

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

In Senate Chamber  
Thursday  
May 6, 1999

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

Prayer by Reverend Charles Reed of the Second Baptist Church of Bowdoinham.

**REVEREND REED:** Let us pray together. Our Father, we come this day on this National day of prayer to praise You and to give You thanksgiving for the most wondrous holy and blessed God that You are. Father, we thank You for the freedom of this country and the beauty of this nation for which You've given to us. Oh God, we pray for our nation and for those through this time that are hurting and suffering. Oh God, we ask that You would give them Your measure of peace, Your comfort, Your strength. Oh God, call us as a nation to the basics to which You have called us to. Father, I thank You for this wonderful Senate, for the men and women that serve here. For the uniqueness and the specialty of the gifts that You've given them. Oh God, give these men and women the courage that they need to stand firm in their strength and faith. Lord, I pray that You will allow them to possess wisdom and discernment that's necessary to meet all the tasks that are before them and they are great. Father, I ask that you would surround them with your favor and protection and allow them to tap into Your unlimited strength. Oh God, I pray that they would become weary but, Lord, that they would commit their way to You and trust You. I ask that You would surround their families and bless them and minister to their husbands, wives and children so uniquely and specially. I pray that You will be with their families while they are here in service of this great state. Our Father, I pray for the Governor of this state that You might touch him uniquely. Lord, bless this body as they serve You so uniquely. In Christ's name and in the name of God Almighty, Amen.

Reading of the Journal of Wednesday, May 5, 1999.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Eliminate the Lodging Tax on Long-term Rentals" H.P. 892 L.D. 1249

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-168)** (7 members)

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

In House, April 13, 1999, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-168)**.

In Senate, May 4, 1999, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

Senator **RUHLIN** of Penobscot moved the Senate **ADHERE**.

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

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

Senator **RUHLIN:** Thank you Madam President. I would advise the members of the Senate that we wisely Accepted the Ought Not to Pass on this Bill which has a large fiscal note. Which is a system that carefully exempts those people in the state of Maine who are living on a long-term basis for work or educational purposes. It's a policy that has been in place for eight years. I've heard people claim that it was a temporary thing. By the way, I had the occasion to do some checking on that since we last discussed the matter. According to the people who served at that time and as far as I can find from the library downstairs, there's nothing that showed legislative intent of it being temporary in nature. There was a wise fiscal policy of this state to stabilize and insure an adequate flow of revenues to serve the purposes of this state. I would, therefore, ask that the Senate continue in it's course of wisdom earlier this week and Adhere to it's previous position. But now to do that we must Reject the Recede and Concur motion. Thank you.

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

Senator **BENNETT:** Thank you Madam President. Fellow members of the Senate, I would remind the Senate that this tax on long-term lodging is simply unique to me. We're the only state that taxes long-term lodging in this way. It puts us at a competitive disadvantage particularly when we're trying to lure tourists to this state to spend a season here spending their money, going to restaurants, buying gifts and otherwise contributing to our economy. The \$700,000 plus fiscal note for the biennium, which appears here, is easily paid for by the receipts that we would garner from those marginal people that would come here and spend more than 28 days of their recreational time living in this state and contributing to our economy. I would also remind the Senate, while those who passed this tax previously may not have considered it temporary, it was tied to a program that inevitably was temporary and that

was the Maine Health Program. It was designed specifically to fund that program and that program no longer exists.

I would also point out, it was discussed previously in debate, this program has been in existence for several years. Some campground owners are only now experiencing the effects of that. I think it was the Senator from Penobscot, the good Senator Ruhlin, who reported on a conversation that he had with some of his constituents or campground owners who had seen an attrition rate over a period of years on this then continued. That's because, simply put, there is an attrition in people who come to this state to camp and who rent camp sites seasonally. Unfortunately this Bill does have a long lasting affect in causing a negative outflow over many years. While those people who might have agreed to pay the extra \$150-\$200 in taxes that this law demands of them, may have just grinned and bared it at the time, what we're doing is discouraging new people from coming into this state. Every year we're seeing a steady deterioration in the number of people that come to this state to put their RVs and campers in campgrounds on a seasonal basis. For those reasons I encourage you, please, to go along with the Recede and Concur motion and let this Bill have a chance to Pass and do it's good work for the economy and the people of Maine. Thank you.

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

Senator **RUHLIN:** Thank you Madam President. Ladies and gentlemen of the Senate, I don't want to take a lot of time with this Bill. We've got a lot of work to do today. But I do want to reinforce a couple of things. First of all, your Committee on Taxation, after careful consideration, had all three Senators recommend against passage of this particular measure. Senators of both parties. Second, it's going to hurt our tourism trade. Well, it's been in place for eight years. During that eight year period, we have had, I'm pleased to report, record tourism in the state of Maine. I'm afraid I don't see where it's impinged upon the opportunities of our tourism industry. I would point out to you, to make up the sales tax of \$617,000 in the first year you have to take in, at a minimum, just in rental fees a minimum of an additional \$145 million to make it revenue neutral. I don't think so. Perhaps when you get ready to push your button, I hope against the Recede and Concur motion, you will obviously be thinking of, otherwise how will I pay for it? Who, what program in the State is going to pay for it. This is something that allows those people who visit the state of Maine to more fully participate in our economic activity and does not unduly tax residents of the state of Maine. I hope you will go on to Defeat the Recede and Concur motion so that we may go back to our original position and Adhere. Thank you.

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

Senator **PENDLETON:** Thank you Madam President. Men and women of the Senate, I hope that you will go along with the motion to Recede and Concur on this piece of legislation. As was stated earlier, and we won't belabor it, this was a gimmick in 1991. We have an opportunity to fix that gimmick now and I think we should do it. I would ask the Secretary to please tell us what the Committee Report was. Thank you.

At the request of Senator **PENDLETON** of Cumberland, Reports **READ.**

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

Senator **BENNETT:** Thank you Madam President. I reluctantly rise to check some math I just heard propounded in this Chamber that suggested \$145 million is what would be required to pay for a \$700,000, fiscal note in additional tax revenue because of this. If it in fact is roughly \$700,000, we're talking in the neighborhood of \$14 million, not the \$145 million as previously uttered. Thank you very much.

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

Senator **KILKELLY:** Thank you Madam President. Men and women of the Senate, I would urge you to support the Recede and Concur motion. As I mentioned in previous debate, I just want to reemphasize this, one of the advantages of providing an opportunity without this disincentive for folks who in fact park their campers in a particular place is stability for that community. People then become part of that community. They use the services in that community and it's very helpful. I think that we ought to do what we can to support those kinds of activities that allow people to become incorporated into the community and use the services that are there. I know that means a great deal, particularly, to the small businesses in my District in which we have a number of these kinds of campgrounds. To have a system in place which penalizes those folks who want to, in fact, integrate in the community and, in fact, be participants in the economic activity of that community, I think, is a mistake. I would urge you to Recede and Concur. Thank you.

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

Senator **FERGUSON:** Thank you very much Madam President. Ladies and gentlemen of the Senate, I've listened to this debate quite intently and one thing that strikes me, is this was instituted to fund a program, the Maine Health Program, as I understand it. The program is gone and it seems rational to me that the fee should go. I hope you do support the pending Recede and Concur motion. Thank you very much.

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

Senator **MILLS:** Madam President and men and women of the Senate, I would hope that you would support the three Senators in the Taxation Committee who made a difficult decision not to include this tax exemption among the package of things that we would send down to the Appropriations Committee for their consideration. I have yet to hear from anybody who has actually paid this tax to explain that it is a burden upon them to pay it. If you leave your camper in one location for 12 months, the typical increment in cost arising from the sales tax is on the order of \$100 to \$200 depending on the size of the vehicle and the prices charged by the campground. When you consider that some of these campers cost as much as \$50,000 to \$150,000, to say that the people that own these second homes should have the burden

of supporting our Maine economy by contributing as little as \$150 to \$200 in sales tax when many of them may not be contributing by way of income tax or in other ways to our economy, it seems to me little enough to justify retaining this element of our sales tax code. If we can tax overshoes for school children we can certainly ask the owners of \$100,000 mobile homes to contribute \$150 to the sales tax of this state. I wish you would vote against the pending motion. Thank you.

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

Senator **DAGGETT:** Thank you very much Madam President and members of the Senate. As one of the three Senators on the Committee that voted in opposition to this and hoping that you'll vote against the pending motion, I have not spoken before on this but would like to weigh in on it at this point. As a member of the Taxation Committee it's very difficult for anyone to compare one state's Tax System to another by pointing at one particular tax. You've heard it mentioned before, this is not something that is done in other states. A state's Tax System is generally peculiar to itself. The interaction of different taxes makes it very difficult to focus on one and say this is unfair because other states do not do it. It's simply not possible to make that comparison. I hope you will not consider that while considering this particular issue. Every state has a very unique Tax System. The other issue that has been raised is the fact that this tax was put in place when the Maine Health Program was there. I would just remind people, today we have expanded health care opportunities, they don't come through the Maine Healthcare Program specifically. We've expanded prescription drugs, we have Cub Care, there are a variety of additional healthcare programs that we have funded. I would urge you to remove that linkage, as well as the one that tries to link this particular tax to the entire Tax System perhaps of another state. Those of us who have sat there, who have listened to it and have tried to look at our entire Tax System and where this piece fits in, feel this is not an appropriate change to make at this time given the resources of this state. I hope you will not support this particular Repeal of a tax. Thank you.

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Off Record Remarks

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

Senator **MITCHELL:** Thank you Madam President. Good morning ladies and gentlemen of the Senate. I wasn't going to rise this morning because it seemed that the debate in favor of the Recede and Concur was very overwhelming and convincing for all of us. Until the statement was brought up by my fellow Senator from Somerset, Senator Mills, about people with RVs of \$150,000 and that kind of got the hair on the back of my neck up a little bit because there are many Maine people that are low income and low middle income people who can't afford property on lakes. They can't afford cottages but they want to give their children the opportunity of camping experience and the experience of being in the great outdoors and enjoying our great state of Maine. They have saved and invested in low cost

camping equipment to put on light property at these camping areas, at a low rental fee that provides their families an opportunity to spend their summers in an atmosphere that our good state offers us and our people in Maine. I would ask you to please give them this tax break of \$200 which actually covers the rental for a month of their service in many cases. I would ask you to please vote in favor of the Recede and Concur motion. Thank you.

The Chair ordered a Division.

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

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending motion by Senator **BENNETT** of Oxford to **RECEDE** and **CONCUR**. (Roll Call ordered)

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**Non-Concurrent Matter**

SENATE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Ensure Adequate Nutrition Services for Maine's Elderly and to Create the Senior One-stop Program"

S.P. 518 L.D. 1552  
(C "B" S-142)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-141)** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-142)** (2 members)

In Senate, May 3, 1999, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-142)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-142)**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-141)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-141)**, in **NON-CONCURRENCE**.

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

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**House Paper**

Bill "An Act to Restore Majority State Funding of Public Education in Maine"

H.P. 1573 L.D. 2221

Comes from the House, **REFERRED** to the Committees on **TAXATION** and **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

**REFERRED** to the Committees on **TAXATION** and **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

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

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

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**COMMUNICATIONS**

The Following Communication: S.P. 814

**119<sup>TH</sup> MAINE LEGISLATURE**

May 4, 1999

Senator Peggy Pendleton  
Representative Douglas Ahearn  
Chairpersons  
Joint Standing Committee on State and Local Government  
119<sup>th</sup> Legislature  
Augusta, Maine 04333

Dear Senator Pendleton and Representative Ahearn:

Please be advised that Governor Angus S. King, Jr. has nominated Patricia LeMaire of Lewiston for appointment as a member of the Workers Compensation Board.

Pursuant to Title 39-A, M.R.S.A., §151, this nomination will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence                      S/G. Steven Rowe  
President of the Senate                  Speaker of the House

**READ** and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent down for concurrence.

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**Ought to Pass**

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Certain Sections of Chapter II, Section 67, Nursing Facility Services, of Chapter 101: Maine Medical Assistance Manual, a Major Substantive Rule of the Department of Human Services (EMERGENCY)  
H.P. 1535 L.D. 2188

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

**READ ONCE**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Chapter 231: Rules Relating to Drinking Water, a Major Substantive Rule of the Department of Human Services (EMERGENCY)  
H.P. 1536 L.D. 2189

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

**READ ONCE**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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**REPORTS OF COMMITTEES**

**House**

**Change of Committee**

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Reimburse Androscoggin County for Shortfalls in State Reimbursement for Jail Costs"  
H.P. 1511 L.D. 2159

Reported that the same be **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

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**Ought to Pass As Amended**

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Amend the Requirements of Full-time Students for State-funding Purposes"  
H.P. 573 L.D. 813

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-372)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-372)**.

Report **READ**.

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

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The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Make Courses that Teach English as a 2nd Language Reimbursable by the State"

H.P. 860 L.D. 1217

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-373)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-373)**.

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

**READ ONCE.**

Committee Amendment "A" (H-373) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, to Conduct and Report on a Comprehensive Needs Assessment for Coordinated School Health Programs

H.P. 1196 L.D. 1706

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-365)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-365)**.

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

**READ ONCE.**

Committee Amendment "A" (H-365) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Extend Certain Survivor Benefits to the Spouses of Emergency Medical Services Providers"

H.P. 1197 L.D. 1707

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-366)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-366)**.

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

**READ ONCE.**

Committee Amendment "A" (H-366) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Require the Display of the Prisoner of War - Missing in Action Flag"

H.P. 1287 L.D. 1848

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-369)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-369)**.

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

**READ ONCE.**

Committee Amendment "A" (H-369) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **TRANSPORTATION** on Bill "An Act to Increase Load Weight on Farm Vehicles"

H.P. 1443 L.D. 2064

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-380)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-380)**.

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

**READ ONCE.**

Committee Amendment "A" (H-380) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

**Divided Report**

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act Relating to Automobile Rental Supplemental Liability Insurance"

H.P. 861 L.D. 1218

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-341)**.

Signed:

Senators:

LaFOUNTAIN of York  
DOUGLASS of Androscoggin  
ABROMSON of Cumberland

Representatives:

RICHARDSON of Brunswick  
NUTTING of Oakland  
DUDLEY of Portland  
O'NEIL of Saco  
SAXL of Bangor  
SULLIVAN of Biddeford  
PERRY of Bangor  
MAYO of Bath

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

Signed:

Representatives:

JONES of Pittsfield  
GLYNN of South Portland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-341)**.

Reports **READ**.

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

**READ ONCE.**

Committee Amendment "A" (H-341) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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**Divided Report**

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Update the Laws Concerning Prearranged Funerals"

H.P. 1248 L.D. 1777

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-342).**

Signed:

Senators:

LaFOUNTAIN of York  
DOUGLASS of Androscoggin  
ABROMSON of Cumberland

Representatives:

JONES of Pittsfield  
RICHARDSON of Brunswick  
DUDLEY of Portland  
O'NEIL of Saco  
SAXL of Bangor  
SULLIVAN of Biddeford  
PERRY of Bangor  
GLYNN of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-343).**

Signed:

Representatives:

NUTTING of Oakland  
MAYO of Bath

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-342)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-342).**

Reports **READ.**

On motion by Senator **LAFOUNTAIN** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-342)** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-342) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Establish and Fund Conflict Resolution Programs in the Public Schools"

H.P. 928 L.D. 1305

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-317).**

Signed:

Senators:

BERUBE of Androscoggin  
MURRAY of Penobscot  
SMALL of Sagadahoc

Representatives:

RICHARD of Madison  
WATSON of Farmingdale  
DESMOND of Mapleton  
BRENNAN of Portland  
ANDREWS of York  
BAKER of Bangor  
BELANGER of Caribou  
SKOGLUND of St. George

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

Signed:

Representatives:

WESTON of Montville  
STEDMAN of Hartland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-317).**

Reports **READ.**

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

**READ ONCE.**

Committee Amendment "A" (H-317) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Creating a Commission to Study the Multicultural Education Needs of Maine Teachers to Ensure Multicultural Awareness and Understanding for All Maine Students

H.P. 1230 L.D. 1759

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-319).**

Signed:

Senator:

MURRAY of Penobscot

Representatives:

RICHARD of Madison  
WATSON of Farmingdale  
DESMOND of Mapleton  
BRENNAN of Portland  
ANDREWS of York  
BELANGER of Caribou  
SKOGLUND of St. George  
BAKER of Bangor

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

Signed:

Senators:

BERUBE of Androscoggin  
SMALL of Sagadahoc

Representatives:

WESTON of Montville  
STEDMAN of Hartland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-319)**.

Reports **READ**.

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

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

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#### Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Prohibit the Use of Juveniles in a Tobacco Enforcement Action"

H.P. 1429 L.D. 2052

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-361)**.

Signed:

Senators:

BERUBE of Androscoggin  
MITCHELL of Penobscot



Representatives:

BROOKS of Winterport  
DUGAY of Cherryfield  
LOVETT of Scarborough  
BRAGDON of Bangor  
SNOWE-MELLO of Poland  
SHIELDS of Auburn

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

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

Signed:

Senator:

PARADIS of Aroostook

Representatives:

KANE of Saco  
FULLER of Manchester  
QUINT of Portland  
WILLIAMS of Orono

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-361)**.

Reports **READ**.

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

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

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Joint Order - relative to establishing the Joint Select Committee to Study the Maine Governmental Facilities Authority

H.P. 1142

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

Signed:

Senators:

PENDLETON of Cumberland  
GOLDTHWAIT of Hancock  
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska  
BAGLEY of Machias  
RINES of Wiscasset

The Minority of the same Committee on the same subject reported that the same **Ought to Pass**.

Signed:

Representative:

GERRY of Auburn

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

Reports **READ**.

On motion by Senator **PENDLETON** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

---

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Joint Order - relative to establishing the Joint Select Committee to Ensure Accountability in the Legislature  
H.P. 1457

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

Signed:

Senators:

PENDLETON of Cumberland  
GOLDTHWAIT of Hancock  
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska  
BAGLEY of Machias  
RINES of Wiscasset  
McDONOUGH of Portland  
TWOMEY of Biddeford  
BUMPS of China  
KASPRZAK of Newport  
JODREY of Bethel  
RICHARDSON of Greenville

The Minority of the same Committee on the same subject reported that the same **Ought to Pass**.

Signed:

Representative:

GERRY of Auburn

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

Reports **READ**.

On motion by Senator **PENDLETON** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Require Pollution Prevention as a Criterion for Awarding State Contracts"

H.P. 968 L.D. 1366

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

Signed:

Senators:

- PENDLETON of Cumberland
- GOLDTHWAIT of Hancock
- DAVIS of Piscataquis

Representatives:

- AHEARNE of Madawaska
- BAGLEY of Machias
- RINES of Wiscasset
- McDONOUGH of Portland
- BUMPS of China
- KASPRZAK of Newport
- JODREY of Bethel
- RICHARDSON of Greenville
- GERRY of Auburn

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-375)**.

Signed:

Representative:

- TWOMEY of Biddeford

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

Reports **READ**.

On motion by Senator **PENDLETON** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

---

**Senate**

**Ought to Pass As Amended**

Senator NUTTING for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, to Transfer a Parcel of State Land to the Town of Carrabassett Valley

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-210)**.

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

**READ ONCE**.

Committee Amendment "A" (S-210) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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Senator MICHAUD for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Fund a Minimum Level of Services for Deaf and Hard-of-Hearing Persons in all Regions of the State"

S.P. 693 L.D. 1939

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-206)**.

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

**READ ONCE**.

Committee Amendment "A" (S-206) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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**Divided Report**

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Amend the Laws Governing the Aroostook Water and Soil Management Board and to Provide Funding for a Low-flow Study"

S.P. 430 L.D. 1267

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-212)**.

Signed:

Senators:

- NUTTING of Androscoggin
- KILKELLY of Lincoln
- KIEFFER of Aroostook

Representatives:

- CARR of Lincoln
- FOSTER of Gray
- GOOLEY of Farmington
- PIEH of Bremen
- GAGNE of Buckfield
- GILLIS of Danforth
- CROSS of Dover-Foxcroft

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-213).**

Signed:

Representatives:

COWGER of Hallowell  
WATSON of Farmingdale

Reports **READ.**

On motion by Senator **NUTTING** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-212)** Report **ACCEPTED.**

**READ ONCE.**

Committee Amendment "A" (S-212) **READ** and **ADOPTED.**

**TOMORROW ASSIGNED FOR SECOND READING.**

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**Divided Report**

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Amend the Laws Relating to Development and Centralized Listing of Municipal Ordinances that Apply to Forestry Practices" S.P. 666 L.D. 1888

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-211).**

Signed:

Senators:

NUTTING of Androscoggin  
KILKELLY of Lincoln

Representatives:

COWGER of Hallowell  
CARR of Lincoln  
GOOLEY of Farmington  
PIEH of Bremen  
CROSS of Dover-Foxcroft  
FOSTER of Gray  
GILLIS of Danforth  
WATSON of Farmingdale

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

Signed:

Representative:

VOLENIK of Brooklin

Reports **READ.**

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

**READ ONCE.**

Committee Amendment "A" (S-211) **READ** and **ADOPTED.**

**TOMORROW ASSIGNED FOR SECOND READING.**

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**Divided Report**

Ten members of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Limit Children's Access to Firearms" S.P. 178 L.D. 532

Reported in Report "A" that the same **Ought Not to Pass.**

Signed:

Senators:

MURRAY of Penobscot  
O'GARA of Cumberland  
DAVIS of Piscataquis

Representatives:

POVICH of Ellsworth  
FRECHETTE of Biddeford  
CHIZMAR of Lisbon  
McALEVEY of Waterboro  
PEAVEY of Woolwich  
TOBIN of Dexter  
SHERMAN of Hodgdon

Two members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-208).**

Signed:

Representatives:

MUSE of South Portland  
QUINT of Portland

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-209).**

Signed:

Representative:

O'BRIEN of Augusta

Reports **READ.**

Senator **MURRAY** of Penobscot moved the Senate **ACCEPT** Report "A", **OUGHT NOT TO PASS.**

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

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

**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Allow the State to Obtain a Defendant's Medical Records in Cases Involving OUI" S.P. 691 L.D. 1937

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

Signed:

Senators:

- MURRAY of Penobscot
- DAVIS of Piscataquis

Representatives:

- POVICH of Ellsworth
- MUSE of South Portland
- CHIZMAR of Lisbon
- McALEVEY of Waterboro
- PEAVEY of Woolwich
- SHERMAN of Hodgdon

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-207)**.

Signed:

Representatives:

- FRECHETTE of Biddeford
- O'BRIEN of Augusta

Reports **READ**.

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

Sent down for concurrence.

**House As Amended**

Resolve, to Authorize the Knox County Commissioners to Borrow Not More Than \$600,000 to Build the Knox County Communications Center (EMERGENCY)

H.P. 40 L.D. 54  
(C "A" H-324)

Resolve, to Study Standardized Periods of Military Service for Award of State of Maine Veterans' Benefits (EMERGENCY)

H.P. 76 L.D. 89  
(C "A" H-312)

Resolve, Regarding Legislative Review of Chapter 565: Nutrient Management Rules, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

H.P. 460 L.D. 623  
(C "A" H-334)

Bill "An Act to Allow for Cooperative Purchase of Electricity by Governmental Units" (EMERGENCY)

H.P. 497 L.D. 704  
(C "A" H-331)

Resolve, Regarding Legislative Review of Chapter 301: Standard Office Service, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 547 L.D. 768  
(C "A" H-328)

Resolve, Regarding Legislative Review of Chapter 304: Standard of Conduct for Transmission and Distribution Utilities and Affiliated Competitive Electricity Providers, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 548 L.D. 769  
(C "A" H-329)

Bill "An Act to Allow Former Employees of Head Start Credit in the Maine State Retirement System"

H.P. 743 L.D. 1033  
(C "A" H-360)

Bill "An Act Authorizing the Release of Information to a Competitive Electricity Provider"

H.P. 857 L.D. 1214  
(C "A" H-330)

Bill "An Act to Amend the Liquor Licensing Laws Regarding Bed and Breakfasts"

H.P. 913 L.D. 1291  
(C "A" H-314)

Bill "An Act Promoting Technology in Business Recordkeeping"

H.P. 985 L.D. 1383  
(C "A" H-362)

**SECOND READERS**

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

**House**

Bill "An Act to Allow Child-placing Agencies to License Preadoptive Homes as Foster Care Homes for a Child Placed in that Home Awaiting Adoption"

H.P. 1215 L.D. 1744

Bill "An Act Confirming the Charter of the Addison Point Water District" (EMERGENCY)

H.P. 1153 L.D. 1650  
(C "A" H-333)

Resolve, Regarding Legislative Review of Chapter 307: Sale of Capacity and Energy of Undivested Generation Assets, Extension of Divestiture Deadline, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 1172 L.D. 1683  
(C "A" H-332)

Bill "An Act to Amend the Maine Administrative Procedure Act"  
H.P. 1195 L.D. 1705  
(C "A" H-364)

Bill "An Act to Increase Fees for Civil Process of Filing State Papers"

H.P. 1212 L.D. 1741  
(C "A" H-291)

Bill "An Act to Provide Equity for Eviction Notification"  
H.P. 1237 L.D. 1766  
(C "A" H-311)

Resolve, That the Director of the Maine State Museum Shall Include the Portraits of Outstanding Indians in the State House  
H.P. 1315 L.D. 1898  
(C "A" H-325)

Bill "An Act to Establish the Birth Defects Program"  
H.P. 1322 L.D. 1905  
(C "A" H-268)

Bill "An Act to Protect Customers of Nonbank Cash-dispensing Machines"  
H.P. 1384 L.D. 1991  
(C "A" H-344)

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

Bill "An Act to Require Legislative Approval to Lease Certain Land to the Federal Government"

H.P. 1460 L.D. 2092  
(C "A" H-363)

**READ A SECOND TIME.**

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

**Senate As Amended**

Bill "An Act to Require Disclosure to Insurance Consumers That Long-term Care Insurance Policies Meet the Standards for the Deductibility of Premiums"

S.P. 140 L.D. 376  
(C "A" S-197)

Bill "An Act to Provide Equity in Prescription Insurance for Contraceptive Coverage"

S.P. 389 L.D. 1168  
(C "A" S-200)

Resolve, Establishing a Task Force to Study the Need for an Agricultural Vitality Zone Program

S.P. 393 L.D. 1172  
(C "A" S-196)

Bill "An Act Relating to Uninsured Vehicle Coverage"

S.P. 421 L.D. 1258  
(C "A" S-201)

Bill "An Act to Make More Uniform the Training of Firefighters"  
S.P. 656 L.D. 1878  
(C "A" S-194)

Bill "An Act to Protect Beneficiaries of Structured Settlements"  
S.P. 680 L.D. 1930  
(C "A" S-203)

Bill "An Act to Modify the Juvenile Code with Regard to the Service of Juvenile Summonses"

S.P. 690 L.D. 1936  
(C "A" S-193)

Bill "An Act to Clarify Underinsured Motor Vehicle Coverage"  
S.P. 723 L.D. 2043  
(C "A" S-204)

Resolve, to Establish the John H. Reed-Kenneth M. Curtis Peace Fellowship

S.P. 789 L.D. 2201  
(C "A" S-195)

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

Sent down for concurrence.

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

**ENACTORS**

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

**Emergency Measure**

An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2000

H.P. 32 L.D. 41  
(C "A" H-258)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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

An Act to Permit Senior Citizens to Remain in Their Homes by Providing Funds for Necessary Modifications

H.P. 328 L.D. 444  
(C "A" H-244)

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

**Acts**

An Act Regarding Foster Parents

H.P. 67 L.D. 80  
(C "A" H-273)

An Act to Protect Consumers in Real Estate Mortgage Transactions

S.P. 45 L.D. 116  
(C "A" S-59; H "A" H-235)

An Act to Enable Counties to Establish Electricity Agencies

H.P. 192 L.D. 270  
(C "A" H-226)

An Act to Provide Educational Opportunities for Persons Who Resided in Foster Care as Children

H.P. 501 L.D. 708  
(C "A" H-231)

An Act to Further Discourage the Field Theft of Wild Blueberries

H.P. 529 L.D. 736

An Act to Change the Way Nursery License Fees Are Established

H.P. 537 L.D. 744  
(H "A" H-309 to C "A" H-75)

An Act Addressing an Allegation of Prior Conviction When the Sentence Is Enhanced

H.P. 950 L.D. 1347

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

An Act Related to Application of the Sales Tax to Agricultural Animals

S.P. 22 L.D. 6  
(C "A" S-83)

**Resolves**

Resolve, to Direct the Department of Labor to Determine the Cost of Providing Toll-free Telephone Access to All Mainers to Apply for Unemployment Compensation Benefits

H.P. 183 L.D. 261  
(C "A" H-259)

Resolve, to Study the Confidentiality of Information Regarding Persons Receiving Services Funded in Whole or in Part by the Department of Mental Health, Mental Retardation and Substance Abuse Services

H.P. 518 L.D. 725  
(C "A" H-266)

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

Senate at Ease.

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

**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 (5/3/99) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Provide Tax-exempt Status to Organizations That Teach Reading"

H.P. 271 L.D. 379

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-142)** (4 members)

Tabled - May 3, 1999, by Senator **BENNETT** of Oxford.

Pending - motion by Senator **PINGREE** of Knox to **ADHERE**

(In House, April 14, 1999, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**.)

(In Senate, April 27, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

(In House, April 29, 1999, that Body **ADHERED**.)

Senator **RAND** of Cumberland moved the Senate **RECEDE** and **CONCUR**.

On motion by Senator **MITCHELL** of Penobscot, **TABLED** until Later in Today's Session, pending motion by Senator **RAND** of Cumberland to **RECEDE** and **CONCUR**.

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The Chair laid before the Senate the following Tabled and Later (5/3/99) Assigned matter:

SENATE REPORT - from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act Concerning Licensure of Chiropractors" (EMERGENCY)  
S.P. 784 L.D. 2199

Report - **Ought to Pass**

Tabled - May 3, 1999, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF THE REPORT**

(In Senate, May 3, 1999, Report **READ**.)

Report **ACCEPTED**.

Under suspension of the Rules, **READ TWICE**.

Senator **RAND** of Cumberland moved to **TABLE** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**. Subsequently, the same Senator requested and received leave of the Senate to withdraw her motion to **TABLE** until Later in Today's Session.

On motion by Senator **KONTOS** of Cumberland, Senate Amendment "A" (S-205) **READ**.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending motion by Senator **KONTOS** of Cumberland to **ADOPT** Senate Amendment "A" (S-205).

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The Chair laid before the Senate the following Tabled and Later (5/4/99) Assigned matter:

Resolve to Name the State Office Building the Burton M. Cross Building

H.P. 172 L.D. 250  
(C "A" H-117)

Tabled - May 4, 1999, by Senator **DAGGETT** of Kennebec.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 4, 1999, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

(In House, May 3, 1999, **FINALLY PASSED**.)

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

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

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Provide Tax-exempt Status to Organizations That Teach Reading"

H.P. 271 L.D. 379

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-142)** (4 members)

Tabled - May 6, 1999, by Senator **MITCHELL** of Penobscot.

Pending - motion by Senator **RAND** of Cumberland to **RECEDE** and **CONCUR**

(In House, April 14, 1999, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**.)

(In Senate, April 27, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

(In House, April 29, 1999, that Body **ADHERED**.)

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

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Off Record Remarks

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

Senator **RAND** of Cumberland 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 **AMERO** of Cumberland, **RECESSED** until 2:00 in the afternoon.

After Recess

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

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

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

Senate called to order by the President.

Off Record Remarks

Senator **DOUGLASS** of Androscoggin requested and received leave of the Senate for all members and staff be allowed to remove their jackets for the remainder of the Session.

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

Off Record Remarks

**ORDERS OF THE DAY**

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

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Creating a Commission to Study the Multicultural Education Needs of Maine Teachers to Ensure Multicultural Awareness and Understanding for All Maine Students

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-319)** (9 members)

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

Tabled - May 6, 1999, by Senator **RAND** of Cumberland.

Pending - motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

(In House, May 5, 1999, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-319).**)

(In Senate, May 6, 1999, Reports **READ.**)

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

Senator **MURRAY:** Thank you Mr. President. Men and women of the Senate, to begin with, I'd ask for a Division on the pending motion and to speak briefly to why I support the Majority Report on this Bill. This Bill is fairly simple in that it requests that a study be undertaken to address the issues of multiculturalism in our classrooms throughout the state. And it does so in a fairly limited and specific way, but none the less, a very important way that deserves our support here this afternoon. Maine has a long tradition of certain ethnic groups in the state that have been part of the classrooms that make up the culture of our elementary and secondary education for our long history. And that history continues to be the case, where we have strong blocks of the French Canadian population and Native American population. And what we are finding is that there are new cultures that are coming to our state in relatively large numbers. This presents issues for us. I'd like to think it presents great opportunities for us, but it obviously presents some questions and problems that some of our individual teachers and administrators in the school system have yet to deal with and have to deal with in different ways. What this Bill before you today does, is establish a Commission that will focus on the issues of what is meant and what needs to be done in regards to dealing with multicultural issues in our classrooms. It does so by not only creating a Study Commission as we so often do, but I think more importantly, requires that a survey be done of those, if you will, in the trenches. In other words, we would ask those teachers who are currently there, what experiences they are now having with regards to multicultural classroom situations. What problems are they presented with? What resources do they now have and need to have in order to properly address the particular issues multicultural students present to the learning environment? All that will be done as a part of this Commission Study, in order that they can then come back and present to the Legislature recommendations and suggestions regarding how best to do education into the future years, so that current students and students in the future are properly educated.

I think we need this, the fiscal request is relatively modest given the importance of the issue. \$17,000 is being requested to undertake both the study and the survey that I made reference to.



I think it's a worthwhile expenditure and one that needs to be done in order for us to maintain and, in fact, improve the educational opportunities that, particularly, multicultural situations present to us. Unfortunately, there are still issues and problems that arise and it's important for us not to ignore this situation, but rather to grasp it and look upon it as an opportunity and not a problem. For all these reasons, I would hope you would join with me in opposing the pending motion so we can move on to Accept the Majority Ought to Pass Report.

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

Senator **BERUBE:** Thank you Mr. President. Ladies and gentlemen of this Chamber, I'd like to tell you why I voted against it and I'm not going to ask for a Roll Call. It's not necessary. There are two basic reasons. The first of which is, let me back track, there are many whereas in that Study request and one of them says that educators have the responsibility under the statewide system of learning results to help students recognize and understand the diverse nature of society as I believe we all believe this is the ideal to achieve. That should come with common sense with good manners but do we need to spend another \$17,000 for yet another study of specific ethnic groups who are in this state. To some \$17,000 is not much but I've seen tens of thousands of dollars in the past six years devoted and marked strictly to studying particular groups in our state. There are many past studies, I got a few the other evening at home, one of them which was conducted at the University of Maine a few years ago. There were many conducted by the way. This one says they would train teachers to deal with certain ethnic groups. In this particular case it happened to be Franco Americans, or Americans of French Canadian decent as I like the term better. Also to design a Franco American curriculum for schools to achieve close relationships between the people attending school. All noteworthy, but this is all one study. There was another one and this one cost \$460,000. By the way only \$130,000 of the University's though. But none the less, there were several other studies that dealt with that issue and there is a fine book that was printed in 1992 at the University which deals with the subject at hand that is requested in this study. They could pick up a book and look at it and spread the good word I suppose. Those were the two reasons, the cost factor and the fact that there are already recommendations or reports that are sitting on shelves that could be dusted off and brought up. Thank you.

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

Senator **PARADIS:** Thank you Mr. President. Good afternoon men and women of the Senate. It is indeed very important for me to stand and speak on this issue. Indeed there have been a few studies around but this is very different. It's a survey. We have started doing some work at the University level in terms of preparing teachers for what will be facing them in the classroom. This will be speaking directly to surveys. It won't be a group of people sitting around a room. We have had a number of children from Aroostook County, from Presque Isle and Caribou. Some of them are helping us in the Chamber as we speak. Whenever I speak to students I remind them how much money the State of Maine invests in their education and in their well being. Nobody told me that when I was growing up and that's a very important

thing. It's their job, it's a very difficult job, but over the years we have seen where some of that money was totally wasted because children were not being treated appropriately in the classroom. Their behavior and their cultural background was not recognized. When the University of Maine is using some of us Francophones who have had that as their field; when we have new University professors come in to do a briefing, my little students are white. They're sitting in a classroom. They speak English. They don't look any different than the child sitting next to them but there is a very big difference. It doesn't cost anything to bring them up to speed in explaining to them those differences. I urge your support of this very important piece of Legislation. Indeed the Franco Americans in this state still remain a huge portion. However, we do have a lot of groups coming in. They may be more recognizable because they might be a little different color. For too long we have wasted precious dollars by not being able to reach children in our classroom because we are so unaware of how to approach them. It doesn't only have to do with ethnic. It also needs to do with socioeconomic background too. For all those reasons I urge your support on a good piece of Legislation.

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

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

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The Doorkeepers secured the Chamber.

The Secretary opened the vote.

### ROLL CALL (#73)

YEAS: Senators: BENNETT, BENOIT, BERUBE, CAREY, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, SMALL

NAYS: Senators: ABROMSON, CASSIDY, CATHCART, DAGGETT, DOUGLASS, KILKELLY, KONTOS, LAFOUNTAIN, MURRAY, NUTTING, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: AMERO, KIEFFER, MITCHELL

EXCUSED: Senator: O'GARA

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 3 Senators being absent, and 1 Senator being excused, the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILED**.

The Majority **OUGHT TO PASS AS AMENDED Report ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-319) **READ and ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator KONTOS for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Update, Clarify and Amend Licensure Requirements for Occupations and Professions and Registrations"

S.P. 720 L.D. 2042

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-214)**.

Report **READ and ACCEPTED**.

**READ ONCE.**

Committee Amendment "A" (S-214) **READ and ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator LONGLEY for the Committee on **JUDICIARY** on Resolve, to Establish a Commission to Encourage Incorporations in Maine (EMERGENCY)

S.P. 697 L.D. 1972

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-215)**.

Report **READ and ACCEPTED**.

**READ ONCE.**

Committee Amendment "A" (S-215) **READ and ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

Off Record Remarks

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

**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act to Amend Maine's Family and Medical Leave Law"

S.P. 511 L.D. 1512

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-217)**.

Signed:

Senators:

DOUGLASS of Androscoggin  
LaFOUNTAIN of York

Representatives:

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

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

Signed:

Senator:

MILLS of Somerset

Representatives:

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

Reports **READ**.

Senator **DOUGLASS** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED Report**.

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

**Divided Report**

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The Majority of the Committee on **LABOR** on Bill "An Act to Ensure Prompt Payment of Unemployment Compensation Benefits to Displaced Workers"

S.P. 638 L.D. 1805

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-216)**.

Signed:

Senators:

DOUGLASS of Androscoggin  
LaFOUNTAIN of York  
MILLS of Somerset

Representatives:

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

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

Signed:

Representatives:

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

Reports **READ**.

Senator **DOUGLASS** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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

**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act Requiring Doctors Giving 2nd Opinions in Workers' Compensation Cases to be Certified"

S.P. 350 L.D. 1054

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-218)**.

Signed:

Senator:

LaFOUNTAIN of York

Representatives:

HATCH of Skowhegan  
MUSE of South Portland  
GOODWIN of Pembroke  
FRECHETTE of Biddeford  
MATTHEWS of Winslow  
SAMSON of Jay  
DAVIS of Falmouth  
MACK of Standish

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

Signed:

Representatives:

MacDOUGALL of North Berwick  
TREADWELL of Carmel

Reports **READ**.

Senator **DOUGLASS** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator CASSIDY for the Committee on **TRANSPORTATION** on Bill "An Act to Amend Motor Vehicle Laws"

S.P. 587 L.D. 1667

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-219)**.

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

**READ ONCE**.

Committee Amendment "A" (S-219) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator TREAT for the Committee on **NATURAL RESOURCES** on Bill "An Act to Reclassify Certain Waters of the State"

S.P. 319 L.D. 953

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-220)**.

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

**READ ONCE**.

Committee Amendment "A" (S-220) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator PARADIS for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Hospital Cooperation"

S.P. 536 L.D. 1598

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-221)**.

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

**READ ONCE**.

Committee Amendment "A" (S-221) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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

**COMMUNICATIONS**

The Following Communication: S.P. 817

**119<sup>TH</sup> MAINE LEGISLATURE**

May 6, 1999

Senator Lloyd LaFountain III  
Representative Jane Saxl  
Chairpersons  
Joint Standing Committee on Banking and Insurance  
119<sup>th</sup> Legislature  
Augusta, Maine 04333

Dear Senator LaFountain and Representative Saxl:

Please be advised that Governor Angus S. King, Jr. has nominated Howard R. Gray, Jr. of Portland as Superintendent of the Bureau of Banking.

Pursuant to Title 9-B, M.R.S.A., §211, this nomination will require review by the Joint Standing Committee on Banking and Insurance and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence                      S/G. Steven Rowe  
President of the Senate                  Speaker of the House

**READ and REFERRED** to the Committee on **BANKING AND INSURANCE**.

Sent down for concurrence.

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The Following Communication: S.P. 818

**119<sup>TH</sup> MAINE LEGISLATURE**

May 6, 1999

Senator Sharon Treat  
Representative John Martin  
Chairpersons  
Joint Standing Committee on Natural Resources  
119<sup>th</sup> Legislature  
Augusta, Maine 04333

Dear Senator Treat and Representative Martin:

Please be advised that Governor Angus S. King, Jr. has nominated Martha G. Kirkpatrick of Newcastle for appointment as Commissioner of the Department of Environmental Protection.

Pursuant to Title 38, M.R.S.A., §341-A, this nomination will require review by the Joint Standing Committee on Natural Resources and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence                      S/G. Steven Rowe  
President of the Senate                  Speaker of the House

**READ and REFERRED** to the Committee on **NATURAL RESOURCES**.

Sent down for concurrence.

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The Following Communication: S.P. 819

**119<sup>TH</sup> MAINE LEGISLATURE**

May 6, 1999

Senator Peggy Pendleton  
Representative Douglas Ahearne  
Chairpersons  
Joint Standing Committee on State and Local Government  
119<sup>th</sup> Legislature  
Augusta, Maine 04333

Dear Senator Pendleton and Representative Ahearne:

Please be advised that Governor Angus S. King, Jr. has nominated Barbara Longfellow of Winthrop for appointment as a member of the Workers' Compensation Board.

Pursuant to Title 39-A, M.R.S.A., §151, this nomination will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence                      S/G. Steven Rowe  
President of the Senate                  Speaker of the House

**READ and REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent down for concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act to Reward Academic Excellence for Students Who are 16 and 17 Years of Age"

H.P. 810 L.D. 1133

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

Signed:

Senators:

DOUGLASS of Androscoggin  
LaFOUNTAIN of York  
MILLS of Somerset

Representatives:

HATCH of Skowhegan  
MUSE of South Portland  
GOODWIN of Pembroke  
FRECHETTE of Biddeford  
MATTHEWS of Winslow  
SAMSON of Jay  
DAVIS of Falmouth  
TREADWELL of Carmel

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-404)**.

Signed:

Representatives:

MacDOUGALL of North Berwick  
MACK of Standish

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

Reports **READ**.

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

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**Divided Report**

Six members of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Expedite Removal of Invalid Voter Names from Voter Lists"

H.P. 322 L.D. 438

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-384)**.

Signed:

Senators:

CAREY of Kennebec  
FERGUSON of Oxford

Representatives:

MAYO of Bath  
HEIDRICH of Oxford  
McKENNEY of Cumberland  
GAGNE of Buckfield

Six members of the same Committee on the same subject reported in Report "B" that the same **Ought Not to Pass**.

Signed:

Senator:

DAGGETT of Kennebec

Representatives:

LABRECQUE of Gorham  
CHIZMAR of Lisbon  
TUTTLE of Sanford  
FISHER of Brewer  
PERKINS of Penobscot

Comes from the House with Report "B", **OUGHT NOT TO PASS, READ** and **ACCEPTED**.

Reports **READ**.

Senator **PINGREE** of Knox moved the Senate **ACCEPT** Report "B", **OUGHT NOT TO PASS**, in concurrence.

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

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (5/4/99) Assigned matter:

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Protect Holders of Camp Lot Leases"

H.P. 1178 L.D. 1689

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-335)** (3 members)

Tabled - May 4, 1999, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 4, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 4, 1999, Reports **READ**.)

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

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

Senator **NUTTING:** This Bill was brought forth by the Maine Camp Lot Lease Owners Association. This type of a situation is not one I normally support but some of these lease lot owners provided annual bills that they've been billed the last five years to

the honorable members of the Agriculture, Conservation and Forestry Committee. I will say at the outset that most of our state's large landowners have been treating people, I think, very fairly in what they've been charging them for their leases. However, there is one company that has done a number of things that I just couldn't sit quiet, once I learned of these and look the other way. This one particular company in the last five years has tripled what they're charging people for their leases. They even, at one point had in their leases that if any particular piece of Legislation passed in Augusta affecting their leases, their leases would become null and void. They've since received legal opinion and they've since taken that out of the lease. This one particular company is charging a little bit over 200 lease owners enough for their leases that it pays for 20% of their total property tax bill on all the lands they own. To me that was just extreme enough so I felt as though we needed some type of a regulation on what can be charged on leases.

The Minority Report says that these companies can charge these lease holders three times what they're paying in property taxes so the company is still allowed to make a profit. But in my opinion, especially with this one large landowner, they do not have the right and the ability to do what they have been doing to these lease owners. Also, there was some question about where the boundary lines were on their leased property. This one particular large landowner informed these lease holders that if they were unsure where their boundary was for the land they were leasing that these lease owners should go out at their own expense and higher a surveyor to try to establish where their boundary line was. Something I thought quite unusual, that was the reasons that I supported doing something with this Bill and voted Ought to Pass as Amended. Thank you.

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

Senator **KILKELLY:** Thank you Mr. President. Men and women of the Senate, I would urge you to support the Majority Ought Not to Pass on this Bill for several reasons. I agree with my good Chair, there have been some rather egregious situations between lease holders and the lease owners. Hopefully there are ways we can respond to that without in fact putting in Legislation that will affect all property owners and their leases. One of the things I struggle with in terms of the Report that is before us right now, is making a calculation between the property taxes assessed on a piece of property and the rent that can be charged for that piece of property. To me those are two entirely separate issues and should not be merged. It's a real difficulty for me to figure out why we would go from one process to the other. Currently on state owned public property, the state's allowed to charge up to 10% of the fair market value of the piece of property for the rent. We even allow the State, under our own jurisdiction, to charge more than what we would be allowing these particular landowners to charge. Where people put the money that they raise from the rent of their property, whether it goes to pay their property taxes or the percentage of their property taxes, or whether it goes to build a new building or build a new factory, is entirely up to them. That's a business decision they make. I think we're really heading in the wrong direction when we start making law about how much rent can be charged for this property. These are, in fact for the most part, either seasonal homes or camps. If we're concerned about rent limits or the affordability of such things, I would suggest we might be more concerned about somebody's primary residence

rather than their camp or seasonal home. For all these reasons I would urge you to defeat the motion that is before us and go on to Accept Majority Ought Not to Pass Report.

At the request of Senator **KILKELLY** of Lincoln a Division was had. 7 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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The Chair laid before the Senate the following Tabled and Later (5/5/99) Assigned matter:

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Require the Commission on Governmental Ethics and Election Practices to Report Delinquent Filers"

H.P. 177 L.D. 255

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

Minority - **Ought to Pass** (2 members)

Tabled - May 5, 1999, by Senator **PINGREE** of Knox.

Pending - **FURTHER CONSIDERATION**

(In House, April 29, 1999, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, May 3, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

(In House, May 4, 1999, that Body **ADHERED**.)

On motion by Senator **DAGGETT** of Kennebec, the Senate **ADHERED**.

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The Chair laid before the Senate the following Tabled and Later (5/5/99) Assigned matter:

HOUSE REPORTS - from the Committee on **MARINE RESOURCES** on Bill "An Act Regarding Lobster Trap Escape Vent Dimensions"

H.P. 609 L.D. 849

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

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

Tabled - May 5, 1999, by Senator **GOLDTHWAIT** of Hancock.

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

(In House, May 4, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 5, 1999, Reports **READ**.)

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

Senator **KILKELLY:** Thank you Mr. President. Men and women of the Senate, I would urge you to vote against the pending motion and go on to Accept the Ought to Pass Report. A couple of the handouts I have provided for you. I spent some time in Boothbay Harbor on Sunday at the Annual Blessing of the Fleet. One of the things that is a concern to me as someone who grew up down there is that fleet is getting smaller every year. There are fewer people that are lobstering and many of them are concerned about the level of regulation and what impact that has on their ability to do business. As that fishing fleet gets smaller, obviously the entire character of the area changes. That has an effect on the entire state, not just the area that I care about so dearly. As the parade of fishing boats went by the dock in front of the Catholic Church in order to be blessed by the Clergy there assembled, I was actually just there to see it and had my camera with me and 80% of the boats that went by had signs on them concerning this Bill. I started taking pictures of them because it just seemed to me that this was truly a way to bring their concerns into this Body. Their very heartfelt concerns about this piece of Legislation, about the life that they're concerned about preserving and about the community that we all care about. Their concern primarily is the need for an economic study, an economic impact study, before this particular change takes place. It's been suggested that the loss in harvest due to this change could be as small as 10%. I've also heard it could be as high as 30%. They've pointed out to me that for every dollar that the fishermen bring in 65¢ of that dollar is going to their costs and 35¢ of that dollar is going to the fishermen. When you're eating into that 35¢ you're putting their margin closer and closer to the edge. They've shared that concern with a number of towns and the other handout you have is a list of the towns that have requested that same economic impact study. That's only actually a partial list of those towns. Those towns are also concerned about what will happen to them if the lobstering industry has difficulty. Notice a lot of those towns are actually inland towns who continue to be concerned about the rural nature of the state and the importance of lobster fishing on the entire state, not just the coastal communities. So I bring their concerns to you and ask you to consider that as you vote on this Bill. Again, I would urge you to defeat the pending motion so that we could in fact go on to Pass this legislation. Thank you.

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

Senator **GOLDTHWAIT:** Thank you Mr. President. Ladies and gentlemen of the Senate, I will try to be brief though that's difficult on fishing issues. The Bill before you today would Repeal a Rule that has already been passed by the Department of Marine Resources. It is a Rule that increases the lobster trap vent size to 1-15/16". That is a 1/16" increase. If you will look on your

calendar on any of the items and look at the hyphen in the item number, that is approximately the size, or a little bigger, of what we're talking about here. The Rule has already passed and this Bill would Repeal it. I urge you to support the Majority Ought Not to Pass Report. There was quite a bit of public process when the plan containing this measure was passed in December 1997. There were four public meetings held in 1996. In 1997 there were monthly meetings with our seven lobster zone counsels from one end of the coast to the other. In August there was another round of meetings with all seven zone counsels and starting in August and running through early September there were eight public hearings on Amendment Three which included this measure.

Following that the State of Maine agreed to accept Amendment Three and abide by this plan. We didn't loose in this proposal. We gained a great deal. For decades Maine lobstermen have been asking other states to come up to Maine's significant conservation measures. The V notch and the dual gauge. Amendment Three did that for us, finally after years and years of arguing. So we gained a great deal and felt that although not everyone supported the 1-15/16" vent it was certainly worth it for the measures that we got that have been applied to a much larger area than just the coast of Maine and now out to 30 miles off shore. Senator Pendleton distributed a sheet of quotes from fishermen and one of the fishermen from Falmouth expressed this very well. He said we cut a deal and now we're renegeing on it. My father would have taken me to the woodshed for that. This whole plan is based not on the number of animals on the bottom today but on egg production. It is important to understand the distinction because right now we are capturing 90% of all animals on their first shed into legal size. We do have a 5 inch measure so that the lobster are protected over that size but not enough of them are making it through the gauntlet, as it were, to get to 5 inches to be protected. It is the egger lobsters that we're trying to protect here. This would be one measure that would get us a step of the way towards doing that.

People have said that this plan is unfair. Well I'll tell you what will happen if this is repealed. The 1,200 fishermen with Federal permits will have to use the bigger gauge, the bigger vent, no matter what the State of Maine does. That's one unfairness. What about the people who, when they heard the Rule had passed, went out and complied? This is what we hope our citizens will do. In Knox County alone 600,000 of the new vents have been purchased and installed in traps. As one of my constituents, Warren Fernall, who is a fourth generation fisherman with three sons and a daughter who are also lobstering, said if we change it back now, he's going to be quite hot under the collar. I don't blame Warren. As far as an economic impact study, we do try to take into account the effects of these measures on the economic survival of the people who engage in these livelihoods. We are not able to do that within the scope of compliance with this plan quickly enough. June 1<sup>st</sup> is the date that this new vent size is meant to be implemented. People have said that other states are going to do other measures. That's true but other states are going through the process to do that not simply defying the plan and say we're not going to implement this. The good Senator from Lincoln, Senator Kilkelly, expressed concern about her fishing fleet getting smaller. Anyone who's involved in fisheries management I'm sure shares that concern. But how small is that fleet going to be if we don't have an adequate supply of lobster any more. These men are concerned about their livelihoods and I can certainly understand that. This is an important step along the way to a conservation proposal that will



keep Maine lobstermen fishing indefinitely into the future. It is a critical piece of that and if we don't undertake sufficient conservation measures we're going to be in trouble with this industry as we are with ground fish. We don't have the fishery we had 15 years ago when people had 24 foot boats and were fishing outside their own harbors. We've now got lobstermen in 44 foot boats who are ranging all over the coast, who have wire traps, hydraulic haulers, GPS locators. There has been a significant increase in effort on this fishery. This is one way in which we are saying to the future generations of Maine lobstermen we want you out there fishing. We want you as part of our life in Maine and not as some historic relic of the past. I would urge you to support the pending Ought Not to Pass motion. Thank you.

The Chair ordered a Division. 20 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by Senator **GOLDTHWAIT** of Hancock to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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The Chair laid before the Senate the following Tabled and Later (5/5/99) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Prevent Conflicts of Interest"

H.P. 1337 L.D. 1920

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-288)** (12 members)

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

Tabled - May 5, 1999, by Senator **PINGREE** of Knox.

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

(In House, May 4, 1999, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-288)**.)

(In Senate, May 5, 1999, Reports **READ**.)

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

**READ ONCE.**

Committee Amendment "A" (H-288) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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Senate at Ease.

Senate called to order by the President.

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The Chair laid before the Senate the following Tabled and Later (5/4/99) Assigned matter:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on RESOLUTION, Proposing and Amendment to the Constitution of Maine to Revoke Voting Rights of Convicted Felons While they are in Prison

S.P. 545 L.D. 1607

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-172)** (9 members)

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

Tabled - May 4, 1999, by Senator **DAGGETT** of Kennebec.

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

(In Senate, May 4, 1999, Reports **READ**.)

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

Senator **BENNETT:** Thank you Mr. President. Fellow members of the Senate, I hope that you reject the Minority Ought Not to Pass Report so that we can go on to support this proposed Amendment to the Constitution. The title says it all. This Constitutional Amendment would revoke or actually suspend the voting rights of convicted felons during the period of their incarceration. I thought about this Bill during last Session when I learned, much to my horror and chagrin, incarcerated felons in this state unlike the vast majority of other states can actually vote. I learned this in the context of the debate last year about the mentally ill and whether they can vote. As you undoubtedly remember the Legislature sent that issue out to the voters and they rejected it, unfortunately, in my opinion. It underscored this very, what I considered to be an unfortunate strangeness, in our Constitution which denied the franchise to one group of people but let this group of people, convicted felons, vote. Maine is only one of five states; Vermont, Massachusetts, New Hampshire and Utah, being the others that allow prisoners to vote. Other states suspend voting rights until a felon has completed probation or parole. But fourteen states take away some or all of a felon's voting rights permanently. Forever, just as their Second Amendment rights are often taken from them by the law. In Texas voting rights are suspended for two years after a sentence is completed. We are out of the norm in this area of allowing convicted felons to vote. This is a modest proposal, in the sense that it just takes away the franchise while these people are in prison. I think this is fairly straight forward. I've submitted some additional information, not to belabor the debate but I submitted it for your reading pleasure and I hope you have a chance to peruse that as well. I certainly ask you to reject the current motion so we can go on and vote for the Majority Report out of the Committee on Legal and Veterans Affairs and I would ask for the Yeas and

the Nays when the vote is taken and I would also ask the Secretary to read the Committee Reports. Thank you.

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

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

Senator **DAGGETT:** Thank you Mr. President. Men and women of the Senate, it concerns me that this issue may be one that is addressed with a motion rather than the cool heads that look at the facts and issues. It always disturbs me when references are made to other states in some isolated case. In this case when the good Senator from Oxford, Senator Bennett, made reference to Texas, I believe Texas has the death penalty and I'm hoping that we're not going to follow in their footsteps in that. It has always been my hope that corrections has simply been that. We recognize that someone has broken the law, there is punishment but there is also an effort at rehabilitation and an effort to make sure that those people who are incarcerated are able to have a continuing tie to those elements to society that are productive and are purposeful. This is exactly that. Allowing those that have been convicted and sent to prison to continue to vote, allows them to have a connection to the productive and appropriate pieces of society that we want them to have a connection to. The Legal and Veterans Affairs Committee in fact, had two Bills that addressed this same issue. One of them was a law change and the other was a Constitutional Amendment. It's the Constitutional Amendment that is before us at this point but the content of the two Bills was identical. During our first public hearing on the law change which was identical to this there was a woman who showed up who heard that this Bill was going to have a public hearing. A person from the public, hearing on the radio during the morning, took the time to come to the Committee, wait for quite a bit of time to give her testimony because she was so opposed to removing the right of those in prison from voting. It is very unusual for a member of the public to show up in that way and I would suggest to you that this is a serious concern. There was no one at either public hearing, in fact, who testified in opposition other than those people who sponsored it. There was hardly a huge outcry from the public and this was the subject of two separate pieces of Legislation. Information provided to us by the chief advocate, Steve Maxwell, of the Department of Corrections indicates, in his approximately 18 years of experience, fewer than 3% of prisoners actually take advantage of the right to vote. He indicates, and I'm reading from his testimony, those that do gain much from being involved in the political process by maintaining an interest and concern for their hometown, state and country. It's a positive exercise of one of our basic rights and one that should not be taken away without careful consideration of the benefits to the prisoner and the negligible potential harm to the community. I would suggest to you that there are prisoners that have families and children, that may be interested in Legislation affecting those children and their families. Those are the kinds of things we wish to encourage. One of the other groups that testified in opposition to this was the Maine Civil Liberties Union, and I'm just going to read two sentences. It says there is no evidence that convicted felons are an influential voting block that they vote for bad things that harm the electoral process or join one political party over another. Therefore the only possible purpose of the Bill is to heap on more punishment. I would like to remind the members here that we all know that empirical data

shows that punishment is not the way to change behavior. Punishment is not effective. We all know that. It's pretty clear but for some reason we do like to get into that mode and add on a little add a little punishment and do what we can. I think the purpose here for people who are convicted of crimes is to try to bring them back into society. I don't see that this particular Bill does anything to encourage that. I would encourage you to support the motion that is in front of you and continue Maine's long standing history of humane and appropriate treatment of these people. Thank you.

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Off Record Remarks

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

Senator **FERGUSON:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, I remember back a few years ago when my father was in politics, it was around 1954. At that time he was either in the House of Representatives or in the State Senate and I remember going to a GOP County Committee meeting in South Paris. He and some of the good old boys were in the car and I was riding with him, I was a young fellow. They had a bunch of applications for absentee ballots and they were going to take them over to some of the inmates in the Oxford County Jail. I remember it quite vividly and at that time I didn't think that was right and here today, on my 66<sup>th</sup> birthday, I still don't think it's right. As some of you know I was a County Commissioner for 26 years and back in the early 90's we prohibited the inmates of Oxford County from smoking in our jail. It was an uproar at that time. We were maybe a little bit ahead on the curb and the sheriff would come and say that some of the inmates are a little disturbed about this ruling of the County Commissioners. I told the sheriff at that time, if they want to smoke stay out of jail and I would say the same thing on this particular Bill. If you want to vote, stay out of jail. I would urge you to vote against the pending motion so that we could go on and Accept the Majority Report. Thank you Mr. President.

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

Senator **CAREY:** Thank you Mr. President. I will be rather brief. All we're doing is passing this on to the people. And the people will decide whether to allow felons and people incarcerated to vote or not. As far as the comments made by the good Senator from Kennebec, Senator Daggett, that punishment is not effective then maybe we could save a pile of money by not building anymore prisons.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate, the point that I was going to make has just been made in the comment by the good Senator from Kennebec, Senator Carey, that what we're doing here is taking up a question of whether to send this out to the citizens of the state in November

to vote on the issue. I have, as perhaps you have, in three Senate terms that I have been involved with on occasion received a phone call or a letter by a constituent asking the question, can convicted felons that are incarcerated vote? When I tell them they can, they said is there something we can do about that. I would like to, as a citizen of the state, they say, vote on the question. I want to give my constituents the opportunity to vote on the question. 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, the uniform reaction that I have heard when this issue has been presented to somebody is, you mean they can't vote already. This Bill and the other Bill that was before it, when it hit the news media got a lot of reaction and that was the principle reaction. I had editorial writers from across the state call me and said, "I didn't know this was legal."

I think this issue, for those reasons, should go to the people because I don't think generally it is known among our citizens that convicted felons have the same right as each and every one of them. What really disturbed me about the Department of Corrections advocate that came before the Committee, and I was there when he testified, saying essentially, "well we don't have to worry about this there is so few convicted felons that vote." What troubled me about that is I'm not worried about prisoners voting in blocks. I'm worried about law breakers becoming law makers. Somebody who has flouted the rules of our society, who has done many egregious crimes, one example of somebody who regularly voted was Dennis Duchane, the fellow who was convicted of killing a twelve year old girl in a most brutal and gruesome fashion down in Sagadahoc County, used to vote religiously. Those are the kinds of concerns that I have. When I hear this issue that not many of them vote, I guess what that says to me is, what is the value of a vote. Every single one of those people that vote have the same power in the ballot booth as you or I or any one of our constituents has. Let's not worry about block, let's worry about each individual vote and if you believe in the sanctity and the importance of each individual vote than how can you justify letting these people who have flouted our laws go into that ballot booth and have the same power as somebody who's been a victim of his or her crime. Thank you very much.

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

Senator **PINGREE:** Thank you Mr. President. Men and women of the Senate, I will be brief but I just wanted to speak in defense of the words of the good Senator from Kennebec, Senator Daggett. I want to make it clear to the Senate, in spite of the fact that I have a large prison in my district, those prisoners must vote absentee in their own towns. This is not an issue to preserve my own voting block, because they vote wherever they live. I do have concerns of those residents of my district and I just wanted to say one thing about what I think is sort of a philosophical disagreement, I too, am not concerned about prisoners voting in blocks. We hear that numbers from 2% to 10% of prisoners vote. It is not an overwhelming number of them who choose to vote. We've talked a lot about voting being a privilege. I also want to say that I believe that voting is a responsibility of a citizen. Voting is something I wish more citizens outside of prison would do. I'm

dismayed when I hear only 38% of the voters in our country go to the polls every time. I think that we're fortunate in Maine that the numbers are higher, but in many elections we have small numbers of people going to the polls. I think it's our responsibility to be active citizens, to stay engaged in the process and to vote. The fact is, in my opinion, if prisoners are willing to stay engaged in the political system, to understand what the issues are back in their home district, to understand national issues, state issues and are willing to vote, I think it is part of their rehabilitation process. The fact is we worry about prisoners being rehabilitated, being prepared to come back and be citizens again, whether it's dealing with substance abuse issues, domestic violence or getting an education. We try to make sure when people come out of prison they are rehabilitated, reformed and ready to become good citizens again and, in my opinion, voting is a good part of that. I'm proud to be one of the five states that has taken this into consideration and is trying to make sure prisoners have a chance to be good citizens when they come out again. I will be voting in favor of the Minority Ought Not to Pass Report because I believe it's a responsibility that we should insure those prisoners who are willing to vote continue to do so.

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

Senator **DAGGETT:** Thank you Mr. President and members of the Senate. I'd like to speak just a moment regarding some of the issues that have been raised. One of those has to do with the issue of sending something out to the voters. I'm not opposed to sending issues out to the voters but it concerns me when we send an issue out to the voters that we have the knowledge and ability to make a decision on. It is very difficult to get all of the appropriate information and good information out in front of the voters for every issue.

I would just make a reference to some polling that was done asking citizens about some issues regarding alternatives to incarceration. Alternatives that did not require the expense of incarceration and alternatives which allowed prisoners to be closer to community, some house arrest and those kinds of things with supervision. When the poll was originally done and citizens were asked for this, they overwhelmingly opposed allowing the prisoners to be in the community. After they were given the information they needed, helped to understand that there was much less recidivism, there were fewer problems, there was better integration into society and less cost they overwhelmingly voted in favor of community alternatives to incarceration. I think the issues of voter education are very important and while on the surface allowing those that are in prison to not vote, superficially has an appeal, I think that if citizens had an opportunity to understand, as we do here, that this is a part of the rehabilitation process and it is viewed as a positive sign by the advocate in the Department of Corrections when there is a prisoner who is interested in voting. That is seen as a positive sign and I think we would like to encourage that. One of my other concerns with this Bill, as in all issues of incarceration, has to do with the access to legal representation for a certain segment of our society and that is people who do not have a lot of wealth. The numbers of people who are imprisoned tend to be, and I don't have the statistics, poor people and that is one of the unfortunate problems in our legal system today. I think this will unduly effect those people and prevent them from having the right to vote. The other issue goes directly to incarceration, and that is we regularly hear of people

who are improperly incarcerated and are not able to summons the financial support to get access to legal representation to get out of prison. It is a rare month that goes by that there is not a case of this type, in fact there was a recent one I was discussing in regard to this particular Bill. A woman's imprisonment, she's still there six or seven years. There seemed to be incredible solid proof she was not guilty but she remained there. It concerns me when we take that right away from one person, wrongfully, when it does no harm to leave it in place for those who are there and in fact, may be a positive experience. Earlier the good Senator from Oxford, Senator Bennett, talked about the sanctity and importance. I suggest to you if we're interested in the sanctity and importance of each individual, you will support the motion on the floor.

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

Senator **LIBBY:** *(Because of technical difficulties this portion was not recorded)* If you take a look at the last couple of weeks what's happened in the newspapers. We've seen a couple of editorials and a lot of the people in Maine are currently aware of this issue. They are almost at the point now where they have an expectation, we are going to be able to vote on this issue. My question is when will they be and how will they be able to vote on this issue if we do not act here. Is somebody going to go out and collect 40,000 signatures, I don't think so. This is a matter of the Legislature. It was said a little bit earlier that we have the power to make the decision. This is the only power that we have, right here right now, we have the power to send this decision to the people of Maine. It can be done in really no other way. I find it highly ironic in order to allow prisoners to keep the right to vote people will be voting not to give the right to vote to folks back home who might want to weigh in on this issue. I find that ironic and I think it's important to let the people of Maine vote on certain issues of morality. For example, this is one of them, let's send it back to them. Let them have the vote. Let's send the message that we respect the people of Maine's decision on issues like this one and they will vote correctly. I have all the confidence in the world. Thank you.

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

Senator **CAREY:** Thank you Mr. President. If we didn't trust the good judgment of the people who voted in the last election, both for the House and the Senate, than I would tell you right now none of us would be here. I have great faith except for one or two minor miscarriages that they've had over time. I have great faith they know what they're voting on when they vote. Mr. President, if a Roll Call has not yet been ordered I would request one.

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

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

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The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#74)**

**YEAS:** Senators: CASSIDY, DAGGETT, DAVIS, DOUGLASS, GOLDTHWAIT, KILKELLY, KONTOS, LONGLEY, MILLS, MURRAY, PARADIS, PINGREE, RAND, RUHLIN, TREAT

**NAYS:** Senators: ABROMSON, BENNETT, BENOIT, BERUBE, CAREY, CATHCART, FERGUSON, HARRIMAN, LAFOUNTAIN, LIBBY, MACKINNON, MICHAUD, NUTTING, PENDLETON, SMALL, THE PRESIDENT - MARK W. LAWRENCE

**ABSENT:** Senators: KIEFFER, MITCHELL

**EXCUSED:** Senators: AMERO, O'GARA

15 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being absent, and 2 Senators being excused, the motion by Senator **DAGGETT** of Kennebec to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, **FAILED**.

The Majority **OUGHT TO PASS AS AMENDED** Report, **ACCEPTED**.

**READ ONCE.**

Committee Amendment "A" (S-172) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Chair laid before the Senate the following Tabled and Later (5/5/99) Assigned matter:

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act to Provide an Option for Employers to Pay Employees Biweekly"

H.P. 307 L.D. 423

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-349)** (4 members)

Tabled - May 5, 1999, by Senator **PINGREE** of Knox.

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

(In House, May 4, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 5, 1999, Reports **READ**.)

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

On motion by Senator **PINGREE** of Knox, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report.

Senator **GOLDTHWAIT** of Hancock requested and received leave of the Senate to withdraw her request for a Division.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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The Chair laid before the Senate the following Tabled and Later (4/26/99) Assigned matter:

Bill "An Act to Revise the Staffing and Resources of the Office of Public Advocate"

H.P. 1012 L.D. 1423  
(C "A" H-196)

Tabled - April 26, 1999, by Senator **HARRIMAN** of Cumberland.

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

(In House, April 14, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-196)**.)

(In Senate, April 26, 1999, **READ A SECOND TIME**.)

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

Senator **HARRIMAN:** Good afternoon ladies and gentlemen of the Senate. I hope you will join me in opposing the motion to Engross this piece of Legislation. I would like to share with you ever so briefly why. To do so I would like to go back to a previous Session where, as many of you who are sitting in these seats remember, we Adopted one of the most important pieces of Legislation that will effect Maine consumers in the way they buy electricity. In the course of that debate in discussion about what it was going to take to implement the Electric Deregulation Legislation and we were also discussing telecommunications competition and natural gas pipelines, the public advocate was asked directly, are you going to be able to perform the duties that are going to be of special interest to you around electric deregulation within the resources you have? The answer was yes. However, we may need from time to time to retain consultants for specific pieces of work, but we can handle the job. In fact, we heard the same thing from the PUC. My point in rising today is not to take issue with the pay range that is being proposed in this Bill. I believe the public advocate works extremely hard and is very committed to fulfilling what he believes are his statutory responsibilities. What I object to is adding three more full-time positions. We're adding an Economic Analyst, which to me seems like we might be able to get that information

from the State Planning Office. A Research Assistant and a Clerk Typist. Three more full-time positions built into a system that is off the General Fund, that is going to take \$650,000 over the biennium out of your constituents and my checkbook that no one sees, no one gets a chance to debate. For you see the Public Utilities Commission and the Public Advocate's Office doesn't have to come before the Legislature or the Appropriations Committee as Bills that perhaps you have sponsored and asked for funding. Instead it gets buried into people's rates. If you go ahead and Engross this Bill you're raising the taxes approximately \$650,000 on Maine's citizens, who will never see it because it will be buried in their Bill. You will be supporting, in my view, Legislation that says this cost expenditure is far more important than the other opportunities that are before us on the Appropriations Committee. I would submit to you that in the scheme of things this is not our highest priority. I would submit to you this is in fact a tax increase on Maine citizens. And lastly, I would submit to you in the name of electric deregulation competitive free and open markets, what we have seen so far that there are more than 100 new bureaucratic type positions in the name of Electric Deregulation and there are hundreds fewer employees in the private utilities sector than when we started this journey. Thank you Mr. President.

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

Senator **CAREY:** Thank you Mr. President. The Committee listened to all of those arguments that the good Senator from Cumberland, Senator Harriman, has made and weighed each and every one of them. Then we looked at what we were getting out of the Public Advocate at this time and what we were demanding of him in the upcoming future. One of the big items was the regulation of the gas industry which is going to run from the Maine border with New Hampshire up through and into Canada and another line going from the Maine Border over to Bailyville on the New Brunswick side. One of the things that we hadn't thought of was the fact that there was going to be an Independent Systems Operator set up in Northern Maine to treat the Northern Maine transmissions as equal as we could to what was happening down in our Massachusetts isole area. So those two things themselves demanded an extra person on the gas, an extra person going up into the Northern Maine area to see that the Utilities are treating the consumer as best as it can be, based on the rates that are coming out of New Brunswick. That would be our reason for having allowed the three persons. You have two who are assigned gas and the Northern Maine transmission system and the third is the clerk that would take care of those two people.

The Chair ordered a Division. 18 Senators having voted in the affirmative and 7 Senators having voted in the negative, the Bill was **PASSED TO BE ENGROSSED AS AMENDED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-196)**, in concurrence.

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

Bill "An Act Concerning Licensure of Chiropractors" (EMERGENCY)

S.P. 784 L.D. 2199

Tabled - May 6, 1999, by Senator **RAND** of Cumberland.

Pending - motion by Senator **KONTOS** of Cumberland to **ADOPT** Senate Amendment "A" (S-205)

(In Senate, May 3, 1999, **READ A SECOND TIME**. On motion by Senator **KONTOS** of Cumberland, Senate Amendment "A" (S-205) **READ**.)

On motion by Senator **KONTOS** of Cumberland, Senate Amendment "A" (S-205) **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-205).**

Sent down for concurrence.

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Off Record Remarks

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Senate at Ease.

Senate called to order by the President.

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator **KONTOS** for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Establish the Early Care and Revolving Loan Program" S.P. 362 L.D. 1066

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-223)**.

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

**READ ONCE.**

Committee Amendment "A" (S-223) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator **MITCHELL** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Improve Access to Residential Care in Rural Maine" (EMERGENCY) S.P. 717 L.D. 2039

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-222)**.

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

**READ ONCE.**

Committee Amendment "A" (S-222) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

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Senate at Ease.

Senate called to order by the President.

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

**ENACTORS**

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

**Emergency Measure**

An Act to Amend the Lobster Trap Escape Vent Laws H.P. 1139 L.D. 1624 (C "A" H-247)

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.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Allow the Fort Kent Utility District to be Dissolved and Combined With the Town of Fort Kent" (EMERGENCY)

H.P. 1538 L.D. 2193

**TOMORROW ASSIGNED FOR SECOND READING.**

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

**READ ONCE.**

**TOMORROW ASSIGNED FOR SECOND READING.**

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**Ought to Pass As Amended**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Amend the Animal Welfare Laws"

H.P. 535 L.D. 742

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-444)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-444)**.

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

**READ ONCE.**

Committee Amendment "A" (H-444) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Require Certain Disclosures by Providers of Funeral Services"

H.P. 525 L.D. 732

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-398)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-398)**.

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

**READ ONCE.**

Committee Amendment "A" (H-398) **READ** and **ADOPTED**, in concurrence.

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Raise Penalties for Cases of Cruelty to Animals or Birds"  
H.P. 903 L.D. 1281

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-419)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-419)**.

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

**READ ONCE.**

Committee Amendment "A" (H-419) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Clarify the Definition of Terms Relating to Scheduled Drugs"  
H.P. 1107 L.D. 1566

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-420)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-420)**.

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

**READ ONCE.**

Committee Amendment "A" (H-420) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Criminalize Internet Dissemination of Child Pornography"  
H.P. 1116 L.D. 1575

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-418)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-418)**.

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

**READ ONCE.**

Committee Amendment "A" (H-418) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Amend the Home-release Monitoring Program"  
H.P. 1198 L.D. 1708

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-417)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417)**.

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

**READ ONCE.**

Committee Amendment "A" (H-417) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Revise Procedures for Probation Revocation"  
H.P. 1310 L.D. 1871

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-427)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-427)**.

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

**READ ONCE.**

Committee Amendment "A" (H-427) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Protect Library Materials in Circulation and to Designate Secure Archival Repositories"  
H.P. 1449 L.D. 2070

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-416)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-416)**.



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

**READ ONCE.**

Committee Amendment "A" (H-416) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Require the State to Be Responsible for the Costs of School Employee Criminal History Records Checks and Fingerprinting"

H.P. 628 L.D. 878

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-405).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-405).**

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

**READ ONCE.**

Committee Amendment "A" (H-405) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Establish the Maine Dental Education Loan Program"

H.P. 1367 L.D. 1965

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-406).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-406).**

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

**READ ONCE.**

Committee Amendment "A" (H-406) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs"

H.P. 1546 L.D. 2202

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-403).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-403).**

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

**READ ONCE.**

Committee Amendment "A" (H-403) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **JUDICIARY** on Bill "An Act to Add to the List of Mandatory Reporters of Suspected Child Abuse Children's Summer Camp Employees"

H.P. 75 L.D. 88

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-441).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-441).**

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

**READ ONCE.**

Committee Amendment "A" (H-441) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

The Committee on **JUDICIARY** on Bill "An Act to Require That the State of Maine Comply with Federal Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980"

H.P. 297 L.D. 405

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-440).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-440).**

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

**READ ONCE.**

Committee Amendment "A" (H-440) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **JUDICIARY** on Bill "An Act Regarding the Effective Date of Guardian Ad Litem Training"  
H.P. 856 L.D. 1213

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-439).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-439).**

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

**READ ONCE.**

Committee Amendment "A" (H-439) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **JUDICIARY** on Bill "An Act to Allow Sharing of Information for Child Protective Investigations"  
H.P. 1038 L.D. 1460

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-438).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-438).**

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

**READ ONCE.**

Committee Amendment "A" (H-438) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

The Committee on **JUDICIARY** on Bill "An Act to Require a Mortgagee to Record the Discharge of a Mortgage Within 30 Days"  
H.P. 1127 L.D. 1586

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-382).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-382).**

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

**READ ONCE.**

Committee Amendment "A" (H-382) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **JUDICIARY** on Bill "An Act to Amend the Abandoned Property Laws"  
H.P. 1162 L.D. 1673

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-436).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-436).**

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

**READ ONCE.**

Committee Amendment "A" (H-436) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

The Committee on **JUDICIARY** on Bill "An Act Allowing the Appointment of Temporary Guardians of Minors"  
H.P. 1299 L.D. 1860

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-437).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-437).**

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

**READ ONCE.**

Committee Amendment "A" (H-437) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **LABOR** on Bill "An Act to Promote Stability in Labor Management Relations in the Public Sector"  
H.P. 960 L.D. 1358

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-433)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-433)**.

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

**READ ONCE.**

Committee Amendment "A" (H-433) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **NATURAL RESOURCES** on Resolve, to Establish a Task Force to Study the Improvement of Public Water Supply Protection  
H.P. 1103 L.D. 1550

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-425)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-425)**.

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

**READ ONCE.**

Committee Amendment "A" (H-425) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

The Committee on **NATURAL RESOURCES** on Bill "An Act to Clarify the Law Governing Disbursements from the Groundwater Oil Clean-up Fund"  
H.P. 1201 L.D. 1711

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-426)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-426)**.

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

**READ ONCE.**

Committee Amendment "A" (H-426) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **NATURAL RESOURCES** on Bill "An Act to Amend the Definition of Lender Under the Uncontrolled Hazardous Substance Sites Law"  
H.P. 1254 L.D. 1808

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-423)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-423)**.

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

**READ ONCE.**

Committee Amendment "A" (H-423) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **NATURAL RESOURCES** on Bill "An Act to Maintain Protection of Sand Dunes Under Existing Law"  
H.P. 1442 L.D. 2063

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-424)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-424)**.

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

**READ ONCE.**

Committee Amendment "A" (H-424) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Knox County Commissioners to Borrow Not More than \$2,500,000 for Construction or Renovation of a District Court and Office Areas in Knox County (EMERGENCY)  
H.P. 703 L.D. 970

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-407)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-407)**.

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

**READ ONCE.**

Committee Amendment "A" (H-407) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **TAXATION** on Bill "An Act to Allow the Town of Cornville to Receive its 1997 Tree Growth Tax Reimbursement" H.P. 867 L.D. 1224

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-389)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-389)**.

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

**READ ONCE.**

Committee Amendment "A" (H-389) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

The Committee on **TAXATION** on Bill "An Act to Conform the Maine Tax Laws for 1998 With the United States Internal Revenue Code" (EMERGENCY) H.P. 1053 L.D. 1484

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-387)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-387)**.

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

**READ ONCE.**

Committee Amendment "A" (H-387) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **TAXATION** on Bill "An Act to Allow the Surviving Veteran Spouse of a Veteran to Continue to Receive the Property Tax Exemption" H.P. 1128 L.D. 1587

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-388)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-388)**.

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

**READ ONCE.**

Committee Amendment "A" (H-388) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **TAXATION** on Bill "An Act to Limit the Imposition of Excise Taxes on Watercraft" H.P. 1284 L.D. 1845

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-385)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-385)**.

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

**READ ONCE.**

Committee Amendment "A" (H-385) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **TAXATION** on Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1999-00" (EMERGENCY) H.P. 1311 L.D. 1872

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-386)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-386)**.

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

**READ ONCE.**

Committee Amendment "A" (H-386) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **UTILITIES AND ENERGY** on Resolve, Regarding Legislative Review of Chapter 380: Energy Conservation Programs by Electric Transmission and Distribution Utilities, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 569 L.D. 790

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-400).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-400).**

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

**READ ONCE.**

Committee Amendment "A" (H-400) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the Richmond Utilities District"

H.P. 1459 L.D. 2091

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-399).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-399).**

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

**READ ONCE.**

Committee Amendment "A" (H-399) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

Bill "An Act to Require Legislative Approval to Lease Certain Land to the Federal Government"

H.P. 1460 L.D. 2092  
(C "A" H-363)

Tabled - May 6, 1999, by Senator **RAND** of Cumberland.

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

(In House May 5, 1999, **PASSED TO BE ENGROSSED AS AMENDED.**)

(In Senate May 6, 1999, **READ A SECOND TIME.**)

On motion by Senator **PENDLETON** of Cumberland, Senate Amendment "A" (S-225) **READ** and **ADOPTED.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-363) AND SENATE AMENDMENT "A" (S-225), in NON-CONCURRENCE.**

Sent down for concurrence.

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Off Record Remarks

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Off Record Remarks

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On motion by Senator **RAND** of Cumberland, **ADJOURNED**, until Friday, May 7, 1999, at 9:00 in the morning.

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**ORDERS OF THE DAY**

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