

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

In Senate Chamber
Wednesday
April 26, 2000

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

Prayer by Senator James D. Libby of York County.

SENATOR LIBBY: Thank you. Please join me prayer.

Heavenly Father, in the waning days of this legislative session, please bless us. Bless the Governor of this state. Help us to work to expand and to prepare for the final decisions that must be made in this chamber. Please provide us with the direction that we need in making these decisions and help us to make certain that those decisions that we make are in the best interest of Maine people. In Jesus name. Amen

Reading of the Journal of Tuesday, April 25, 2000.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

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

An Act Raising the Minimum Wage

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

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

Pending - **ENACTMENT**, in concurrence

(In Senate, April 12, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-918)**, in concurrence.)

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

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

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

An Act to Amend the Lobbyist Registration Fee Provisions
S.P. 503 L.D. 1504
(C "B" S-582)

Tabled - April 3, 2000, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 28, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-582).**)

(In House, April 3, 2000, **PASSED TO BE ENACTED.**)

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

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

An Act to Expand a Judge's Powers for Contemptuous Failure to Pay
S.P. 523 L.D. 1557
(C "A" S-668)

Tabled - April 13, 2000, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 11, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-668).**)

(In House, April 12, 2000, **PASSED TO BE ENACTED.**)

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

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

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

Tabled - April 7, 2000, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 5, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-913) AS AMENDED BY SENATE AMENDMENT "A" (S-638)** thereto.)

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

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

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

An Act to Implement the Recommendations of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy
S.P. 995 L.D. 2557
(C "A" S-632; H "A" H-1050)

Tabled - April 8, 2000 by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 7, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-632) AND HOUSE AMENDMENT "A" (H-1050)**, in concurrence.)

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

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

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

Resolve

Resolve, Authorizing the Refund of Sales Tax Overpayments to a Maine Business
S.P. 1067 L.D. 2660

Tabled - April 4, 2000 by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 30, 2000, **PASSED TO BE ENGROSSED.**)

(In House, April 4, 2000, **FINALLY PASSED.**)

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

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

Emergency Measure

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

Tabled - April 8, 2000, by Senator **CATHCART** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

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

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

The same Senator moved to **INDEFINITELY POSTPONE** the Resolve and accompanying papers, in **NON-CONCURRENCE.**

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 **MICHAUD** of Penobscot, **TABLED** until Later in Today's Session, pending the motion by same Senator to **INDEFINITELY POSTPONE** the Resolve and accompanying papers, in **NON-CONCURRENCE.** (Roll Call Ordered)

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

An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to State Earned Income Credit

H.P. 90 L.D. 103
(C "B" H-812)

Tabled - March 14, 2000, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 7, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-812)**, in concurrence.)

(In House, March 9, 2000, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

An Act to Exempt Capital Gains from the Maine Income Tax
H.P. 219 L.D. 297
(C "A" H-890)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, April 4, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-890)**, in concurrence.)

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

The same Senator moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending the motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

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

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

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

Pending - **ENACTMENT**, in concurrence

(In Senate, April 3, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-621)**.)

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

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

(See action later today.)

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

An Act to Stimulate Job Creation and Investment in Maine by Amending the Income Tax Apportionment Formula
S.P. 360 L.D. 1064
(C "A" S-544)

Tabled - April 10, 2000, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 4, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-544)**.)

(In House, April 8, 2000, **PASSED TO BE ENACTED**.)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

An Act to Change the Reimbursement Rate for Law Enforcement Personnel Who Testify in Court
H.P. 894 L.D. 1251
(C "B" H-783)

Tabled - February 29, 2000, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, February 22, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-783)**, in concurrence.)

(In House, February 25, 2000, **PASSED TO BE ENACTED**.)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

An Act to Establish a Trust Fund to Provide Statewide Assistance to Low-income Electric Consumers
H.P. 1069 L.D. 1500
(C "B" H-891)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, March 27, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-891), in concurrence.)

(In House, March 29, 2000, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

Sent down for concurrence.

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

An Act to Encourage Funding for Applied Research and Development Relevant to the Maine Economy

H.P. 1081 L.D. 1528
(C "A" H-927)

Tabled - April 3, 2000, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 29, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-927), in concurrence.)

(In House, April 3, 2000, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

Sent down for concurrence.

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

An Act to Promote Equity Among Health Care Clinics

S.P. 532 L.D. 1594
(C "B" S-487)

Tabled - March 7, 2000, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, February 18, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B"** (S-487).)

(In House, March 3, 2000, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

Sent down for concurrence.

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

An Act to Increase Health Insurance Benefits for Retired Educators

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

Tabled - March 21, 2000, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

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

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

The same Senator moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

Senator **BENNETT** of Oxford requested a Roll Call.

On motion by Senator **MICHAUD** of Penobscot, **TABLED** until Later in Today's Session, pending the motion by same Senator to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**. (Roll Call Requested)

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

An Act to Encourage Equity Equivalent Loans or Investments in Nonprofit Community Economic Development Organizations
S.P. 642 L.D. 1824
(C "A" S-553)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, March 22, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-553).**)

(In House, March 29, 2000, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Resolve, to Reinstate Emergency Assistance for Dependents of Veterans

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

Tabled - March 7, 2000, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

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

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

The same Senator moved to **INDEFINITELY POSTPONE** the Resolve and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending the motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Resolve and accompanying papers, in **NON-CONCURRENCE**.

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

Resolve

Resolve, Directing the Bureau of Liquor Enforcement to License an Agency Liquor Store in the City of Caribou

H.P. 1413 L.D. 2020
(C "A" H-777)

Tabled - April 7, 2000, by Senator **CATHCART** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 5, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-777)**, in concurrence.)

(In House, April 6, 2000, **FINALLY PASSED.**)

The same Senator moved to **INDEFINITELY POSTPONE** the Resolve and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **PARADIS** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Resolve and accompanying papers, in **NON-CONCURRENCE**.

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

An Act to Expand Pretrial Services for the Bail and Supervision of Criminal Defendants Statewide

H.P. 1446 L.D. 2067
(C "A" H-1070)

Tabled - April 8, 2000, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 7, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1070)**, in concurrence.)

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

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

An Act to Establish the Public Resources and Information for Maine Foundation

S.P. 737 L.D. 2087
(C "A" S-570)

Tabled - March 30, 2000, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 23, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-570).**)

(In House, March 30, 2000, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

An Act to Enhance the Maine State College Savings Program
S.P. 742 L.D. 2101
(C "A" S-501)

Tabled - March 9, 2000, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, February 25, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-501).**)

(In House, March 7, 2000, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

An Act to Conform the Tax Laws of this State for 1998 With the United States Internal Revenue Code

H.P. 1613 L.D. 2256
(C "A" H-779)

Tabled - February 29, 2000, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, February 22, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-779)**, in concurrence.)

(In House, February 25, 2000, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

An Act to Make Changes to the Cub Care Program

H.P. 1622 L.D. 2269
(C "A" H-929)

Tabled - March 31, 2000, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 29, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-929)**, in concurrence.)

(In House, March 31, 2000, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

An Act to Appropriate Funds to Match a Federal Department of Energy Research and Development Award

S.P. 882 L.D. 2297
(C "A" S-547)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, March 21, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-527)**.)

(In House, March 28, 2000, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Resolve

Resolve, to Provide Adequate Reimbursement for Speech and Language Pathologists and Audiologists and a Study of Medicaid Reimbursement

S.P. 889 L.D. 2308
(C "C" S-633)

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

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 4, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-633)**.)

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

The same Senator moved to **INDEFINITELY POSTPONE** the Resolve and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **PARADIS** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Resolve and accompanying papers, in **NON-CONCURRENCE**.

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

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

Tabled - March 21, 2000, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 9, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-520).**)

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

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

(See action later today.)

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

An Act Concerning Eligibility Requirements for State Employees, Teachers and Participating Local District Employees to Purchase Military Service Credit

H.P. 1649 L.D. 2318
(C "A" H-1075)

Tabled - April 8, 2000, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 6, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1075)**, in concurrence.)

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

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Resolve

Resolve, to Increase the Reimbursement Amount for Occupational and Physical Therapy Services Under the Medicaid Program

H.P. 1655 L.D. 2324
(H "A" H-903 to C "A" H-853)

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

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 23, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-853) AS AMENDED BY HOUSE AMENDMENT "A" (H-903)** thereto, in concurrence.)

(In House, March 28, 2000, **FINALLY PASSED.**)

On further motion by same Senator, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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

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

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

Pending - **ENACTMENT**, in concurrence

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

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

The same Senator moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending the motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

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

Resolve

Resolve, to Provide Funds to the Bureau of Veterans' Services to Enhance the Efficiency of Regional Field Offices in Delivering Services to Veterans

H.P. 1667 L.D. 2336
(C "A" H-780)

Tabled - February 29, 2000, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, February 22, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-780)**, in concurrence.)

(In House, February 25, 2000, **FINALLY PASSED**.)

The same Senator moved to **INDEFINITELY POSTPONE** the Resolve and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending the motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Resolve and accompanying papers, in **NON-CONCURRENCE**.

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

Resolve

Resolve, to Provide Funds to Assist in the Expansion of the Maine Veterans' Memorial Cemetery System

H.P. 1668 L.D. 2337
(C "A" H-775)

Tabled - February 29, 2000, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, February 22, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-775)**, in concurrence.)

(In House, February 25, 2000, **FINALLY PASSED**.)

The same Senator moved to **INDEFINITELY POSTPONE** the Resolve and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending the motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Resolve and accompanying papers, in **NON-CONCURRENCE**.

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

An Act to Increase the Pay for Jury Duty

S.P. 902 L.D. 2354
(C "A" S-576)

Tabled - March 31, 2000, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 27, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-576)**.)

(In House, March 31, 2000, **PASSED TO BE ENACTED**.)

The same Senator moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending the motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

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

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

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

Tabled - April 7, 2000, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

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

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

The same Senator moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending the motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

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

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

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

Tabled - April 5, 2000, by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

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

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

The same Senator moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

Senator **BENNETT** of Oxford requested a Roll Call.

On motion by Senator **MICHAUD** of Penobscot, **TABLED** until Later in Today's Session, pending the motion by same Senator to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**. (Roll Call Requested)

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

An Act to Establish a Comprehensive Electronic Claims-filing System for the Medicaid Program
S.P. 929 L.D. 2379
(C "A" S-679)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, April 8, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-679)**.)

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

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Off Record Remarks

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

Emergency Measure

An Act to Appropriate Funding for the Maine School of Science and Mathematics for Fiscal Year 1999-00
H.P. 1687 L.D. 2393
(C "A" H-842)

Tabled - March 21, 2000 by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, March 15, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-842)**, in concurrence.)

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

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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

Tabled - March 31, 2000 by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 29, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-939)**, in concurrence.)

(In House, March 31, 2000, **PASSED TO BE ENACTED**.)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

An Act to Expand Educational Opportunities for Elderly Persons
H.P. 1692 L.D. 2398

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

Pending - **ENACTMENT**, in concurrence

(In Senate, April 4, 2000, **PASSED TO BE ENGROSSED**, in concurrence)

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

The same Senator moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending the motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

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

An Act to Designate a Poison Control Center and to Adequately Fund Poison Control Services

H.P. 1693 L.D. 2399
(C "A" H-849)

Tabled - March 23, 2000, by Senator **HARRIMAN** of Cumberland.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 16, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-849)**, in concurrence)

(In House, March 22, 2000, **PASSED TO BE ENACTED**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Act to Relieve Counties from the Expense and Responsibility of Transporting Certain Prisoners between Correctional Facilities and Courts

H.P. 1733 L.D. 2439
(C "A" H-881)

Tabled - March 27, 2000 by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 22, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-881)**, in concurrence.)

(In House, March 23, 2000, **PASSED TO BE ENACTED**.)

The same Senator moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending the motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

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

Resolve

Resolve, to Provide Medicaid Reimbursement for Hospice Care
H.P. 1748 L.D. 2454
(H "A" H-1023 to C "A" H-971)

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

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 4, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-971) AS AMENDED BY HOUSE AMENDMENT "A" (H-1023)** thereto, in concurrence.)

(In House, April 5, 2000, **FINALLY PASSED**.)

The same Senator moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending the motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

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

An Act to Appropriate Funds to the Forum Francophone
H.P. 1750 L.D. 2456
(C "A" H-907)

Tabled - April 3, 2000 by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 30, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-907)**, in concurrence.)

(In House, April 3, 2000, **PASSED TO BE ENACTED**.)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Emergency Measure

An Act to Reduce the State Rate for Tax on Telecommunications Personal Property

H.P. 1752 L.D. 2458
(C "A" H-897)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, March 27, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-897)**, in concurrence.)

(In House, March 29, 2000, **PASSED TO BE ENACTED**.)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

An Act to Generate Economic Development Through Community Service and Education

H.P. 1761 L.D. 2467
(C "A" H-1083)

Tabled - April 8, 2000 by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 7, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1083)**, in concurrence.)

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

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

An Act to Revitalize Teacher Certification

H.P. 1763 L.D. 2469
(C "A" H-997)

Tabled - April 4, 2000 by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 3, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-997)**, in concurrence.)

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

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

An Act to Appropriate Funds for Acquisitions for the Maine State Library

H.P. 1770 L.D. 2483

Tabled - March 7, 2000 by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, February 25, 2000, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, March 3, 2000, **PASSED TO BE ENACTED**.)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

An Act to Establish the Applied Technology Development Center System

H.P. 1785 L.D. 2506
(C "A" H-962)

Tabled - April 3, 2000 by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 30, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-962)**, in concurrence.)

(In House, April 3, 2000, **PASSED TO BE ENACTED**.)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

An Act to Promote Safe Mobility for Maine's Aging Population
through Education and Community-based, Economically
Sustainable Alternative Transportation

H.P. 1796 L.D. 2521
(C "A" H-933)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, April 4, 2000, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-933)**, in
concurrence.)

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

On further motion by same Senator, Bill and accompanying
papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

Sent down for concurrence.

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

An Act to Provide Funding for Mental Retardation Day Services
and Residential Services for Nonclass Members

H.P. 1810 L.D. 2536
(C "A" H-906)

Tabled - March 30, 2000 by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 28, 2000, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-906)**, in
concurrence.)

(In House, March 30, 2000, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying
papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

Sent down for concurrence.

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

An Act to Implement the Recommendations of the Court
Unification Task Force

H.P. 1829 L.D. 2563
(C "A" H-1081)

Tabled - April 8, 2000 by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 7, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1081)**, in concurrence.)

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

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Resolve

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

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

Tabled - April 8, 2000 by Senator **CATHCART** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

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

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

The same Senator moved to **INDEFINITELY POSTPONE** the Resolve and accompanying papers, in **NON-CONCURRENCE**.

Senator **BENNETT** of Oxford requested a Roll Call.

On motion by Senator **MICHAUD** of Penobscot, **TABLED** until Later in Today's Session, pending the motion by same Senator to **INDEFINITELY POSTPONE** the Resolve and accompanying papers, in **NON-CONCURRENCE**. (Roll Call Requested)

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

Emergency Measure

An Act to Restore the Chaplaincy in the Maine Correctional Center in South Windham

H.P. 1837 L.D. 2575

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

Pending - **ENACTMENT**, in concurrence

(In Senate, March 27, 2000, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, March 29, 2000, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

An Act to Amend the Comprehensive Research and Development Evaluation

S.P. 1043 L.D. 2631

Tabled - March 27, 2000 by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 16, 2000, **PASSED TO BE ENGROSSED.**)

(In House, March 23, 2000, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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

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

Tabled - April 4, 2000 by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

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

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

The same Senator moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

Senator **BENNETT** of Oxford requested a Roll Call.

On motion by Senator **MICHAUD** of Penobscot, **TABLED** until Later in Today's Session, pending the motion by same Senator to

INDEFINITELY POSTPONE the Bill and accompanying papers, in **NON-CONCURRENCE**. (Roll Call Requested)

Senate called to order by the President.

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

Off Record Remarks

An Act to Create a Linked Investment Program for Child Care Providers

S.P. 1073 L.D. 2675

Tabled - April 7, 2000 by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 4, 2000, **PASSED TO BE ENGROSSED**.)

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

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senator **BENNETT** of Oxford moved the Senate **RECONSIDER** whereby it **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**, the following:

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

(In Senate, March 9, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-520)**.)

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

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

On motion by Senator **MICHAUD** of Penobscot, **TABLED** until Later in Today's Session, pending the motion by Senator **BENNETT** of Oxford to **RECONSIDER** whereby the Bill and accompanying papers was **INDEFINITELY POSTPONED**, in **NON-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.

Senate at Ease.

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

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

After Recess

Senate called to order by the President.

Senator **MURRAY** of Penobscot moved the Senate **RECONSIDER** whereby it **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**, the following:

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

(In Senate, April 3, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-621)**.)

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

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECONSIDER** whereby the Bill and accompanying papers was **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Off Record Remarks

Senator **CASSIDY** of Washington was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

ORDERS OF THE DAY

Senate called to order by the President.

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

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

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

Pending - **ENACTMENT**, in concurrence

(In Senate, April 13, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-686).**)

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

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

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

An Act Concerning Fingerprinting and Background Checks for School Employees
S.P. 987 L.D. 2540
(S "A" S-735 to C "B" S-692)

Tabled - April 25, 2000 by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 24, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-692) AS AMENDED BY SENATE AMENDMENT "A" (S-735)** thereto.)

(In House, April 25, 2000, **PASSED TO BE ENACTED.**)

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

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

Off Record Remarks

Senate at Ease.

Off Record Remarks

Off Record Remarks

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

Emergency Measure

An Act to Provide for Safety in the Maine Conservation Corps
S.P. 915 L.D. 2367
(C "A" S-568)

Tabled - March 30, 2000, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 28, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-568).**)

(In House, March 30, 2000, **PASSED TO BE ENACTED.**)

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.

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

Mandate

An Act to Improve Public Water Supply Protection
H.P. 1862 L.D. 2597
(C "A" H-1106)

Tabled - April 12, 2000 by Senator **CATHCART** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 11, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1106)**, in concurrence.)

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

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 25 Members of the Senate, with no Senators having voted in the negative, and 25 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.

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Create a New Category of Liquor License and to Exempt Pool Halls, Bowling Alleys and Off-track Betting Facilities from the Prohibition Against Smoking"

H.P. 1807 L.D. 2533
(S "A" S-669 to C "A" H-1004)

In Senate, April 13, 2000, **PASSED TO BE ENACTED**, in concurrence.

RECALLED from the Governor's Desk, pursuant to Joint Order, H.P. 1954, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1004) AS AMENDED BY HOUSE AMENDMENT "C" (H-1168)** thereto, in **NON-CONCURRENCE**.

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

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

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

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

On motion by Senator **NUTTING** of Androscoggin, **RECESSED** until 7:00 in the evening.

After Recess

Senate called to order by the President.

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

QUORUM CALL

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#419)

PRESENT Senators: ABROMSON, AMERO, BENNETT, CASSIDY, CATHCART, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, HARRIMAN, KILKELLY, LAFOUNTAIN, LIBBY, MILLS, MURRAY, PARADIS, PINGREE, RAND, TREAT, THE PRESIDENT - MARK W. LAWRENCE

EXCUSED: Senator: SMALL

20 Senators having answered the Roll with 1 Senator being excused, the Chair declared a quorum present.

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

COMMUNICATIONS

The Following Communication: S.C. 657

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

April 26, 2000

Dear Members of the 119th Legislature,

Enclosed please find S.P. 987, L.D. 2540, "An Act Concerning Fingerprinting and Background Checks for School Employees," which I am returning without my signature or approval.

This bill repeals the existing law requiring all school employees, both current and future, to undergo background checks for criminal history, based on fingerprints, at the time of licensing or renewal by the Department of Education. The bill requires background checks only for new applicants for licensure or new employees after August 15, 2000. The bill exempts all current school employees from background checks, unless the school employee subsequently seeks employment in a different school district. For individuals who are employed in schools as of August 15, 2000, who subsequently change employer, each local school board in the state would determine whether this sub-class of new employees would also be subject to background checks, based on fingerprints.

As you know, Maine has recently been recognized for having the finest K-12 educational system in America. A central reason for this success is a spectacularly dedicated, experienced and capable teaching faculty and staff. As a parent who has had children in Maine's public schools for over 25 years (the total will be 38 years when Molly finishes high school), I can attest to this fact without reservation.

Let there be no doubt that the overwhelming majority of these extraordinary educators are of outstanding and unblemished character. Unfortunately, tragic experience has also taught us that in any group of 50,000 individuals, there are likely to be a small minority who pose a threat to society, in this case, to the very children entrusted to their care. The law which this veto leaves intact is in no way an accusation or indictment of any individual or group; it is instead a simple recognition of our responsibility to take cognizance of an unfortunate, but compelling statistical fact.

The damage that even a handful of the wrong people can do to children is immeasurable and the victims of such damage will be scarred for life.

The existing law requiring background checks for all school employees is a sensible safeguard to protect our children from individuals with proven criminal convictions. The Department of Education has long had rules prohibiting individuals with dangerous convictions from working in our schools. Criminal history records checks, based on fingerprinting, provide the only systematic, consistent, and accurate means to enforce this prohibition. Importantly, the law sends a strong message that should deter individuals with serious convictions from seeking or continuing employment in Maine schools.

The existing law is a carefully crafted measure that was studied extensively by all stakeholders prior to enactment by the Legislature in 1997. The process for conducting background checks is designed to be constitutional, to be consistent, to ensure confidentiality of all criminal records, and to be narrowly tailored to focus on recent, serious criminal convictions which show that an individual poses a threat to children.

All stakeholders endorsed this sensible precaution when it was presented in 1997. A number of groups representing educators, parents, school boards, advocates for victims of sexual assault, and citizens continue to strongly support this safeguard for students.

Maine's adoption of a background check requirement for school employees makes Maine's practice consistent with the national standard. Thirty-four other states require background checks using fingerprints. Twenty-one of those states, like Maine, require checks for all school employees without an exemption for current employees.

The background check is a device for prevention, not accusation, and is a uniformly applied requirement for all school employees. Many other professions require background checks. Until 1972, all Maine school children were fingerprinted for safety reasons. Numerous other Maine residents have been fingerprinted, including more than 150,000 who were printed incidental to military service. Mary and I were fingerprinted in 1994 as part of the adoption process – and I did not view this in any way as an accusation, but rather as a reasonable precaution where a child's life and welfare was at stake.

The approach in L.D. 2540 is an unacceptable substitute for existing law. L.D. 2540 would exempt more than 47,000 current employees from background checks. Thus, the bill would only ensure that a fraction of school employees -- the new hires -- would have clean records -- and it would take over 30 years to provide that assurance for all employees. It strikes me as disingenuous at best that those who oppose this process on the grounds of principle seem prepared to impose the process they find so objectionable on others, but not themselves.

L.D. 2540 is laden with ambiguities about which employees would be covered and when background checks would be conducted. With regard to the narrow circumstances under which current school employees may be screened if they change employers, the bill creates a patchwork of protection to be determined by each local school board – and imposes the cost of these background checks on local school districts.

I cannot support an approach which reduces the existing safeguard to such inconsistency and incompleteness. More than 16,000 school employees have already been fingerprinted. It is a mistake to alter a sensible policy in mid-course and waste considerable resources already invested in protecting children.

There is broad consensus that if the State mandates background checks for school employees, the State – and not the employee – should pay the cost of the checks. In addition, it is necessary to make adjustments to the timeframes for fingerprinting and running criminal history records checks on several categories of school employees and contractors in order to successfully implement the existing law. I stand ready to work with the Legislature to resolve both of these concerns, but in a form that is not coupled with the poor public policy of exempting current school employees.

The most compelling argument to me, and the ultimate reason I cannot sign this bill, is the stark fact that if we take this step and effectively exempt almost 50,000 people from this sensible and non-intrusive requirement, some day two, five, or ten years from now, we will awaken to news of a horrendous case which could have been prevented – and all of us who supported this proposal – including me if I sign it – will bear a full measure of responsibility. This I cannot and will not do.

I want to end this message with a somewhat unusual plea directed to those dedicated, skilled, and conscientious educators who believe that compliance with this law requires such a compromise of their principles that they feel compelled to leave their honorable and vitally important profession. Please rethink this position – you are not being accused and you are not being subjected to a process any different from that applied to tens of thousands of your fellow citizens. To those of us who place our children into your care each day, this is neither a brand nor an accusation, and it will only become so through your own words and actions. Our children need principled leaders, teachers, and mentors, but in this case, the principle being asserted simply does not rise to a level which would justify leaving the students to whom you have given so much.

For the reasons outlined above, I believe that background checks as a safeguard for children should be required in a fair and consistent manner for all school employees. I am in firm opposition to L.D. 2540 and I respectfully urge you to sustain my veto.

Sincerely,

S/Angus S. King, Jr.
Governor

READ and ORDERED PLACED ON FILE.

The Accompanying Bill:

An Act Concerning Fingerprinting and Background Checks for School Employees

S.P. 987 L.D. 2540
(S "A" S-735 to C "B" S-692)

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

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

Senator **MURRAY:** Thank you Mr. President. Men and women of the Senate, I rise this evening with a heavy heart to address the issue before us. About 3 hours ago this body overwhelmingly enacted this measure before us in a strong vote to endorse L.D. 2540. Although I rise with a heavy heart, I am somewhat amused and envious.

I recall in my college days, and I confess to you in my days since that time, I've had to struggle mightily to put pen to paper and come up with something that I thought was a work product that I could at least be happy with, let alone be proud of. So, I applaud the Governor for his ability to be able to craft such a lengthy and eloquent veto message in such a short period of time. It's certainly something I could never have done anywhere near as well. I agree with many of the concepts that he asserts in his veto message. The specific praise that he presents to the teaching community and staff members in our schools throughout the state, I wholeheartedly agree with. He cites as a central reason for the great success of the K through 12 system in this state, the spectacularly dedicated experienced and capable teaching faculty and staff. He goes on, at the conclusion of his letter, to note that our children need principled leaders, teachers,

and mentors. I couldn't have said that better myself. I wholeheartedly agree with him because we certainly do need that.

I part company with the Governor, however, on the bulk of the rest of his message. I'm perplexed at some of its inherent inconsistencies and reasoning as the basis for his decision not to support the law that we so recently sent to him. Let me articulate a few of those for you, if I may ask your indulgence, Mr. President. The Governor, as part of his message, lauds the current law, the law that was passed by the legislature in 1997, as being one that was crafted carefully and studied extensively. It had the endorsement and support of different stakeholders throughout the state. He lauds that Bill as being the one he holds up with admiration and as the one that we should now look to in endorsing and supporting. Yet, at the same time, his own veto message seems to acknowledge the fact that that same law he lauds on page 2 - on page 3 - requires adjustments. Changes in time frames for fingerprinting. Additional costs that weren't dealt with. Additional categories of school employees that aren't covered. Additional time that's necessary to deal with the issue of contracted services. All without a solution to those same problems and merely an extension of his willingness to work with us.

You can't have it both ways in my opinion. You can't hold this law up as the beacon that he attempts to do while at the same time recognizing its shortfalls and not proposing any solutions. The Governor lauds the fact that there were stakeholders in 1997 who supported this Bill. He seems to suggest that ought to be the basis for which we climb on board and endorse that measure again today. While I think we all understand how that stakeholder process can work in the committee settings, and how sometimes it works well. But sometimes that stakeholder process tends, to if not exclude, to fail to include the very players for whom the law is aimed at addressing. That, quite frankly, men and women of the Senate and Mr. President, is what happened when that law was enacted 2 or 3 years ago. It was only when that law began to be implemented that its true effect became known far and wide. And it's from that point forward that the issue really began to receive the scrutiny, the effort and the attention of all of us. So the Governor lauds the participation 3 years ago of the stakeholders, but seems to forget or ignore the participation of everyone here this year. It seems more than a little strange to me that we have now had a position, this issue, dealt with perhaps more than any other issue in front of this legislature or perhaps even in front of the public for the last 6 months. It has been the subject of countless editorials, articles, e-mails both from our constituents and some we've sent to them. It has been unlike the passage of the law 2 to 3 years ago. The subject of, some might say, endless debate in these very chambers. But at a very minimum, hours of debate. Heartfelt debate both in this chamber and at the other end of the hall. When this law was passed 3 years ago there was zero debate in the House or the Senate. Why we can turn our heads away, ignore, or cast aside the effort, attention, and debate that has gone on this year which yielded the enactment by both this body and the other body of the Bill that is now in front of us, while at the same time lauding the efforts of only the stakeholders 3 years ago, is a position I cannot understand or accept.

There are other inconsistencies with the position that's presented to us in the veto message tonight that I don't need to go into in any great detail. Suffice it to say the humble opinion of this one senator is that the arguments set forth before us are not

compelling. I am disappointed that there would be an attempt to thwart the will of the legislature and its positions in enacting this Bill. There was a great deal of effort involved on a number of people's parts at trying to address the very concerns that the Governor articulates with the current law. The product of that was this Bill before us tonight. The Bill that we're asked to make law notwithstanding the Governor's objections, which I urge you to do, is the most reasoned, rational, and sensible approach to the issue that was presented to us dealing with the safety of our children and the background checks of our educational personnel.

None of us, despite the Governor's best intentions and desires, or the intentions and desires of any of us, can make our schools as safe as we want them to be. The Bill before us can't do that. Current law can't do that. Nothing we can do, despite our best intentions, could ever do that. That is not the type of world we live in. We are called upon and can only do the best we can to balance the desires for safety and respect those whom we call upon to teach our young and to subject themselves to the whims of any legislature or governor. The Bill before you focuses our efforts in the best way possible to address those unknowns that we know the least about. It addresses the issue of safety in a way that's most targeted toward producing the best result possible, because there are no guarantees, no matter what position we may adopt or what position we may be left with. The strength of the Bill before you, and the one I ask you to continue to support, is that it is not only promoting the safety of children in targeting our resources and efforts at the best means possible, it also maintains the respect and the value that we need to convey to those teachers and staff members who struggle, work, labor, and produce fruit in our school systems throughout the state.

My great concern at the actions of the Governor is that the result will have the effect of not making our schools any safer but have the great detrimental effect of making our schools a worse place to be. I hope I'm wrong on that. I have never hoped to have been wrong on anything as strongly as that. But without the measure that's before us that continues to respect those individuals, and to the contrary, suggests to them something far less than respect, the effect of that, in my opinion, will be that our schools will have changed. Unfortunately, changed dramatically. I hope, as the Governor indicates in his veto message, that those individuals that he lauds early in his letter chose to continue in our school systems because it is truly their contributions, whether as a teacher, or a cafeteria worker, or a crossing guard, that contributes to the end product that makes our experience as a community, and more importantly, our children's experience as young individuals learning the experience it was meant to be. I hope I am wrong my friends in the Senate and Mr. President. But I think our course of action tonight to ensure that we don't make that mistake is to continue to support this measure, notwithstanding the Governor's disapproval. For all those reasons, and many more unspoken, I urge you to join with me in voting to make this Bill law notwithstanding the Governor's objections. Thank you, Mr. President.

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

Senator **LIBBY:** Thank you Mr. President. Men and women of the Senate, I beg to differ somewhat with my good friend and colleague, the Senator from Penobscot, who just spoke. I differ with him on this one issue. It is possible to put together an eloquent speech and/or written testimony in less than 3 hours

because it just happened. I think that the Senator from Penobscot speaks for my beliefs. I believe that, because of this veto, more professions down the road face the same threat. The threat of being offended, violated, and asked to be treated like criminals. What are those professions? Professions like psychologists, professions like occupational therapists, professions like nursery school attendants, professions like even all parents, who actually do come in contact with children and what dangers do they pose? This is a question that should be evaluated whether it is a public or a private event. Whether it is a public or privately funded occurrence. I, for one, feel that until we have had that thorough discussion of all of the professions involved, it is a waste of the public's money, \$2 million worth of money, to focus on one profession. To discriminate against one profession. That one profession is the profession that we should hold more dear than maybe any other profession in the State of Maine. That is teaching. Teaching young people. The success of teaching young people, and the shame that comes with what's associated with the law that was passed in 1997.

I'm going to give you a few examples tonight, none that I'm particularly feeling too good about right now. But I'll give you one example. First I'd like to start with the example of the young teacher, 30 years old, who made a mistake about 11 years ago and was convicted of a crime in another state. The mistake was probably compounded by, in the initial certification, filling out a form and probably lying on the form and saying that they had never been convicted of a crime. That individual, and there are actually many, will now be exposed. Should they be exposed? Maybe they should because they lied on an application. Have they had the opportunity to make up for their past mistakes? I don't know if they should. I don't know if that issue has been debated. I, frankly, think there is an awful lot of those that we're going to find. What were the crimes? Well, it depends on the Department of Education. It depends on whether or not it's a crime that they view as a danger to children. It depends on the length of time that it has been since the crime was committed. So am I making an excuse for those people? No, not at all, I'm just pointing out there's one ramification that we don't want to talk about and that is there are some teachers who are about to lose their jobs because they will not be recertified because they did not admit on their application that they were convicted of a crime in Florida during spring break of their sophomore year in college. Fortunately, I wasn't one of them, but they're out there.

More importantly than issues like that where there are some questions as to whether or not those people should be teaching or not, there are issues that haven't been debated. More importantly though is treating other people with common decency. Treating people in the profession that is teaching with common decency. Does this new law do that? New, yeah, it's 3 years old but it's just being implemented now. I say that this law does not treat those teachers with common decency, with common courtesy. If you explore the statute, I think it's in Title 13, I can't remember now, you will see what the reasons are for being fingerprinted in the State of Maine. It starts with being a criminal, or a convict. It goes on to talk about other heinous crimes. Then it gets down to, I think, D or E and it says teachers. I'm not proud of that, when I read that passage, because there is no other profession in there that it applies to. We have to treat our teachers with a great deal more respect than we're treating them with right now. Frankly, there have only been a few people who have shown leadership to try to prevent that. The leadership that I'm talking about is the leadership that has been displayed by the good Senator from

Penobscot. The good Senator from Penobscot apparently listened to the debate and heard the Department of Education here in the State of Maine say months ago that the real problem, for example, was people applying for Maine jobs from out-of-state. The L.D. that we're discussing now, L.D. 2540, takes care of that problem. That was the major problem that was outlined to us as legislators. The major problem, the big concern, not the 25-year veteran, but somebody coming in from out-of-state. On that basis I feel that this Bill is not pandering and I've heard that it is. This Bill, I believe, is a simple and distinct recognition that the legislature in 1997 made a mistake. The fact that this Bill passed the body with such a strong vote is also, I believe, an indication that this body made a mistake in 1997 by passing it without even a word of debate. The testimony said it all. The problem is with new hires and this Bill takes care of that problem.

I know I'm not supposed to, or at least I don't believe I'm supposed to, Mr. President, discuss anything that has been written by the Executive Branch in answer to the reason for a veto. But possibly I can speak about that. I'm being encouraged to speak about that. I want to point out then one solid sentence that I, with all the greatest respect for our Chief Executive - I have the greatest respect for our Chief Executive. We agree on many issues and we disagree on some. I remember at the end of a really heated debate. I left the chamber and the Chief Executive was standing outside the chamber. I said to him, "I'm sorry that I disagreed with you Governor" and he said, "That's okay, my wife disagrees with me sometimes." I said to him, "If your wife disagrees with you on this issue, she's with me and you ought to reconsider."

The passage in the veto message that bothers me especially is I think a clear message to the members of this body. The passage is this, "It strikes me as disingenuous at best that those who oppose this process on the grounds of principle seem prepared to impose the process they find so objectionable on others, but not themselves." I disagree with that statement. I disagree with it greatly because it gets to the heart of the Bill that we have in front of us now. I do not believe that this is a disingenuous Bill. I believe that this Bill is a thoughtful, caring approach to a problem that the people of Maine have identified for us. That the people of Maine have asked us to reconsider. Shall we or shall we not reconsider when we make a mistake? I say that we shall, and just like a time some months ago when we decided that a Bill should be overridden, a \$100,000 bill for Meals on Wheels, that it should be overridden. We did make the right decision because this body did listen to the testimony. Just like then, I believe it now, we should override this veto. I ask you to join me in doing so. I thank you very much.

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

Senator **GOLDTHWAIT:** Thank you Mr. President. Ladies and gentlemen of the Senate, I find myself in a bit of a dilemma here because I have voted against all versions of the fingerprinting Bill since they have been introduced. Unlike those previous occasions, tonight I don't have the opportunity to vote either "for" or "against" a Bill. I have an opportunity to vote for 1 of 2 versions of something that I don't agree with or approve of.

So I simply wanted to state for the record, without reiterating my previous arguments, that I do oppose the fingerprinting of teachers. I will be required by our rules to cast a vote on this matter, but I do so reluctantly and with the clear understanding

that I am opposed to fingerprinting of school employees. Thank you.

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

Senator **BENNETT:** Thank you Mr. President. Fellow members of the Senate, I just had the opportunity to read this veto message from the Chief Executive. One paragraph stands out to me that I think merits a bit of discussion. That is the paragraph, it's kind of long, forgive me, but to give the whole sentence, I have to read the whole paragraph. I guess that maybe an occupational hazard of writing quickly is writing longwindedly. But he writes, "The most compelling argument to me, and the ultimate reason I cannot sign this bill, is the stark fact that if we take this step and effectively exempt almost 50,000 people from this sensible and non-intrusive requirement, someday 2, 5, or 10 years from now, we will awaken to news of a horrendous case which could have been prevented - and all of us who supported this proposal - including me if I sign it," he writes "will bear a full measure of responsibility. This I cannot and will not do."

I take exception to that paragraph. Does the Governor take responsibility for all the abuse that is happening now in the state, because of the failure of state agencies to aggressively enforce current laws regarding child abuse? I don't think so. This really gets to the heart of the question before us today. Which is, why are we focusing on this single area when there is so much abuse going on in this state? It doesn't relate to anything our schools and our educators are doing. I received an e-mail just the other day, actually it appears it was yesterday. It seems like weeks ago. It is from a woman who works for an agency, a not-for-profit agency in my district, that covers Androscoggin and Oxford Counties. She sees first hand the abuse that occurs in this state. She writes, in a very compelling way, this. And I quote, "It is very frustrating to hear the rhetoric regarding teachers and fingerprinting when the State of Maine has so many children who have been reported as being abused by their parents or other family caretakers that are not being seen by our program or child protective services. Even though we have 22 licensed social workers on board in the 3 western Maine counties in our Family Support Program, we have over 100 families on our waiting list for services. There are 91 families that we can't get to in Androscoggin County and 12 and counting in Oxford County. The Community Intervention Program, Family Support Program, needs to expand to meet the needs of these children. Lots of Maine children are being abused in their homes. That is a fact." She writes, "How many children have been abused in schools in the past ten years?" She concludes in this way, "It is frustrating that much of our legislature's time and energy is being taken up by the teacher issue when teachers are not statistically the people who abuse Maine kids. Parents and their adult boyfriends are the people who are abusing Maine kids. Let's put our time and resources toward the real issue please."

In my view, the current law is much more about perception of doing something about abuse of children. It's much more about the liability concerns of state agencies and of our schools than it is about doing something meaningful to help curb abuse. For that reason, I will be voting to make this Bill become law notwithstanding the objections of the Governor. I encourage you to do the same. Thank you, Mr. President.

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

A vote of yes was in favor of the Bill.

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

ROLL CALL (#420)

YEAS: Senators: BENNETT, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, HARRIMAN, KILKELLY, KONTOS, LIBBY, MICHAUD, MURRAY, NUTTING, PARADIS, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, LAFOUNTAIN, MILLS, O'GARA

ABSENT: Senators: BENOIT, BERUBE, CAREY, KIEFFER, LONGLEY, MACKINNON, MITCHELL, PENDLETON

EXCUSED: Senator: SMALL

21 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 8 Senators being absent and 1 Senator being excused, and 21 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

Off Record Remarks

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committees on **JUDICIARY** and **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Establish Requirements for the Removal of Directors of Certain Maine Business Corporations before the Expiration of Their Established Terms" (EMERGENCY)

S.P. 1089 L.D. 2693

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-740)**.

Signed:

Senators:
TREAT of Kennebec
KONTOS of Cumberland

Representatives:
THOMPSON of Naples
BULL of Freeport
LaVERDIERE of Wilton
JACOBS of Turner
MITCHELL of Vassalboro
MADORE of Augusta
SCHNEIDER of Durham
MENDROS of Lewiston
CLOUGH of Scarborough
O'NEAL of Limestone
USHER of Westbrook
BOLDUC of Auburn
TRIPP of Topsham

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

Signed:

Representatives:
NORBERT of Portland
WATERHOUSE of Bridgton
MARVIN of Cape Elizabeth
BOWLES of Sanford

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-740) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

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

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

COMMUNICATIONS

The Following Communication: S.C. 655

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

April 26, 2000

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

Dear President Lawrence and Speaker Rowe:

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

- L.D. 2653 An Act to Create an Assessment Resource Center for Maine's Homeless and At-risk Youth
- L.D. 2683 An Act to Enhance Economic Development in the State of Maine

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

Sincerely,

S/Sen. Michael H. Michaud Senate Chair	S/Rep. Elizabeth Townsend House Chair
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READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 656

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

April 26, 2000

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

Dear President Lawrence and Speaker Rowe:

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

- LD 1619 An Act to Create A Patients' Bill of Rights

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

Sincerely,

S/Sen. Lloyd P. LaFountain III
Senate Chair

S/Rep. Jane W. Saxl
House Chair

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

Resolve

Resolve, Directing the Bureau of Liquor Enforcement to License an Agency Liquor Store in the City of Caribou

H.P. 1413 L.D. 2020
(C "A" H-777)

Tabled - April 26, 2000, by Senator **PARADIS** of Aroostook.

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

(In Senate, April 5, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-777)**, in concurrence.)

(In House, April 6, 2000, **FINALLY PASSED.**)

On motion by Senator **MICHAUD** of Penobscot, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

Sent down for concurrence.

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

Resolve

Resolve, to Provide Adequate Reimbursement for Speech and Language Pathologists and Audiologists and a Study of Medicaid Reimbursement

S.P. 889 L.D. 2308
(C "C" S-633)

Tabled - April 26, 2000, by Senator **PARADIS** of Aroostook.

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

(In Senate, April 4, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-633).**)

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

On motion by Senator **MICHAUD** of Penobscot, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (4/14/00) Assigned matter:

Bill "An Act to Increase the Cap on the Maine Rainy Day Fund"
S.P. 62 L.D. 132
(C "A" S-714)

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

Pending - motion by same Senator to **RECONSIDER** whereby the Senate **FAILED** to **PASS TO BE ENGROSSED AS AMENDED**

(In Senate, April 14, 2000, Report **READ** and **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (S-714) **READ** and **ADOPTED**. Under suspension of the Rules **READ A SECOND TIME** and **FAILED** to **PASS TO BE ENGROSSED AS AMENDED**. Subsequently, Senator **PINGREE** of Knox moved to **RECONSIDER** whereby the Senate **FAILED** to **PASS TO BE ENGROSSED AS AMENDED**.)

At the request of Senator **BENNETT** of Oxford a Division was had. 13 Senators having voted in the affirmative and 7 Senators having voted in the negative, the motion by Senator **PINGREE** of Knox to **RECONSIDER** whereby the Senate **FAILED** to **PASS TO BE ENGROSSED AS AMENDED**, **PREVAILED**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-714).

On further motion by same Senator, Senate Amendment "A" (S-738) to Committee Amendment "A" (S-714) **READ**.

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

Senator **RAND:** Thank you Mr. President. Ladies and gentlemen of the Senate, the title of this Bill, "An Act to Increase the Cap on the Rainy Day Fund," actually is not descriptive of what the Bill ended up to be. The Bill, as it stands now, would take the interest income earned from the Rainy Day Fund and automatically deposit it into the Retirement Allowance Fund, which takes care of the unfunded liability in our retirement system. The amount of money proposed is approximately \$7 million a year. It was my belief that \$14 million in a biennium seemed like a large amount of money to automatically go toward this very, very worthwhile and fiscally responsible fund.

Certainly, in my own caucus, when we discussed this Bill it seemed that people were ready to agree with this. I have proposed an amendment. My amendment would do this; it would take one-half of the money and put it toward the unfunded liability. The other half would be put toward the establishment by the Department of Education of a fund that would address the statewide needs for the improvement to school facilities, school construction, and renovation depending on how the decisions were made to spend that money. That would be ongoing. Possibly up to \$7 million every two years would go into this fund. We've had many discussions, just this session, on the crying needs that our school system has as far as renovation and construction. I'd ask you to please support this amendment. We would at least ensure beginning in the fiscal year '03 - '04 that money would definitely be set aside, at least once every two years, for this very great need that the schools in Maine are experiencing. Thank you.

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

Senator **MICHAUD:** Thank you Mr. President. Men and women of the Senate, I hope that you vote against this amendment. What this amendment does is it clarifies the flow into the Rainy Day Fund by some technical language. The original Bill, which was a unanimous recommendation from the Committee on Appropriations, says that currently, if the Rainy Day Fund is at its cap, the interest will no longer go into the Rainy Day Fund. What happens is that the interest will fall into the general fund. If it's not at its cap than clearly, the interest stays within the Rainy Day Fund. If there is any excess, that will flow into the general fund. What the committee has done is that if the Rainy Day Fund is at its cap, then rather than having the interest flow to the general fund, it will flow into the unfunded liability in the retirement system. As you know, the unfunded liability for the pensions and the retirement has been dipped into, has been pushed out. We've done a lot of things to it, particularly during the early '90s, when we pushed out paying off the unfunded liability by another 10 years. I think it's a bad mistake to adopt this amendment. I think it's about time that the legislature makes an aggressive move toward securing the pension fund. I've had a lot of people, a lot of teachers, and state employees who have a lot of concern. We are making progress. The committee unanimously thought that this would be a good method - to continuously make progress in paying down the unfunded liability in the retirement system. The

reason why we chose the unfunded liability in the retirement system is, if you look at all the accounts of the Rainy Day Fund, the Rainy Day Fund receives roughly 6% interest. The unfunded liability over the years has been getting as high as 9% or 10%. So we're getting a lot more bang for our buck by having the money going into the unfunded liability.

School construction. I know that the committee is working with the Education Committee currently to try to amend L.D. 870. That's where that issue should lay. I do not think, or believe, by adopting this amendment that it's good, wise policy. We have an obligation to the retirees of this state. I think we have an obligation to try to be the most fiscally prudent that we can be. The most fiscal prudent manner is for that money to go into the unfunded liability for the retirement system.

Mr. President, when the vote is taken, I request a roll call.

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

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

Senator **RAND:** Thank you Mr. President. Men and women of the Senate, I couldn't agree more with the good Senator from Penobscot, Senator Michaud, when he talks about the benefits of depositing this much money into the fund that takes care of the unfunded liability of our retirement system. We do have an obligation to our retirees. We do meet that requirement to the best of our ability right now. We have the means and a formula built-in to the law right now that deposits money into that fund. But we also have an obligation to our children. It has been said before, they only have one 1st grade, one 2nd grade, one 3rd grade. They're only going through one time. We can't afford too many mistakes along the way. Certainly to have our children breathing asbestos, being surrounded by lead paint, and having sewage flow through their classrooms is not an appealing thought for any of us who sit in this chamber. What we do here in state government always involves a balance. I think it would be a perfect balance to take one-half of this money and address our obligations that we do have, we most certainly have, to our retirees, but also take half that money and address the obligation that we do have to our school children. So I would urge you please to adopt this amendment. Thank you.

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

Senator **MILLS:** Mr. President, just a couple of words by way of a footnote to the comments made by the good Senator Michaud from Penobscot. The unfunded liability of our pension fund is something in excess of \$2 billion. In order to bring it current, to pay for the current obligations that we have incurred and that are guaranteed by our constitution, if we had to write a check today to meet that obligation, we would have to write a check for the entire revenue of 1 year of tax receipts. In other words it's about, as I remember, just under \$2.5 billion, which is just about an entire year's revenue for the whole State of Maine, in order to bring that obligation current. That's a rather extraordinary bill. I have often been curious about how we stack up against other states with respect to our unfunded liability. There are many other states that have pension systems similar to ours and that have a comparable

problem. I have seen at least one tabulation that shows us very near the bottom in terms of the level of funding for our unfunded liability. I think we ranked 49th out of 50 in one tabulation that I saw, which may not be entirely fair because I'm not sure that all states, in fact, many other states may not have our complex system to define benefits. In any case, there are certainly many states where the liability on their pension system is not only fully funded, but is carrying a surplus. They had put enough money in, in years past, to bring it up toward full funding. With the tremendous gains that they've experienced in the stock market, they've actually run over. So they have a luxurious situation of being able to demand less by way of annual contribution than the amount necessary to pay for the pensions as they accrue.

On the other hand, even under our current amortization schedule, we're running at about a 10% penalty. That is, when we hire a new state employee, it costs us for benefits, for payroll, and for pension a certain amount of money. We have to add 10% of the raw payroll costs onto those other costs just to pay for the bill that we've incurred and haven't met. So our whole state is running with a 10% penalty on its payroll account. To make matters worse, there are 17,000 school teachers for which we pay pensions. We're paying a great deal of money, over \$100 million a year just to pay the bill on the unfunded liability for those pensions. We're not in great shape. My understanding is that this fact of the unfunded liability and the relatively poor posture of our unfunded liability is becoming a more prominent feature on our bond rating. That Moody's and the investment houses in New York are beginning to look at not just the approved bonds. Our approved bonding level was about half a billion, about \$500 million outstanding right now, plus the \$200 million that we will soon have through the Maine Facilities Guarantee Authority. In addition to that we have this \$2.5 billion unfunded pension liability which is 5 times the level of our bonded indebtedness. It is no wonder that the bond houses are beginning to look, with better scrutiny, at the level of that obligation. It bothers me a great deal that with the \$350 million surplus this year we are making zero extra contribution to that unfunded liability. We're making what the constitution requires and what our statutes require. But we're making no extra contribution. Worse yet, if we have a surplus July 1, normally a good piece of that surplus would go to the unfunded liability. We have diverted that fund this time to pay for laptops. Do we dare call them laptops? In any case, we're not meeting the obligation that we should be meeting as responsible financial managers. It bothers me more that, as a gesture toward meeting that obligation, the Appropriations Committee has given us a Bill that will reduce the amortization period from 25 years down to 19 years on that unfunded liability. We don't start making contributions at that rate until, I believe, next fiscal year. So none of the surplus that we have had the luxury of dealing with this year is being applied. We have diverted the spill-over funds at year end away from the unfunded liability. It does seem to me that the Bill that the Appropriations Committee has proposed in its unamended form; to let the interest from the Rainy Day Fund spill directly into the unfunded liability and to let all of it go there, is an appropriate and prudent thing to do. Therefore, I will vote against the amendment and for this Bill this time. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Rand to Adopt Senate Amendment "A" (S-738) to Committee Amendment "A" (S-714). A Roll Call has been ordered. Is the Senate ready for the question?

ROLL CALL (#421)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

YEAS: Senators: DAGGETT, DOUGLASS, KONTOS, LAFOUNTAIN, LIBBY, PARADIS, PINGREE, RAND, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, CASSIDY, CATHCART, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KILKELLY, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, RUHLIN

ABSENT: Senators: BENOIT, BERUBE, CAREY, KIEFFER, LONGLEY, MACKINNON, MITCHELL, PENDLETON

EXCUSED: Senator: SMALL

10 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 8 Senators being absent and 1 Senator being excused, the motion by Senator **RAND** of Cumberland to **ADOPT** Senate Amendment "A" (S-738) to Committee Amendment "A" (S-714), **FAILED**.

Committee Amendment "A" (S-714) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-714).

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

The Chair laid before the Senate the following Tabled and Later (2/22/00) Assigned matter:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Regulate Push Polling" S.P. 420 L.D. 1257

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

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-502)** (6 members)

Tabled - February 22, 2000, by Senator **DAGGETT** of Kennebec.

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

(In Senate, February 22, 2000, Reports **READ**.)

(In Senate, April 12, 2000, motion by Senator **BENNETT** of Oxford to Remove from the **TABLE**, **FAILED**.)

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

Senator **DAGGETT**: Thank you Mr. President and members of the Senate. I'm somewhat reluctant to call this a peripatetic Bill, but I think I will call it long suffering at least. I apologize for having it sit here for this length of time, but there have been a number of efforts near the end of the last session as well as in the last few weeks, to try to develop an amendment that seemed satisfactory to a variety of interests.

The issue of push polling is very difficult. It is an emotional issue for those who are familiar with it. It is difficult to describe. It is difficult to single out a particular type of polling that we find particularly reprehensible, and not address polling which we feel is appropriate and serves a legitimate purpose. There continue to be concerns with this Bill and the language in dealing with this difficult issue. I think there are those of us who feel that it's not necessary to legislate things that are inappropriate, that we know are inappropriate, and to put in law something that is virtually unenforceable.

Using the phone, saying things that misrepresent, are meant to encourage people to do things based on erroneous information. It is clearly a reprehensible act. Unfortunately, the cover of telephoning makes it very difficult to require accountability that can then be verified. Trying to arrive at appropriate language; I have spent some time trying to do that with the sponsor of this Bill. The Bill was a carryover from last session. I find myself feeling that, at this time, I have to continue with the Ought Not to Pass report and encourage you to support that report. Thank you very much.

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

Senator **BENNETT**: Thank you Mr. President. Fellow members of the Senate, alas the good day has come. I am most grateful. I rise to urge you to vote against the pending motion. I am the sponsor of the Bill and encourage you to vote against the pending motion, so that we can go on to adopt the minority Ought to Pass report.

Let's get one thing straight. Push polling is not polling. It's a form of political communication, not unlike your newspaper ad, or a piece of direct mail. It is meant to sway voters and advocate for a point of view. As such, it ought to undergo the same disclosure requirements that exist for all other forms of political communication. That, at its essence, is what this Bill would do. It would make a clear definition of what push polling is and then it would require that the disclosure laws which relate to all other forms of political advocacy are followed with push polls. So please, as I make my remarks here tonight, please keep that in mind.

Most of you know what a push poll is. The definition is crucial, so I'll define it. A push poll is an interview with a voter designed to influence his or her decision with a series of questions. What you and I would call loaded questions. These questions appear to be an objective opinion poll concerning an issue, but are worded to suggest answers that support a certain position. Unlike a legitimate poll, they are undertaken usually late in a campaign and statistical sampling is not used. Instead, hundreds or even thousands of calls will be made into one community. A clearer definition of push poll can be found in the 1996 book by Larry Sabato and Glen Simpson, two very distinguished people. Larry Sabato is a professor of government and political science at the University of Virginia. Glen Simpson is a respected reporter, now with the Wall Street Journal. Their

book, Dirty Little Secrets, and I have a copy if anybody is interested in reading it. In the chapter aptly entitled "Reach Out and Slime Someone, The Age of Telephone Sleaze," they define a push poll as "A survey instrument containing questions that attempt to change the opinion of contacted voters, generally by divulging negative information about the opponent. This often pushes the voter away from him or her and pulls the voter toward the candidate paying for the polling." Clearer yet, "A push poll is a widely communicated and well-orchestrated smear done under the cloak of anonymity and the guise of a legitimate public opinion survey. Its objective is to damage a candidacy through misleading statements. There are no paper trails, no disclaimers or accountability." Colleagues, I'm asking you today to end this masquerade. This is the worst kind of political campaigning and the sort of thing the public cites when questioned about its disdain for government. It's a technique, unfortunately, used by both political parties in primaries and general elections. The recent presidential primaries brought the issue back to the news. Now, slandering in the political arena is nothing new. Since the beginning of democracy, politicians have made misleading or erroneous assertions about their opponents while on the campaign trail. The candidate in target, however, is usually allowed an opportunity to refute these claims. Push polling does not allow for a response because, by law, the perpetrators don't have to say who they are or whom they work for. In this way it runs counter to the central supporting pillar of modern efforts at campaign reform disclosure. Strangely those who oppose this measure, this Bill, do so under the guise of First Amendment rights. The First Amendment argument is empty rhetoric for this reason. If requiring disclosure on flyers, pamphlets, and other campaign propaganda doesn't constitute a First Amendment violation, why would a disclosure on a phone call? Indeed, we have a loophole in our otherwise tight disclosure requirements about paid political speech. We ought to close the loophole because it is being exploited more and more.

Now the majority report that is before us today is Ought Not to Pass. In other words lets not make an attempt to make this Bill work. Unfortunately, the report before you today was voted on party lines and it clearly says to the people that one party wants disclosure with push polls and one doesn't. The Bill offers a simple, consistent, and constitutional solution. It requires a person conducting a push poll by telephone, for any candidate for office, to disclose the name and address of the organization conducting the push poll. The name and address of the person or organization underwriting the push poll, and the name of the candidate and the office for which the candidate is running if the poll is authorized by a candidate.

As many of you know, I feel strongly about push polling because I was a victim of this smear tactic. The story I am going to relate to you comes directly from published research in Dirty Little Secrets by Larry Sabato and Glen Simpson. They wrote of this case in their book, Dirty Little Secrets, which I referred to earlier. In 1994, I was involved in a highly contested race for Maine's Second Congressional District, with John Baldacci. I was a target of a late campaign push poll that asked respondents if their opinion of me would be changed if they knew that I had defaulted on \$10,000 worth of student loans, yet loaned the same amount to my campaign. The truth, not that it often has a place in push polling, was that I had constantly met the required payments and abided by all of the agreements of the student loan. I was told about the poll by an outraged Democrat who planned on voting for my opponent but was so turned off by what he called

the libelous nature of the poll that he phoned my campaign. The student loan charge was not the only disparaging assertion. Another so-called question asked the voters quote, "If you knew Bennett sponsored a Bill in the Maine Legislature that would have cut the State Attorney General's budget down to virtually nothing and allowed murderers to go back out on the streets, would you support him?" Again, a total falsehood. Were these irresponsible, hyperbolic smears harmful to my campaign? You bet. What's more, it was detected so late in the race that it rendered damage control virtually impossible. How do you deal with this when subject to a push poll? I chose to disclose it. A risky response. Indeed, I am sure that many voters only heard on the nightly news the day that I had my press conference, "Rick Bennett denies defaulting on student loans." The real answer to push polls is more disclosure. Now in my case, the Maine Democratic Party denied any involvement, but one of my opponent's campaign consultants confirmed that the unions, at the behest of the Democratic Party, paid for the poll. He was directly quoted in the book, Dirty Little Secrets. If the pollsters had been made to disclose the pertinent information, the voters could have decided for themselves who was better suited to represent their best interests.

Again, opponents of this Bill will argue that it is a violation of the First Amendment. This is not the case. My aim is not the elimination of push polls. I am not trying silence anybody, but rather have him or her speak more. By forcing the perpetrators of these actions to disclose whom they work for, we will be empowering the citizens of Maine to judge for themselves about the veracity of political speech by fully revealing its source. Push polling is demeaning to candidates, belittling to voters, and destructive of our democracy. It deters good people from entering political service and public service. I know several of you here today, on both sides of the aisle, have been subject to a push poll. I hope that I can count on your support in mandating disclosure for those who take part in this shameful behavior. Please vote against the pending motion so that we can adopt the minority report. Thank you.

The Chair ordered a Division. 9 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **DAGGETT** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "B" (S-502) **READ**.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "B" (S-502).

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Promote Healthy Maine Families"

S.P. 492 L.D. 1477

Majority - **Ought to Pass** (8 members)

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

In Senate, March 27, 2000, Reports **READ** and Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**.

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

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

Non-Concurrent Matter

SENATE REPORTS - from the Joint Select Committee on **RESEARCH AND DEVELOPMENT** on Bill "An Act to Enhance Biomedical Research in Maine"

S.P. 913 L.D. 2365
(C "A" S-599)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-599)** (9 members)

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

In Senate, March 29, 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" (S-599)**.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

S.P. 1071 L.D. 2664

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

In Senate, March 31, 2000, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to Committee.

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

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

Non-Concurrent Matter

Bill "An Act to Allocate from the Fund for a Healthy Maine" (EMERGENCY)

H.P. 1818 L.D. 2552
(H "A" H-964 to C "A" H-941)

In Senate, March 30, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-941) AS AMENDED BY HOUSE AMENDMENT "A" (H-964)** thereto, in concurrence.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Promote Bone Marrow Donation"

S.P. 916 L.D. 2368
(S "A" S-695 to C "A" S-596)

In Senate, April 13, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-596) AS AMENDED BY SENATE AMENDMENT "A" (S-695)** thereto, in **NON-CONCURRENCE**.

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

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

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

ENACTORS

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

Act

An Act to Amend the Liquor Laws to Create a New Category of License for Pool Halls and Exempt Them from the Prohibition Against Smoking

H.P. 1807 L.D. 2533
(H "C" H-1168 to C "A" H-1004)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#422)

YEAS: Senators: AMERO, BENNETT, CASSIDY, CATHCART, DAGGETT, DAVIS, FERGUSON, HARRIMAN, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, MICHAUD, MURRAY, O'GARA, RUHLIN, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, DOUGLASS, GOLDTHWAIT, MILLS, NUTTING, PARADIS, PINGREE, RAND, TREAT

ABSENT: Senators: BENOIT, BERUBE, CAREY, KIEFFER, LONGLEY, MACKINNON, MITCHELL, PENDLETON

EXCUSED: Senator: SMALL

17 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 8 Senators being absent and 1 Senator 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.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Ensure that Maine Citizens Injured While Working in Foreign Countries are Provided with Workers' Compensation Benefits"

H.P. 1907 L.D. 2652
(C "A" H-969)

In Senate, April 4, 2000, **PASSED TO BE ENACTED**, in concurrence.

RECALLED from the Governor's Desk, pursuant to Joint Order, H.P. 1949, in concurrence.

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

On motion by Senator **DOUGLASS** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

ORDERS OF THE DAY

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

Bill "An Act to Regulate Push Polling" S.P. 420 L.D. 1257

Tabled - April 26, 2000, by Senator **PINGREE** of Knox.

Pending - **ADOPTION OF COMMITTEE AMENDMENT "B" (S-502)**

(In Senate, April 26, 2000, motion by Senator **DAGGETT** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **FAILED**. Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**. **READ ONCE**. Committee Amendment "B" (S-502) **READ**.)

Committee Amendment "B" (S-502) **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-502)**.

Sent down for concurrence.

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senator **RUHLIN** of Penobscot was granted unanimous consent to address the Senate off the Record.

Senator **NUTTING** of Androscoggin was granted unanimous consent to address the Senate off the Record.

Senator **LIBBY** of York was granted unanimous consent to address the Senate off the Record.

Senator **LAFOUNTAIN** of York was granted unanimous consent to address the Senate off the Record.

Senator **MURRAY** of Penobscot was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

On motion by Senator **PINGREE** of Knox, **ADJOURNED**, until Thursday, April 27, 2000, at 4:00 in the afternoon.