

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

In Senate Chamber
Friday
March 31, 2000

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

Prayer by Reverend Timothy Haynes of Calvary Pentecostal in Madison.

REVEREND HAYNES: Our Father in heaven, holy is Your name. May Your kingdom come and Your will be done on earth as it is in heaven. Lord God, as I repeat the words taught by the Savior, I acknowledge that You are the Father of all who walk in faith, that You are holy and just, and that You rule benevolently over all the affairs of men and nations. I pray this morning for the Senate of the State of Maine, that in this place, in the hearts and minds of those who have been entrusted with the welfare of the citizens of this State, Your will would be made known, and that Your wisdom would guide every decision.

Give us this day our daily bread. I pray for the poor, the hungry, the sick, and the needy in this State, and beyond its borders as well, that they may receive their daily provision today. God, help this body, in every law that is passed, and every budget that is approved, never to forget to show mercy and compassion to those who are in need. Help them to remember that it is not always the loudest voice that has the greatest need.

Forgive us our sins as we forgive those who have sinned against us. Oh, God, grant that we might have the humility to acknowledge that not one of us is without fault, and that we all stand accountable to You for every word and action. May this Senate act righteously today. I seek Your forgiveness for our sins against You and against one another. Teach us a sincere love for our neighbor, for Your word declares that if we love our neighbors, we will not sin against them.

Lead us not into temptation, but deliver us from evil. Again, Father, I pray that Your wisdom will prevail in every decision made in this Senate hall today. I pray that our Senators would place justice and reason above political expediency, and that the real needs of the people of this State be placed above the demands of special interests. Please deliver us from all that is selfish, dishonest, and morally repugnant. I pray for Your blessing on every Senator, officer, and citizen of this State who will honor You and walk in the light of Your will today. For Yours is the kingdom, and the power, and the glory forever. Amen.

Doctor of the day, D. Robert Sylvester, M.D., Auburn.

Reading of the Journal of Thursday, March 30, 2000.

The Chair noted the absence of the Senator from Aroostook, Senator **KIEFFER**, and the Senator from Androscoggin, Senator **NUTTING**, and further excused the same Senators from today's Roll Call votes.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Make a One-time Energy Appropriation to Support Shortfalls in the Low-income Home Energy Assistance Program" (EMERGENCY)

H.P. 1677 L.D. 2343
(C "A" H-841)

In Senate, March 15, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-841)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-841) AS AMENDED BY HOUSE AMENDMENT "A" (H-977)** thereto, in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act to Amend Weight Requirement Inequalities Between Hauling Wood Products and Hauling Other Products"

H.P. 845 L.D. 1179

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-911)** (5 members)

In House, March 27, 2000, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-911)**.

In Senate, March 28, 2000, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

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

COMMUNICATIONS

The Following Communication: H.C. 415

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

March 30, 2000

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

Dear Madam Secretary:

The House voted today to adhere on Bill "An Act to Amend the
Motor Vehicle Laws"

(S.P. 893 L.D. 2312)

Sincerely,

S/Joseph W. Mayo
Clerk of the House

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND
FINANCIAL AFFAIRS** on Bill "An Act to Promote Equity in
Funding of Ferry Services"

H.P. 1894 L.D. 2635

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

Signed:

Senators:

MICHAUD of Penobscot
CATHCART of Penobscot
HARRIMAN of Cumberland

Representatives:

STEVENS of Orono
POWERS of Rockport
BRUNO of Raymond
KNEELAND of Easton
NASS of Acton
WINSOR of Norway
TESSIER of Fairfield

BERRY of Livermore

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

Signed:

Representatives:

TOWNSEND of Portland
MAILHOT of Lewiston

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

Reports **READ.**

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE** on
Resolve, to Create a Commission to Study the Regulation of
Firearms in Maine

H.P. 1780 L.D. 2494

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

Signed:

Senators:

MURRAY of Penobscot
DAVIS of Piscataquis

Representatives:

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

The Minority of the same Committee on the same subject
reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-923).**

Signed:

Senator:

O'GARA of Cumberland

Representatives:

QUINT of Portland
FRECHETTE of Biddeford
O'BRIEN of Augusta
MUSE of South Portland

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

Reports **READ**.

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

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

Divided Report

Seven members of the Committee on **LABOR** on Bill "An Act to Limit Mandatory Overtime"

H.P. 729 L.D. 1019

Reported in Report "**A**" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-893)**.

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York

Representatives:

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

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

Signed:

Senator:

MILLS of Somerset

Representatives:

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

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" (H-894)**.

Signed:

Representative:

GOODWIN of Pembroke

Comes from the House with Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-893) READ**

and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-893)**.

Reports **READ**.

Senator **PINGREE** of Knox moved the Senate **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-893)**, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-893)**, in concurrence.

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Limit Lobster Management Zones to State Coastal Waters"

H.P. 1675 L.D. 2341

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-949)**.

Signed:

Representatives:

USHER of Westbrook
ETNIER of Harpswell
VOLENIK of Brooklin
PINKHAM of Lamoine
PIEH of Bremen
BAGLEY of Machias
McNEIL of Rockland
HONEY of Boothbay

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

Signed:

Senators:

GOLDTHWAIT of Hancock
PENDLETON of Cumberland
MacKINNON of York

Representatives:

STANWOOD of Southwest Harbor
LEMONT of Kittery

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-949)**.

Reports **READ**.

Senator **GOLDTHWAIT** of Hancock 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**.

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Alter Eligibility for Lobster and Crab Fishing Licenses for Persons Who are 65 Years of Age or Older"
H.P. 1839 L.D. 2577

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-950)**.

Signed:

Senators:

GOLDTHWAIT of Hancock
PENDLETON of Cumberland

Representatives:

STANWOOD of Southwest Harbor
USHER of Westbrook
ETNIER of Harpswell
BAGLEY of Machias
LEMONT of Kittery
McNEIL of Rockland

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

Signed:

Senator:

MackINNON of York

Representatives:

HONEY of Boothbay
VOLENIK of Brooklin
PINKHAM of Lamoine
PIEH of Bremen

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-950)**.

Reports **READ**.

Senator **GOLDTHWAIT** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Develop a Department of Children"

H.P. 283 L.D. 391

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
McDONOUGH of Portland
TWOMEY of Biddeford
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 as Amended by Committee Amendment "A" (H-966)**.

Signed:

Representatives:

RINES of Wiscasset
BUMPS of China
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.

Senate

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Establish a Targeted Need Teacher Certificate"

S.P. 886 L.D. 2301

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-610)**.

Signed:

Senators:
BERUBE of Androscoggin
SMALL of Sagadahoc

(In Senate, March 21, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-847)**, in **NON-CONCURRENCE.**)

Representatives:
RICHARD of Madison
WESTON of Montville
STEDMAN of Hartland
DESMOND of Mapleton
BRENNAN of Portland
ANDREWS of York

(In House, March 29, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-847) AS AMENDED BY HOUSE AMENDMENT "B" (H-904)** thereto, in **NON-CONCURRENCE.**)

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

On motion by Senator **O'GARA** of Cumberland, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-847).**

Signed:

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED COMMITTEE AMENDMENT "A" (H-847).**

Senator:
MURRAY of Penobscot

House Amendment "B" (H-904) to Committee Amendment "A" (H-847) **READ** and **ADOPTED**, in concurrence.

Representatives:
BELANGER of Caribou
SKOGLUND of St. George

On motion by Senator **O'GARA** of Cumberland, Senate Amendment "D" (S-609) to Committee Amendment "A" (H-847) **READ.**

Reports **READ.**

On motion by Senator **AMERO** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **O'GARA** of Cumberland to **ADOPT** Senate Amendment "D" (S-609) to Committee Amendment "A" (H-847).

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

READ ONCE.

Committee Amendment "A" (S-610) **READ** and **ADOPTED.**

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

LATER TODAY ASSIGNED FOR SECOND READING.

ORDERS OF THE DAY

Unfinished Business

The following matter 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 (3/30/00) Assigned matter:

Bill "An Act to Restrict Passengers in the Vehicle of a Newly Licensed Driver"

H.P. 1744 L.D. 2450
(C "A" H-847)

Tabled - March 30, 2000, by Senator **PINGREE** of Knox.

Pending - **FURTHER CONSIDERATION**

(In House, March 9, 2000, Bill and accompanying papers **COMMITTED** to the Committee on **TRANSPORTATION.**)

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

Off Record Remarks

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

On motion by Senator **LAFOUNTAIN** of York, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act to Increase the Minimum Wage in Maine"
S.P. 425 L.D. 1262

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-534)** (7 members)

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

Tabled - March 14, 2000, by Senator **DOUGLASS** of Androscoggin.

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

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

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

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

Senator **BENNETT** of Oxford moved to **TABLE** until Later in Today's Session, pending motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report. (Roll Call Ordered)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#308)

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

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

ABSENT: Senator: CATHCART

EXCUSED: Senators: KIEFFER, NUTTING

13 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent and 2 Senators being excused, the motion by Senator **BENNETT** of Oxford to **TABLE** until Later in Today's Session, pending motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#309)

YEAS: Senators: BERUBE, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, KONTOS, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, FERGUSON, GOLDTHWAIT, HARRIMAN, KILKELLY, LIBBY, MITCHELL, O'GARA, SMALL

EXCUSED: Senators: KIEFFER, NUTTING

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-534) **READ** and **ADOPTED**.

Senator **BENNETT** of Oxford **OBJECTED** to **SECOND READING** at this time.

LATER TODAY ASSIGNED FOR SECOND READING.

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

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act to Limit Mandatory Overtime"

H.P. 729 L.D. 1019

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-893)** (7 members)

Report "B" - **Ought Not to Pass** (5 members)

Report "C" - **Ought to Pass as Amended by Committee Amendment "B" (H-894)** (1 member)

Tabled - March 31, 2000, by Senator **PINGREE** of Knox.

Pending - motion by same Senator to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-893)**, in concurrence

(In House, March 30, 2000, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-893) READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-893)**.)

(In Senate, March 31, 2000, Reports **READ**.)

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

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

Senator **DOUGLASS:** Mr. President, women and men of the Senate, I'd like to rise to just briefly explain how we think we are helping to protect the citizens of Maine by putting this Bill before you today. In this Bill, which is actually a total amendment, or rewrite, of the original Bill that was submitted, we, as a majority of the Joint Standing Committee on Labor, decided that no individual should be required to work more than 2 shifts in a 2 week period by their employer. Now, we didn't phrase this Bill that way, what we did was we wrote that no employer may require an employee to work more than 80 hours of overtime in any 2 week period. And that's a very general way of expressing that intent that someone not work 2 shifts, basically. Our thinking was that safety is an important public policy that must be addressed by this Legislature. There are situations in which employees have been asked to work beyond their physical tolerance. Some of those situations have resulted in deaths. In order to take a small step at protecting the people of Maine, not only the employees but those who might be affected by an employee who's working with dangerous equipment, say a truck that's on the road or another piece of equipment in which there are other individuals present. We determined that the figure of 80 hours of overtime in a 2 week period is just a top limit. In fact it's a very small step toward protecting employees and the general public. Anyone who is working more than that amount is probably dead on their feet. And this Bill gives employers a lot of flexibility when it comes to scheduling employees. The Bill doesn't determine how many hours in 1 single day, it doesn't set forth a limit on a particular day, or within a 3 day period. It simply goes to the general period of time, 2 weeks. We think it's something that employers in Maine can live with, that they shouldn't go beyond. I want to make sure I point out to you that we exempted work that is performed in an emergency that's declared by the Governor. That we exempted employees who perform essential services such as utility service, snow plowing, road maintenance, and telecommunication service. We exempted those working in the public health safety arenas where the excess overtime is required outside the normal course of business. We exempted salaried employees and other individuals who are exempted by State Statute. This was a very well thought out plan to protect the citizens of Maine. I hope you will agree with me that we really should not have anyone being requested to work more than these hours in the State of Maine, and I hope for that reason you will accept Report A, the majority report.

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

Senator **MILLS:** Mr. President, men and women of the Senate, I wanted to take just a moment to present the opposing view. We heard, this year and in the last Legislature, evidence concerning the subject which this Bill addresses. Most of the evidence that we heard about overtime work and the observations that I've made in my private life have been the situations that arise from voluntary overtime. You may recall in the news there was a tragic incident in Franklin County involving a line-worker for Central Maine Power Company whose overtime was, the number of hours that he had accumulated were extraordinary, and yet we heard very plainly that that was a voluntary overtime situation on his part. He had been specifically asked if he wanted to go home and he said he did not. As tragic as that incident was, it arose out of something which this Bill would not in any way address. And, indeed, I've had lawsuits and cases that have arisen over things that happen when people get too tired from working. Auto accidents that happen when people are driving home after a 24 hour period of time on the job and things like that. In each of the instances that I'm familiar with, it has been a situation where the worker, for the most part, wanted the extra time, wanted the overtime, wanted to be paid accordingly. We had testimony concerning 1, I believe only 1 or 2, employers in this state who were, on some regular basis, requiring their workers to work overtime that they weren't willing to accept, in some cases. In each of those instances, the workers were organized. They had a union contract. They had union representation. And it was a situation where the issue could properly have been addressed in collective bargaining. But for reasons that were never made clear to me, the issue was not addressed in the contract, or in the renewal of contracts, with those employers. And so the issue was brought to us, as a Legislature, in an effort for us to make a contract, which apparently the bargaining unit was unwilling to engage discussions in, for its own members. I could not understand why this issue shouldn't be addressed on a case-by-case basis to those employers where it's a problem, to those very few, on a bargaining basis. This Bill, as it's worded, has any number of ways in which you can get around it. There are all sorts of mandatory overtime requirements that could be imposed that would be within the law that lies before you and yet might, arguably, create unsafe situations. Two years ago, and again this year, there was great difficulty in figuring out how to craft a law that would, basically, be one size fits all. I don't see that this draft that is in front of us is any improvement over the one that was rejected two years ago. And for that reason I am reluctant in my own case to vote against this Bill and would urge you to join with me. Thank you.

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

Senator **DOUGLASS:** Mr. President, women and men of the Senate, I too think that it's possible we should consider limiting the number of hours that an employee may work voluntarily. Nevertheless, as a State, the first step we should take in protecting people from working too long is to require employers to be responsible. That is the first step we must take. Perhaps the second step we would take is to consider whether employees should have limitations as well. But if an employer may not demand more overtime of the employee, the employee, at least,

has the opportunity to use good common sense and to accept or refuse the work. I want to just make an analogy to some of the other ways in which we work toward protecting the people of Maine. And I want to use the analogy of smoking. We've changed our climate with regard to whom has the rights to smoke or to be free of smoke, dramatically. And I think we need to do the same thing in this arena of overworking individuals. You will recall that in earlier sessions of this Legislature, smoking was banned in public places. In the first part of this session, we banned smoking in public restaurants. We are constantly taking small steps, big steps in that case, toward improving safety in Maine. We should do so here. The first step is to limit the amount of overtime that an employer may require. For that reason I hope you accept Report A.

Off Record Remarks

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Knox, Senator Pingree to Accept Report "A", Ought To Pass As Amended By Committee Amendment "A" (H-893), in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.
The Secretary opened the vote.

ROLL CALL (#310)

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

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

EXCUSED: Senators: KIEFFER, NUTTING

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **PINGREE** of Knox to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-893)**, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-893) **READ**.

On motion by Senator **LAFOUNTAIN** of York, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-893), in concurrence.

Off Record Remarks

Senator **KILKELLY** of Lincoln was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **RECESSED** until 2:30 in the afternoon.

After Recess

Senate called to order by the President.

Off Record Remarks

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

SECOND READERS

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

Senate As Amended

Bill "An Act to Establish a Targeted Need Teacher Certificate" S.P. 886 L.D. 2301 (C "A" S-610)

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

(See action later today.)

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

ENACTORS

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

Emergency Measure

An Act to Clarify Underinsured Motor Vehicle Coverage S.P. 723 L.D. 2043 (C "B" S-572)

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

Emergency Measure

An Act to Make Changes to the Cub Care Program
H.P. 1622 L.D. 2269
(C "A" H-929)

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

Emergency Measure

An Act to Establish a Commemorative Day Recognizing Major-General Henry Knox
H.P. 1787 L.D. 2507

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 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.

Emergency Measure

An Act Relating to Electric Industry Restructuring
H.P. 1788 L.D. 2508
(C "A" H-935)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 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.

Off Record Remarks

Emergency Measure

An Act to Amend the Charter of the Small Point Water Company
H.P. 1798 L.D. 2525
(C "A" H-936)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 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.

Emergency Measure

An Act to Amend the Charter of the Moscow Water District
H.P. 1802 L.D. 2529
(H "A" H-955 to C "A" H-937)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 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.

Emergency Measure

An Act to Create the Alfred Water District
H.P. 1848 L.D. 2586
(C "A" H-938)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 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.

Acts

An Act to Help Farmers to Protect the Quality of Milk
H.P. 1108 L.D. 1567
(C "A" H-934)

An Act Establishing the Newborn Hearing Program
H.P. 1260 L.D. 1814
(C "A" H-931)

An Act to Amend the Definition of Marital Property
H.P. 1620 L.D. 2267
(C "A" H-917)

An Act to Ensure that Reports Commissioned by the State are Submitted in Writing or Other Reproducible Format
H.P. 1621 L.D. 2268
(C "A" H-953)

An Act to Allow Deer Hunting with Local Approval in Certain Areas Previously Permanently Closed to Deer Hunting
S.P. 936 L.D. 2386
(C "A" S-575)

An Act to Amend the Acreage Requirements for a Cemetery to Contain a Columbarium
H.P. 1825 L.D. 2560
(C "A" H-926)

An Act to Clarify Application of the Employment Leave Law for Victims of Violence
H.P. 1877 L.D. 2613

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

An Act to Preserve the State's Farm Economy and Heritage
S.P. 736 L.D. 2086
(C "A" S-574)

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

An Act to Enhance the Economic Security of Low-income Households with Respect to Utility Service
H.P. 1496 L.D. 2140

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#311)

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

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

ABSENT: Senator: CASSIDY

EXCUSED: Senators: KIEFFER, NUTTING

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent and 2 Senators being excused, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act to Increase the Pay for Jury Duty
S.P. 902 L.D. 2354
(C "A" S-576)

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

An Act to Create a Patent Program in Maine
H.P. 1690 L.D. 2396
(C "A" H-939)

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

An Act to Establish a Memorial Dedicated to the Civilian Conservation Corps
H.P. 1797 L.D. 2522
(C "A" H-940)

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

Resolves

Resolve, Regarding Public Health Supervision of Dental Hygienists
H.P. 1490 L.D. 2128
(C "A" H-930)

Resolve, Regarding Legislative Review of Chapter 6: Certification of Law Enforcement Officers, a Major Substantive Rule of the Maine Criminal Justice Academy
H.P. 1888 L.D. 2628
(C "A" H-943)

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

Resolve, to Establish the Commission to Study Ownership Patterns in Maine
H.P. 1809 L.D. 2535
(C "A" H-932)

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

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

The President retired from the Chamber.

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

On motion by Senator **LAFOUNTAIN** of York, the Senate **RECONSIDERED** whereby it **PASSED TO BE ENGROSSED AS AMENDED** the following:

Bill "An Act to Establish a Targeted Need Teacher Certificate"
S.P. 886 L.D. 2301
(C "A" S-610)

(In Senate, March 31, 2000, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-610).**)

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-610).**

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 Relating to Licensing Board Fees"

S.P. 938 L.D. 2388

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-613).**

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

READ ONCE.

Committee Amendment "A" (S-613) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-613).**

Sent down for concurrence.

Senator **MURRAY** for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Protect the Citizens of Maine from the Dangers of Counterfeit Consumer Goods" (EMERGENCY)
S.P. 775 L.D. 2174

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-612).**

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

READ ONCE.

Committee Amendment "A" (S-612) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-612).**

Sent down for concurrence.

Senate at Ease.

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **MARINE RESOURCES** on Bill "An Act to Limit Lobster Management Zones to State Coastal Waters"

H.P. 1675 L.D. 2341

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-949)** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - March 31, 2000, by Senator **GOLDTHWAIT** of Hancock.

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

(In House, March 30, 2000, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-949).**)

(In Senate, March 31, 2000, Reports **READ.**)

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

On motion by Senator **GOLDTHWAIT** of Hancock, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**. (Roll Call Ordered)

Senate at Ease.

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

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

HOUSE REPORTS - from the Committee on **MARINE RESOURCES** on Bill "An Act to Limit Lobster Management Zones to State Coastal Waters"

H.P. 1675 L.D. 2341

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-949)** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - March 31, 2000, by Senator **GOLDTHWAIT** of Hancock.

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE** (Roll Call Ordered)

(In House, March 30, 2000, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-949)**.)

(In Senate, March 31, 2000, Reports **READ**.)

Senator **BENNETT** of Oxford requested and received leave of the Senate to withdraw his motion for a Roll Call.

The same Senator requested a Division.

Off Record Remarks

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

Senator **CAREY:** Thank you Madam President. I'd like to read a letter in opposition to the motion, if I might.

To the Honorable Senators of the 119th Maine Legislature, I am a typical Maine lobster catcher. I have made two personal decisions as to how I operate my business. They are as follows: 1) I run a day boat. I go out early in the morning and I want to be home at night with my family. 2) I do not want to steam more than

2 hours, one way, to get to my traps. The following list consists of factors that I must consider as I operate my business: I must fish in Area 1 in the late fall, winter, and early spring in order to make a living. I must adhere to all federal and state regulations. I must adhere to extensive Coast Guard regulations outside three miles from shore. I am allowed to fish no more than 800 traps. I currently have a boat that travels at 9 knots. My range is about 20 miles from port and that's my decision that I make as stated above. I fish mostly two traps on one buoy and rope. Each trap costs about \$50.00 and each rope and buoy costs about \$17 in the deepest water of Area 1. Cost per pair of traps is about \$117. I do not want to lose any traps or the tags that are on them. Lobstermen are territorial. I avoid going into other fishermen's territories, because I will lose traps. In the winter, I avoid areas where shrimp draggers work. I will lose gear in those areas. I avoid putting my traps where there are few or no lobsters. When I fish in Area 1, I fish in the area on Zone C/D line. This line has been in place for a few years as a voting line. When LD 1992 was enacted last June and took effect in January of this year, I had a new concern. I have a fence in Area 1 that only allows me to place 49% of my traps over the C/D line. This changes my traditional fishing practice. I must count the traps that go over a line that is hard to pinpoint when I am out to sea. There is no sign that says you are crossing the line. I live in Knox County. Knox County is predominantly Zone D with some of Zone C. Knox County accounted for 40% of all lobster landings last year, about 20 million pounds. Knox County lobster landings lead all other county landings by a wide margin and have done so for many years. Given the two decisions that my business operates from, and the other factors listed above, why would I want to lobster somewhere other than where I have been lobstering for several years? I do not need a fence to change the traditional fishery for all of us who fish in that area. The others who fish near me do pretty much the same as I do. LD 2341 cleans up a situation that LD 1992 has made worse. Please support LD 2341. Thank you.

The man's name is Dan Miller. He's from Tenants Harbor and I expect to honor his request. Thank you, Madam President.

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, following the good Senator from Kennebec, I also urge you to oppose the pending motion so that we can go on to support this Bill. One of the things that happens in the legislative process on a regular basis is that all of us come here to try to do the right thing. And, in doing that, there are sometimes unintended consequences. And I believe that this legislation is, in fact, a way of dealing with what, I see, must have been an unanticipated consequence when the zone systems were created. What the system does, when it extends beyond the 3 mile line, is that it creates barriers outside of that line that, in fact, impact on the traditional boundaries, the non-geopolitical boundaries, in which people have fished for many years. Part of my concern is that it could, in fact, create more gear conflicts. Not only are people trying to figure out how many of the 51% or 49% traps are over a particular line, but when we start messing around with where people have traditionally fished in that outside area, we are asking people to compress themselves into smaller areas. That not only can create additional gear conflicts between lobster fishermen, but also gear conflicts between lobster fishermen and other kinds of fishing. Certainly nobody wants to lose traps, as we

heard very eloquently from the letter that was read. Nobody wants to spend that kind of money and go through all of that effort to, in fact, throw away their gear. And so people have made decisions over the years, sometimes for generations, about where they are going to fish in the fall and winter months and this system that we have created in the previous legislature, in fact, impacts on that. So, I would urge you, please, to not accept the plea to this motion, but to go forward and adopt this Bill so that we can, in fact, provide an opportunity to fix this unanticipated consequence of the zone system, to allow people to fish in the traditional areas they have outside of the 3 mile limit. I would say that my understanding is that it will not put additional folks fishing in that area because those licenses are limited. The only way to get a license is to get it from another person who has been fishing there. So we're not talking about more people fishing. We're not talking about putting more people into an area. What we're talking about it respect. Respect for the traditions that have been there. Respect for the traditional ways that folks have fished outside of that 3 mile area. And I would urge you, please, to defeat the current motion. Thank you.

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

Senator **GOLDTHWAIT:** Thank you Madam President. Men and women of the Senate, this has been a difficult issue, partly because, as usual, as a fishery issue, it is a rather arcane and technical one that's pretty difficult to understand, even for someone like myself who has been working in this for five years, and certainly for people who don't have fishery issues on their daily agenda. So I want to talk a bit, in what I hope won't be a too technical way, about why I am in favor of the minority report on this Bill. The first thing I want to say is, unless one lives under a rock, you have certainly heard from somebody about this Bill by now. And the important point that I want to make about that is whether you have heard from the pro side or the con side, the people that you have heard from on this issue are the cream of the crop. Either side of the issue, they are the most committed, the most thoughtful, the most decent, the most honest fishermen that you are going to find in the state of Maine. And that is part of my problem with this Bill, is that when you get 2 groups of people with opposing view points, both of whose argument has merit, I would hesitate to venture in and make that decision for them, at this point in the game. I think it's too sudden. I think it's too soon. I think there is too much disagreement and uncertainty regarding this issue to be making this decision right now. There are about 1200 federal permit holders in the State of Maine. This Bill only affects them. They are the only people now who can legally fish outside 3 miles. So, we're talking only about federal permit holders, not about all lobstermen in the state. The Bill was brought forward, in part, because the sense is that what we had done last year disrupts traditional fishing patterns and that's probably true. But we have disrupted a lot of traditional fishing patterns in a lot of ways well before now. The same disruption is happening inshore, if you want to call it a disruption. But in that case the fishermen agreed that the disruption is worth it because there is a higher goal here and that goal is conservation of an industry that has been blessedly healthy, that has record catches every year, and yet the fishermen, in their wisdom, are cautious enough and conservative enough to want to make sure that we have a handle on this fishery because if it were to go south, the way that some of the other fisheries have, we would see an awful

lot of people out of business and an awful lot of families in the highest unemployment areas of the state with no income. So the question here is not does this disrupt traditional fishing patterns, the question is is it worth it? And I don't know the answer to that today and I'm not sure anyone in this chamber does. And that leads me to feel that we are not ready to make a decision on this issue. This Bill would allow fishermen fishing outside the 3 mile line to put their gear anywhere they choose to. Under current law they may put half their gear anywhere they choose to. They are not locked into their zones under existing law. This would simply allow them to fish 100% of their gear anywhere. The limited entry program in the State of Maine that we adopted last year has only been implemented this past September. We haven't even had a fishing season since that was implemented. We don't know whether we will discover flaws in that system or not. But we certainly are not going to find out if we change that process before it's even been fished for a season. And we may find ourselves back here next year in the even more difficult situation of saying we wish we had the lines back and that will be a way harder sell. Lobster don't stop at 3 miles. They have no respect for the lines that we draw on the water. There are fishermen who make the case that the brood stock outside of 3 miles is the source of their fishing inside, so the fishermen who only fish inside of 3 are concerned that the results of your decision today will effect their fishing by the actions of the fisherman who are fishing outside of 3 miles. I think most of you have seen the zone map of the coast of Maine. One zone, Zone E, has already gone to the lowest trap limit of the regular zones at 600 traps. The effect of this Bill would be that when those fishermen fish outside, because that trap limit would still hold, they would be competing with all the other fishermen in the state who have 800 traps with their 600 traps. That's not a level playing field. In Zone G, it's the only zone in the state that has decreased lobster landings, unlike the entire rest of the coast. Landings are down in G. We're not entirely sure why, but the effect of this Bill would be to allow more fishermen with more traps into that area of decreased landings. That is an unfair disadvantage to the fishermen in Zone G. Would this Bill make a difference to those landings in G? We don't know for sure, but the fishermen think so. Will this Bill undermine our zone process? As some people have said, what's the use? Why bother all this effort with management if the legislature is going to start making these decisions for us. I don't know if it would undermine the zone process, but the fishermen think so. This Bill has not gone to the Lobster Advisory Council for an opinion. It has not officially gone to the zones for an opinion. It's premature. We shouldn't be making this decision today. What I believe we should be doing is having a coast-wide debate, getting far more input from the other zones who have barely weighed in on this issue at all before we make a significant change. Unintended consequences are the point. We often find those in legislation that we pass and yet to make a major change in our current law before we know the consequences, let alone the unintended the consequences, could lead to even more unintended consequences. If this Bill passes now, we are going to end up with a zone who's a winner and a zone who's a loser. If we have the opportunity to take a broader look at this issue, get the fishermen together, which believe me they have been willing to do over and over again, to try and solve these problems, and get a good consensus on the coast and address some other issues that are coming up around limited entry, as well, that would give us a shot at making a sound proposal to you that the committee supports, that the fishermen support, and that I would urge you to support. But I submit to you

that we are not at that point yet. I hope you will not act prematurely. I ask you to support the minority report. Thank you.

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

Senator **HARRIMAN:** Thank you very much Madam President. Good afternoon ladies and gentlemen of the Senate, this afternoon I want to rise and stand up and speak up for people who are making their living as lobstermen and women in our state. And I do so because back in 1995, I believe, when the first legislation was passed creating these zones, I was one who spoke at the time in opposition to that plan. And I did so because I believed at the time, and I think the facts today would prove, that we have more traps in the water today than we did in 1995 when the message was we have to limit entry, lower the number of traps to protect the resource. And what has happened? Anybody who had less than 1200 traps at the time heard that the legislature had just taken a special interest in this resource and those who were only fishing a few hundred traps quickly got up to the maximum amount that they could afford to put in the water, at least that's my view. And so as a result, Madam President, there are more traps in the water today than there were when this Bill was first initiated. And I hope, over time, that the wisdom behind the law that was passed does indeed prove that the resource over time will be protected as originally envisioned. So I wanted you to know where I start from on this Bill before us and I ask myself if Maine's jurisdiction over our oceans extends only 3 miles, why are we saying to the lobstermen in the state that our jurisdiction will extend 200 miles? So, I think the idea before us to eliminate the three mile line, we can still co-manage the resource within our territorial waters, enable those lobstermen who have a federal permit to fish anywhere beyond 3 miles, and I would also add, Madam President, that their ability to put traps in the water is limited to 800, just like those within the 3 miles. So I guess at the end of the debate, I come down on the side of people who are making their living in the sea, who have the federal permit, who care just as much about the resource as you and I do. And I say let's defeat the pending motion, move onto accept the majority report. Thank you, Madam President.

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

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

Senate called to order by the President.

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

Senator **KILKELLY:** Thank you Mr. President. Mr. President, may I pose a question through the Chair?

THE PRESIDENT: Senator may pose her question.

Senator **KILKELLY:** Thank you Mr. President. To anyone who can answer. Is the Department of Marine Resources ready to enforce the situation as it currently exists?

THE PRESIDENT: The Senator from Lincoln, Senator Kilkelly poses a question through the Chair to anyone who may wish to

answer. The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT**: Thank you Mr. President. Men and women of the Senate, I would have to say that I would believe the Department's response to that would be they are ready to enforce any of the State's Marine Resource Laws to the best of their ability given their rather limited enforcement staff. It's not always possible to enforce those laws along a 3500 mile coast line, but they do the best they can.

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

Senator **KILKELLY**: Thank you Mr. President. Men and women of the Senate, my reason for posing that question is that, having spoken with a number of people about the challenge of this particular law enforcement, I understand that there are some concerns in the Department, in part, given the size of the vessels they have in order to do this kind of law enforcement and this kind of patrol. And my concern then goes to the fact that if we are going to continue with the process that can't be enforced, what kind of conflict is that going to create among people? If there's someone who says this is the letter of the law so I am going to obey it, and then there's someone else who believes that, given the capacity of Marine Resources, that in fact the law's not going to be enforced. My concern is that it's going to create a lot more conflict among people than it will resolve. And so I would urge us to look at the kind of statute that we create and make sure that, in fact, it is reasonably enforceable. I have grave concerns that if we don't pass this legislation that we will, in fact, will be creating a situation that is not reasonably enforceable and we'll create additional conflict and additional stress for folks on the water. So again, I would urge you to defeat the pending motion so that we can go on and pass this Bill. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator **SMALL**: Thank you very much Mr. President. Men and women of the Senate, I don't pretend to have expertise in the marine resources issues, but, fortunately, I have a constituent that I can rely on that does. And he gave me some information on one statement that was made that the catch was down in Zone G. And according to the Department of Marine Resources, the Zone G landings for 1998 were 2,360,325 pounds and in 1999 that increased to 3,264,619. So I just want to make that clarification on behalf of my constituent. And also, Mr. President, I would request that the vote be taken by the yeas and nays.

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

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

Senator **GOLDTHWAIT**: Thank you Mr. President. Men and women of the Senate, my request to speak button doesn't seem to be functioning terribly well today. Thank you for recognizing me. Ladies and gentlemen of the Senate, I want to speak to a couple of the points that have been raised. The first is regarding

jurisdiction beyond 3 miles and why should we attempt to take over that water. The fact is that we have jurisdiction on Maine licensees, wherever they fish, all the way out to the 200-mile line. That's been court tested, it's well established, that is our current jurisdiction. As far as enforcement, if we are going to say that we're not going to pass any laws that can't be adequately enforced, then we should be abandoning all of our laws outside of 3 miles, all of which we have jurisdiction over and all of which are the subject to the same difficulties regarding size of boats and size of staff, in terms of enforcement. This will make that situation neither better nor worse.

As far as the question of the catch in Zone G, in my attempt to try to make this comprehensible to people who don't deal with fishing issues every day, I chose not to differentiate between a stock assessment and a catch. It is, in fact, the stock assessment that has been done through a peer review scientific study that indicates that the stock in Zone G is at the lowest rate of other areas of the state. And finally, Mr. President, I too have a letter from a fisherman who has, what I think, is some very good advise at the end of it. This is a Zone C fisherman who has been very much involved in fisheries management issues and is, in fact, on the Marine Resources Advisory Council. He says this year the fishermen in the State of Maine have some very important decisions to make regarding future entry into our very limited fisheries that will affect our coastal communities for a long time to come. We need to take a hard look at what it is that what we really want and what is important to us. Hopefully, we can make those decisions with our eyes wide open and an understanding of the implications of our actions. And I would submit, Mr. President, that the understanding of the implications of our actions is lacking in this issue at this moment and would urge you to support the pending report.

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

Senator **PENDLETON**: Thank you Mr. President. Men and women of the Senate, I hope that you will support the pending motion, Ought Not to Pass, on this piece of legislation. As has been mentioned to you earlier, there will be winners and there will be losers and I'm told that the stock in the G Zone, which I represent, is at a low point. There are three issues, I think, when we keep discussing this whole issue of the management zones. There are the economic issues, which were read to you in a letter. There are social issues that were mentioned earlier. And also there are the biological issues. And I think this afternoon I would like to address to you the biological issues. I too have had close contact with a fisherman in my area. He had several traps, several more traps, prior to the zoning laws than he does now and he also has a degree in marine biology, which I was kind of sorry that I found out about too late, because I just finished taking marine biology at the University of Southern Maine and I could have used his help then. But he has given me some information that I really feel that I need to share with you. He has given up his traps, but he's looking at it as a conservation measure. And, if I may, I hope that it's okay that I mention his name, John Butler, so that it's on the record, because these remarks are basically from his perspective after he explained to me what was going on. And I think what he had to say to me is that we have to remember that before there were lobster management zone legislation, the National Marine Fishery Service, through an independent scientific review team, declared that the American lobster was

over fished. I know that to be true because I was taught that in my classes just a short time ago. This resulted in mandates that were directed to us by the Maine Fishery Service and each state was to develop a policy that would rebuild the lobster population. The specific biological goals were to increase egg production and to decrease lobster mortality. For any piece of lobster legislation that comes before this Body, we must ask ourselves, and we must ask and always do ask ourselves, what is our goal in the legislation? Where are we going? What is the final product? And what we need to ask ourselves now is how will this Bill help the State of Maine to reach the biological goals of egg production? This was one of the most important things that was stressed in my biology class. LD 2341 is really, to me, an anti-conservation Bill because it goes against the basic fabric of the zone concept, because when the zones work on conservation, they can do it in a local control manner and they know what their breed stock is. The Bill does nothing, really, to address the issue of over fishing. In fact, this Bill will contribute to increasing exploitation of the resource by allowing an influx of traps just 3 miles from the shore of the zone. Lobsters are highly migratory species and they don't recognize when they've crossed over the 3-mile zone. And I need to tell you another interesting fact that I learned in biology class, that when the lobsters come in the spring, they crawl along the bottom and when they go out in the fall, they swim out so that they can be swooped up by the draggers, and that's something I didn't know about. The lobster zone process is in its infancy, that's already been mentioned. If we are going to truly embrace a cold management concept developed by the legislation that we passed prior, then it's imperative that we do not undermine the rights of the zone to control their own destiny. By passing LD 2341, we will be doing just that. We will be controlling their destiny. A lobster management zone will lose all sense of stewardship over the resource. Long-term conservation goals will be extinguished. For lobster zone management to be successful, it must be embraced by the zone members. For the biological conservation goals to be successful, it must be a grassroots movement by the fishermen. In order to reach our common biological goals, we must improve the zone system so that it can work better to serve the social needs of the local communities. Independent people do not like to think that they've lost their local autonomy through blanket legislation and LD 2341 runs contrary to that concept. At the very least, this legislation will cause severe apathy among zone members and at the very worst, the demise of the zones. We have a responsibility to see that what we started five years ago works at it was intended, to end the over fishing and to increase our egg production and to rebuild the lobster population. Many of those remarks were some of my own remarks put in. As I said, from a fishermen in my area, John Butler, who is also a marine biologist. So I hope that we can heed his advice, because he has been on both sides of the issue, both personally, economically, socially, and also from the biological concept. So I do hope you will accept the minority Ought Not to Pass report. Thank you.

Off Record Remarks

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

Senator MACKINNON: Thank you Mr. President. Men and women of the Senate, I'll rise and be brief on my remarks. I know you've heard other speakers, pros and cons on this, but I would like to weigh in officially on this and tell you that the process that we have started is uncomfortable with a lot of people because you're starting to take away some of the rights that people have always had in their traditional areas. But we have supported our zone councils, which are the majority of the people who are using this resource for their survival. If you look at the areas, F and G, you're looking at G, an area where everybody in the state has had increases, I'm sure you've been told Zone G has gone down. We are now opening that area up, if we're looking at total conservation, opening that area up after 3 miles. Lobsters do not know how far a track meet they have to run. We don't tag them and say that this is F and this is G and if you pick ours up, please put it back into this side. We're saying this is a movable species. This is a species that we have not control over, except for putting some lines out to limit the effort, which goes into that zone. If we take this here now and move this out and say that it's a free-for-all outside of 3 miles, we are then saying that anybody can move, and I grant you, there are problems with both sides of this. But if we do that, there will be a tremendous take out there. A lot will not be moving into Zone G, which we are trying to keep people there with our lines even out to 3 miles. So we're also saying to these people, limit your traps. Stay within this area. But if it's down, don't worry about it because you can go up to another zone and get a license and stay up there. You have to fish there, but we're very sorry for you at this particular time. We know that it's your economic concerns there. It's the same thing as the people outside who are saying that you are taking away our livelihood. We have already gone back a number of traps. That hurt the big people and that hurt the people who usually go out to that zone. I agree 100% with that. But if we're not going to allow people that we gave the zone process to to make their own decisions and, when there's a discomfort level, it comes up to here and we have to settle it, we might as well not have that process itself. We have entrusted this to the zones. We should then support the zones. Hopefully, the people can work their problems out and come back. If not, it's going to be here. And, because of that, I would ask that you, please, support the minority report at this particular time. Thank you.

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

Senator PINGREE: Thank you Mr. President. Men and women of the Senate, I would like to just speak briefly on this because I think most of the arguments that can be made have been made and I want to agree with some of my fellow Senators who say this is a complex, confusing, and difficult issue. But I did want to reiterate one thing that I thought that helped me to understand it a little bit which was said by the good Senator from Lincoln, Senator Kilkelly, that I think that this was an unintended consequence of the original lobster management laws. Many fishermen fish on both sides of zone lines and many of them abide by the territorial restrictions that have been set for a long time in their waters, that are agreements with other fishermen. And one of the reasons why we need this change in the law is so that we can respect the way that fishing is currently accomplished, not what is set up in the law. And I know that some people have said that we haven't heard from a lot fishermen yet. Fishing is a seasonal business. Many fishermen haven't even had a chance to be out there

setting their traps. And I think we are going to hear more and more about it. This is our opportunity to undo something that only went into place last September, before we do have a tremendous number of issues about enforcement, about gear conflicts with fishermen, about some fishermen following the law and other fishermen not following the law, and our inability to enforce this current law. I know it's confusing, and I know there are good arguments on both sides of this argument, but it is a relatively small number of federal permit holders that are affected by this and I think in the long run we will be better served by voting in opposition to the Ought Not to Pass report and in passing this important piece of legislation. Thank you very much.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Goldthwait to Accept the Minority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following results:

ROLL CALL (#312)

YEAS: Senators: AMERO, BENNETT, BENOIT, BERUBE, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, LAFOUNTAIN, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, PENDLETON, RAND, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, CAREY, HARRIMAN, KILKELLY, LIBBY, LONGLEY, O'GARA, PARADIS, PINGREE, RUHLIN, SMALL

ABSENT: Senators: CASSIDY, KONTOS

EXCUSED: Senators: KIEFFER, NUTTING

Senator **AMERO** of Cumberland requested and received leave of the Senate to change her vote from NAY to YEA.

Off Record Remarks

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 2 Senators being absent and 2 Senators being excused, the motion by Senator **GOLDTHWAIT** of Hancock to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

The Chair laid before the Senate the following Tabled and Later (3/22/00) Assigned matter:

SENATE REPORT - from the Committee on **TAXATION** on Bill "An Act to Exempt a Portion of Private Pensions from Income Taxation"

S.P. 1049 L.D. 2641

Report - **Ought to Pass**, pursuant to Joint Order S.P. 1003

Tabled - March 22, 2000, by Senator **RAND** of Cumberland.

Pending - **ACCEPTANCE OF THE REPORT**

(In Senate, March 22, 2000, Report **READ.**)

On motion by Senator **RUHLIN** of Penobscot, the **OUGHT TO PASS** Report **ACCEPTED.**

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

On motion by Senator **MILLS** of Somerset, Senate Amendment "A" (S-619) **READ** and **ADOPTED.**

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

Senator **AMERO:** Thank you Mr. President. Men and women of the Senate, I just rise this afternoon to commend the committee on the great work that they did in coming together with a proposal that I think begins to provide real equity to all retirees who have pensions in the State of Maine. By extending to both our public employees, our military retirees, our State employees who are retired, and people on private pension who have also retired, I think this Bill goes a long way to making Maine a better State in which to retire. And I see it as a beginning of encouraging our seniors to stay here in the State of Maine. I see it also as a way to attract more seniors to our state to enjoy their retirement. And I hope in future years we will be able to exempt even more than the \$10,000 that this Bill requires. I just wanted to commend the committee on their unanimous report and the great work that they did for people who are retiring in the State of Maine. Thank you, Mr. President.

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

Senator **RUHLIN:** Thank you Mr. President. I would respond to the good Senator from Cumberland and also advise the rest of the Senate. We thank you for those kind words. It has been a work in progress for four years. I think this signifies bi-partisan effort to the committee that united behind an idea to bring fairness in taxation to this state. I think it will have a significant impact. I want to point out, and I will have more to say for the record at the

time of enactment, but at this point, I would like to have all members of the Senate realize, Mr. President, that the Tax Committee unanimously, I believe, considers this also and, I agree with the earlier remarks, that it is but a work in progress. But it is a significant meaningful step forward.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-619).

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1914

ORDERED, the Senate concurring, that the Committee to Study the Further Decriminalization of the Criminal Laws of Maine is established as follows.

1. Committee established. The Committee to Study Further Decriminalization of the Criminal Laws of Maine, referred to in this order as the "committee," is established.

2. Membership. The committee consists of 5 members appointed as follows:

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

B. Three members of the House of Representatives, appointed by the Speaker of the House of Representatives.

3. Appointments; chairs; convening of committee. All appointments must be made no later than 30 days following the effective date of this order. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The first-named Senate member is the Senate chair and the first-named House member is the House chair. When the appointment of all members is complete, the committee chairs shall call and convene the first meeting of the committee no later than May 1, 2000.

4. Duties. The committee shall study further decriminalization of the criminal laws of Maine. In determining whether to decriminalize criminal laws, the committee shall consider:

A. Whether it is appropriate to classify the specific prohibited conduct as criminal, especially as compared to other prohibited conduct;

B. Whether the penalties and punishments are proportioned to the offense as required under the Constitution of Maine; and

C. The consequences of decriminalizing specific crimes.

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

6. Reimbursement. The committee members are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of the committee.

7. Report. The committee shall submit its report with any accompanying legislation to the First Regular Session of the 120th Legislature by November 1, 2000. If the committee requires a limited extension of time to conclude its study and make its report, it may apply to the Legislative Council, which may grant the extension.

8. Committee budget. The committee chairs, with assistance from the committee staff, shall administer the committee budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget.

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

READ.

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

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Require Camp Lot Leases to Include a Clear Statement of Fact" S.P. 917 L.D. 2369

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

Signed:

Senators:

NUTTING of Androscoggin
KILKELLY of Lincoln
KIEFFER of Aroostook

Representatives:

CROSS of Dover-Foxcroft
GILLIS of Danforth
GAGNE of Buckfield
WATSON of Farmingdale

PIEH of Bremen
GOOLEY of Farmington
FOSTER of Gray
CARR of Lincoln
COWGER of Hallowell

**Refer to Committee on Legal and Veterans Affairs
Pursuant to Joint Order (S.P. 1066)**

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-614).**

Senator DAGGETT for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Relating to Reporting Requirements for Political Action Committees on the Flexibility of the Commission on Governmental Ethics and Election Practices to Assess Fines"

S.P. 1070 L.D. 2663

Signed:

Representative:
VOLENIK of Brooklin

Reports **READ.**

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

Sent down for concurrence.

Reported that the same be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, pursuant to Joint Order S.P. 1066.

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

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS.**

Sent down for concurrence.

Off Record Remarks

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

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

REPORTS OF COMMITTEES

Senate

Pursuant to Public Law

Senator **KILKELLY** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Amend the Maine Milk Laws" (EMERGENCY)

S.P. 1069 L.D. 2662

Reported that the same **Ought to Pass**, pursuant to Public Law 1999, chapter 362, section 18.

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

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

Sent down for concurrence.

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **MICHAUD** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Matching Funds for the Study of Nondefense Uses of the United States Naval Shipyard in Kittery, Maine"

S.P. 1031 L.D. 2611

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-616).**

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

READ ONCE.

Committee Amendment "A" (S-616) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-616).**

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

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

SENATE PAPERS

Bill "An Act to Appropriate Funds for the Federal Retirement Recovery Claim" (EMERGENCY)

S.P. 1071 L.D. 2664

Sponsored by Senator MICHAUD of Penobscot.

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

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

Sent down for concurrence.

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator TREAT for the Committee on **NATURAL RESOURCES** on Bill "An Act to Clarify the Authority of State Environmental and Public Health Officials to Monitor and Regulate Nuclear Power Plant Decommissioning, Site Cleanup and Restoration Activities" (EMERGENCY)

S.P. 955 L.D. 2496

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-617)**.

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

READ ONCE.

Committee Amendment "A" (S-617) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-617)**.

Sent down for concurrence.

Senator TREAT for the Committee on **NATURAL RESOURCES** on Bill "An Act to Extend the Removal Deadline for Certain Repaired Concrete Underground Oil Storage Tanks"

S.P. 1039 L.D. 2621

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-618)**.

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

READ ONCE.

Committee Amendment "A" (S-618) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-618)**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House Pursuant to Statutes

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Implement Recommendations of the Joint Standing Committee on Education and Cultural Affairs Relating to the Review of the State Cultural and Other Agencies under the State Government Evaluation Act"

H.P. 1916 L.D. 2661

Reported that the same **Ought to Pass**, pursuant to Maine Revised Statutes, Title 3, section 955, subsection 4.

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

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

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

Ought to Pass As Amended

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

H.P. 101 L.D. 114

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-978)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-978)**.

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

READ ONCE.

Committee Amendment "A" (H-978) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-978)**, in concurrence

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Implement the Study and Report on the Problems of Homeless Youth

H.P. 1534 L.D. 2187

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-975)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-975)**.

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

READ ONCE.

Committee Amendment "A" (H-975) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-975)**, in concurrence.

The Committee on **JUDICIARY** on Resolve, to Extend the Statute of Limitations for Victims of Abuse at the Governor Baxter School for the Deaf

H.P. 1135 L.D. 1620

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-979)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-979)**.

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

READ ONCE.

Committee Amendment "A" (H-979) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-979)**, in concurrence.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Farmington Falls Standard Water District"

H.P. 1884 L.D. 2620

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-959)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-959)**.

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

READ ONCE.

Committee Amendment "A" (H-959) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-959)**, in concurrence.

Senate at Ease.

Senate called to order by the President.

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

SECOND READERS

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

Senate As Amended

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

READ A SECOND TIME.

On motion by Senator **DOUGLASS** of Androscoggin, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-534).

On further motion by same Senator, Senate Amendment "A" (S-620) to Committee Amendment "A" (S-534) **READ** and **ADOPTED**.

Committee Amendment "A" (S-534) as Amended by Senate Amendment "A" (S-620) thereto, **ADOPTED**.

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

The Doorkeepers secured the Chamber.

ROLL CALL (#313)

The Secretary opened the vote.

YEAS: Senators: BERUBE, CAREY, DAGGETT, DAVIS, DOUGLASS, KONTOS, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, FERGUSON, GOLDTHWAIT, HARRIMAN, KILKELLY, LIBBY, MITCHELL, O'GARA, SMALL

ABSENT: Senators: CASSIDY, CATHCART

EXCUSED: Senators: KIEFFER, NUTTING

19 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators being absent and 2 Senators being excused, the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-534) AS AMENDED BY SENATE AMENDMENT "A" (S-620)** thereto.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Allow Police Assistance in Emergency Situations"

H.P. 1767 L.D. 2480

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-908).**

Signed:

Senators:
PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska
RINES of Wiscasset
McDONOUGH of Portland
TWOMEY of Biddeford
BUMPS of China
GERRY of Auburn

On motion by Senator **MACKINNON** of York, **ADJOURNED**, until Monday, April 3, 2000, at 10:00 in the morning.

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

Signed:

Representatives:

BAGLEY of Machias
KASPRZAK of Newport
JODREY of Bethel
RICHARDSON of Greenville

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-908)**.

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-908) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-908)**, in concurrence.

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

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

Off Record Remarks

Senator **KILKELLY** of Lincoln was granted unanimous consent to address the Senate off the Record.
