didn't do that, they say "Oops, we need to change this. The legislature happens to be in session. Let's change the underlying statute. Change it at that level." Frankly, this is where it gets to the outrageous part. Because it wouldn't be any ordinary company that would be able to do this. This company needs to be politically well connected to be able to come in during one of the waning days of the legislature, weigh in on this issue and have us take their side. Their side being management's side in this internal company dispute.

This contest is not about David and Goliath, it's about power, and it's about money. I think that's been underscored time and again by the actions. Sensible actions, reasonable in the context of proxy fights and battles for controls of companies that happen every day in corporate America. Things like the adoption of retention agreements, commonly known as "golden parachutes". We could have a debate about that. I personally think sometimes they are appropriate. Sometimes it's appropriate, when you've got a contest for ownership, to make sure that the current management has some incentive to stick around. But that underscores the point that this is not about anything but power and money. It involves us choosing a side in an internal company dispute.

One other thing, there's a lot of talk I've heard about the question of "well, you know, we don't know what Saint Gobain is going to offer for the future, the future relationship with the University of Maine System, with the State of Maine." The current directors of this company have a track record of working constructively with the State of Maine and with other entities here. I congratulate them on that. I don't dispute that one iota. But neither side, neither side of this dispute can tell us what they intend for the future, because they'd be breaking SCC rules if they did. They have a fiduciary duty, both sides, to do what's in the best interest of the shareholders. They cannot tell you. I have to say, though, that it is clear that this company's strength is in its professional and technical people, and the relationships they have. No acquirer, whether its CertainTeed and Saint Gobain, or some other entity, is going to want to disrupt those relationships and that underpinning of value in the company, because that's what it is. The value in this company is built on those assets. They are off balance sheet assets.

So for those reasons, I strongly urge you to reject this very ill conceived public policy. This is sending a message far beyond, far beyond, what is appropriate for this legislature. It is telling anybody who wants to do business in this state that this is an unpredictable place to do so, because we will change the rules. We will change your contracts. We will disrupt your processes in the middle. That would be unfortunate, unfair, and indeed, harmful to the future growth of this state. Delaware is often cited as a place where a lot of companies go to incorporate. It has

been said it's because they are company friendly. They're also shareholder friendly in some ways. But the most compelling reason why companies incorporate in Delaware is because of predictability. They know what they're getting. They've got volumes and volumes of case law. They've got a chancery court with law firms as a cottage industry, built up around Wilmington, where that's all they do. Indeed, because of that, their license and franchise fees pay for one-third of Delaware's general fund. No company is going to want to incorporate in Maine with this sense of unpredictability and uncertainty that this Bill projects. Please do the right thing today and vote against enactment of this Bill. Thank you.

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

Senator HARRIMAN: Thank you very much Mr. President. Good evening ladies and gentlemen of the Senate. Mr. President, I want to stand up and speak up for the people I've come to know, respect, and admire over the years at Brunswick Technologies. Like many of you, we literally walk around our districts as we campaign for election year. I had the pleasure of bumping into the founder of this company, Martin Grimnes. Martin was operating out of the basement of what used to be an old shoe factory in Brunswick. A man of great passion, unique ideas, the ability to invest machinery that is woven glass in ways and manners that you and I cannot imagine. I watched this little company and all that energy struggle, as all new businesses do, to find access to capital, the right people, and the opportunity to see a dream become reality. This little company attracted some money and it grew a little bit. In an effort to attract more access to capital, it eventually went public. It joined in a partnership with my constituents, the good citizens of Brunswick, who availed themselves to the opportunity to create a tax increment financing program that helped them build the building that they're in today, to create this leading edge technology where, if you were downstairs earlier today, you would see the unique ingenuity that this company has at its fingertips. From snowboards to mile markers, to unique ways of using their products to build bridges, and I could go on and on. I watched them develop a strategic relationship with the Maine Science and Technology Foundation, the University of Maine Research and Development, and the Maine International Trade Center. All of the things that you and I have been espousing here as what Maine needs to do more of. To be a place where you can come and build a business.

So, when Mr. Grimnes contacted me a few weeks ago and shared with me the situation he was dealing with, without hesitation, I said "I'll do anything I can to help you, what is the best strategy for us to employ?" So, I guess I used my highly placed political position to sponsor the Bill that is before us. The Bill, as you know, did have a public hearing. A joint public hearing with the Judiciary and the Business and Economic Development Committee. They listened to all of the arguments that I'm sure you've heard in the hallways. Here's the bottom line. This unique company, in my view and I'm no securities analyst, the value of this company on the NASDAQ does not resemble the value of this company in terms of the heart and soul of what it does, the men and women who work there, and the machinery that they have invented to create the products that not only have made them known in Maine, but also around the country, and indeed, around the world. When the good people of Saint Gobain decided that they wanted to exercise an aggressive approach to taking over this company, I was, indeed, happy to

stand up and speak up for this company and the people who run it. Because at the end of the day, ladies and gentlemen, this is a home spun company. This is one of our own. This is what you and I come here to dream about helping others do. I don't have the in depth expertise of my close friend from Oxford, Senator Bennett, about hostile takeovers and friendly takeovers; proxies and tenders; and all the things that are going on. I admit I don't fully understand all those details. I do know this, the good people of Brunswick Technologies, when they decided to make this company public, were advised by their legal advisors not to incorporate in Maine. Why? Because Maine's corporate laws aren't as helpful and as friendly as you'll find in Delaware. I think this is a true signal of the man who runs this company. He said "No, we're going to become a Maine company. We're going to incorporate in Maine because we started in Maine, we invented in Maine, and our relationships are here in Maine." Maybe, the advice of his team speaks to the larger issue of why there are maybe 20 or less public companies incorporated in Maine. What we didn't hear yet is that this legislature had a Bill before it to take a look at Maine's corporate laws because they are, perhaps, outdated and antiquated. The challenge at the time was too great and the Bill didn't go anywhere. As we speak, the Maine Bar Association has taken on the task of reviewing these laws. I suspect they will be back in the 120th Legislature making recommendations on how to make our corporate laws more attractive to incorporate and do business here. It also speaks, Mr. President, to why this Bill may be characterized by some as a Private and Special Law for one company. But, in fact, I think in the wisdom of the Committee Chairs and the members who serve on the Judiciary and Business and Economic Development Committees, they looked at this issue and said "Yup, it makes sense. We ought to take this opportunity to address this law, but let's give it a sunset, knowingly give it a sunset, because we are aware of the initiative to revamp our laws and let those come in, in the next session." Brunswick Technologies is not asking the legislature to put a stop to this offer by Saint Gobain to take over this company. All they're asking is that if they're going to wrestle through the details of this, don't do so with a gun to our head. Put the gun away. Let's talk about the future of this company and the people and the community in which we reside so that we can evaluate what's in the best interest of all of the shareholders of this company, not those who happen to have enough shares to call a special meeting of the Board of Directors to oust the current Board to bring in a new one. I want to thank the good Senator from Cumberland, Senator Amero, who decided that amending the Bill from its current status of saying that within 90 days of electing the Board of Directors, you can't call another special meeting of the board for the purpose of replacing directors unless 25% of the shareholders agree. The Bill before you, before it was amended by the Senator from Cumberland, Senator Amero, said 50%.

Now I suspect you've heard a lot from both sides of the people debating this issue in the lobby and you've probably heard that this is an anti-shareholder Bill. I would suggest to you that nothing could be further from the truth. Ask yourself, why would Saint Gobain want to place this deal in force in such a short period of time? When the offer was made, they were given two days to respond. The point is that time is money in this process and this was an opportunity for them to take advantage of that.

I am asking you to support this Bill, not because it's a great change in public policy in Maine. In fact, it's a relatively small one. For a limited period of time, give the people who have built,

created, and run this company a chance to evaluate this offer. It could well be that it's a good offer. They will freely tell you "This may be a good offer but give us time enough to assess that". We've heard today that people are watching what this Senate is going to do with this Bill. We may be sending a chilling message to Wall Street. I say asking to give a company 90 days to assess the future and the benefit of all of its shareholders is not all that much to ask. I think it's important that we stand up and speak up, not only for this company but to send the message to other companies that may be in their embryo or infant stage that, you know what, if you take the risk of creating jobs here in Maine and starting a company under our laws, we're going to stand up and speak up and help you.

Earlier today, Mr. President, we enacted a Bill that I suspect will send a very clear message to publicly traded companies that are in the business of inventing, developing, and bringing to market formularies, known as prescription drugs. Yes, I suspect that that is going to be a very eye-catching message on Wall Street, probably already, certainly by tomorrow morning. What is that Bill going to say about the biotechnology companies here in Maine that may be significantly affected by the Bill that was passed earlier today? If we can do that, we certainly can pass a Bill to help the good people of Brunswick Technologies. I hope you'll join me in supporting the pending motion. Thank you, Mr. President.

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

Senator **NUTTING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I think it's fitting that yesterday in my mail I received a copy of the grand opening celebration at Orono for their new Wood Composite Department in their Department of Engineering on June 1st. I'm in hopes to take my son to that, seeing as he's been accepted at Orono in the Wood Technology Program beginning in the fall. To me that gave this issue a little bit of extra added interest for me. This is a real issue because this company, Brunswick Technologies, has done more to help the building up and the development of the Wood Composite Program at Orono than any other business in the State of Maine.

I'm concerned with this "make an offer, you've got 2 days to respond" scenario made by a company from France. This technology might be lost to Maine. The jobs might be lost. I'm very concerned about that. I don't think that a little more time to think about it is going to hurt anybody. I'm selfish. I'm a parent. I'd like my son to have a job in Maine in this field when he graduates. He loves to make things with his hands. Every spare minute, that's what he does. I don't know if it was a mistake or not, I taught him to weld this past spring and he certainly loves to make things. I'm concerned that, with this takeover, this company may not be around. I certainly feel that having to make a decision, as the good Senator from Cumberland, Senator Harriman, said, "with a gun to your head," I'm not sure the best decision might be made. I also want to point out that Brunswick Technologies has started a national kind of foundation to attract other wood technology businesses to Maine. We're trying to invest in research and development in this state.

I think the thing that's most troubling to me is that I know there's a lot of money made by consultants, etc. in hostile takeovers. I'm not opposed to that, but I think we need to put that right out on the table. I'm proud to stand here and support a local Maine business using Maine renewable product. I urge you to support the Bill and do the same.

Now, I'll close with a few comments about Delaware. You know, I'm a dairy farmer. Our milk co-op is incorporated in Delaware. Let me tell you ladies and gentlemen of the Senate, what a disaster. You can't find out any information about the co-op, its actions, what it pays its employees, or what it pays its executive director. We've done a lot of research on that. Delaware, like no other state, keeps at least members of milk co-ops from finding out anything about their co-op. Frankly, I'm glad if this Bill would pass and have us make a move away from what Delaware is doing. So I urge you to support this Bill. This Bill is real for me and my family, and I hope it's real for you as well. Thank you.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate. The good Senator from Cumberland, Senator Harriman, says that the reason for this last sentence, this repealer, 90 days after adjournment of the first regular session of the next legislature, is in there out of respect for a study of the corporate laws planned to take place. To me that repealer is a Freudian slip. It really tells me that the people supporting this provision with this repealer are not supporting the advancement of this piece of legislation to those who are studying this as a particular to keep into the new rewritten law. I am troubled by the repealer. If it's a good piece of legislation, there should be no repealer. It should be left in the law, taken up by those who are going to study it, and considered. But, no. This sentence will take it out of the law so that it would not be considered. If it is as positive as it's said to be, the repealer is unfortunate.

What I am opposed to, and have been in my Senate work, and many of us are, are laws that say something today that's valid, tomorrow is invalid. Which this does. That's the very purpose of this. An analogy, and someone can correct me on this analogy to see if I understand how this would work in another area. Suppose there was a law on the books that we passed that said, "in LURC jurisdiction a woodshed would be 8 x 16 feet". I build one. This legislature then, 6 months later, passes a law that says "Woodsheds in LURC jurisdiction must be 8 x 10 feet" and relate it back to my woodshed. I've got to take 6 feet off my woodshed although when I built it, it was legal. This is what the law means to me. In other words, as a Senate, will we vote on a piece of legislation that says something today that's valid, down the road a few weeks and months is invalid, relating it back to what was valid today? I will always object, and we should, to laws that are retroactive that way, almost *ex post facto* in application. You relate a law back. Backwards legislation is what this means to me. Relating something back to cover something that was valid, and now calling it invalid. To me this is not positive legislation.

It is unfortunate that we have this at this particular time in the session. It narrows itself down to covering those corporations in Maine that are in the United States Securities and Exchange Act covered by that law. All other Maine corporations are not covered by this law. You ask yourself whether we have a law here that grants equal protection to Maine corporations under its terms. Some don't apply, some will, depending upon where your market is with your stock. I would like to know what the good reason is for the difference. What is the good, valid corporate reason to exempt certain companies in the State of Maine from application of the law and make it applicable to others simply on the basis of where you have your stock? Is it on the national

market? You're covered by the law. It's not, you're exempt. I do not support this type legislation, Mr. President, I do appreciate having the opportunity to give reasons why. Thank you.

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

Senator **KONTOS:** Thank you Mr. President. Men and women of the Senate, I have 3 areas of remarks that I'd like to make. One is on process. I want to make sure that I speak to this so that it's in the record for those Senators and Representatives who follow us.

First of all, this Bill did have a joint reference to two committees. I'm not a big fan of joint referencing. But in this case, I must tell you, I think it served exactly the intention that we have envisioned, namely this. The Judiciary Committee considered the issues that dealt with the corporate law and were the ones actually who talked to us most about the need to review all of the corporate law in Maine, as has been referenced by previous speakers. The Business and Economic Development Committee looked at the role of this kind of industry, this kind of technology, and this kind of targeted growth in Maine's economy as it was married to the request for corporate changes. For one of the first times I can remember in my 10 years in the legislature, did I think a joint reference worked the way it was intended. Because we had, what I think was, an extraordinarily productive thoughtful and thorough conversation of what we, as legislators, were being asked to do, and what we, as legislators, were being asked to share with you, our colleagues, who weren't there.

During the day of that public hearing, 10 people, not including the CEO, and the sponsor of the Bill, testified in favor of the proposed change that was being suggested, 2 testified in opposition. Among those who testified in favor were other publicly held companies in Maine, including Central Maine Power Group and Hannaford Brothers. The interesting thing for me, in terms of those 2 examples, was this. Those 2 publicly owned companies are being acquired by larger out-of-state firms through friendly transactions, which we normally call "acquisitions". It was to our advantage in the committee to understand that the situation that Brunswick Technologies was facing was not an acquisition that we had come to understand and read about in Maine papers by other publicly held companies in Maine, but rather a situation that created a great dilemma for an indigenous business in Maine.

I want you to join me in congratulating, contrary to what you heard earlier, 2 joint committees of this legislature who, I think, contrary to what the Senator from Oxford, Senator Bennett, said produced not ill conceived public policy, but who carefully discussed a thoughtful response to the request of a Maine business. In my capacity as Chair of the Research and Development Committee, it should come as no surprise to you that I believe we must continue to do what we say we believe. Which is support industries that are in these targeted sectors that all of you are going to write about in your brochures when you run again. This allows you to take action that supports what you say you believe in, in defending and being responsive to companies that have begun in Maine, have grown in Maine and become so successful that they now are a viable enterprise for a huge international conglomerate. That's a success story. Here's what's most interesting to me. I don't believe that what action we are recommending that you take with this legislation disrupts a corporate process, but rather speaks loudly to people outside of these walls, and perhaps, outside our state boundaries that says,

Maine legislators, Maine public officials, protect their companies to the best of their ability. They defend them.

We are aware of an intended consequence. Here's what they are. The intended consequence, not an unintended consequence, of this Bill will be simply that we've allowed a home grown, successful, prosperous company 90 days, 90 days to consider what they may decide will be an offer in their best interest. Then the words "hostile takeover" will disappear and they will join the ranks of other publicly held companies in Maine on an acquisition. There's nothing that precludes that from happening.

In closing, I would suggest to the good Senator from Franklin that the analogy of the woodshed may not hold up unless he's talking about time, not a structure. But if, in fact, you were a corporation that built woodsheds in Maine and you built such good woodsheds that a major company from Norway wanted to buy your woodshed company, you only ask not that you wanted to change the dimensions, that's not what this Bill does, but rather give you, the owner of this woodshed company, an additional amount of time to consider the offer. So the issue before you is not money directly, although it may be indirectly. It is not options on shares, or golden parachutes, or any of the other kinds of corporate decisions that will be made outside this chamber. It is our opportunity, and I will stress that, an opportunity to allow a Maine grown company, of which I think all of us are extraordinarily proud, to give itself more time to look at an offer that will be presented, to share that information with its stockholders, and to consider what that means in terms of the best interests of its shareholders. To be honest with you, I am extraordinarily proud of the work of 2 committees who, with only 4 or 5 exceptions in the voting of the 2 joint committees, support the initial Bill and the amended version that we have before us. I want you to go home feeling as good as I did when I saw the sun come through the trees. To be able to go home and say, "We did a good thing for a Maine company in one of the final hours of the 119th session." I 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 evening. Fifteen years ago I had the good fortune of graduating from Saint Bonaventure University with an MBA. What a tremendous experience that was. But in the process I spend a lot of time studying finance and now it's awful rusty. What I did learn while I was there and following that what little time I spent outside of the education field in business, is that there are a lot of things that the publishers of the text books told us about hostile corporate takeovers. If you remember back in the 1980's, there was an awful lot of talk about things like white knights and poison pills. I've heard all of that in the last month, particularly in the last couple of weeks, regarding this issue. Nowhere in those books that I read about all of the corporate maneuvering that goes on during these difficult takeovers, nowhere did it say, "the option or you can come to legislature." That's what troubles me. I've actually taken the time to speak with both sides on this issue. I've taken a lot of time to talk about this with a few employees, the company president and others. I just can't seem to bring myself ethically to vote in favor of this particular Bill.

One of the reasons ethically I can't seem to bring myself to vote for this Bill is because, in the interim time that is being asked for, really, as a result of this proposal, what do you think is going

to happen to the price of the shares of stock that are out there being publicly traded? What do you think is going to happen? I wonder if anyone in this chamber thinks that the price might go down, or is it more likely that there may be another suitor. But is it more likely that the opposite will happen? Is it our place to intervene in a publicly traded organization? An organization that has to expect that this kind of thing might happen, particularly when they are oriented toward new research and development. Is it right for us to intervene in a Private and Special Law? I'm having trouble doing it.

Beyond that, when we talk about some of the implications with, I heard the University of Maine mentioned. This company has been a great partner with the University of Maine. I'm not going to think in the future that it won't be and that that won't continue. When I think of my own district. Recently I had what used to be a home grown Maine company move into my district and build a \$100 million plant. The name of that company is Poland Spring. They're owned by a large French conglomerate. I have to ask myself the question, would they have the resources necessary to make the incredible expansion that they've been involved with not just in this state, but in Wisconsin, and around the world? They are a subsidiary of Nestles. What they've done is come into my district and provide 150 jobs now, with the probability of 500 jobs in a year and a half's time. The resources necessary, not just to build jobs but to advertise, to distribute goods, to take the research and development that has been done so far and to improve its likelihood of becoming accepted into the market as a new product. Those are the resources that you need behind you. Maine doesn't have those kinds of resources and hasn't had for a long time, comparably in relative relation to other states. Why are we saying "Stop, we don't want those resources to come in." It's not easy. But with all of that being considered, I think you have to ask the question "Are we actually just preventing something from happening for 90 days that's going to happen anyway and what are the implications of that?"

From an ethical standpoint, from a public policy standpoint, and from a stock price standpoint, just a lot of things that bother me about this kind of legislation. I hope that we don't make this decision. I've come to that conclusion. It's been difficult but it's been, I feel, reasoned. I listened carefully and I just don't believe that we're going to help a Maine business. I think we're going to hurt one in the long run. I ask you to vote against the pending motion. Thank you.

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

Senator **HARRIMAN:** Thank you very much Mr. President. Good evening ladies and gentlemen of the Senate. Mr. President, before we move to vote on this Bill, I just wanted to leave you with a couple of thoughts. First, Mr. President, we heard earlier today that this Bill was to, in my own words at least the way I interpreted the comments earlier this evening, was that this law that's being proposed was to come in and fix a by-law problem that the company didn't recognize or anticipate ahead of time. I would just like to leave you with this thought. If they had done that, if they had changed their by-laws to say "You can only call for an election within 90 days of the last election of the Board of Directors and only for the specific purpose of deciding whether to replace Directors, unless 25% of the shareholders agree." If they had anticipated that and put it into their by-laws, the discussion we would be having now would be how this company had not conformed with Maine law. That Maine law said 10%. So at the

end of the day, this is the place they needed to come to have this discussion.

I appreciate and understand why many of you who have so eloquently stated here this evening why you're reluctant to get involved in this issue. I would leave you with this thought. There's no real great business principle at stake here. Like other states, we have laws that regulate the conditions upon which stockholders may meet. Certainly the current law was not intended to make a relatively low number of shareholders eligible to be an invitation for hostile takeovers. Like all pieces of legislation before us, we have to stand here and make choices. Some days the choices are between roses and orchids. Some days the choices are between do you want to get hit by a bus or do you want to get hit by a train? It's about choices.

As fate would have it, at least for me, these last few hours are my last in this hallowed chamber. My term of service is up because of term limits. I'm feeling a little melancholy, and perhaps some of you are as well. Parenthetically, perhaps some of you are glad that I'm term limited. But I share that with you, Mr. President, because this is the last Bill that was introduced into this session. It's the last Bill that I'm going to be honored to say I sponsored. I'm proud to be able to stand up and speak up for the men and women of Brunswick Technologies. It's about a choice. This Bill is before you because we choose to come here and make these choices. What you're about to be asked to do is to make a choice. Make a choice that enables this company to come in and execute this hostile takeover, or you can make a choice to stand up for the home team, for the people who created this company and the people who work there everyday. I hope you make a choice to support the home team. Thank you, Mr. President.

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

Senator **BENNETT:** Thank you Mr. President. Fellow members of the Senate, I hesitate to rise a second time to address this issue. But I feel compelled to because I believe that there have been some erroneous impressions left in the chamber today. First of all, I want to say this. The good Senator and my friend, the Senator from Cumberland, Senator Harriman, says there is no great principle at stake here, what's the big deal by passing this Bill? I will assert firmly that there is a great principle at stake here. A very great principle indeed and that is the right of owners of a company to position its destiny. That is a fundamental right in our capitalist democracy. As I said earlier, we have a very sophisticated and mature system of corporate governance. A time tested and court tested system that accommodates this without our intervention.

One other statement that was made was something about a problem if Brunswick Technologies' current board and management had decided to try to change their laws. Without this present Bill before us, let me be clear, Maine had no requirements about setting an annual meeting, about how many shares does it take to set an annual meeting? There are none. That is chosen by the company and this particular company chose 10% in their by-laws. What we are doing here with this Bill is something very simple. We are intervening in setting a higher level, 25%. The original Bill said 50%, 25% now is required. We are setting in statute a provision that will make that 10% threshold illegal.

Thirdly, a very important point. There is this talk about this company. All this Bill will do is provide 90 days for this company

to consider this offer. Current management, the current board, has already considered the offer. They sent out a press release and rejected the offer. They said it is insufficient. They have spoken to the shareholders. They are advising the shareholders that this is an insufficient offer. This goes right to the heart of the matter. This Bill does not open up options for the company. It forecloses shareholder rights for a 90-day period of time and it does so retroactively. This is all the Bill does. This is the extremely important issue that is before us today. The 90 days is not for consideration of this offer. That consideration has already been given and has been reported. What this Bill will do is prohibit shareholders from, particularly with the poison pill in place, it prohibits all shareholders, any shareholder, from calling a special meeting of the Board within 90 days. Why? To exercise their rights.

This goes back to the fundamental point. The fundamental point is that no minority group of shareholders can come into this circumstance and kick out the board. All this is about is calling a meeting. I said earlier that there was a letter in the paper, a full-page advertisement from Martin Grimnes. I read it to you and it said that because of this quote "loophole" unquote, that a corporate raider can quickly call a special meeting of shareholders to oust the current board. Yes, they can call a meeting, but they can't just oust the current board. They still need to persuade 50% plus 1 of outstanding stock that this is a good idea to oust this board. The reason that they are doing this, in this present case, is because the board put in the poison pill. It has nothing to do with consideration of the offer. That's already been dealt with. This has to do with the fiduciary duty of the board and whether the current shareholders think they followed their fiduciary duty. Whenever the meeting is held, if the majority says that they think that they want a new board, then the majority will rule. It's a fundamental principle here.

And so, what we're faced with here is an emasculation of shareholder rights, not an expansion of options, not giving the company more time to give consideration to this offer. It is taking away something of value to people. That is their value to exercise their vote as shareholders in this company. That is why I stand by my words that this Bill, as public policy, is ill conceived, outrageous, and indeed, offensive. Thank you.

This being an Emergency Measure and having received the affirmative vote of 22 Members of the Senate, with 8 Senators having voted in the negative, and 22 being less than two-thirds of the entire elected Membership of the Senate, **FAILED ENACTMENT, in NON-CONCURRENCE.**

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

Senate at Ease.

Senate called to order by the President.

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

ORDERS

Joint Resolution

On motion by Senator MICHAUD of Penobscot (Cosponsored by Representative TOWNSEND of Portland and Senators: GOLDTHWAIT of Hancock, HARRIMAN of Cumberland, NUTTING of Androscoggin, Representatives: KNEELAND of Easton, MAILHOT of Lewiston, MARTIN of Eagle Lake, NASS of Acton, WINSOR of Norway), the following Joint Resolution:
S.P. 1094

JOINT RESOLUTION ENCOURAGING THE DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES TO EVALUATE COST ISSUES RELATED TO RETIRED TEACHERS' HEALTH INSURANCE

WHEREAS, the State presently pays 30% of the retired teachers' share on health insurance premiums; and

WHEREAS, the cost of health insurance borne by retired teachers represents a significant expense and for some retired teachers it represents an oppressive burden; and

WHEREAS, the vast contributions made by our teachers to the State demand that we explore all available options to assist in meeting these rising costs; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, encourage the Department of Administrative and Financial Services to fully evaluate cost issues related to retired teachers' health insurance with the objective of reducing our retired teachers' share of health insurance premiums; and be it further

RESOLVED: That we encourage the department to work cooperatively with the Department of Education, the Maine State Retirement System, the Maine School Management Association and the Maine Education Association to examine viable options available to the State that would assist our retired teachers in meeting their health insurance expenses; and be it further

RESOLVED: That the Department of Administrative and Financial Services is encouraged to keep the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Labor apprised of its meetings and discussions; and be it further

RESOLVED: That the Department of Administrative and Financial Services may report its findings to the Legislature as soon as practicable; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Administrative and Financial Services, the Commissioner of Education, the Executive Director of the Maine State Retirement System, the Executive Director of the Maine School Management Association and the Executive Director of the Maine Education Association.

READ and ADOPTED.

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

Senate at Ease.

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:

Resolve

Resolve, Directing the Commission on Governmental Ethics and Election Practices to Adopt Rules Regulating Push Polling
S.P. 420 L.D. 1257
(H "A" H-1185)

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

Under suspension of the Rules, ordered sent forthwith.

Senate at Ease.

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)
H.P. 1665 L.D. 2334

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-1121)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1121) AS AMENDED BY HOUSE AMENDMENTS "A" (H-1124); "B" (H-1161); "C" (H-1169); "D" (H-1170); "E" (H-1171); "F" (H-1172); "G" (H-1179); "H" (H-1182); "I" (H-1183); "J" (H-1186); "K" (H-1188) AND "L" (H-1189)** thereto.

Report **READ**.

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

Senate called to order by the President.

The following proceedings were conducted after 12:01 a.m., Friday, May 12, 2000.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "Act Regarding Length of Service for Retirement Benefits for State Police Officers"

S.P. 911 L.D. 2363
(S "A" S-739 to C "A" S-643)

In House, April 7, 2000, **PASSED TO BE ENACTED**.

In Senate, April 28, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-643) AS AMENDED BY SENATE AMENDMENT "A" (S-739)** thereto, in **NON-CONCURRENCE**.

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

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

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

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

Senator **MILLS:** Mr. President, in examining the Bill as described in Supplement Number 22, it appears to me that the House action on April 7, was to pass the Bill in a form that contained the special pension plan for the Maine State Police and the 3 other satellite groups that were part of that Bill as it came out of the committee. The DEP group, Capital Security people and the Mental Health workers at AMHI. The Bill as it came out of committee had all 4 of those categories. My understanding is that the Maine State Police were dealt with in the budget. That the Senate on April 28, amended the Bill to include just the 3 categories that had been left out of the budget. Now we have action by the other body that adheres to passage of the Bill in its original form, which included the Maine State Police. I am confused about the current posture of the Bill and why we would want to entertain the idea of receding to the House's action. I'm, in fact, confused by what the House did. That's in the form of a question if anyone can answer it.

THE PRESIDENT: The Senator from Somerset, Senator Mills, poses a question through the Chair to anyone who may be able to answer. The Chair recognizes the Senator from Penobscot, Senator Michaud.

Senator **MICHAUD:** Thank you Mr. President. Men and women of the Senate, I didn't hear the question. However, I supported the Bill when it went down to the other body, but I'm going to be voting against the recede and concur motion only because if we recede and concur, it is my understanding, that it would enact the Bill. If that is the case, in the way it came down from the other body, then this will throw the Highway Fund out of whack. The Bill that came out of the Transportation Committee picked up the State Police share for the retirement. That was one of the reasons why we reconsidered whereby we enacted this Bill earlier and the Senator from Androscoggin put her amendment on to take State Police out. This amendment will throw the Highway Fund out of whack and I will not be supporting the motion to recede and concur.

On motion by Senator **DOUGLASS** of Androscoggin, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECEDE** and **CONCUR**. (Roll Call Ordered)

ORDERS OF THE DAY

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

Bill "An Act to Increase the Minimum Wage in Maine"
S.P. 425 L.D. 1262
(S "A" S-620 to C "A" S-534)

Tabled - May 11, 2000, by Senator **PINGREE** of Knox.

Pending - **FURTHER CONSIDERATION**

(In Senate, March 31, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-534) AS AMENDED BY SENATE AMENDMENT "A" (S-620)** thereto.)

(In House, May 11, 2000, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.)

On motion by Senator **DOUGLASS** of Androscoggin, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-534) AS AMENDED BY SENATE AMENDMENT "A" (S-620)** thereto.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED** Committee Amendment "A" (S-534) as Amended by Senate Amendment "A" (S-620) thereto.

On further motion by same Senator, Senate Amendment "B" (S-809) to Committee Amendment "A" (S-534) **READ**.

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

Senator **DOUGLASS:** Mr. President. Fellow members of the Senate, I present this amendment to change the amounts by which we propose to increase the minimum wage in Maine. The earlier amendment from the committee raised that amount to \$5.65 and the new amendment increases the minimum wage by 35¢ beginning in September and by 35¢ again beginning in January of 2001. The reason for this amendment is that it's possible that some more people will find it a palatable change. We need to perform and do what we can to help the working people of this state who are currently living in poverty if they are a family of 2 if they are paid the minimum wage. There are at least 8,000 Maine people who are paid the minimum wage and there are potentially many more thousands who would be affected by an increase in the minimum wage. Those people would be able to afford potentially more in the way of health care and better care for their families. I urge you to adopt this amendment.

At the request of Senator **AMERO** of Cumberland a Division was had. 16 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **DOUGLASS** of Androscoggin to **ADOPT** Senate Amendment "B" (S-809) to Committee Amendment "A" (S-534), **PREVAILED**.

Committee Amendment "A" (S-534) as Amended by Senate Amendments "A" (S-620) and "B" (S-809) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-534) AS AMENDED BY SENATE AMENDMENTS "A" (S-620) AND "B" (S-809) thereto, in **NON-CONCURRENCE**.

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

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Emergency Measure

An Act to Establish Requirements for the Removal of Directors of Certain Maine Business Corporations before the Expiration of Their Established Terms

S.P. 1089 L.D. 2693
(S "A" S-807 to C "A" S-740)

In House, May 11, 2000, **PASSED TO BE ENACTED**.

In Senate, May 11, 2000, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

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

Senator **HARRIMAN** of Cumberland moved the Senate **RECEDE** and **CONCUR**.

This being an Emergency Measure and having received the affirmative vote of 17 Members of the Senate, with 10 Senators having voted in the negative, and 17 being less than two-thirds of the entire elected Membership of the Senate, the motion by Senator **HARRIMAN** of Cumberland to **RECEDE** and **CONCUR**, **FAILED**.

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

Emergency Resolve

Resolve, to Create the Commission to Study the Establishment of an Environmental Leadership Program

S.P. 529 L.D. 1562
(S "A" S-786 to C "A" S-516)

Tabled - May 11, 2000, by Senator **PINGREE** of Knox.

Pending - **FINAL PASSAGE**, in **NON-CONCURRENCE**

(In House, April 28, 2000, **FAILED FINAL PASSAGE**.)

(In Senate, April 28, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-516) AS AMENDED BY SENATE AMENDMENT "A" (S-786)** thereto.)

On motion by Senator **AMERO** of Cumberland, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-516) AS AMENDED BY SENATE AMENDMENT "A" (S-786)** thereto.

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-516) as Amended by Senate Amendment "A" (S-786) thereto.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "A" (S-786) to Committee Amendment "A" (S-516).

On further motion by same Senator, Senate Amendment "A" (S-786) to Committee Amendment "A" (S-516) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "B" (S-804) to Committee Amendment "A" (S-516) **READ** and **ADOPTED**.

Committee Amendment "A" (S-516) as Amended by Senate Amendment "B" (S-804) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-516) AS AMENDED BY SENATE AMENDMENT "B" (S-804) thereto, in **NON-CONCURRENCE**.

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

Senate at Ease.

Senate called to order by the President.

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

SENATE REPORT - from the Committee on **JUDICIARY** on Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

H.P. 1665 L.D. 2334

Report - **Ought to Pass As Amended by Committee Amendment "A" (H-1121)**.

Tabled - May 11, 2000, by Senator **RAND** of Cumberland.

Pending - **ACCEPTANCE OF THE REPORT**, in concurrence

(In House, May 11, 2000, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1121) AS AMENDED BY HOUSE AMENDMENTS "A" (H-1124); "B" (H-1161); "C" (H-1169); "D" (H-1170); "E" (H-1171); "F" (H-1172); "G" (H-1179); "H" (H-1182); "I" (H-1183); "J" (H-1186); "K" (H-1188) AND "L" (H-1189)** thereto.)

(In Senate, May 11, 2000, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-1121) **READ.**

House Amendment "A" (H-1124) to Committee Amendment "A" (H-1121) **READ.**

On motion by Senator **LONGLEY** of Waldo, House Amendment "A" (H-1124) to Committee Amendment "A" (H-1121) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "A" (S-810) to Committee Amendment "A" (H-1121) **READ** and **ADOPTED**.

House Amendment "B" (H-1161) to Committee Amendment "A" (H-1121) **READ** and **ADOPTED**, in concurrence.

House Amendment "C" (H-1169) to Committee Amendment "A" (H-1121) **READ** and **ADOPTED**, in concurrence.

House Amendment "D" (H-1170) to Committee Amendment "A" (H-1121) **READ** and **ADOPTED**, in concurrence.

House Amendment "E" (H-1171) to Committee Amendment "A" (H-1121) **READ** and **ADOPTED**, in concurrence.

House Amendment "F" (H-1172) to Committee Amendment "A" (H-1121) **READ** and **ADOPTED**, in concurrence.

House Amendment "G" (H-1179) to Committee Amendment "A" (H-1121) **READ** and **ADOPTED**, in concurrence.

House Amendment "H" (H-1182) to Committee Amendment "A" (H-1121) **READ** and **ADOPTED**, in concurrence.

House Amendment "I" (H-1183) to Committee Amendment "A" (H-1121) **READ** and **ADOPTED**, in concurrence.

House Amendment "J" (H-1186) to Committee Amendment "A" (H-1121) **READ** and **ADOPTED**, in concurrence.

House Amendment "K" (H-1188) to Committee Amendment "A" (H-1121) **READ** and **ADOPTED**, in concurrence.

House Amendment "L" (H-1189) to Committee Amendment "A" (H-1121) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-1121), as Amended by Senate Amendment "A" (S-810) and House Amendments "B" (H-1161); "C" (H-1169); "D" (H-1170); "E" (H-1171); "F" (H-1172); "G" (H-1179); "H" (H-1182); "I" (H-1183); "J" (H-1186); "K" (H-1188) and "L" (H-1189) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1121), AS AMENDED BY SENATE**

AMENDMENT "A" (S-810) AND HOUSE AMENDMENTS "B" (H-1161); "C" (H-1169); "D" (H-1170); "E" (H-1171); "F" (H-1172); "G" (H-1179); "H" (H-1182); "I" (H-1183); "J" (H-1186); "K" (H-1188) AND "L" (H-1189) thereto, in NON-CONCURRENCE.

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

Senate at Ease.

Senate called to order by the President.

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

ENACTORS

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

Act

An Act to Increase the Minimum Wage in Maine

S.P. 425 L.D. 1262
(S "A" S-620 & S "B" S-809 to
C "A" S-534)

At the request of Senator **GOLDTHWAIT** of Hancock a Division was had. 14 Senators having voted in the affirmative and 9 Senators having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Resolve

Resolve, to Create the Commission to Study the Establishment of an Environmental Leadership Program

S.P. 529 L.D. 1562
(S "B" S-804 to C "A" S-516)

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Improve School Safety and Learning Environments"

S.P. 298 L.D. 870
(S "B" S-795 to C "A" S-657)

In Senate, April 27, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-657) AS AMENDED BY SENATE AMENDMENT "B" (S-795)** thereto, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-657) AS AMENDED BY HOUSE AMENDMENTS "A" (H-1102) AND "B" (H-1190)** thereto, in **NON-CONCURRENCE**.

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

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

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

H.P. 1665 L.D. 2334
(S "A" S-810; H "B" H-1161; H "C" H-1169; H "D" H-1170; H "E" H-1171; H "F" H-1172; H "G" H-1179; H "H" H-1182; H "I" H-1183; H "J" H-1186; H "K" H-1188; H "L" H-1189 to C "A" H-1121)

In Senate, May 12, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1121) AS AMENDED BY SENATE AMENDMENT "A" (S-810) AND HOUSE AMENDMENTS "B" (H-1161); "C" (H-1169); "D" (H-1170); "E" (H-1171); "F" (H-1172); "G" (H-1179); "H" (H-1182); "I" (H-1183); "J" (H-1186); "K" (H-1188) AND "L" (H-1189)** thereto, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1121) AS AMENDED BY SENATE AMENDMENT "A" (S-810) AND HOUSE AMENDMENTS "A" (H-1124); "B" (H-1161); "C" (H-1169); "D" (H-1170); "E" (H-1171); "F" (H-1172); "G" (H-1179); "H" (H-1182); "I" (H-1183); "J" (H-1186) AND "K" (H-1188)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **LONGLEY** of Waldo, the Senate **RECEDED** and **CONCURRED**.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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

Senate at Ease.

Senate called to order by the President.

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 Correct Errors and Inconsistencies in the Laws of Maine

H.P. 1665 L.D. 2334
(S "A" S-810; H "A" H-1124; H "B" H-1161;
H "C" H-1169; H "D" H-1170; H "E" H-1171;
H "F" H-1172; H "G" H-1179; H "H" H-1182;
H "I" H-1183; H "J" H-1186; H "K" H-1188
to C "A" H-1121)

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.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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 Improve School Safety and Learning Environments
S.P. 298 L.D. 870
(H "A" H-1102; H "B" H-1190 to C "A" S-657)

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

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

ORDERS

Senate Orders

On motion by Senator RAND of Cumberland, the following Senate Order:

S.O. 27

ORDERED, that a message be sent to the House of Representatives, informing that Body that the Senate is ready to adjourn without day.

READ and PASSED.

The Chair appointed the Senator from Cumberland, Senator **RAND**, to deliver the message to the House of Representatives. The Sergeant-At-Arms escorted the Senator from Cumberland, Senator **RAND** to the Hall of the House.

Subsequently, the Senator from Cumberland, Senator **RAND** reported that she had delivered the message with which she was charged.

On motion by Senator PINGREE of Knox, the following Senate Order:

S.O. 28

ORDERED, that a message be sent to Angus S. King, Jr., Governor of the State of Maine, informing him that the Senate is ready to adjourn without day and invite him to attend and make such communication as pleases him.

READ and PASSED.

The Chair appointed the Senator from Knox, Senator **PINGREE**, to deliver the message to the Governor. The Sergeant-At-Arms escorted the Senator from Knox, Senator **PINGREE** to the Governor's Office.

Subsequently, the Senator from Knox, Senator **PINGREE** reported that she had delivered the message with which she was charged.

At this point a message was received from the House of Representatives, borne by Representative SAXL of Portland informing the Senate that the House had transacted all business before it and was ready to Adjourn Without Day.

At this time, the HONORABLE ANGUS S. KING, JR., GOVERNOR of the State of Maine, entered the Senate Chamber and was escorted by the Sergeant-At-Arms to the rostrum. (Amid applause, the Members rising.)

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber, the Governor of the great State of Maine, Angus S. King, Jr.

GOVERNOR KING: Thank you. There is only one rule for a speech made at 3 a.m. and that is it shouldn't be very long. I do want to thank profoundly and sincerely and from within me, you

people who have been friends and colleagues through what is always a difficult process, but is always rewarding at the end. Every so often I have state champions in my office. The Mt. Blue Women's Basketball Team, the Bangor Rams Basketball Team, the St. Dom's Hockey Team. All the teams that come from around the state. Those of you who have been with your teams, I always say the same thing. That as I've grown older and we are all chasing happiness, I've come to define happiness in a way that they can understand. I will define it for you because I think it's a way that you can understand.

As I look back on my life, I realize that the times that I've been happiest have been the times when I have done three things at once. Worked hard with other people on something worthwhile and it's the struggle that's the best part. We don't realize it or think about it at the time. This democracy business is hard work and yet, we have attended to it, I think, with great diligence and success in the last 2 years. We've cut the taxes for the people of Maine. We've made tremendous investments in education and in people and in infrastructure. I think it has been an historic session. One of the important things about it for me as well has been the tone of the session. The civility with which we have worked. We have debated hard and had our differences, but it has always been with a civil tone and an understanding of where other people were coming from. It really makes it worthwhile.

I'd like to recognize all of you, especially 3 people who have had an important role in this session, all of whom are leaving. The President, Mark Lawrence. The Majority Leader, Senator Pingree. Who would have guessed a month ago that Senator Pingree and I would be linking arms in the last few days of the session? The Republican Leader, Senator Amero. All of whom are leaving us at the end of this night.

As I said, this democracy is very hard work, no one knows exactly how it's going to come out. It's an unfinished project always. But I think the people of Maine can be very proud of the work that we've done over the last 2 years and particularly in the last 5 months. What we're doing is our very level best on behalf of the people of Maine as God gives us the light to see that. I just want to thank you from the bottom of my heart for all the work that we have accomplished together. We should be very proud of what we've accomplished. Thank you again and good night.

The Sergeant-At-Arms escorted Governor Angus S. King, Jr. from the Senate Chamber. (Amid applause, the Members rising.)

On motion by Senator **BENOIT** of Franklin, the Honorable **MARK W. LAWRENCE**, President of the Senate, declared the Second Regular Session of the 119th Legislature, **ADJOURNED SINE DIE** on May 12, 2000 at 3:21 in the morning.