

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

In Senate Chamber  
Thursday  
April 29, 1999

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

Prayer by Reverend Calvin Dame of the Unitarian Universalist Community Church in Augusta.

**REVEREND DAME:** Let us be in a Spirit of Prayer. Spirit of Life and of love that flows through us and through all the world. Spirit of Life known by men and women in every age and land, called by a thousand different names, and known in the human heart by no name at all, be present with us this day. Be present with us as gratitude for the gift of life which is ours. A gift we cannot demand, which we did not earn, which no money can buy. The gift of life which is always to us a mystery. Spirit of Life, be present with us as compassion that we may look upon one another with sympathy, patience, and understanding. So that we might remember our responsibilities for all of those entrusted to our care. Spirit of Life be present with us as wisdom, that we might know when to speak and when to listen, that we might remember the limits of our own enthusiasm and convictions. So that we may greet each day as an opportunity to learn and to grow. Spirit of Life be present with us as a sense of calling that we might remember that we are all called to a high and noble vision of the common good, called to live lives of integrity and of caring. Called to live lives of courage and conviction. Spirit of Life and of Love be present with us this day so that are every action will be guided by our best hopes for ourselves and for the world. So that our lives will reflect the values, and commitments which we hold most dear and sacred. And thus, may we serve each in our chosen ways. Amen.

Doctor of the day, William Hall, M.D., Cumberland Foreside.

Reading of the Journal of Tuesday, April 27, 1999.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator PINGREE of Knox, the following Joint Order:  
S.P. 804

ORDERED, the House concurring, that when the House and Senate Adjourn they do so until Monday, May 3, 1999, at 9 o'clock in the morning.

**READ and PASSED.**

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Resolve, Regarding Legislative Review of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1, Major Substantive Rules of the Department of Professional and Financial Regulation (EMERGENCY)

H.P. 20 L.D. 30  
(C "A" H-96)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-96)** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-97)** (2 members)

In House, April 8, 1999, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-97)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-97) AS AMENDED BY HOUSE AMENDMENT "A" (H-195)** thereto.

In Senate, April 26, 1999, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-96)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-96)**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

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

**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Reduce the Amount of Paperwork Required for Transactions Involving the Sale of Wood"

H.P. 709 L.D. 976

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

Minority - **Ought to Pass** (4 members)

In House, March 25, 1999, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-64)**.

In Senate, April 26, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

On motion by Senator **NUTTING** of Androscoggin, the Senate **ADHERED**.

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**House Paper**

Bill "An Act to Strengthen the Maine Taxpayer Bill of Rights"  
H.P. 1565 L.D. 2216

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

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

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**Joint Order**

The following Joint Order: H.P. 1564

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Natural Resources report out, to the House, legislation relating to pollution prevention.

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

**READ**.

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

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**SENATE PAPERS**

Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands  
S.P. 805 L.D. 2218

Sponsored by Senator **KONTOS** of Cumberland.  
Cosponsored by Senator: **GOLDTHWAIT** of Hancock.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

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Off Record Remarks

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Implement the Recommendations of the Commission on Eating Disorders"

H.P. 1563 L.D. 2215

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 1501).

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

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

**READ ONCE**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Further Discourage the Field Theft of Wild Blueberries"

H.P. 529 L.D. 736

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

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

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

**READ ONCE**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Change the Names of Divisions within the Bureau of Forestry to More Accurately Reflect the Roles and Duties of Those Divisions"

H.P. 1362 L.D. 1960

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

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

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

**READ ONCE.**

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **BANKING AND INSURANCE** on Bill "An Act Concerning Service Relating to the Disclosure of Financial Records"

H.P. 1161 L.D. 1672

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

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

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

**READ ONCE.**

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **TRANSPORTATION** on Bill "An Act Regarding the Operation of a Motorized or Electric Bicycle on a Public Way"

H.P. 1058 L.D. 1489

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

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

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

**READ ONCE.**

**TOMORROW ASSIGNED FOR SECOND READING.**

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**Ought to Pass As Amended**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Concerning Blueberry Growing Practices"

H.P. 1007 L.D. 1418

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-228)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-228)**.

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

**READ ONCE.**

Committee Amendment "A" (H-228) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Permit Senior Citizens to Remain in Their Homes by Providing Funds for Necessary Modifications"

H.P. 328 L.D. 444

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-244)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-244)**.

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

**READ ONCE.**

Committee Amendment "A" (H-244) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **BANKING AND INSURANCE** on Bill "An Act to Make Minor Corrections to the Laws Governing Consumer Credit and Collection"

H.P. 1023 L.D. 1434

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-245)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-245)**.

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

**READ ONCE.**

Committee Amendment "A" (H-245) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **BANKING AND INSURANCE** on Bill "An Act to Clarify the Law Concerning Representations Made in Insurance Contracts"

H.P. 1233 L.D. 1762

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-246)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-246)**.

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

**READ ONCE.**

Committee Amendment "A" (H-246) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Require That Certified Public Accounting and Public Accounting Firms Have a Majority of Their Owners Hold Certificates"

H.P. 685 L.D. 941

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-234)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-234)**.

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

**READ ONCE.**

Committee Amendment "A" (H-234) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding Continuing Education for Professional Land Surveyors" (EMERGENCY)

H.P. 917 L.D. 1295

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-232)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-232)**.

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

**READ ONCE.**

Committee Amendment "A" (H-232) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Provide Educational Opportunities for Persons Who Resided in Foster Care as Children"

H.P. 501 L.D. 708

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-231)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-231)**.

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

**READ ONCE.**

Committee Amendment "A" (H-231) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Clarify the Standard for Cause in the Request for Proposal Process for the Department of Mental Health, Mental Retardation and Substance Abuse Services"

H.P. 692 L.D. 959

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-229)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-229)**.

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

**READ ONCE.**

Committee Amendment "A" (H-229) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **MARINE RESOURCES** on Bill "An Act to Establish Lobster Hatcheries"

H.P. 636 L.D. 886

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-248)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-248)**.

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

**READ ONCE.**

Committee Amendment "A" (H-248) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **MARINE RESOURCES** on Bill "An Act to Allow Student License Holders to Become Eligible for Commercial Lobster and Crab Fishing Licenses"

H.P. 948 L.D. 1345

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-249)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-249)**.

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

**READ ONCE.**

Committee Amendment "A" (H-249) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **MARINE RESOURCES** on Bill "An Act to Amend the Lobster Trap Escape Vent Laws" (EMERGENCY)

H.P. 1139 L.D. 1624

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-247)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-247)**.

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

**READ ONCE.**

Committee Amendment "A" (H-247) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **TRANSPORTATION** on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government and Highway Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY)

H.P. 691 L.D. 958

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-255)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-255)**.

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

**READ ONCE.**

Committee Amendment "A" (H-255) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **TRANSPORTATION** on Bill "An Act to Add Members to the Maine Turnpike Authority"

H.P. 1018 L.D. 1429

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-238)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-238)**.

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

**READ ONCE.**

Committee Amendment "A" (H-238) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **TRANSPORTATION** on Bill "An Act Relating to New and Used Car Document Fees"

H.P. 1210 L.D. 1739

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-240)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-240)**.

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

**READ ONCE.**

Committee Amendment "A" (H-240) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Create the Washington County Electricity Agency"  
H.P. 192 L.D. 270

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-226)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-226)**.

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

**READ ONCE.**

Committee Amendment "A" (H-226) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the Dover-Foxcroft Water District"  
H.P. 993 L.D. 1391

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-242)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-242)**.

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

**READ ONCE.**

Committee Amendment "A" (H-242) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the Veazie Sewer District"  
H.P. 1110 L.D. 1569

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-227)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-227)**.

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

**READ ONCE.**

Committee Amendment "A" (H-227) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **UTILITIES AND ENERGY** on Resolve, Regarding Legislative Review of Chapter 306: Uniform Disclosure and Informational Filing Requirements, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)  
H.P. 1173 L.D. 1684

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-243)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-243)**.

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

**READ ONCE.**

Committee Amendment "A" (H-243) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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**Divided Report**

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Amend the Maine Land Use Regulation Commission Laws to Prohibit Fines on First-time Violators of Maine Land Use Regulation Commission Laws or Rules"

H.P. 542 L.D. 749

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

Signed:

Senators:

NUTTING of Androscoggin  
KILKELLY of Lincoln  
KIEFFER of Aroostook

Representatives:

COWGER of Hallowell  
CARR of Lincoln  
GOOLEY of Farmington

VOLENIK of Brooklin  
PIEH of Bremen  
WATSON of Farmingdale  
GAGNE of Buckfield  
GILLIS of Danforth

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

Signed:

Representatives:

FOSTER of Gray  
CROSS of Dover-Foxcroft

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$7,000,000 to Purchase School Buses for Public Schools" H.P. 450 L.D. 613

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

Signed:

Senators:

MICHAUD of Penobscot  
CATHCART of Penobscot  
HARRIMAN of Cumberland

Representatives:

TOWNSEND of Portland  
STEVENS of Orono  
BERRY of Livermore  
MAILHOT of Lewiston  
POWERS of Rockport  
TESSIER of Fairfield  
KNEELAND of Easton  
WINSOR of Norway  
BRUNO of Raymond

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

Signed:

Representative:

NASS of Acton

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

Reports **READ**.

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

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**Divided Report**

Ten members of the Committee on **JUDICIARY** on Bill "An Act to Amend the Statute of Limitations for Land Surveyors"

H.P. 363 L.D. 488

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

Signed:

Senators:

LONGLEY of Waldo  
TREAT of Kennebec  
BENOIT of Franklin

Representatives:

THOMPSON of Naples  
BULL of Freeport  
LaVERDIERE of Wilton  
JACOBS of Turner  
MITCHELL of Vassalboro  
NORBERT of Portland  
MADORE of Augusta

Two members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-214)**.

Signed:

Representatives:

SCHNEIDER of Durham  
WATERHOUSE of Bridgton

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-215)**.

Representatives:

**PLOWMAN of Hampden**

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

Reports **READ**.

Senator **LONGLEY** of Waldo moved the Senate **ACCEPT** Report "A", **OUGHT NOT TO PASS**, in concurrence.

At the request of Senator **HARRIMAN** of Cumberland a Division was had. 26 Senators having voted in the affirmative and 2 Senators having voted in the negative, the motion by Senator **LONGLEY** of Waldo to **ACCEPT** Report "A", **OUGHT NOT TO PASS**, in concurrence, **PREVAILED**.

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**Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Require All Voting Places to be Accessible" H.P. 74 L.D. 87

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

Signed:

Senators:  
DAGGETT of Kennebec  
FERGUSON of Oxford

Representatives:  
TUTTLE of Sanford  
McKENNEY of Cumberland  
LABRECQUE of Gorham  
FISHER of Brewer  
GAGNE of Buckfield  
HEIDRICH of Oxford  
CHIZMAR of Lisbon  
PERKINS of Penobscot

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-250)**.

Signed:

Senator:  
CAREY of Kennebec

Representative:  
MAYO of Bath

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

Reports **READ**.

Senator **DAGGETT** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding Notification to Parties Affected by Marine Construction" H.P. 969 L.D. 1367

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

Signed:

Senators:  
PENDLETON of Cumberland  
GOLDTHWAIT of Hancock

Representatives:  
AHEARNE of Madawaska  
BAGLEY of Machias  
RINES of Wiscasset  
McDONOUGH of Portland  
BUMPS of China  
GERRY of Auburn

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

Signed:

Senator:  
DAVIS of Piscataquis

Representatives:  
TWOMEY of Biddeford  
JODREY of Bethel  
RICHARDSON of Greenville

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-222)**.

Reports **READ**.

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

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

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Restore Municipal Revenue Sharing" H.P. 701 L.D. 968

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

Signed:

Senators:  
RUHLIN of Penobscot



DAGGETT of Kennebec

Representatives:

- GAGNON of Waterville
- GREEN of Monmouth
- DAVIDSON of Brunswick
- COLWELL of Gardiner
- STANLEY of Medway
- LEMOINE of Old Orchard Beach
- LEMONT of Kittery
- MURPHY of Berwick
- CIANCHETTE of South Portland

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

Signed:

Senator:

MILLS of Somerset

Representative:

BUCK of Yarmouth

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-218)**.

Reports **READ**.

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

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

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**Senate**

**Ought to Pass As Amended**

Senator MICHAUD for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Enhance Maine's Relationship with Aomori, Japan by Hosting a Cultural Exchange" S.P. 69 L.D. 172

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-144)**.

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

**READ ONCE**.

Committee Amendment "A" (S-144) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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Senator PARADIS for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Establish Reimbursement Funding for Transportation Costs to and From Dialysis Treatment Facilities S.P. 601 L.D. 1724

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-138)**.

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

**READ ONCE**.

Committee Amendment "A" (S-138) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

---

Senator BERUBE for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Amend the Lead Poisoning Control Act" S.P. 727 L.D. 2047

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-137)**.

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

**READ ONCE**.

Committee Amendment "A" (S-137) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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Senator DOUGLASS for the Committee on **LABOR** on Bill "An Act to Ensure That Sales Free and Clear of Liens Through Bankruptcy Do Not Result in the Acquisition of a Predecessor Employer's Experience for the Purpose of Contribution Rate Determination" S.P. 562 L.D. 1629

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-139)**.

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

**READ ONCE**.

Committee Amendment "A" (S-139) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

Senator GOLDTHWAIT for the Committee on **MARINE RESOURCES** on Bill "An Act to Encourage Municipal and State Partnerships Concerning the Issuance of Aquaculture Leases"  
S.P. 441 L.D. 1316

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-145)**.

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

**READ ONCE**.

Committee Amendment "A" (S-145) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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Senator PENDLETON for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Change Certified Public Accountant Experience Requirements for Employees of the Department of Audit"  
S.P. 247 L.D. 669

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-136)**.

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

**READ ONCE**.

Committee Amendment "A" (S-136) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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Senator PENDLETON for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Laws Establishing a State Poet Laureate"  
S.P. 259 L.D. 754

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-132)**.

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

**READ ONCE**.

Committee Amendment "A" (S-132) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

---

Senator PENDLETON for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Allow the Town of Madrid to Deorganize"  
S.P. 330 L.D. 984

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-133)**.

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

**READ ONCE**.

Committee Amendment "A" (S-133) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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**Divided Report**

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Ensure Adequate Nutrition Services for Maine's Elderly and to Create the Senior One-stop Program"  
S.P. 518 L.D. 1552

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-141)**.

Signed:

Senator:

HARRIMAN of Cumberland

Representatives:

TOWNSEND of Portland

STEVENS of Orono

BERRY of Livermore

MAILHOT of Lewiston

POWERS of Rockport

KNEELAND of Easton

WINSOR of Norway

BRUNO of Raymond

NASS of Acton

TESSIER of Fairfield

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-142)**.

Signed:

Senators:

MICHAUD of Penobscot

CATHCART of Penobscot

Reports **READ**.

Senator **MICHAUD** of Penobscot moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-142)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-142)** Report.

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**Divided Report**

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Create Staff Positions at the Maine Commission on Domestic Abuse"  
S.P. 689 L.D. 1935

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

Signed:

Representatives:  
TOWNSEND of Portland  
KNEELAND of Easton  
BERRY of Livermore  
WINSOR of Norway  
BRUNO of Raymond  
NASS of Acton  
TESSIER of Fairfield  
MAILHOT of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-140)**.

Signed:

Senators:  
MICHAUD of Penobscot  
CATHCART of Penobscot  
HARRIMAN of Cumberland

Representatives:  
POWERS of Rockport  
STEVENS of Orono

Reports **READ**.

On motion by Senator **MICHAUD** of Penobscot, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

**READ ONCE**.

Committee Amendment "A" (S-140) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Laws Pertaining to Excise Tax Collection"  
S.P. 411 L.D. 1200

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-134)**.

Signed:

Senators:  
PENDLETON of Cumberland  
GOLDTHWAIT of Hancock  
DAVIS of Piscataquis

Representatives:  
AHEARNE of Madawaska  
RINES of Wiscasset  
McDONOUGH of Portland  
TWOMEY of Biddeford  
BUMPS of China

KASPRZAK of Newport  
JODREY of Bethel  
RICHARDSON of Greenville  
GERRY of Auburn

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

Signed:

Representative:  
BAGLEY of Machias

Reports **READ.**

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

**READ ONCE.**

Committee Amendment "A" (S-134) **READ** and **ADOPTED.**

**TOMORROW ASSIGNED FOR SECOND READING.**

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Direct the Governor to Establish a Commission to Recommend to the Governor Candidate Designs for the Maine State Quarter to be Submitted to the United States Mint

S.P. 444 L.D. 1319

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-135).**

Signed:

Senators:  
PENDLETON of Cumberland  
GOLDTHWAIT of Hancock  
DAVIS of Piscataquis

Representatives:  
AHEARNE of Madawaska  
BAGLEY of Machias  
RINES of Wiscasset  
McDONOUGH of Portland  
TWOMEY of Biddeford  
KASPRZAK of Newport  
JODREY of Bethel  
RICHARDSON of Greenville  
GERRY of Auburn

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

Signed:

Representative:  
BUMPS of China

Reports **READ.**

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

**READ ONCE.**

Committee Amendment "A" (S-135) **READ** and **ADOPTED.**

**TOMORROW ASSIGNED FOR SECOND READING.**

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Tax Docking Fees for Pleasure Boats Greater than 19 Feet in Length"

S.P. 410 L.D. 1199

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

Signed:

Senator:  
RUHLIN of Penobscot

Representatives:  
COLWELL of Gardiner  
STANLEY of Medway  
MURPHY of Berwick  
BUCK of Yarmouth  
CIANCHETTE of South Portland  
LEMONT of Kittery  
LEMOINE of Old Orchard Beach  
GAGNON of Waterville  
DAVIDSON of Brunswick

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-143).**

Signed:

Senators:  
DAGGETT of Kennebec  
MILLS of Somerset

Representative:  
GREEN of Monmouth

Reports **READ.**

Senator **RUHLIN** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

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

Senator **BENNETT:** Thank you Mr. President, I rise to the point of Parliamentary Inquiry.

**THE PRESIDENT:** Then Senator may pose his point of Parliamentary Inquiry.

Senator **BENNETT :** Mr. President where as this Bill would seek to raise revenue under our State Tax Law, this was initiated and sponsored by a Member of this Body, where as the Constitution Article 4, Part 3<sup>rd</sup> , Section 9 says that all Bills for raising a revenue shall originate in the House of Representatives. I question and ask for a Ruling of the Chair whether this matter is properly before the Body.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **RULING OF THE CHAIR.**

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Off Record Remarks

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**SECOND READERS**

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

**House As Amended**

Bill "An Act to Provide Funding for the Education Research Institute"  
H.P. 820 L.D. 1143  
(C "A" H-174)

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

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**Senate**

Bill "An Act to Amend the Maine Banking Code Regarding Extensions of Credit" (EMERGENCY)  
S.P. 595 L.D. 1719

Bill "An Act to Prohibit Deceptive Charitable Solicitations"  
S.P. 714 L.D. 2036

Bill "An Act to Revise the Lienholder Notification Law"  
S.P. 715 L.D. 2037

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

Sent down for concurrence.

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**Senate As Amended**

Bill "An Act to Protect the Environment by Phasing Out the Use of Old Transformers that are Potential Sources of PCB Pollution"  
S.P. 243 L.D. 665  
(C "A" S-125)

Bill "An Act to Expedite Disputes among Commercial Landlords and Tenants"  
S.P. 266 L.D. 759  
(C "A" S-129)

Bill "An Act to Improve the Accountability of the Maine Children's Trust and to Explicitly Include High-quality Child Care as an Integral Part of its Mission"  
S.P. 390 L.D. 1169  
(C "A" S-72)

Bill "An Act to Appropriate Additional Funding for Court-appointed Counsel"  
S.P. 442 L.D. 1317  
(C "A" S-123)

Bill "An Act to Amend the Treatment of Security Deposits Upon the Sale of a Building"  
S.P. 443 L.D. 1318  
(C "A" S-128)

Bill "An Act to Clarify 7-day Evictions in Tenancies at Will"  
S.P. 623 L.D. 1788  
(C "A" S-127)

Bill "An Act to Appropriate Funds for Marketing to Promote Economic Development"  
S.P. 664 L.D. 1886  
(C "A" S-120)

Bill "An Act to Revise the Accountancy Laws"  
S.P. 706 L.D. 1981  
(C "A" S-126)

Bill "An Act to Amend the Laws Governing Financial Institutions"  
S.P. 762 L.D. 2152  
(C "A" S-131)

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

Sent down for concurrence.

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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## ORDERS OF THE DAY

### Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (4/7/99) Assigned matter:

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Make Public Certain Information Regarding Forest Practices"  
H.P. 821 L.D. 1144

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

Minority - **Ought to Pass** (4 members)

Tabled - April 7, 1999, by Senator **NUTTING** of Androscoggin.

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

(In House, April 5, 1999, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 7, 1999, Reports **READ**.)

Senator **DOUGLASS** of Androscoggin requested a Roll Call.

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

Senator **DOUGLASS:** Mr. President, men and women of the Senate, I'm one of the sponsors of this measure. I believe it's needed because forestry practices are debated in our public forums, and they are of great concern to our citizens. Currently the information that's given out is only in the aggregate. It tells us nothing about what happens in various, specific locations. Even in large acreage areas, which this matter would change, the Bill proposes that those owners of over 20,000 acres, when they plant more than 25 acres report the location acreage, stand, type, and species. It's also important to know that this Bill exempts out information on stumpage prices and volumes of the species harvested. So that for proprietary information it is not made public. Rather, what's made public is information that is important to our citizens and their debate. Without this knowledge our citizens are really operating on the word of various individuals. They have no way of verifying either side when there are various, or one of many sides. When there are various positions on forestry practices, I'm always in favor of full and public debate. This information that is proposed to be made public in this Bill would allow that. It would allow the citizens of Maine to understand fully what they are doing and what current practices are. When, as I expect in the future, we will have further debate and perhaps referendum on forest practices. I would urge you to vote against the pending motion, which is Ought Not To Pass.

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

Senator **NUTTING:** Thank you Mr. President. Ladies and gentlemen of the Senate, this particular Bill has been before this Body before. In the past I may have voted the other way. Now I'm opposed to the Bill. I want to tell you briefly why. I think the new thing that is happening in this area is under the Sustainable Forestry Initiative. Something called third-party voluntary verification. That is something that the majority of large land owners have already started down the road on. I have the third-party verification from the Champion International Company right before me. This was completed last year. This is people with knowledge in forestry going out and looking at the Forest Practices Act, how they are conducting their business, and they issue this report that is public. I have a problem with making public all that this Bill wants in information. I want to read a little bit from this third-party verification report that, yes, is just out, but many companies are headed down this road. They're third-party voluntary verification results. Their average over-all rating was a 4.07 out of a possible 5. If you talk about promptly reforestation how were they graded on promptly reforestation. Their rating average was a 4.4. The team saw good planning going into assuring that high yield sites were adequately regenerated. The team urged consideration of regenerating a higher portion of those sites with natural regeneration. You can get a lot of information from these reports. Yes, you haven't been able to in the past, but now you can.

Take Objective Number 3, protecting the water quality. It received a 4.4 out of a 5. Champions right pare and error of policies are exemplary, going well beyond what is required by law, or what is commonly practiced. Enhancing the quality of wildlife habitat, minimizing the visual impact, managing company lands of ecological and geological historic significance. They received a 4.8 out of 5 in that area. In improve forest utilization they received a rating of 4 out of a possible 5. The team was impressed with the careful sorting of materials, the highest value of marketing, and very little debris remained on any of the landings or yards viewed. Policies and practices of leaving culled wood on site or ground using wildlife can be improved particular within the high yielded sites. So this report, it does offer criticism where they are justified. I've just read from the Champion report. I know that Mead Paper is in the process of a third-party audit. It will be completed in the year 2000. Champion I've read. International Paper has already completed a third-party audit. Irving is in the process of completing a third-party audit with these same types of information available by the year 2000. Plumb Creek is in the process of doing a third-party audit, and that will be completed in the year 2000. And Seven Islands managed by Pingree Associates, they have been third-party audited since 1993. So ladies and gentlemen of the Senate, I'm feel today, I comfortable voting Ought Not to Pass on this Report. I feel the industry has stepped up to the plate. They are having people other than themselves look at their practices and issue a report that everybody can read. From that report, I'm convinced that I'm getting a handle on how that company is conducting their business. And yes, where they even need to improve some more. That is part of the report as well. So for these reasons I urge you to support the pending motion of Ought Not To Pass. Thank you.

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

Senator **KILKELLY**: Thank you Mr. President. Men and women of the Senate, I also urge you to support the Majority Ought Not To Pass Report on this legislation. While it is true that decisions around forestry practices are made in this Body with the information we are provided, I would also like to suggest to you that information that we receive about a number of other issues also assist us in making decisions. We also, as State Government, protect the confidentiality of the individual providers of much of that information. For example, under 5 MRSA, Subsection 791, State certification of various business enterprises, we request much proprietary and confidential information that remains confidential, while the reports on the aggregate come to this Body. The Board of Pesticide Control, individual business distribution information. Ginseng producers, that was a Bill that the Agriculture Committee did several years ago in order to protect the confidentiality of where Ginseng was in fact planted. The Finance Authority of Maine collects much confidential information. That information remains confidential, but in general the information is provided to us about maybe the situation of various businesses around the State. Aquaculture monitoring program. We require reports from them. Those reports go to the Department and then the information comes to us so that we can make policy decisions. Liquor licensee information, the Maine Wild Blueberry Commission collects information. The Maine Potato Board, we recently passed legislation for farmers in particular because many farmers are applying for various loans and grants from the Department of Agriculture. While they are applying for that information the information about their farms, about their businesses, about where they are planting, and what they are planting, that information doesn't need to come to the Legislature, and it doesn't need to be public. Based on each individual farmer, what we need to know is how are these policies that we've established, in fact, effecting that business in the aggregate?

Under Marine Resources, in particular. Subsection 6173, confidentiality of statistics, I would like to share this one with you. The Commissioner may with the advice and consent of the Advisory Council, adopt or amend regulations to collect pertinent data with respect to the fisheries, including but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish, or weight thereof, area in which fishing was conducted, time of fishing, number of hauls, and estimated processing capacity of, and the actual processing capacity utilized by U.S. fish processors. The Commissioner may collect statistics from any source and they require reporting of these statistics. The information collected by or reported to the Commissioner shall be confidential and shall not be disclosed in a manner or form that permits identification of any person or vessel, accept when required by court order, or when specifically permitted under this section. In many areas we collect very specific information on very specific practices of businesses. We don't then turn around and say, that is an open gate for the information that you provided to State Government to be out there and to be available to the public about your business. What we say is, in order to make policy we need to know what is happening with a particular business in the aggregate. That's how we make decisions and each business, therefore, is obligated to provide for itself a way of monitoring its compliance and submitting that information. The Department knows about what's in compliance and what's not. We then deal with the aggregate. That is what happens in other businesses and it ought to happen in forestry. I

would urge you to support the Majority Ought Not To Pass Report and I would request the Secretary to read the Report please.

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Off Record Remarks

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At the request of Senator **KILKELLY** of Lincoln, Reports **READ**.

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

Senator **TREAT**: Thank you Mr. President. Men and women of the Senate, I urge you to vote against the pending motion so that we go on to Accept the Minority Report. I believe that the legislation before you is a very targeted, responsible piece of legislation that asks companies who own great amounts of land in our state to provide us with some basic information that we cannot get at this time. I have yet to hear in the debate today any real argument against doing it. I've heard that third-party verification voluntarily has been going on. That's wonderful. I hope that all the companies do that. I think a voluntary effort is certainly wonderful and if it includes all of this same information then obviously there isn't a problem with what's being requested in the Bill. I've heard that we get information in other departments and that information is kept confidential. Well that's true also, but here there is no effort to put information that is proprietary out into the public domain either. Subject areas that could be sensitive such as price, structure, and volumes of the species that are harvesting by products type are excluded from this legislation. And moreover, it's looking back. It's what a company did in previous years. It's not what their going to do in the future. We do have other legislation which the Natural Resources Committee certainly has spent a lot of time with, which is all about public reporting of chemicals used in manufacturing work places. Admissions of getting very specific amounts of product flowing through a particular facility. There very much is precedent for this type of information and I think this is purely a sunshine Bill that gives people information to make their own judgments about policy. You know we are frequently criticized for making decisions based on anecdote, for not really getting to the heart of the matter in terms of facts, by leaping to a regulatory solution. This Bill is really about providing the information to the public, and to lawmakers so that we can come up with sensible policy. I really don't understand the arguments against it. I've heard them but to me they are not really convincing. The information requested, I think is valuable information that's already reported. The issue here is simply to be able to find out, not just in the aggregate, but connected to particular, very large land owners. So I urge you to vote against the pending motion so we can go on to support this Bill.

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

Senator **DOUGLASS**: Mr. President, men and women of the Senate, I applaud those businesses such as Champion who voluntarily report some information. It's laudable. Not everyone is doing so, not every company will. It's the companies who are practicing bad management policies that the public ought to know

about. Don't forget that forestry is a huge industry in our state, and it is also in control of vast areas of our state. In fact, the areas in which our people live are probably very small in comparison to those that are in forestry practice. Unlike the smaller businesses that the good Senator from Lincoln mentioned being reported in the aggregate, the aggregate for this particular industry is probably larger than many of our small New England states. They are in control of a resource that affects our water, our soil, and our air in terms of oxygen production. They affect these resources. Trees affect wildlife habitat and they affect the land for many years to come in the manner in which they're managed. Currently this information is available. The Bill protects confidential information and there is no reason to keep that information. The information that is requested by the Bill is confidential considering the vast area which is affected and the many ways in which this resource can affect our State. So I would urge you to vote against the motion.

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

Senator **KIEFFER:** Thank you Mr. President. Ladies and gentlemen of the Senate, I will be brief. I don't want to be redundant. However, since the three Senators on this Committee were unanimous in their opposition to Passage of this Bill, I think it should be evident this Bill was certainly very clearly, and thoroughly debated. There are many examples of these companies that are changing and improving, and going to the third-party audit. I would like to pose a question if I may Mr. President.

**THE PRESIDENT:** The Senator may Pose his question.

Senator **KIEFFER:** I heard here today that there are companies out there that are practicing bad management practices. Is anyone in a position to name these companies here today? Thank you Mr. President.

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

Senator **PINGREE:** Thank you Mr. President, I will try to briefly answer the question, although I definitely think I am not an expert in this field. But, I think that is the very point of this Bill. It is asking for more information so that the public can better evaluate who are good stewards. You know we hear practically every day now about land transactions taking place, and in fact, the land transaction last week. We don't even know who the owners are because they decided to keep it secret. They are owning the land through an investment company and we are not actually going to know who the investors are in the land. We are just going to know who their management company is. The public has spoken to us over and over again about their frustration with forest practices. And while I appreciate the moves that many companies have made towards third-party audits, while I appreciate the work that the Committee's doing to strengthen our forest practice laws, I certainly know when we're out in public, they say to us, you know how are you insuring that there are going to be trees in the future for our largest industry? That we make sure that the forest practices of ever changing multi-national

corporations, ever changing owners of the North Maine Woods are good practices. I don't want to be redundant because most of the points have been mentioned today. But the fact is this is information that's already reported. It's not a new burden on these companies. It takes out confidential information. There is no proprietary information that could harm one company in relationship to another company in the same field. As I can see there is no legitimate reason for keeping this secret, and in fact, I think if the public knew more about it, they would have more confidence in the good work that many industries do. I hardly support this particular Bill and hope that we will Reject the Majority Ought Not To Pass Report.

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Off Record Remarks

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

Senator **CAREY:** Thank you Mr. President. About the question of who owns the property. All you have to do, I did survey work for some 40 some odd years, is go to the Registry of Deeds and find out who the recorded owner of the property is. I have to tell you that I am a very strong proponent of property rights. And so, I will not be joining you in your vote.

**THE PRESIDENT:** The Chair recognizes the Senator from Washington, Senator Cassidy.

Senator **CASSIDY:** Thank you Mr. President. Men and women of the Senate, I really hadn't intended to speak on this issue this morning. Obviously I'm going to vote on the pending motion. I had an opportunity to be on the Agriculture Committee my first term here and we at that point, if you remember it was all in discussions, decisions, and votes that went out to the public twice on the Compact and all those issues. I'm certainly not going to reiterate all those things that we discussed for the last five years here. But, just in summary, I think that I have a lot of faith in the Maine Forest Department and the people we have in charge. And the reports in the sustainable law that we have on the books now. We had that prior to the Compact, after the Compact last year in the last term. In the 118<sup>th</sup> we had a very capable Forest and Agriculture Committee who made some changes to upgrade the State laws. The intent here now is that we do have companies reporting to the Department of Forestry. You know they have to file when they go to cut wood. They are inspecting after they cut wood. There are rules and regulations now on clear cutting, on the sizes, and on strips between them and so on and so forth. What scares me about what we have done here in the state of Maine is there is no question. We have read about it. They've come to the Committee when I was on there, they have been to Committee since, there are a lot of folks, most of them moved into the state of Maine recently, who would love to see us have a nice giant park up in Northern Maine. It is really funny. I don't know if my house is on the edge of the park. Maybe I can sell tickets or something to get in. But, you know this is really discouraging to me to see what we have done to that industry. I'm really pleased that we have brought this forth. The folks in the state of Maine obviously deserve a right to know that we are going to have a



sustainable forest, that we have people in Maine doing business, that we're glad to have here and to supply the jobs, the employment that we do. I think we have got a wonderful industry up there. I think it's wonderful that we have brought this forward in the last few years, and I think are practicing good forestry. I live in Northern Maine. What's discouraging to me is to see these lands sold. As we mentioned last week in an announcement in the paper, 440,000 acres in my district were sold. And again, I'm not sure who bought that. A few weeks ago we saw where sappi sold their land. We have seen where other areas in Northern Maine have been sold. What scares me, I hope the mills themselves just don't throw their hands in the air and say, we don't need to do business in Maine. Those folks will get their wish and we will have this wonderful park in Northern Maine with a lot more unemployed people. We've lost so many jobs recently, I don't need to remind you about the Sherman mill, the lumber mill, we lost those jobs, 70 something jobs. We've lost jobs in Dexter. We've lost jobs in Westbrook. I saw another shoe company, just last week, we've lost jobs. I saw a bumper sticker the other day that said Maine is on the move. But it's in the wrong direction. I hope that bumper sticker doesn't have any significant meaning. So I urge you to vote for this pending motion. We have made some great strides in this industry. We need jobs in Maine and it's the other thing that I have always said so many times on the floor is, the companies over the years have let us use their lands. We hike, we tent, we camp, we canoe, we stay, and it's just a wonderful place to live and to have such a wonderful forest that we do have. The other thing, you know it just really bugs people that we have a state that 96% of our land is owned by private individuals. I really think our founding fathers would be real proud of the state of Maine to see that we still have that. It just bugs the heck out of these people that, for some reason they feel, we need to drive all the companies out. Let the State and the Government own the land. I would hate to see what would happen to it at that point. Thank you Mr. President.

On motion by Senator **DOUGLASS** of Androscoggin, 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 (#66)**

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CAREY, CASSIDY, DAGGETT, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, KILKELLY, KONTOS, LIBBY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, RUHLIN, SMALL

NAYS: Senators: CATHCART, DOUGLASS, LAFOUNTAIN, LONGLEY, PINGREE, RAND, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senator: PENDLETON

26 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 1 Senator being absent, the motion by

Senator **NUTTING** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Off Record Remarks

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.

Off Record Remarks

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

After Recess

Senate called to order by the President.

Off Record Remarks

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act to Promote Economic Development in Androscoggin County" H.P. 1566 L.D. 2217

Comes from the House, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.

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

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

**ORDERS**

**Joint Order**

On motion by Senator TREAT of Kennebec, the following Joint Order: S.P. 806

ORDERED, the House concurring, that the Joint Standing Committee on Natural Resources report out, to the Senate, a bill relating to pollution prevention.

**READ and PASSED.**

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

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Off Record Remarks

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Provide Increased Access to Dental Care in Maine" H.P. 1467 L.D. 2099

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

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

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

**READ ONCE.**

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Clarify the Duties of the State Auditor" H.P. 1399 L.D. 2004

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

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

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

**READ ONCE.**

**TOMORROW ASSIGNED FOR SECOND READING.**

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**Ought to Pass As Amended**

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Prevent Tampering With Indian Archeological Sites"

H.P. 738 L.D. 1028

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-257)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-257)**.

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

**READ ONCE.**

Committee Amendment "A" (H-257) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Funds for a National World War II Memorial in Washington"

H.P. 1476 L.D. 2116

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-270)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-270)**.

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

**READ ONCE.**

Committee Amendment "A" (H-270) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Reorganize the Real Estate Appraisers Law"

H.P. 1026 L.D. 1437

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-251)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-251)**.

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

**READ ONCE.**

Committee Amendment "A" (H-251) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Maine Lemon Laws"

H.P. 1405 L.D. 2010

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-279)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-279)**.

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

**READ ONCE.**

Committee Amendment "A" (H-279) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Prohibit the Misuse of Laser Pointers" (EMERGENCY)

H.P. 190 L.D. 268

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-300)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-300)**.

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

**READ ONCE.**

Committee Amendment "A" (H-300) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Amend the Habitual Truancy Law"

H.P. 1211 L.D. 1740

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-276)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-276)**.

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

**READ ONCE.**

Committee Amendment "A" (H-276) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Allow Foster Parents to Be Present When the Department of Human Services Meets with a Foster Child"

H.P. 67 L.D. 80

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-273)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-273)**.

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

**READ ONCE.**

Committee Amendment "A" (H-273) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Clarify Confidentiality of Mental Health Information"

H.P. 518 L.D. 725

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-266)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-266)**.

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

**READ ONCE.**

Committee Amendment "A" (H-266) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Increase Access to Health Care for Low-income Maine People"

H.P. 605 L.D. 845

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-265).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-265).**

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

**READ ONCE.**

Committee Amendment "A" (H-265) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Improve Access to Dental Care for Children"

H.P. 1226 L.D. 1755

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-274).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-274).**

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

**READ ONCE.**

Committee Amendment "A" (H-274) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Ensure Adequate Nutrition for Low-income Legal Aliens" (EMERGENCY)

H.P. 1470 L.D. 2110

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-267).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-267).**

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

**READ ONCE.**

Committee Amendment "A" (H-267) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Department of Human Services to Conduct a Review of the Reimbursement Rates under the Medicaid Program for Speech, Language Pathology and Audiology Services

H.P. 1473 L.D. 2113

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-275).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-275).**

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

**READ ONCE.**

Committee Amendment "A" (H-275) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **JUDICIARY** on Bill "An Act to Change the Reimbursement Rate for Law Enforcement Personnel Who Testify in Court"

H.P. 894 L.D. 1251

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-277).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277).**

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

**READ ONCE.**

Committee Amendment "A" (H-277) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **LABOR** on Bill "An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2000" (EMERGENCY)

H.P. 32 L.D. 41

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-258).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-258).**

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

**READ ONCE.**

Committee Amendment "A" (H-258) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **LABOR** on Resolve, to Direct the Department of Labor to Set Up and Operate Employment Offices in the 16 Counties of the State

H.P. 183 L.D. 261

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-259).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-259).**

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

**READ ONCE.**

Committee Amendment "A" (H-259) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **LABOR** on Bill "An Act to Amend the Membership of the Commission on Safety and Health in the Maine Workplace"

H.P. 566 L.D. 787

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-260).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-260).**

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

**READ ONCE.**

Committee Amendment "A" (H-260) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **LABOR** on Bill "An Act to Require That a Translator Be Available to Employees In the Workers' Compensation Process"

H.P. 726 L.D. 1016

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-262)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-262)**.

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

**READ ONCE.**

Committee Amendment "A" (H-262) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

The Committee on **LABOR** on Bill "An Act to Repeal Bedding, Upholstered Furniture and Stuffed Toys Laws"

H.P. 794 L.D. 1117

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-252)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-252)**.

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

**READ ONCE.**

Committee Amendment "A" (H-252) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

The Committee on **LABOR** on Bill "An Act to Ensure That All Employees Receive Full Workers' Compensation Benefits"

H.P. 954 L.D. 1352

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-263)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-263)**.

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

**READ ONCE.**

Committee Amendment "A" (H-263) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

The Committee on **NATURAL RESOURCES** on Bill "An Act to Amend Certain Laws Administered by the Department of Environmental Protection, Bureau of Land and Water Quality"

H.P. 837 L.D. 1160

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-278)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-278)**.

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

**READ ONCE.**

Committee Amendment "A" (H-278) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Membership of the Information Services Policy Board"

H.P. 1200 L.D. 1710

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-269)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-269)**.

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

**READ ONCE.**

Committee Amendment "A" (H-269) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

---

The Committee on **TRANSPORTATION** on Bill "An Act to Make It Illegal to Pass on Solid Center Lines"

H.P. 682 L.D. 938

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-256)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-256)**.

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

**READ ONCE.**

Committee Amendment "A" (H-256) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **UTILITIES AND ENERGY** on Resolve, to Establish the Renewable Energy Policy Commission  
H.P. 851 L.D. 1185

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-254)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-254)**.

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

**READ ONCE.**

Committee Amendment "A" (H-254) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Provide Immunity to Enhanced 9-1-1 Developers and Providers"  
H.P. 1185 L.D. 1695

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-253)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-253)**.

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

**READ ONCE.**

Committee Amendment "A" (H-253) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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

**ENACTORS**

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

**Emergency Measure**

An Act to Correct Errors and Inconsistencies in the Laws of Maine  
S.P. 18 L.D. 3  
(C "A" S-53; H "A" H-220)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency Measure**

An Act to Amend the Charter of the Kennebunk Sewer District  
H.P. 1065 L.D. 1496

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency Resolve**

Resolve, to Ensure Proper Funding of the Public Utilities Commission  
S.P. 192 L.D. 581  
(C "A" S-90)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with 1 Senator having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency Resolve**

Resolve, to Study the Changes in Lobster Morbidity and Mortality  
S.P. 501 L.D. 1502

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

**Emergency Resolve**

Resolve, to Establish the Commission to Study Children in Need of Services

S.P. 643 L.D. 1825  
(C "A" S-87)

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

**Emergency Mandate**

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1999

H.P. 1543 L.D. 2197

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Acts**

An Act Regarding Juvenile Hunters

H.P. 449 L.D. 612

An Act Regarding the Unbundling of Natural Gas Services

S.P. 239 L.D. 661  
(C "A" S-92)

An Act to Amend the Licensing Provisions Under the Propane and Natural Gas Act

H.P. 538 L.D. 745  
(C "A" H-201)

An Act to Simplify the Process of Claiming Abandoned Vehicles

S.P. 375 L.D. 1076  
(C "A" S-76)

An Act to Amend the Real Estate Brokerage Law

S.P. 382 L.D. 1083  
(C "A" S-77)

An Act to Clarify the Governance of Soil and Water Conservation Districts

H.P. 882 L.D. 1239  
(H "A" H-230)

An Act to Broaden Victim Notification of Release of Defendant Placed in Institutional Confinement Following a Verdict of Not Criminally Responsible by Reason of Insanity

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

An Act to Eliminate Sales Tax on Electricity Used in Agriculture and Aquaculture

S.P. 23 L.D. 4  
(C "A" S-85)

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

An Act to Establish a Tax Credit for Day Care Facilities for Expenditures Required to Comply with the Lead Poisoning Control Act

H.P. 130 L.D. 161  
(C "A" H-202)

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

An Act to Give Citizens 70 Years of Age and Older Free Bear and Duck Hunters Stamps

H.P. 171 L.D. 249  
(C "A" H-191)

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

An Act to Encourage Contributions to Family Development Account Reserve Funds

S.P. 186 L.D. 579  
(C "A" S-84)

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

An Act to Adjust the Alternative Funding Mechanism for the Maine Public Drinking Water Commission

S.P. 234 L.D. 656  
(C "A" S-74)

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



An Act to Increase Long-term Health Care Options  
S.P. 446 L.D. 1321  
(C "A" S-75)

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

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**Resolves**

Resolve, Requiring the Commissioner of Transportation to Report to the Joint Standing Committee on Transportation on Recreational Access to Water Bodies and Snowmobile Access Across Bridges  
H.P. 195 L.D. 273  
(C "A" H-198)

Resolve, to Amend the Requirements for Alcohol and Drug Treatment Programs  
S.P. 295 L.D. 867  
(C "A" S-88)

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

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Senate at Ease.

Senate called to order by the President.

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**ORDERS OF THE DAY**

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

HOUSE REPORTS - from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Resolve, Regarding Legislative Review of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1, Major Substantive Rules of the Department of Professional and Financial Regulation (EMERGENCY)

H.P. 20 L.D. 30  
(C "A" H-96)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-96)** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-97)** (2 members)

Tabled - April 29, 1999, by Senator **PINGREE** of Knox.

Pending - **FURTHER CONSIDERATION**

(In House, April 8, 1999, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-97)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-97) AS AMENDED BY HOUSE AMENDMENT "A" (H-195)** thereto.)

(In Senate, April 26, 1999, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-96)** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-96)**, in **NON-CONCURRENCE**.)

(In House, April 27, 1999, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.)

On motion by Senator **PINGREE** of Knox, the Senate **INSISTED** and **JOINED IN A COMMITTEE OF CONFERENCE**.

The Chair appointed as conferees on the part of the Senate the following:

Senator **KONTOS** of Cumberland  
Senator **LONGLEY** of Waldo  
Senator **HARRIMAN** of Cumberland

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

JOINT ORDER - relative to the Senate concurring, that the Joint Standing Committee on Natural Resources report out, to the House, legislation relating to pollution prevention.

H.P. 1564

Tabled - April 29, 1999, by Senator **PINGREE** of Knox.

Pending - **PASSAGE**, in concurrence

(In House, April 27, 1999, **READ** and **PASSED**.)

(In Senate, April 29, 1999, **READ**.)

On motion by Senator **PINGREE** of Knox, **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (3/24/99) Assigned matter:

JOINT ORDER - relative to Establishing the Task Force to Study the E-911 System

S.P. 709

Tabled - March 24, 1999, by Senator **BENNETT** of Oxford.

Pending - motion by same Senator to **REFER** to the Committee on **UTILITIES AND ENERGY**

(Committee on **UTILITIES AND ENERGY** suggested.)

(In Senate, March 24, 1999, on motion by Senator **BENNETT** of Oxford, **READ**.)

**REFERRED** to the Committee on **UTILITIES AND ENERGY**.

Sent down for concurrence.

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

Bill "An Act to Amend the Provisions Relating to Executive Sessions in Connection with the Transaction of Public or Government Business"

S.P. 94 L.D. 233  
(S "A" S-65 to C "A" S-55)

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

Pending - **FURTHER CONSIDERATION**

(In Senate, April 7, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-55) AS AMENDED BY SENATE AMENDMENT "A" (S-65)** thereto.)

(In House, April 15, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-217)**, in **NON-CONCURRENCE**.)

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

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

An Act to Allow Police Officers to Prosecute Their Own Traffic Infractions in District Court

H.P. 814 L.D. 1137  
(C "A" H-136)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, April 13, 1999, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

(In House, April 15, 1999, **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.

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding Notification to Parties Affected by Marine Construction"

H.P. 969 L.D. 1367

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-222)** (8 members)

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

Tabled - April 29, 1999, by Senator **PINGREE** of Knox.

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

(In House, April 27, 1999, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-222)**.)

(In Senate, April 29, 1999, Reports **READ**.)

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

**READ ONCE.**

Committee Amendment "A" (H-222) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Restore Municipal Revenue Sharing"

H.P. 701 L.D. 968

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-218)** (11 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - April 29, 1999, by Senator **RUHLIN** of Penobscot.

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

(In House, April 27, 1999, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-218)**.)

(In Senate, April 29, 1999, Reports **READ**.)

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

**READ ONCE.**

Committee Amendment "A" (H-218) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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

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

S.P. 518 L.D. 1552

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

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

Tabled - April 29, 1999, by Senator **MICHAUD** of Penobscot.

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-142)** Report

(In Senate, April 29, 1999, Reports **READ**.)

At the request of Senator **HARRIMAN** of Cumberland a Division was had. 20 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **MICHAUD** of Penobscot to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-142)** Report, **PREVAILED**.

**READ ONCE.**

Committee Amendment "B" (S-142) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

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

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Amend the Maine Tree Growth Tax Law"

S.P. 100 L.D. 239

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-57)** (3 members)

Tabled - April 5, 1999, by Senator **RUHLIN** of Penobscot.

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

(In Senate, Reports **READ**.)

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

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

Senator **MILLS:** To refresh people's recollection if it's been sometime since this Bill was first briefed in caucus, or elsewhere, this is a Bill that reports to be a fairly generic treatment of some tree growth warrant issues. It is a highly specific provision that would exempt from the Tree Growth Program water districts in the state. It would say that water districts are no longer permitted to put land into the Tree Growth Program. The genesis of this Bill has an even narrower origin. It arises out of an unfortunate controversy between a municipality and the south end of the state and a large water district, and the taxation of certain lands that are located within the municipality. There is no policy reason, certainly, why water districts shouldn't be permitted to put their land in Tree Growth. We had testimony from a number of water districts and municipalities who operate water districts who said, we make use of the Tree Growth Exemption, and we manage that land well. We are good, responsible forest managers like any other land owners. Obviously we own the land in many cases to protect water shed, but growing trees and managing forest on that land is completely consistent with good water shed management and we feel that we should be entitled to the use of the program. The town in question took some umbrage about it, but they get reimbursed by the State for any loss that they sustain; any property tax loss that they sustain under Tree Growth. If we pass this Bill to suit one side of this rather local dispute, the water district in question or any other water district in the state whose deprived of access to the Tree Growth Program can simply convert the land to the open space category, which I submit is a thumb in your eye to the local municipal taxing authority because there is no reimbursement by the State for putting the land into open space. And moreover, we would lack the Tree Growth incentives that are part of our Tree Growth Program. I have no idea why the municipality in question persists with this Bill knowing that its passage will simply cost them money in the long run, and they cannot win this spiteful dispute. It's furthermore, the wrong policy. For all of these reasons, that I would be glad to talk with any of you in greater detail about, the background of this unfortunate dispute that has bubbled up to the State House in Augusta. I would urge you to vote against the pending motion, so that we can go on to Adopt the 10-3 Majority position, which was Ought Not To Pass. Thank you.

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

Senator **RUHLIN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I want to point out to you that this

proposed legislation is to prevent a clear and present misuse of the Tree Growth Laws of the State of Maine that are enacted by this Legislature. Those laws were enacted to protect land from over-development throughout the state. Those laws were enacted to call for utilization and harvesting of our wood products so that those people who were in Tree Growth would have a harvest plan. Now to do that, what the State said is we, all together from Ft. Kent to Kittery, from Calais to Rumford, all our communities will ban together and we will reimburse the communities for the monies lost to the local tax base. We will reimburse them 90% of their money lost. What has happened and what this Bill intends to correct, and will correct, is there was a loophole there that somebody saw and said aha, I found a way to get the good taxpayers of the state of Maine to subsidize my water rate payers. And how do I do that? I go and I put in for Tree Growth. I don't have a harvest plan. I don't do any of that. I just put in for Tree Growth, let the state people, make up the 90% in the difference to the property tax. I'm a better manager now because my rate payers have to pay less because all the taxpayers are making up that difference. What a wonderful way. Aren't I a good manager. I'm going to tell you, we are very poor tax policy people if we let them get away with that. The Law that's in this legislation was clear. Protect land from development to cause an orderly harvest of natural resources. This is a loophole that was found and they are trying to take advantage of the taxpayers pocketbook in the state of Maine, and it shouldn't happen. This does not change a law, it clarifies it so that loophole won't be there. I hope that you will go along with the Minority Report and vote Passage of this Report.

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

Senator **DAGGETT:** Thank you very much Mr. President. Men and women of the Senate, I would just like to speak briefly and join my colleague, the Senator from Somerset, in hoping that you will Accept the Majority Report on this Bill, which is Ought Not to Pass, which means that you would be voting against the current motion. I think it has been represented to you quite well by the Senator from Somerset.

Some of the background regarding this Bill and why it is here. It's my concern that the Bill in front of us does not clarify anything. I'm holding in my hand the Amendment, which is actually the Bill, the Committee Amendment. What's being represented as a clarification is actually a Bill that removes any opportunity from a public, municipal corporation from participating in the Tree Growth Program. It does not change anything in the Tree Growth Program. It simply prevents them from participating at all. I think that is very different than the issue of changing some kind of requirement in Tree Growth. Currently everyone who has property in Tree Growth is required to have a management plan. It's a little bit problematic because as many of you know, we have changed the deadline for filing that plan several times. We have a drop-dead date that is coming. Nevertheless, that is a requirement. It's my understanding that the Portland Water District's Forest Manager actually testified at the public hearing. I'm sorry to say that I was unable to be there because of other obligations. It's my understanding that person testified that the Portland Water District has a Forest Management Plan. In fact, it's essential for water districts to manage the property that surrounds the water resource. It is absolutely imperative for a water district to manage that resource. I hope that you will not

vote to make this carve out in the Tree Growth Law. I think that any organization or person who chooses to participate in the Tree Growth Law should have the standards of the Tree Growth Law applied to them. We have that currently in law. There are currently requirements there and I think it is inappropriate to take one group and carve them out and say that they may not participate. If that were the case, perhaps we should not allow others to participate in that program. I think we should look at the entire Tree Growth Law, not carve one group out and say you may not participate. So I hope you will vote against the pending motion so we can go on and Accept the Majority Ought Not To Pass Report. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator O'Gara.

Senator **O'GARA:** Thank you Mr. President. Ladies and gentlemen of the Senate, a couple of quick things I would like to make sure you understand. It was never the intention to specifically prevent any utility from following the rules that everybody else has to follow regarding the Tree Growth Law. But, the fact of the matter is that the Tree Growth Law was enacted primarily with the timber industry in mind. The fact of the matter is, the Portland Water District never has, doesn't have, and probably never will have any intention of using this for harvesting timber. The fact of the matter is, there is 1600 acres in the Town of Standish, which by the way, is not a participating member of the Portland Water District; doesn't belong to the Portland Water District; isn't covered by the Portland Water District, has had 16 acres of its land put under Tree Growth. We talk about, it was mentioned earlier some type of sarcastic word used earlier about what the Town of Standish is doing. I would point out to you that when the Assessor of the Town of Standish, doing his job as he is suppose to do, determined rightfully so that the land of the Portland Water District was in fact taxable. It was then and only then, ladies and gentlemen of the Senate, that the Portland Water District decided, with advice I assume from legal council or somebody, we'll get around that by simply putting it in the Tree Growth. No plan was in hand at the time. They may have scrambled since that time and come up with some kind of a plan, but there was no plan, and as far as I know there is no plan at this point in time. The fact of the matter is, ladies and gentlemen of the Senate, today it's Standish and I submit to you that tomorrow it could be your town, your district, that could fall into the same situation. This is a clear, not hard to understand at all, getting around a law that was designed for someone else other than an entity like the Portland Water District. I have no ax to grind with the Portland Water District, certainly not. My city is a member of the Portland Water District. My argument here is that we are lawmakers up here. It is our job to make sure we pass the laws, hopefully we also take part in seeing that they are enforced and probably followed. In this case the Portland Water District clearly has made a decision to skirt around, in my judgment, that's reason enough for you to support the Minority Ought to Pass Report.

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

Senator **NUTTING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I will be brief too this afternoon. But as Chair of the Agriculture, Conservation and Forestry Committee, I

deal with both large wood lot owners, and very small wood lot owners. I'm going to be supporting the motion before us. I've heard loud and clear from land owners that have wood lots, both large and small, that the purpose of Tree Growth was to have that land receive a tax break and require people to earn some living by harvesting wood from those wood lots. That is why you have a wood lot, is to harvest it occasionally. These particular groups are never going to harvest. They are doing it to achieve a tax break. In my opinion that was not intended. So I'm going to be supporting the motion before us. Thank you.

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

Senator **MILLS:** Men and women of the Senate, I thought we could probably avoid some of the sordid details, but I see that is not possible. So as one who sat and listened to the testimony, let me just give you the briefest recap that I can of this unfortunate history. There was a time, when for many years, Portland Water District permitted its land, some 1600 acres at the foot of Sebago Lake to be taxed as regular waterfront property at classic taxable, highest and best use rates. And they paid those bills year after year to the Town of Standish. There came a time when the Federal Government, some years ago, insisted that public water supplies receive a highly sophisticated form of treatment to filter out even the smallest microbes that might find their way downstream to the people serviced by the district. To comply with Federal Law they built a multi-million-dollar facility at the foot of Sebago Lake, a filtration plant. And there arose an enormous legal battle over whether this filtration plant would in some way fit in to an existing tax exemption that we've have on the books for most of this century. A tax exemption for head works of a water district that are located in a town that is not serviced by the district. After the initiation of that legal dispute, in which many hundreds of thousands of dollars in taxation were at issue, this Portland Water District, recognizing they faced potentially a large increase cost to their rate payers arising from the cost of litigating this issue with the town, or ultimately, perhaps, having to pay the tax bills on this enormous new filtration plant decided in its wisdom to convert the 1600 acres that it has at the foot of Sebago Lake into the Tree Growth Program as a step in the direction of protecting their rate payers in a perfectly legal and appropriate way. My understanding is they have indeed developed a Tree Growth plan that they do indeed have harvesting intentions for the wood that is growing on that land and moreover, this land, most of it, is in essence a dedicated public park because it is accessible. All except for the chain-link fence area near where the outflow lies into their head works. So they took this measure and they asked themselves whether they should put it into open space or into Tree Growth. And they thought, out of consideration for the taxpayers of Standish, they should move it into Tree Growth because in that fashion Standish could be reimbursed. Pass this Bill if you will, and if you do the people that are proposing this legislation will be the losers because the land will go into open space and the good Town of Standish and their taxpayers will lose the reimbursement from these that we provide under the Tree Growth Plan. That is my understanding of the long history of this unfortunate dispute. It's a regional dispute. One of my reasons for voting against the Bill is because I don't think these narrow-minded, regional disputes ought to bubble up into the State House. And when they do I think we ought to send them back to where they belong. Thank you.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate, a few minutes ago in this debate Senators made the remark that the Tree Growth Law really is a law intended to be available to individuals who put their property into Tree Growth, and that a water district should not have the same opportunity. In other words, this law only applies to those who are unorganized. Individuals of the state who wish to organize it to a water district cannot have the benefit of the statute. I don't understand that kind of argument. To deny to our citizens, those who organize into a water district, the same rights that we set aside to people who are, if you will, unorganized, who are individuals, to me it's not a fair result to apply a law in such a narrow fashion. You can talk about a water district, make it sound like it's a corporation separate and distinct from people, but we all know that a water district is comprised of people who make it up. And to say that those people should be denied the law because they're organized, to me, is not fairness. Thank you Mr. President.

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

Senator **RUHLIN:** Thank you Mr. President. Ladies and gentlemen of the Senate, the first thing I'm going to do when I finish up here this afternoon is I'm going to go to the nearest pharmacy and check out what the price is on hearing aids, because I would like to make this absolutely clear. There are more acres of land owned by corporations and Tree Growth than there are by individuals. If someone heard anyone say anything differently, I think they are going to need, and I'll send them what the price was on that hearing aid. It's clear and it's simple. It will protect land for development that we, as individuals, take advantage of but believe me corporations take advantage of it too. The issue isn't that. The issue is the versions of the laws that exist. A loophole in using those monies from the State Treasury to offset the rate payers expense in a water district. Now if they want to go in and harvest the wood from the land, have a management, that's another thing. If they want to become, I don't want to get into cities and individual communities, A-B-C Community Water Development District and Timber Harvesting Company then let them go right ahead and follow the law. The other thing I really didn't want to do this afternoon is get into a discussion on Court cases. There are some aspects, I assure you, not the aspects in this Bill, but the aspects that we are talking about now, I just would not do that, bring that before this Body. But there are some aspects of the whole issue involving other types of equipment, and so forth, that are before the Courts. We should not be discussing that. I heard that discussed so far. I've heard Federal Filtration Laws and requirements discussed. We're not here to discuss that. We are here to discuss a proven instrument of public tax policy. That is what we are here for. We are here to discuss the protection of the people's pocket books. That's what we are here to discuss and that is what we should be discussing. If you want to support them, the way to support them is you ought to Pass this Amended Report. Thank you.

**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 because my concern isn't with the water district in the Portland area, my concern is that there are water districts elsewhere in the state of Maine that have utilized similar situations. And apparently have done so without any degree of difficulty, distress, or dispute or anything else with their local towns. My concern after reading the language is that this proposed language is a complete prohibition against that kind of use at all. Whether there is a Comprehensive Land Management Plan or not. My understanding is, at least with this district that I'm more concerned about those management plans do exist, but the language that I'm reading would suggest to me that there would be a prohibition against any municipal corporation, such as the water district from using this at all. And for that reason I would be opposing the pending motion.

**THE PRESIDENT**: The Chair recognizes the Senator from Cumberland, Senator O'Gara.

Senator **O'GARA**: Thank you Mr. President. I will just say in response to the most recent comments, as I said earlier, it is not my understanding, and I have not seen a member that would indicate a complete prohibition. That was never the intention. So I will repeat what I said earlier. Even though my seatmate has pointed out that we probably ought not to be discussing the other situation, the legal case, he is probably right, but since the Senator from Somerset brought up the situation that brought this all on in the first place, about the water district building this multi-million-dollar facility, I would just call your attention, which he did not call to your attention, that under Maine Law, which I'm sure he is very familiar with, property held by a municipal corporation is exempt from taxation within its corporate limits. There is no argument with that sentence, but it goes further. You should understand that Standish, however, as I said earlier, is not a member of the Portland Water District. That is, the territorial limits or corporate limits of the water district do not include the Town of Standish. Therefore, the district property in Standish is located outside of its corporate limits. And therefore, according to the law, subject to taxation. Thank you Mr. President.

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

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

**THE PRESIDENT**: The Senator may pose her question.

Senator **GOLDTHWAIT**: To anyone who is able to answer it, I'm getting more confused, rather than less so. My question is, are the parameters of the Tree Growth Program being followed in this instance? I heard it, I think at least implied that though this land is in Tree Growth there is no Forest Management Plan that has been signed off by an appropriate registered Forester, etc. etc. This land, which is in Tree Growth, or wants to be in Tree Growth, is it in compliance with the requirements of the Maine Tree Growth Law or not?

**THE PRESIDENT**: The Senator from Hancock, Senator Goldthwait poses a question through the Chair to anyone who

may be able to answer. The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator **RUHLIN**: Thank you Mr. President. Honorable Senators, especially the Senator from Hancock, I'm going to try to answer that question. It's an excellent question. It's a complex question. Lets see how brief and to the point I can be. The state of Maine, because of delays by the Legislature, keeps putting off the full implementation of the Tree Growth Law in the sense that you must have a registered, certified Forester sign your management plan. Probably, and this is a guess, 95% of all the acres in Maine covered by Tree Growth are already completely fulfilling the law. I think that's Part A. Part B though, that other 5%, usually the small wood lot owners who have had trouble getting a Forester. Myself I own a wood lot. I am signed off, I want to tell you that. I'm one of the 95%, but there are those people, and if you remember a couple of weeks ago, or month ago, we brought in an extension to give them one more extension for another year because it keeps saying there is not enough Foresters there. So there is a small percentage of people in the state of Maine who had the Tree Growth, who have the management plan, but that management plan has not been certified or signed on to by a registered Forester. I hope that answers the Senators question.

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

Senator **DAGGETT**: Thank you Mr. President. Men and women of the Senate, to attempt to weigh in on the issue of the Forest Management Plan, I perhaps, was not clear when I said before that it is my understanding, although, I was not there, that the Forest Manager for the Portland Water District testified at the public hearing that they indeed have a Forest Management Plan and spoke to that issue. I do not have the plan in front of me but that is my understanding. It is also my understanding that all water districts have Forest Management Plans.

Currently there is some discrepancy as to whether everyone has to have it at this very moment, but it is my understanding that the Portland Water District does have one and the Forester was there at the public hearing in order to speak to that. To return to the public policy issue here at hand, which is the Tree Growth Law, and who should have access to it. We have a Tree Growth Law but who should be allowed to access that? There has been some discussion that perhaps water districts that have a Forest Management Plan can. I'm just going to read to you the summary, which is only one sentence, that is from the original Bill. This Bill removes from participation in the Maine Tree Growth Tax Law any forest land that is owned by a public municipal corporation located outside the limits of that. It removes them from the Tree Growth Plan. If there are issues regarding the Tree Growth Plan and who should access it, that should be addressed by the Tree Growth Plan, not carving one group out of it. This is very discriminatory. It carves one group out. The Committee Amendment as I read earlier is consistent with the summary of the Bill. It carves out, it prevents them from participating in it at all. Whether they have a Forest Management Plan or not, carves them out. It's interesting that is does single out non-profit water, sewer and school districts. Invest or owned other, no, only non-profit. Somewhat interesting, something that is there to serve the public purpose providing water is now being taxed. I think we need to look very carefully at the public policy issue here, if you

want to change who can access it. It's been suggested to us that the reason for Tree Growth was to allow people to make a living off that property. Well I want to tell you ladies and gentlemen that I live practically in the heart of Augusta. Right up behind Cony High School. My neighbor has over 100 acres right in the heart of Augusta in Tree Growth. This is a woman who is not making a living on this, I could assure you. That's not the purpose for that. It is managed. I know there is a management plan, I see the Forester in there occasionally myself. But she is certainly not making a living on it. It's preserving that property from development and other kinds of things. There are other reasons why we have Tree Growth, not just for people who are making a living. I don't think that's a part of the management plan that you sign, I promise I'm going to be making a living off this. That's perhaps a purpose, but not the whole purpose. Why do we have property and Tree Growth? There is a purpose to it. If we are going to pull out municipal corporations then I think we need to take a look at anybody else whose taking advantage of Tree Growth and not making a living. I think we need to set that aside. I think we have become somewhat sidetracked on this. I know that there was some discussion about the fact that this is outside the corporate limits. It's my understanding that the Portland Water District serves approximately 20% of the Standish residents. Serves over 170,000 people in Cumberland County. 20% of Standish, serves some area schools, serves some town hydrants. This is more. There is a further reach to this and I hope that you will turn down this Minority Report and go on to Accept the Majority Ought Not To Pass. Thank you.

At the request of Senator **MILLS** of Somerset a Division was had. 6 Senators having voted in the affirmative and 24 Senators having voted in the negative, the motion by Senator **RUHLIN** of Penobscot to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Require All Voting Places to be Accessible"

H.P. 74 L.D. 87

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-250)** (2 members)

Tabled - April 29, 1999, by Senator **DAGGETT** of Kennebec.

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

(In House, April 27, 1999, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 29, 1999, Reports **READ**.)

At the request of Senator **AMERO** of Cumberland a Division was had. 9 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion by Senator **DAGGETT** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **FAILED**.

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

Senator **TREAT:** Thank you Mr. President. Men and women of the Senate, I hope you will Reject the pending motion so that we can go on to Pass this Bill. This is a Bill that would simply require that municipalities make accessible to everybody, even those who have a disability, their voting places. Maine has a reputation and it's well deserved of being very friendly to people voting in this state. In fact, we tend to be up there with North Dakota as having the highest level of voting of anywhere in the country and there is a reason for that. We have been very open to people being able to register to vote, and I see this as part of that piece. Every single time that I have gone campaigning in my district, I have encountered people that have disabilities who have asked me specifically to go on their behalf to my towns and make sure places are accessible for them to vote. One of those towns happens to be one of the five towns on the list that do not have accessible voting locations in every single voting location. I actually wasn't aware of that when I signed on to the Bill, and I may not make people happy on my town council and my town of Gardiner when they find out that I am asking them to comply with this. But I think it is very important if we really mean it when we say that all citizens of this state have a right to enjoy all of the services that are out there to be a full citizen of this state. What could be more meaningful than the right to vote. I just see it as common decency. We're not talking about huge amounts of money that are involved here. I just think it's a very important issue and I know the Committee vote was very lopsided in the other direction, but I still think its something that we should very seriously consider. I would like to see you Reject this motion so we can go on to do the fair and right thing here.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate, I will be very brief. I have a brother, Ray, who is crippled on his right side. Paralyzed as a result of pneumonia at age one. But I do not stand for his agenda for the reason that I don't believe that we're here to sponsor or push for any personal agenda. I don't think I really have to go that far in being in opposition to the Majority Report. I stand for two reasons. They both are fairness reasons. You've heard the expression that life is not fair and perhaps that is true. I think that is one of the reasons why we have this august Body constituted. That whenever we find an unfairness we correct it. Secondly, I do not believe, because I have been approached as a basis for supporting the Minority Report in saying there is 80% compliance or 90% compliance with the law let's Ought Not To Pass this measure because there is almost 100% fairness here. Not quite and that should be good enough. I don't buy that. Fairness to me and to you, I'm sure, is a 100% situation. And whenever we find,

as here, a disability situation, we are not to make that person doubly disabled. Thank you Mr. President.

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

Senator **DAGGETT:** Thank you very much Mr. President and members of the Senate. As Chair of the Legal and Veterans Committee I have had an opportunity to listen to the debate regarding this Bill in a previous Session. Again I had the opportunity to hear it in this Session. I think that virtually all my votes have looked to make provisions for people who have disabilities. I don't think that is something that characterizes my legislative history here and I hope that it does not today. But I am supporting the Ought Not To Pass. There currently are provisions in law.

As many of you know, there had been a number of issues regarding accessibility under the Americans with Disabilities Act. Today every single community in this state provides a voting place that is accessible. Every community. The large majority of communities, as I'm sure you know, have single voting places. Because there are so many smaller communities in this state, there are a handful, and I do not have the numbers with me, but there are a handful that have multiple voting places. Some of those multiple voting places are not accessible. Many of the municipalities have moved as best that they can within their budgets, and hopefully, in response to the citizens in their communities. We are asked all the time to make decisions here that a municipality is having difficulty making. But I don't think that means that we should be happier to step into it. The community of Augusta has all of its voting places accessible. A few years ago, and after the ADA was passed we had great difficulty, and one of the reasons we needed a new City Hall was because of the impossibility of making our old City Hall accessible.

Currently, today, citizens have the right to go speak to their elected officials and accomplish what this Bill is asking State Government to mandate. The rest of us will pick up the tab if we mandate this for those communities that do not wish to pay the tab themselves. The cost depends on who you talk to. I've seen some numbers that are high and I've heard some numbers that are low. But nevertheless, this is a municipal responsibility. It is. Now sometimes municipal officials are not responsive for whatever reasons in the same way that perhaps those of us as State elected officials may not be responsive to the particular issue that is brought in front of us. This can happen. It does not have to be a mandate. We mandate a lot. But this really isn't what we have to do. We can, but we don't have to. It is possible today, and that is why I did not support this Bill.

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

Senator **CATHCART:** Thank you Mr. President. Men and women of the Senate, I urge you to vote against the Majority and we can go on to make sure that all of our voting places in the state of Maine are accessible to people who are elderly, physically challenged, or in wheelchairs. It's not just the people who are in wheelchairs that may have difficulty. I have many elderly people in my district who are very proud that they are still able to go out and vote, because I go around with absentee ballot applications and they will say, no I am able to go and vote and I have a ride. I

would hate it if one of them were weaker and frailer and got there and found out there were steps that she or he had to climb up, and not be able to go in and vote.

I just also want to correct what you may have read in the Bangor Daily News. It is not the Town of Orono that has an inaccessible voting place. The Town of Orono does have multiple voting places and all of ours are accessible, even to wheelchairs. I am proud of that. If we can do it I don't see why the rest of the towns, these other five, can't do it also. Thank you Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Washington, Senator Cassidy.

Senator **CASSIDY:** Thank you Mr. President. Men and women of the Senate, I would like to bring out a few points about this proposal before us. I too hope that you will not vote for this Majority Report so we can go on to vote for the Minority Report. First of all, as many of you who have been here the last five years know, my sister always comes every year. As a matter of fact, she and I were discussing her annual visit last week and I expect she will be down to see us hopefully in the very near future. Unfortunately, my sister Nellie has had MS for like 25 years. Those of you who met her know she has a real high energy and great outlook on life. But I've had an opportunity to be with her on several occasions going places shopping and those kinds of things. I think I have a real understanding of the need when a person has that sort of a disability or handicap and needs to rely on a wheelchair and sometimes help from other people with special vehicles. I just want to remind you that the American With Disabilities Act, that we are all familiar with, it doesn't say it's a Maine for people with disabilities, this is nationally recognized. Every state in the Union knows that we need to make access for folks with those kinds of disabilities and others. I think it is real important that we do that here in the state of Maine. Some of the literature that we saw this morning, there's only a few communities that are not in compliance with this, in our small community, we do have three voting places, and the problem with the argument that there's always one of those available. As you know, and I'm sure you folks that have multiple places to vote in your town, you're registered in a Ward. If you're registered in Ward three and you go to Ward one, they say I'm sorry you have to go to three to vote. If you're not sort of singling me out again, and say okay I'm sorry we can't accommodate, you need to go up the road. Just brings me back again to that I have some sort of a problem that I just can't get in that facility. I think the other thing that is important to know, is that polling places where we all vote, this isn't an annual 52 week year building. We're looking at a place that's open maybe at the most three times a year, if you have a primary general election, maybe a local election, sometimes two times a year. I heard this morning that one of the larger communities said, well you know we have several places, but only a few of them aren't in compliance and it would be a hard job to find a place. You're looking at finding a place, a public building, probably for three days a year. I don't think that community has to spend a lot of money. They might have to do a little research and go out and find a building that would accommodate a polling place in that particular Ward or area. I think it would be very weak of us not to pass this Bill as it was proposed. I intend, obviously not to vote for the pending motion. I hope you will join me so we can go on and move the proper vote this afternoon. Thank you.



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

Senator **CAREY:** Thank you Mr. President. I represent nine towns and three of them you can't get to. Albion, for instance, you go into the door where the town office is and you're on a 3 foot platform and then you're on a 2 foot 10 inch wide staircase. We have talked to them about it before, but Albion is Albion and they are gonna do what the hell they want. Unfortunately they could go to the Town Clerks office, except that the Town Clerks office is also in the cellar and is a part of the polling place. Mt. Vernon is another one. The only difference between Mt. Vernon and Albion is they have a wider staircase. So this Bill is really needed in some of these towns that have got to accept their responsibility.

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

Senator **FERGUSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm not going to be redundant because the good Senator from Kennebec, Senator Daggett, has pretty much laid out the argument. But I did go up and get my law book just to make sure that I would be on solid ground when I spoke here this afternoon. Each municipality in the state must provide at least one facility that is accessible to the handicapped. At least one voting place. We did have quite a long discussion in Committee on this and the Majority of the Committee thought that it shouldn't pass. Everyone is really being accommodated. But you might not be able to go to your particular ward. We were provided some statistics from the Maine Municipal Association and there are only 32 towns out of 494 in the state that do have multiple voting places. And 81% of those 32 municipalities do have accessibility for the handicapped. It is a mandate and it's going to cost us some money if we do insist on passing this piece of legislation. Like every decision we have to make, it's always hard. You have to balance. Make a judgment and make a fair judgment. I'm like the good Senator from Kennebec. I'm certainly one that is a compassionate person. But I think in this instance no one is being denied the right to go to a place and vote. Therefore, I would urge that you support the Majority on this particular Bill. Thank you.

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

Senator **DAGGETT:** Thank you Mr. President. Members of the Senate, it's always difficult when these kinds of issues come up in front of us. But I think there's one piece that we haven't looked at today and that is if we, for example, should mandate this; require communities to get a two-thirds vote to pay for it themselves. Municipalities do have an option. They can close that polling place because they already have one that is accessible. That was a large part of what the Committee considered. Do we want to push municipalities in a position where they're closing and consolidating, and providing less access to polling places? That is a very real option and I think for communities that are looking at their dollars and know that they have the place that's inaccessible. They know they have one that is accessible because they are required to do that. But if they have multiple polling places and currently one or two of them are inaccessible, they have the option of closing that place. And that's a very real option. In

some of the cases of these inaccessible places, they are located where the people are. In retirement homes, places where people can actually vote, we had to take a look at the specific cases. Some of the polling places are located in private buildings. They are private buildings and there is the issue of whether public dollars should be spent converting a private building. There are options that municipalities have. There are issues. I would urge anyone that has a municipality that has one of these inaccessible places to actually work with the community. Spend some time. Get those people that have an issue and work with the community. Take a look at what the facility is. Let's not step into this without taking a look at all the factors for encouraging places to be closed. Thank you very much.

**THE PRESIDENT:** The Chair recognizes the Senator from Washington, Senator Cassidy.

Senator **CASSIDY:** Thank you Mr. President. Just a couple of quick points and then I'll sit down. First of all, most municipalities, and you have all visited polling places in your districts, I mean these are in the rural areas generally, and I'm sure also in the cities probably. These are held in fire stations, middle schools, high schools, churches, and grange halls. I mean there has got to be places that do have handicap accessibility. The other thing I wanted to mention, and again we read these number of statistics, and it says that out of the 492, 32% have multiple places and 81% of those comply. That means 19% don't. I was sitting here thinking about us as a group in both Bodys. There is 186 of us in these two Bodys. If we are going to use percentages, I've only seen one out of the 186 people that would be in a wheelchair. I would really be discouraged if you all went out and voted to take the ramp out of here because we only have one. These numbers don't mean a darn thing if there is one that is not accessible it's wrong. I hope that you will vote against this motion. Thank you.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate, to those who have been talking about economics, I want to put your mind at ease. One of the 31 towns in my district is the Town of Madrid. As you know, there is a Bill before this Legislature by the town to deorganize. They are in financial straits, because the State has not been paying it's full share of General Purpose Aid and, until recently, Tree Growth. The town has come to us seeking to disband, to give up all of its rights. But I want you to know that, as to their voting place there is access for the disabled. Thank you.

The Minority **OUGHT TO PASS AS AMENDED** Report  
**ACCEPTED**, in **NON-CONCURRENCE**.

**READ ONCE.**

Committee Amendment "A" (H-250) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

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On motion by Senator **PINGREE** of Knox, **ADJOURNED**,  
pursuant to the Joint Order, until Monday, May 3, 1999, at 9:00 in  
the morning.