

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

In Senate Chamber  
Thursday  
March 4, 1999

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

Prayer by Reverend Victor Stanley of the First Baptist Church in Gardiner.

**REVEREND STANLEY:** Gracious God, we humbly bow in Your presence this morning as we seek Your blessing upon this State of Maine. We come from a variety of backgrounds, occupations, and religious traditions. Yet we share in common our desire to make Maine the best it can possibly be. We pray for the people of Maine. The children, most of whom are in educational settings this morning, open their minds and help them to learn more than facts and figures. Help them to learn and experience the joy of learning. We pray for the thousands of women and men who are hard at work making our State productive and prosperous. Give them strength, courage and a vision for the future. We pray for the Senior citizens of our State, those who are enjoying retirement and those for whom growing old offers nothing golden. We pray for those who have special needs, the ill, the physically challenged, and the poor. And we pray for one another, the people in this room this morning. May Your blessing rest upon us all. Amen.

Doctor of the day, Harry Grimmnitz, M.D., Readfield.

Reading of the Journal of Wednesday, March 3, 1999.

Out of order and under suspension of the Rules, on motion by Senator PINGREE of Knox, the following Joint Order:  
S.P. 591

**ORDERED**, the House concurring, that when the House and Senate Adjourn they do so until Tuesday, March 9, 1999, at 10 o'clock in the morning.

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

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

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

JOINT ORDER - relative to establishing the Commission to Study the Statewide Redemption of Returnable Containers  
H.P. 921

In House, February 25, 1999, **READ** and **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

In Senate, March 2, 1999, **READ** and **REFERRED** to the Committee on **NATURAL RESOURCES** in **NON-CONCURRENCE**.

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

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

Non-Concurrent Matter

Bill "An Act to Allocate the State Tax Windfall on the Sale of Generation-related Assets to the Reduction of Stranded Costs Otherwise Paid by Ratepayers"  
H.P. 1030 L.D. 1452

In House, February 23, 1999, **REFERRED** to the Committee on **TAXATION** and ordered printed.

In Senate, March 2, 1999, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

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

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

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Revoke Voting Rights of Convicted Felons While they are in Prison  
S.P. 545 L.D. 1607

In Senate, March 2, 1999, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Comes from the House, **REFERRED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

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

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**House Papers**

Bill "An Act Regarding Equine Massage Therapy"  
H.P. 1145 L.D. 1642

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

**REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

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Bill "An Act to Remove Certain Wetland Sites Requirements for Proposed Developments within the Jurisdiction of the Maine Land Use Regulation Commission"  
H.P. 1146 L.D. 1643

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **NATURAL RESOURCES**.

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

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Bill "An Act to Provide Financial Support for Teachers Seeking National Board Certification"  
H.P. 1144 L.D. 1641

Comes from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

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

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Bill "An Act to Amend Due Process Hearings for Exceptional Students"  
H.P. 1149 L.D. 1646

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

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

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Bill "An Act to Amend the Law Governing the Confidentiality of Health Care Information"  
H.P. 1156 L.D. 1653

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

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Bill "An Act to Ensure that Tobacco Settlement Funds Are Used for Health Purposes"  
H.P. 1154 L.D. 1651

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

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

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Bill "An Act to Amend Criminal Law Procedures Regarding Defendants Found Incompetent to Stand Trial"  
H.P. 1076 L.D. 1523

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

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

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Bill "An Act Restoring the Right to Sue to Workers Injured Due to Gross Negligence"  
H.P. 1151 L.D. 1648

Comes from the House, **REFERRED** to the Committee on **LABOR** and ordered printed.

**REFERRED** to the Committee on **LABOR** and ordered printed, in concurrence.

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Bill "An Act to Clarify Laws Governing Simulcasting" (EMERGENCY)  
H.P. 1147 L.D. 1644

Comes from the House, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

**REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed, in concurrence.

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Bill "An Act to Repeal the Atlantic Salmon Authority"  
H.P. 1155 L.D. 1652

Committee on **MARINE RESOURCES** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.  
On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **REFERENCE**.

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Bill "An Act to Establish the Waste Motor Oil Disposal Site Remediation Program" (EMERGENCY) H.P. 1141 L.D. 1626

Comes from the House, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

**REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed, in concurrence.

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Bill "An Act to Strengthen Maine's Research and Development Capacity in Renewable Energy Resources" H.P. 1152 L.D. 1649

Joint Select Committee on **RESEARCH AND DEVELOPMENT** suggested and ordered printed.

Comes from the House, **REFERRED** to the Joint Select Committee on **RESEARCH AND DEVELOPMENT** and the Committee on **UTILITIES AND ENERGY**.

**REFERRED** to the Joint Select Committee on **RESEARCH AND DEVELOPMENT** and the Committee on **UTILITIES AND ENERGY** and ordered printed, in concurrence.

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Bill "An Act Regarding a Tax Refund when Money Is Owed to Both the State and a Custodial Parent" H.P. 1148 L.D. 1645

Bill "An Act to Reimburse Collectors of Sales and Use Taxes" H.P. 1150 L.D. 1647

Come from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

**REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

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Bill "An Act Confirming the Charter of the Addison Point Water District" (EMERGENCY) H.P. 1153 L.D. 1650

Comes from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

**REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed, in concurrence.

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**Joint Resolution**

The following Joint Resolution: H.P. 1157

**JOINT RESOLUTION MEMORIALIZING CONGRESS TO PASS THE PRESCRIPTION DRUG FAIRNESS FOR SENIORS ACT**

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

WHEREAS, the elderly of the United States are 14% of the population and consume 30% of the prescription drugs and Medicare does not cover the cost of prescription drugs except in a very few cases; and

WHEREAS, the House Government Reform and Oversight Committee conducted studies in 20 congressional districts in 1998 and discovered there are vast differences between prices that pharmaceutical companies charge their favored customers, such as HMOs, large hospitals and the Federal Government, and the prices they charge uninsured senior citizens; and

WHEREAS, older Americans, who are often on fixed and limited incomes, pay on the average nearly double the price for prescription drugs that the favored customers of the pharmaceutical companies pay; and

WHEREAS, there is now before Congress legislation that would address this inequity by protecting the elderly from drug price discrimination and making prescription drugs available to Medicare beneficiaries at substantially reduced prices; and

WHEREAS, the Prescription Drug Fairness for Seniors Act, sponsored by Representative Tom Allen of the First District in Maine and cosponsored by countless others, would not establish new federal bureaucracy but would utilize an existing pharmacy distribution system; and

WHEREAS, this important legislation would ensure that no older American would need to choose between buying food or medicine or paying basic Bills or choosing to live in pain and anxiety; now, therefore, be it

**RESOLVED:** That We, your Memorialists, request that the President of the United States and the United States Congress work together to pass this important and far-reaching legislation that would help the elderly and, in turn, all Americans; and be it further

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

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

**READ.**

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

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Off Record Remarks

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**COMMUNICATIONS**

The Following Communication: S.C. 91

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

March 2, 1999

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Daniel E. Wathen of Augusta, for reappointment as the Chief Justice of the Maine Supreme Judicial Court.

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

YEAS	Senators	3	Longley of Waldo, Benoit of Franklin, Treat of Kennebec
	Representatives	10	Thompson of Naples, Bull of Freeport, Jacobs of Turner, LaVerdiere of Wilton, Waterhouse of Bridgton, Madore of Augusta, Mitchell of Vassalboro, Norbert of Portland, Plowman of Hampden, Schneider of Durham
NAYS		0	
ABSENT		0	

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Daniel E. Wathen of Augusta, for reappointment as the Chief Justice of the Maine Supreme Judicial Court be confirmed.

Signed,

S/Susan W. Longley  
Senate Chair

S/Richard H. Thompson  
House Chair

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

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

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#30)**

YEAS: Senators: None

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

ABSENT: Senator: SMALL

EXCUSED: Senator: LIBBY

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent, and 1 Senator being excused, and none being less than two-thirds of the Membership present it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Honorable Daniel E. Wathen** of Augusta, for reappointment as the Chief Justice of the Maine Supreme Judicial Court was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

S.C. 92

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

March 2, 1999

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Michael M. Hastings of Hampden, for reappointment to the Maine Indian Tribal-State Commission.

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

YEAS	Senators	2	Longley of Waldo, Treat of Kennebec
	Representatives	10	Thompson of Naples, Bull of Freeport, Jacobs of Turner, LaVerdiere of Wilton, Waterhouse of Bridgton, Madore of Augusta, Mitchell of Vassalboro, Norbert of Portland, Plowman of Hampden, Schneider of Durham

NAYS 0

ABSENT 1 Sen. Benoit of Franklin

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Michael M. Hastings of Hampden, for reappointment to the Maine Indian Tribal-State Commission be confirmed.

Signed,

S/Susan W. Longley  
Senate Chair

S/Richard H. Thompson  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#31)**

YEAS: Senators: None  
NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE  
ABSENT: Senator: SMALL  
EXCUSED: Senator: LIBBY

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent, and 1 Senator being excused, and none being less than two-thirds of the Membership present it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Michael M. Hastings** of Hampden, for reappointment to the Maine Indian Tribal-State Commission was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication: S.C. 93

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

March 2, 1999

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Evan D. Richert of South Portland, for reappointment to the Maine Indian Tribal-State Commission.

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

YEAS Senators 2 Longley of Waldo, Treat of Kennebec  
Representatives 9 Thompson of Naples, Bull of Freeport, Jacobs of Turner, LaVerdiere of Wilton, Waterhouse of Bridgton, Madore of Augusta, Norbert of Portland, Plowman of Hampden, Schneider of Durham  
NAYS 0  
ABSENT 2 Sen. Benoit of Franklin, Rep. Mitchell of Vassalboro

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Evan D. Richert of South Portland, for reappointment to the Maine Indian Tribal-State Commission be confirmed.

Signed,

S/Susan W. Longley  
Senate Chair

S/Richard H. Thompson  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#32)**

YEAS: Senators: None  
NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON,

PINGREE, RAND, RUHLIN, TREAT, THE  
PRESIDENT - MARK W. LAWRENCE

ABSENT: Senator: SMALL

EXCUSED: Senator: LIBBY

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent, and 1 Senator being excused, and none being less than two-thirds of the Membership present it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Evan D. Richert** of South Portland, for reappointment to the Maine Indian Tribal-State Commission was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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The Following Communication: S.C. 94

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

March 2, 1999

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

Dear Secretary O'Brien:

Pursuant to my authority under S.P. 190, I have appointed the following Senators to the Joint Select Committee on the Year 2000 Computer Problem:

Senator Marge Kil Kelly of Lincoln (Senate Chair),  
Senator Anne Rand of Cumberland, and  
Senator Philip Harriman of Cumberland.

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Mark W. Lawrence  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

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**SENATE PAPERS**

Bill "An Act to Provide Reasonable Compensation for Vehicles Damaged in Accidents"  
S.P. 580 L.D. 1660

Sponsored by Senator KILKELLY of Lincoln.  
Cosponsored by Representative PIEH of Bremen and Senators: LaFOUNTAIN of York, NUTTING of Androscoggin, RAND of Cumberland, Representatives: BRUNO of Raymond, DUNLAP of Old Town, SHIAH of Bowdoinham, TESSIER of Fairfield, WATSON of Farmingdale.

Bill "An Act to Allow Fair Access to Long-term Care Insurance"  
S.P. 581 L.D. 1661

Sponsored by Senator LIBBY of York.

Bill "An Act to Clarify Basic Health Care Services to be Offered by Maine Health Maintenance Organizations" (EMERGENCY)  
S.P. 584 L.D. 1664

Sponsored by Senator LaFOUNTAIN of York.  
Cosponsored by Senators: ABROMSON of Cumberland, MURRAY of Penobscot, PENDLETON of Cumberland, Representatives: PERRY of Bangor, SULLIVAN of Biddeford.

**REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed.

Sent down for concurrence.

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Resolve, to Promote Natural Resource-based Industries  
S.P. 585 L.D. 1665

Sponsored by Senator KILKELLY of Lincoln.  
Cosponsored by Representative DUNLAP of Old Town and President LAWRENCE of York, Senators: NUTTING of Androscoggin, PARADIS of Aroostook, PINGREE of Knox, Representatives: HONEY of Boothbay, McGLOCKLIN of Embden, PIEH of Bremen, Speaker ROWE of Portland.

**REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent down for concurrence.

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Bill "An Act to Release Juvenile Crime Records to School Personnel"  
S.P. 578 L.D. 1658

Sponsored by Senator CATHCART of Penobscot.  
Cosponsored by Representative SKOGLUND of St. George.

**REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed.

Sent down for concurrence.

Bill "An Act to Restore Fairness and Equity to the Allocation of School Subsidies"

S.P. 583 L.D. 1663

Sponsored by Senator DAVIS of Piscataquis.  
Cosponsored by Representative BELANGER of Caribou and Senators: BENNETT of Oxford, CASSIDY of Washington, FERGUSON of Oxford, LIBBY of York, MITCHELL of Penobscot, Representatives: RICHARDSON of Greenville, TOBIN of Dexter.

**REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

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Bill "An Act to Create the Drive ME Wheels-to-work Program"

S.P. 588 L.D. 1668

Sponsored by President LAWRENCE of York.  
Cosponsored by Representative QUINT of Portland and Senators: CATHCART of Penobscot, PARADIS of Aroostook, PINGREE of Knox, Representatives: BERRY of Livermore, KANE of Saco, POVICH of Ellsworth.

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

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Bill "An Act to Protect the Public's Health through State-funded Rabies Testing"

S.P. 582 L.D. 1662

Sponsored by Senator KILKELLY of Lincoln.  
Cosponsored by Representative DUNLAP of Old Town and Senator: NUTTING of Androscoggin, Representatives: BRUNO of Raymond, CROSS of Dover-Foxcroft, KNEELAND of Easton, MAYO of Bath, SAVAGE of Buxton, TRACY of Rome, TRUE of Fryeburg.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

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

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Bill "An Act to Ensure That Funds from Maine's Medicaid Settlement with Tobacco Product Manufacturers are used to Expand Access to Health Care for Maine People"

S.P. 586 L.D. 1666

Sponsored by Senator PINGREE of Knox.  
Cosponsored by Representative KANE of Saco and Senators: CATHCART of Penobscot, President LAWRENCE of York, PARADIS of Aroostook, RAND of Cumberland, Representatives:

BERRY of Livermore, DUGAY of Cherryfield, QUINT of Portland, SAXL of Portland.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

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

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Bill "An Act to Clarify the Laws Relating to Off-track Betting Facilities"

S.P. 577 L.D. 1657

Sponsored by Senator KIEFFER of Aroostook.  
Cosponsored by Representative CLARK of Millinocket and Senators: CASSIDY of Washington, MICHAUD of Penobscot, PARADIS of Aroostook, Representatives: SHERMAN of Hodgdon, TRUE of Fryeburg, WHEELER of Bridgewater.

**REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Sent down for concurrence.

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Bill "An Act to Ensure Continuous Improvement in Pollution Prevention"

S.P. 589 L.D. 1669

Sponsored by Senator TREAT of Kennebec.  
Cosponsored by Speaker ROWE of Portland and Senators: HARRIMAN of Cumberland, NUTTING of Androscoggin, Representatives: BRYANT of Dixfield, COWGER of Hallowell, DUPLESSIE of Westbrook, LEMONT of Kittery, MARTIN of Eagle Lake, SAMSON of Jay.

**REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

Sent down for concurrence.

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Resolve, to Investigate State Purchasing of Goods and Services Produced under Conditions that Violate International Standards of Human Rights

S.P. 579 L.D. 1659

Sponsored by Senator CATHCART of Penobscot.  
Cosponsored by Representatives: BAKER of Bangor, STEVENS of Orono, WILLIAMS of Orono.

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

On motion by Senator **PINGREE** of Knox, **REFERRED** to the Committee on **LABOR**.

Sent down for concurrence.



Bill "An Act to Allow Local Control of Traffic on State Aid Roads Without Loss of State Highway Funds"

S.P. 576 L.D. 1656

Sponsored by Senator DOUGLASS of Androscoggin. Cosponsored by Representative GOODWIN of Pembroke and Representatives: HATCH of Skowhegan, MacDOUGALL of North Berwick.

Bill "An Act to Amend Motor Vehicle Laws"

S.P. 587 L.D. 1667

Sponsored by Senator O'GARA of Cumberland. Cosponsored by Representative WHEELER of Eliot and Senator: CASSIDY of Washington, Representatives: CAMERON of Rumford, COLLINS of Wells, JABAR of Waterville, LINDAHL of Northport, SANBORN of Alton, SAVAGE of Union, WHEELER of Bridgewater. Submitted by the Department of Transportation pursuant to Joint Rule 204.

REFERRED to the Committee on TRANSPORTATION and ordered printed.

Sent down for concurrence.

ORDERS

Joint Resolution

On motion by Senator PINGREE of Knox, under unanimous consent on behalf of President LAWRENCE of York (Cosponsored by Speaker Rowe of Portland), the following Joint Resolution: S.P. 590

JOINT RESOLUTION RECOGNIZING JOBS FOR MAINE'S GRADUATES AND ITS OUTSTANDING PERFORMANCE OUTCOMES: RETAINING, GRADUATING AND TRANSITIONING STUDENTS INTO THE WORLD OF WORK

WHEREAS, the Legislature and Governor created Jobs for Maine's Graduates on June 15, 1993 as an independent, 501(c)3 corporation to develop a statewide system of school-to-work transition and dropout prevention services for Maine students; and

WHEREAS, since 1993, Jobs for Maine's Graduates has grown from 17 to 48 sites and serves 2,127 students in 138 communities; and

WHEREAS, Jobs for Maine's Graduates' performance outcomes for the last 4 consecutive years have earned recognition for Maine as the most successful Jobs for America's Graduates affiliate in the nation; and

WHEREAS, this outstanding performance record has led to the formation of the Northeast Center for Excellence at Jobs for

Maine's Graduates and has led to today's visit of Governor Thomas Carper of Delaware; and

WHEREAS, Jobs for Maine's Graduates embodies the true spirit of a public-private partnership with a dynamic funding mix that includes federal, state, community and private sector contributions; and

WHEREAS, Jobs for Maine's Graduates has met or surpassed the Legislature's expectations for organizational excellence, promoting Maine Career Preparation Learning Results and developing public-private partnerships; now, therefore, be it

RESOLVED: That We, the Members of the 119th Legislature, now assembled in the First Regular Session, take this opportunity to recognize the outstanding commitment of the Jobs for Maine's Graduates' students, specialists and board of directors and their community partners and private sector donors who have helped give birth to this thriving and essential not-for-profit organization; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Education, the Department of Labor, the Honorable Angus S. King, Jr., Governor of Maine, the Honorable Thomas Carper, Governor of Delaware and to each member of the Maine Congressional Delegation.

READ and ADOPTED.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on LABOR on Bill "An Act to Allow the Bureau of Labor Standards to Better Secure Payment of Unpaid Wages and Severance Pay for Workers"

H.P. 128 L.D. 159

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.

\_\_\_\_\_  
The Committee on **LABOR** on Bill "An Act to Prohibit the Employment of Minors in Places Providing Nude Entertainment"  
H.P. 199 L.D. 277

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**.

\_\_\_\_\_  
The Committee on **TRANSPORTATION** on Bill "An Act to Expand the Use of Emergency Equipment on Vehicles Operated by Liquor Enforcement Officers"  
H.P. 269 L.D. 378

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**.

\_\_\_\_\_  
**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Require On-duty Government Employees to Wear the Same Orange Clothing as Hunters When in the Woods during Deer Season"  
H.P. 157 L.D. 219

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

Signed:

Senator:  
KILKELLY of Lincoln

Representatives:  
DUNLAP of Old Town  
TRAHAN of Waldoboro  
HONEY of Boothbay  
TRUE of Fryeburg  
BRYANT of Dixfield  
TRACY of Rome  
COTE of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-19)**.

Signed:

Representatives:  
PERKINS of Penobscot  
CLARK of Millinocket

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

Reports **READ**.

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

\_\_\_\_\_  
**Senate**

**Ought to Pass**

Senator BERUBE for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Allow Preliminary Steps to be Taken in Preparation for the Mandatory Use of Conviction Data in Teacher Screening" (EMERGENCY)  
S.P. 274 L.D. 792

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

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

**READ ONCE**.

**TOMORROW ASSIGNED FOR SECOND READING**.

\_\_\_\_\_  
**Ought to Pass As Amended**

Senator LaFOUNTAIN for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Make Maine Medicare Supplement Insurance Laws Consistent with Federal Laws" (EMERGENCY)  
S.P. 48 L.D. 119

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-15)**.

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

**READ ONCE**.

Committee Amendment "A" (S-15) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

Senator LaFOUNTAIN for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Amend the Maine Banking Code as it Pertains to ATM Surcharges"

S.P. 101 L.D. 240

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-16)**.

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

**READ ONCE**.

Committee Amendment "A" (S-16) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

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Senator LaFOUNTAIN for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Amend the Revised Maine Securities Act"

S.P. 152 L.D. 472

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-14)**.

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

**READ ONCE**.

Committee Amendment "A" (S-14) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

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#### **SECOND READERS**

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

##### **House**

Bill "An Act Concerning the Requirement for Surety Bonds for County Treasurers, Sheriffs and Chief Deputies"

H.P. 353 L.D. 469

Bill "An Act to Increase the Amount Below Which Counties Do Not Need to Solicit Bids for Purchases"

H.P. 380 L.D. 511

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

**Senate As Amended**

Resolve, to Change the Name of the Ridlonville Bridge between Rumford and Mexico to the Veterans Bridge  
S.P. 25 L.D. 7  
(C "A" S-10)

Bill "An Act to Change the Selection Process of the Oxford County Budget Committee"  
S.P. 20 L.D. 12  
(C "A" S-11)

Bill "An Act to Enhance Senior Volunteerism in Maine"  
S.P. 98 L.D. 237  
(C "A" S-12)

Bill "An Act to Establish the Crime of Aggravated Criminal Trespass"  
S.P. 110 L.D. 307  
(C "A" S-9)

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

Sent down for concurrence.

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**ENACTORS**

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

**Emergency Measure**

An Act to Permit the Sale of Moose Bones  
H.P. 46 L.D. 60

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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, was presented by the Secretary to the Governor for his approval.

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**Emergency Measure**

An Act Relating to the Construction of a Locally Funded Arts and Technology Center in Maine School Administrative District No. 49  
H.P. 431 L.D. 573

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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, was presented by the Secretary to the Governor for his approval.

**Act**

An Act to Prevent Children from Acquiring Gunpowder  
S.P. 60 L.D. 130

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

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**ORDERS OF THE DAY**

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Revoke Voting Rights of Convicted Felons While they are in Prison  
S.P. 545 L.D. 1607

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

Pending - **FURTHER CONSIDERATION**

(In Senate, March 2, 1999, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.)

(In House, March 3, 1999, **REFERRED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.)

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

On further motion by the same Senator, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Bill "An Act to Remove Certain Wetland Sites Requirements for Proposed Developments within the Jurisdiction of the Maine Land Use Regulation Commission"  
H.P. 1146 L.D. 1643

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

Pending - **FURTHER CONSIDERATION**

(Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.)

(In House, March 3, 1999, **REFERRED** to the Committee on **NATURAL RESOURCES**.)

**REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed, in concurrence.

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

HOUSE REPORTS - From the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Require On-duty Government Employees to Wear the Same Orange Clothing as Hunters When in the Woods during Deer Season"  
H.P. 157 L.D. 219

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-19)** (2 members)

Tabled - March 4, 1999, by Senator **KILKELLY** of Lincoln.

Pending - **ACCEPTANCE OF EITHER REPORT.**

(In House, March 3, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

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

The Chair laid before the Senate the following Tabled and Later (2/4/99) Assigned matter:

Bill "An Act to Protect Victims of Crimes in the Workplace"  
H.P. 688 L.D. 944

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

Pending - **REFERENCE**

(In House, February 3, 1999, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.)

On motion by Senator **DOUGLASS** of Androscoggin, **REFERRED** to the Committee on **LABOR** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Bill "An Act to Establish Fair Funding for Independent and 3<sup>rd</sup>-Party Legislators"  
H.P. 991 L.D. 1389

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

Pending - **REFERENCE**

(In House, March 2, 1999, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.)

On motion by Senator **GOLDTHWAIT** of Hancock, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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

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

Pending - **REFERENCE**

(In House, March 2, 1999, **REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed.)

On motion by Senator **LAFOUNTAIN** of York, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Bill "An Act to Renew Maine's Economy"  
S.P. 569 L.D. 1636

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

Pending - **REFERENCE**

(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.)

On motion by Senator **KONTOS** of Cumberland, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

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

NOMINATION - of Don Palmer of Rangeley, for appointment to the Inland Fisheries and Wildlife Advisory Council.

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

Pending - **CONSIDERATION**

(In Senate, March 3, 1999, Communication (S.C. 85) from the Committee on **INLAND FISHERIES AND WILDLIFE**, **READ** and **ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INLAND FISHERIES AND WILDLIFE** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#33)**

YEAS: Senators: None

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

EXCUSED: Senator: LIBBY

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Don Palmer** of Rangeley, for appointment to the Inland Fisheries and Wildlife Advisory Council was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Chair laid before the Senate the following Tabled and Later (2/25/99) Assigned matter:

JOINT RESOLUTION - relative to Memorializing Congress to Protect and Preserve Social Security  
S.P. 517

Tabled - February 25, 1999, by Senator **PINGREE** of Knox.

Pending - motion by President **LAWRENCE** of York to **ADOPT**

(In Senate, February 25, 1999, on motion by President **LAWRENCE** of York, **READ.**)

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

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

Senator **BENNETT:** Thank you, Mr. President, men and women of the Senate. This is one of several Memorializations that will be coming before us that I've seen on the calendar and seen from my perch in the Legislative Counsel. Frankly I can't remember everything that was written in this particular Memorial, it's rather long and it has a lot of words contained therein. I just wanted to state for the record that I will be voting for this. Not because I agree with every word in the Memorialization, but because I believe in the basic principle that we ought to protect and preserve Social Security. It's important to do so now when we're looking at a variety of options of modifying Social Security. We could quibble about the words in this. I could ask the Secretary to read it to refresh our memory. We could quibble about the words contained in it. But frankly, we're not the United States Congress. I'm not sure how I'll be voting on subsequent Memorializations to Congress that will be coming before us. But on this one, in the interest of moving the issue ahead and not acting like the United States Congress and debating endlessly about every issue, particularly one as this one does, which does relate to the issue at hand before this Legislature but is asking us to impose on the work of another legislative body duly elected to which we have sent four able people. I will be voting for this and wanted to state for the record that again, though I may not agree with every word contained herein, I'll be supporting the concept contained here which is essentially asking the United States Congress to be very judicious in their thinking while they consider the hugely important issue of reforming Social Security. Thank you.

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

Senator **MILLS:** Men and women of the Senate, I too will be voting to support the Resolution. I share some of the sentiments from the Senator from Oxford in that perhaps we have other business to do then to try to do the business of Congress as well. Never the less, I think that the Resolution has some significance as much perhaps for what it doesn't say as for what it does. It is drafted in such a way that it does not enter the rather controversial issue of whether the Social Security trust fund itself ought to be investing in the stock market. We have this very interesting national dialog going on now between Allen Greenspan and the President and the Administration over whether that's a good idea or bad idea. I think that there are very complex ramifications flowing from that. It doesn't enter into the notion of whether we ought to be adding money, perhaps to set up individual accounts. All it says, and the reason I'm supporting it is because it says something that's very, very important and that is, if the basic problem with the Social Security system is that we don't have enough premium dollars. I don't think this is to be regarded as really an investment or a tax. It's really a premium for a certain menu of insurance protection that protects us all. I

think that if the problem at hand is that we don't have enough premium dollars going into the system to pay for the benefits that will be coming out of the system in the year 2032 and beyond, then perhaps the worst thing we could do right now is to reduce the premium contribution and set up some other competing system within Social Security. I rather think that the Resolution, lengthy as it is, says that, and only that, and is a valuable message to deliver to our four members of Congress. Thank you, Mr. President.

**THE PRESIDENT:** A Roll Call has been ordered. The pending question is the Adoption. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#34)**

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

NAYS: Senators: None

EXCUSED: Senator: LIBBY

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being excused, the motion by President LAWRENCE of York to ADOPT, PREVAILED.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/2/99) Assigned matter:

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act to Prohibit the Negotiation of Severance Pay Lower than the State Minimum"

S.P. 156 L.D. 476

Majority - **Ought to Pass** (9 members)

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

Tabled - March 2, 1999, by Senator **DOUGLASS** of Androscoggin.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 2, 1999, Reports **READ**.)

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

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

Senator **DOUGLASS:** Mr. President, women and men of the Senate, Maine protects workers at establishments of one hundred or more employees when the employer relocates or terminates business. These protections are contained in the Severance Pay Law, Title 26, Section 625B. Four exemptions to the Severance Pay Law exists. The first is physical calamity. The second is expressed contract with the employee. Third is in the case that the employee accepts employment at a new location. And, fourth is when the employee has been with the employer for less than three years. This Bill affects agreements as they are exempted from our Severance Pay Law. It clarifies our intent to exempt only those agreements that protect workers at the same level as our state law or greater than the Maine Severance Pay Law. As we know, many of our communities rely on a small number of large employers. They are devastated when these employers leave. The Maine Severance Pay Law was enacted to protect those workers. Many of those employees at those locations invest their entire working lives and careers with one employer. In this day of mergers and acquisitions, the express agreement provision may currently allow severance pay at less than the state minimum. We must not allow this situation to continue. Meeting Maine's Severance Pay Law is the cost of doing business in the State of Maine that must be preserved in our law. We owe this protection to our natural citizens who invest so much in corporate citizens. I urge you to accept the Labor Committee Majority Ought To Pass recommendation.

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

Senator **MILLS:** Mr. President and women and men of the Senate, I rise in opposition to the pending motion for these reasons. I think it's useful to have this law and I support the policy behind the law fundamentally. I mean the law that we are seeking to Amend, in that when a large company leaves the state there is a provision in the state law that says they have to pay 1 week of pay for each year of service to all the employees who lose their jobs within the year of the wind-down or the closing of the plant. There is an exception and the intent of this Bill is to eradicate that exception. The exception says that if there is a bargaining agreement entered into freely between a bargaining unit, on the one hand, and management on the other and in the course of that collective bargaining the parties agree to a somewhat lesser severance pay standard, perhaps in recognition of retirement benefits or increases in pay or extensions of service or other items that may be on the table. This Bill, if you pass it, will deprive both the union and management of the opportunity to bargain away this right that we have created in the state law. It seems to me that we're over controlling or that the Bill attempts in a way to over control the negotiations between management and labor. There are those who say severance pay simply shouldn't be on the table and we can take it off the table by depriving the parties of the opportunity to contract for alternate provisions. Well what does that do? All it does is move the negotiations to another phase somewhere, to some other issue, to some other concern, some other financial concession. Just seems to me that, while I

agree with the intent of the Severance Pay Law, the idea that organized labor with sophisticated representation is somehow incapable of watching out for its own best interests at the negotiation table over an issue like this is over protective legislation creating something that we might characterize as a "Nanny State", trying to govern and control every aspect of the relationship between labor and management. For that reason I do oppose the pending motion and I ask that we have a Division on the issue Mr. President.

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

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

Senator **LAFOUNTAIN:** Thank you, Mr. President. Men and women of the Senate, I too rise today and ask you to support the Majority Ought To Pass Report. What we learned in the Committee process was that the current law has been in effect since 1979. I think that the Committee heard enough testimony about the change in the landscape in the Maine business community, about the number of mergers, acquisitions and buy-outs that we are seeing and the number of industries out there who are negotiating in a late hour essentially with concessionary contracts between management and union and how basically the union is caught in an unfair position of either we move out or you take what we offer. What we're seeking to do here is just provide Maine workers with what we provide everyone else, union or not, and that is the basic severance package which is one week per year. What the Committee heard was some troubling testimony and that was the issue of Kimberly-Clark and what we heard there is that there had been people who had spent their lives working at that plant, one man working 35 years. But as a result of a concessionary contract, he would be receiving ½ week per year up to a maximum of 13 weeks. So for a gentleman who had worked 35 years to receive only 13 weeks of severance pay was really a slap in the face. I encourage you to support the Majority.

**THE PRESIDENT:** Is the Senate ready for the question? A Roll Call has been ordered. The pending question before the Senate is **ACCEPTANCE** of the Majority **OUGHT TO PASS** Committee Report.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#35)**

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

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, FERGUSON,

HARRIMAN, KIEFFER, MACKINNON, MILLS, MITCHELL, SMALL

ABSENT: Senator: RUHLIN

EXCUSED: Senator: LIBBY  
20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, and with 1 Senator being excused, the motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS** Report, **PREVAILED**.

**READ ONCE.**

**TOMORROW ASSIGNED FOR SECOND READING.**

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

The President retired from the Senate Chamber.

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

The Chair laid before the Senate the following Tabled and Later (3/2/99) Assigned matter:

HOUSE REPORT - from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Repeal the Law Requiring Retailers to Post Motor Vehicle Fuel Prices"  
H.P. 339 L.D. 455

Report - **Ought to Pass**

Tabled - March 2, 1999, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF THE REPORT**, in concurrence

(In House, February 25, 1999, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, March 2, 1999, Report **READ**.)

The Chair ordered a Division.

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

At the request of Senator **RUHLIN** of Penobscot, Report **READ**.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#36)**



YEAS: Senators: ABROMSON, AMERO, BENNETT,  
BENOIT, BERUBE, CASSIDY, CATHCART,  
DAGGETT, DAVIS, FERGUSON,  
GOLDTHWAIT, HARRIMAN, KONTOS,  
LONGLEY, MACKINNON, MILLS, MITCHELL,  
MURRAY, NUTTING, SMALL

NAYS: Senators: DOUGLASS, KILKELLY,  
LAFOUNTAIN, MICHAUD, O'GARA, PARADIS,  
PENDLETON, RAND, RUHLIN, TREAT, THE  
PRESIDENT PRO TEM - CHELLIE PINGREE

ABSENT: Senators: CAREY, KIEFFER, LAWRENCE

EXCUSED: Senator: LIBBY

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 3 Senators being absent, and with 1 Senator being excused, the **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

**TOMORROW ASSIGNED FOR SECOND READING.**

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On motion by the Senator from Aroostook, Senator Paradis,  
**ADJOURNED**, pursuant to the Joint Order, until Tuesday, March 9, 1999, at 10:00 in the morning.