

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

In Senate Chamber
Saturday
June 5, 1999

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

Prayer by Senator Richard J. Carey of Kennebec County.

SENATOR CAREY: Thank you Mr. President. Good morning all.

God, the Father of us all, watch over us this day as we continue our journey on the road to a better life for all of our citizens. Let us put aside our personal feelings and ambitions, and remember the people, those who send us to this place. We are their voice in this Senate. Grant that when our work is finished we can return home and see the results of the things that we did unfold. We ask this in the name of the Messiah, who for some has come once and has promised to come again on the last day, while others await the first coming of their Messiah. Amen

Reading of the Journal of Friday, June 4, 1999.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORT - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Establish Limits on Contributions to Political Action Committees That Support Candidates"

S.P. 72 L.D. 175

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-18)**

In Senate, June 4, 1999, Report **READ** and Bill and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Comes from the House, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-18)**, in **NON-CONCURRENCE**.

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

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 (6/3/99) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Exempt Military Retirees from State Income Taxes" H.P. 360 L.D. 485

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-392)** (11 members)

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

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

Pending - **FURTHER CONSIDERATION**

(In House, May 7, 1999, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-392)**.)

(In Senate, June 1, 1999, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.)

(In House, June 2, 1999, that Body **ADHERED**.)

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

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

The Chair ordered a Division.

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

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

Senator **RUHLIN:** Thank you Mr. President. I hope our last day here offered a little better vein. I just want to say to those who would vote for the Recede and Concur, what you are voting for is irresponsible. Let me be absolutely clear to it. The Budget is now closed. The issue is now closed. You are voting to reopen the Budget. I'm half tempted to go right along with your Recede and Concur and see what you do then and then how you shape and face your responsibilities for the rest of the day. However, I think the responsible path is to do other than Recede and Concur and I will this time not yield to temptation but do the right thing and vote against that motion.

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

Senator **MILLS:** Mr. President. Men and women of the Senate, I suppose that we could do the Recede and Concur and then go ahead to amend the Bill as we have with some of the spending Bills that I have seen and yet make it effective 7/1/2001. Then we could all come back and deal with the structural gap. However, on this particular issue I do agree with my good Chair that probably the most prudent thing to do is to vote against the Recede and Concur so we can go on and Adhere. Thank you.

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

Senator **BENNETT:** Thank you Mr. President. I think we are starting this day on a good vein and I'm sorry if my good friend from Penobscot finds this gesture an ill humor. But, the truth is if we Adhere, which is the pending motion, if the Recede and Concur fails, this Bill is dead. Now last evening we took several spending items and spent millions of dollars in aggregate, and recommitted them to their Committees because we thought those ideas merited living another day and by failing to Recede and Concur and going on to the other motion moved by the Senator from Penobscot, we would in fact be killing this dead and not give it a chance to come back next year when apparently some people in this Body think there will be more money than there is now available. I think this issue merits the attention that all those spending Bills that we recommitted yesterday merit. That's why I'm moving to Recede and Concur. Because the alternative is, to kill this Bill dead, not just now, not just today in the context of the Budget recently passed, but in the context of this entire two year Legislature. Thank you.

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

Senator **RUHLIN:** Thank you Mr. President. I want to thank the good Senator from Oxford for his words of wisdom. I appreciate those. I would point out, however, one additional fact that I neglected to mention is that the subject matter of this Bill has been included in totality with another Bill which has had final Enactment in this Chamber and in this Legislature. So the matter would not really be appropriate for some future committal to Committee. It is already being taken from this and put into another Bill, which has had successful Passage and waits the signature of the Governor. So I think really what we are doing here is, I'll back up and say again, taking a journey into irresponsibility and maybe perhaps playing a few games were we to go ahead with the Recede and Concur. I just advise you to please vote against that motion.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Bennett, to Recede and Concur. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

The Chair noted the absence of the Senator from Kennebec, Senator **DAGGETT** and further excused the same Senator from voting on this matter.

ROLL CALL (#213)

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MITCHELL, PENDLETON

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

ABSENT: Senators: MACKINNON, SMALL

EXCUSED: Senator: DAGGETT

12 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator **BENNETT** of Oxford to **RECEDE** and **CONCUR**, **FAILED**.

Senator **AMERO** of Cumberland moved the Senate **INSIST** and **ASK FOR A COMMITTEE OF CONFERENCE**.

The Chair ordered a Division. 11 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **AMERO** of Cumberland to **INSIST** and **ASK FOR A COMMITTEE OF CONFERENCE**, **FAILED**.

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

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

Senator **RUHLIN:** Mr. President. Point of order.

PRESIDENT: The Senator may pose his point of order.

Senator **RUHLIN:** Is the Recede motion properly before us after an Insist motion has failed?

PRESIDENT: The Chair would answer in the Affirmative.

Senator **RUHLIN:** Thank you.

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

Senator **BENNETT:** Thank you Mr. President. I don't intend to be dilatory this good morning, hopefully the last day of the Session. But what I intend to do here, if this motion does prevail to Recede, is to treat this measure just like the spending Bills we

Recommitted last evening and move to Recommit this Bill so that it can live to fight another day. Any member of this Body that thought that the spending items that were worthy of keeping alive last evening I would hope would have the same view towards this tax relief measure for people who have worked hard serving in long careers in our Armed Forces. Thank you very much.

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

Senator **RUHLIN:** Mr. President. Ladies and gentlemen of the Senate, I would point out to you there is no need to Recommit, although that is not the motion before us. Let me say it one more time because some people don't seem to hear I guess. The subject matter in this proposed legislation has been taken from that and folded into a Bill with a Number of L.D. 1268 that has gone through this Body and has done all of the things it is suppose to do and is now prepared to become the law. There is no need for this. You want to make yourself look good on the voting record, then go ahead. I'm sure that is exactly what this is all about. But the fact of the matter is, those people who need that help, and it is legitimate help, are receiving it and they are receiving it through other legislation that has passed through this Legislature. I'll ask you to vote Against the Recede Motion.

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

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, yes, there has been another Bill that has gone through this Legislature. However, it has not been signed into law and I think the prudent thing to do, if we really care about providing tax relief for military members of our State who have retired to the State of Maine, then we should keep this Bill alive by having an opportunity to Recommit it if you vote for the prevailing motion to Recede first. Thank you Mr. President.

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

Senator **LIBBY:** Thank you Mr. President. Mr. President, men and women of the Senate, the good Senator from Cumberland, Senator Amero, just spoke and really said what I wanted to say so I will sit. Thank you.

On further motion by same Senator, 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 (#214)

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MITCHELL, PENDLETON

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

ABSENT: Senators: DAGGETT, MACKINNON, SMALL

12 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **BENNETT** of Oxford to **RECEDE, FAILED.**

On motion by Senator **RUHLIN** of Penobscot, the Senate **ADHERED.**

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Reduce the Income Tax"
H.P. 1499 L.D. 2143

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-741).**

Signed:

Senator:
RUHLIN of Penobscot

Representatives:
GAGNON of Waterville
GREEN of Monmouth
DAVIDSON of Brunswick
COLWELL of Gardiner
STANLEY of Medway
LEMOINE of Old Orchard Beach

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-742).**

Signed:

Senator:
MILLS of Somerset

Representatives:

LEMONT of Kittery
MURPHY of Berwick
BUCK of Yarmouth
CIANCHETTE of South Portland

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

Reports **READ.**

Senator **RUHLIN** of Penobscot moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**, in concurrence.

At the request of Senator **BENNETT** of Oxford a Division was had. 18 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **RUHLIN** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in concurrence, **PREVAILED.**

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

COMMUNICATIONS

The Following Communication: H.C. 222

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

June 4, 1999

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

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Improve Alcohol Server Education Courses" (S.P. 320) (L.D. 954):

Representative GAGNE of Buckfield
Representative O'BRIEN of Lewiston
Representative McALEVEY of Waterboro

Sincerely,

S/Joseph W. Mayo
Clerk of the House

READ and ORDERED PLACED ON FILE.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator TREAT for the Committee on **NATURAL RESOURCES** on Bill "An Act to Clarify the Solid Waste Laws as They Relate to the Exception to the Ban on New Commercial Landfills" (EMERGENCY)

S.P. 839 L.D. 2238

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

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

READ ONCE.

Committee Amendment "A" (S-441) **READ** and **ADOPTED.**

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

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act to Allow Honorably Discharged Veterans to Be Buried in the Veterans' Memorial Cemetery"

S.P. 116 L.D. 313

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

Pending - **PASSAGE TO BE ENGROSSED**

(In Senate, March 3, 1999, **READ A SECOND TIME.**)

PASSED TO BE ENGROSSED.

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

The Chair laid before the Senate the following Tabled and Later (6/4/99) Assigned matter:

Resolve, to Increase Reimbursement for Chiropractic Manipulation under the Medicaid Program
H.P. 1313 L.D. 1896
(H "A" H-625 to C "A" H-602)

Tabled - June 4, 1999, by Senator **MURRAY** of Penobscot.

Pending - motion by same Senator to **RECONSIDER FINAL PASSAGE**

(In House, May 24, 1999, **FINALLY PASSED**.)

(In Senate, June 4, 1999, **FINALLY PASSED**, in concurrence.)

On motion by Senator **MURRAY** of Penobscot, the Senate **RECONSIDERED** whereby the Resolve was **FINALLY PASSED**, in concurrence.

On motion by Senator **MICHAUD** of Penobscot, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-602) AS AMENDED BY HOUSE AMENDMENT "A" (H-625)** thereto, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-602) as Amended by House Amendment "A" (H-625) thereto, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-386) to Committee Amendment "A" (H-602) **READ**.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending motion by Senator **MICHAUD** of Penobscot to **ADOPT** Senate Amendment "A" (S-386) to Committee Amendment "A" (H-602).

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (6/3/99) Assigned matter:

COMMITTEE OF CONFERENCE REPORT - on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Treat All Employees Equitably with Respect to Leaves of Absence for Legislative Service"

H.P. 235 L.D. 339

Report - That the House **Recede** from **Passage to be Engrossed as Amended by Committee Amendment "A" (H-354); Indefinitely Postpone** Committee Amendment "A" (H-354); **Read** and **Adopt** Committee of Conference Amendment "A" (H-748); and **Pass the Bill to be Engrossed as Amended by Committee of Conference Amendment "A" (H-748)**, in **Non-concurrence**. That the Senate **Recede** and **Concur** with the House.

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

Pending - motion by same Senator to **RECONSIDER** whereby the Senate **FAILED** to **ACCEPT THE COMMITTEE OF CONFERENCE REPORT**

(In House, June 3, 1999, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (H-748)**, in **NON-CONCURRENCE**.)

(In Senate, June 3, 1999, Report **READ** and **FAILED ACCEPTANCE**, in **NON-CONCURRENCE**.)

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending motion by same Senator to **RECONSIDER** whereby the Senate **FAILED** to **ACCEPT** the **COMMITTEE OF CONFERENCE REPORT**.

Off Record Remarks

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 Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 2000 and June 30, 2001
H.P. 690 L.D. 957
(H "B" H-755 to C "C" H-752)

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

Act

An Act to Enhance the Payment Options for Certain Employers
H.P. 214 L.D. 292
(S "A" S-361 to C "A" H-477)

On motion by Senator **MICHAUD** of Penobscot, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-477) AS AMENDED BY SENATE AMENDMENT "A" (S-361)** thereto.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-477) as Amended by Senate Amendment "A" (S-361) thereto.

On further motion by same Senator, Senate Amendment "E" (S-412) to Committee Amendment "A" (H-477) **READ** and **ADOPTED**.

Committee Amendment "A" (H-477) as Amended by Senate Amendments "A" (S-361) and "E" (S-412) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

On motion by Senator **RAND** of Cumberland, 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.

The Chair noted the absence of the Senator from Kennebec, Senator **DAGGETT** and further excused the same Senator from voting on this matter.

ROLL CALL (#215)

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, DAVIS, FERGUSON, GOLDTHWAIT, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MILLS, MITCHELL, MURRAY, NUTTING, PENDLETON, RUHLIN, SMALL, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: CAREY, CASSIDY, CATHCART, DOUGLASS, HARRIMAN, MICHAUD, O'GARA, PARADIS, PINGREE, RAND, TREAT

ABSENT: Senator: MACKINNON

EXCUSED: Senator: DAGGETT

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-477) AS AMENDED BY SENATE AMENDMENTS "A" (S-361) AND "E" (S-412)** thereto, in **NON-CONCURRENCE**.

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

ORDERS OF THE DAY

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

COMMITTEE OF CONFERENCE REPORT - on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Treat All Employees Equitably with Respect to Leaves of Absence for Legislative Service"

H.P. 235 L.D. 339

Report - That the House **Recede** from **Passage to be Engrossed as Amended by Committee Amendment "A" (H-354); Indefinitely Postpone** Committee Amendment "A" (H-354); **Read** and **Adopt** Committee of Conference Amendment "A" (H-748); and **Pass the Bill to be Engrossed as Amended by Committee of Conference Amendment "A" (H-748)**, in **Non-concurrence**. That the Senate **Recede** and **Concur** with the House.

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

Pending - motion by same Senator to **RECONSIDER** whereby the Senate **FAILED** to **ACCEPT THE COMMITTEE OF CONFERENCE REPORT**

(In House, June 3, 1999, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (H-748)**, in **NON-CONCURRENCE**.)

(In Senate, June 3, 1999, Report **READ** and **FAILED ACCEPTANCE**, in **NON-CONCURRENCE**.)

On motion by Senator **PINGREE** of Knox, the Senate **RECONSIDERED** whereby it **FAILED** to **ACCEPT THE COMMITTEE OF CONFERENCE REPORT**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

Senator **NUTTING** of Androscoggin who would have voted NAY requested and received leave of the Senate to pair his vote with Senator **DAGGETT** of Kennebec who would have voted YEA.

ROLL CALL (#216)

YEAS: Senators: CAREY, CATHCART, DOUGLASS, MICHAUD, MURRAY, PARADIS, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CASSIDY, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MILLS, MITCHELL, O'GARA, PENDLETON, SMALL

ABSENT: Senator: MACKINNON

PAIRED: Senators: DAGGETT, NUTTING

11 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 2 Senators having paired their votes and 1 Senator being absent, **ACCEPTANCE** of the Committee of Conference Report, **FAILED**.

Committee of Conference Report **REJECTED**, in **NON-CONCURRENCE**.

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Change the Tax Treatment of Truck Campers" H.P. 767 L.D. 1090

In House, April 13, 1999, **PASSED TO BE ENACTED**.

In Senate, June 3, 1999, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

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

ORDERS OF THE DAY

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

SENATE REPORT - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Establish Limits on Contributions to Political Action Committees That Support Candidates"

S.P. 72 L.D. 175

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-18)**

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

Pending - **FURTHER CONSIDERATION**

(In Senate, June 4, 1999, Report **READ** and Bill and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.)

(In House, June 4, 1999, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-18)**, in **NON-CONCURRENCE**.)

Senator **PINGREE** of Knox moved the Senate **INSIST**.

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

Senator **PINGREE:** Thank you Mr. President, I had originally moved that we Commit this back to the Committee on Legal and Veterans Affairs and the action of the House was slightly different than that. I'm just moving to Insist to encourage the House to do that. It's my opinion that there is some Constitutional issues with this. I think that before we take a final vote on it we should resolve those questions. But currently I would have to vote against this Bill because there have already been opinions in 1996 that show limits to PACs are Unconstitutional. So I hope you will support me in the Insist motion.

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

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

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, this is a Bill that has been sitting on our calendar for many months. It was a unanimous Committee Report out of Legal and Veterans Affairs. What it does is clarify a statute that has been in place in this state for some time. In fact, it was put into place before the creation of Political Action Committees. What the State statute does, as it is written now, is limit an individual to \$25,000 of contributions to individual campaigns during a calendar year. With the creation of Political Action Committees, individuals have been able to get around that provision of the State law and, in fact, infuse hundreds of thousands of dollars into campaigns in the state of Maine. So what this Bill does is to try to correct that practice and limit to \$25,000 the amount of money an individual can contribute to candidates or Political Action Committees that support candidates for State office. This is a very important campaign finance reform piece. The Legal and Veterans Affairs Committee felt that it was an important piece as well and showed their support by unanimously voting this Bill out Ought to Pass. I hope today you will do the right thing and vote for Passage of L.D. 175. Thank you Mr. President.

The Chair ordered a Division.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending motion by Senator **AMERO** of Cumberland to **RECEDE** and **CONCUR**. (Division Ordered)

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

ORDERS

Joint Order

On motion by Senator **CAREY** of Kennebec, the following Joint Order:
S.P. 854

ORDERED, the House concurring, that Bill, "An Act to Amend the Lobbyist Registration Fee Provisions," S.P. 503, L.D. 1504, and all its accompanying papers, be recalled from the legislative files to the Senate.

READ.

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

Senator **CAREY:** Thank you Mr. President. This is a case of over-collection and wrongful collection, if you would. The ACLU is ready to take the State to court, but has given us time to make the change in this. Lobbyist, for instance, is supposed to pay \$200, and there is a \$100 for an assistant or what have you. But in the Clean Election Law, the people who put that whole thing together, which we really couldn't touch, wanted an additional \$200, and attorneys that we have talked to have said that is totally illegal and Unconstitutional because they can't collect money and then put it into a fund to help the clean people to get elected over us dirty people. So if we may, I would hope that you could support this Order and bring that fee down to the \$200, which truly is

recommended by the Attorney Generals Office that, that is the only thing that we can collect. Otherwise, we are going to go to Court. There is a loss of \$95,000 in each of the following two years, and I know that it will cost us a lot more than that just to defend the case. Thank you.

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

Senator **BENNETT:** Thank you Mr. President. I just want to rise and concur with the comments made earlier. This is clearly a case where, although, we may be denying some funds by passing this Bill, that to the State the cost would surely be greater because, as I understand it, the Court case is just a no-win for us at all. It is very important that we do this and save us all the agony and cost of preceding through the Judicial route. Thank you.

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

Senator **HARRIMAN:** Thank you Mr. President. Good morning ladies and gentlemen of the Senate. I'm a little perplexed that this motion is before us because there were numerous proposed changes to the Clean Election Law. And many of the advocates of this law, many of the people in this Chamber who supported them, on some of the Bills that came before us, myself included, were reminded time and time again this was a citizens initiated effort. Don't change the will of the people. My good friend from Oxford, Senator Ferguson, and seatmate of mine, proposed legislation to change the word from Clean Election to Public Election, and everyone as a result of that debate came to the conclusion that, that was breaking of the spirit of the intention of those who circulated the petition. So I'm finding myself in a very tenuous position that now all of a sudden at the end of the Session we're being told that it is okay to change the will of the people that we have been so heavily lobbied throughout this Session not to do. So Mr. President, respectfully I will maintain the will of the people and vote against the pending motion. Thank you Mr. President.

Pursuant to Joint Rule 404 a Division was had. 26 Members having voted in the affirmative and 6 Members having voted in the negative, with 26 being more than two-thirds of the members present and voting the Joint Order was **PASSED**.

Sent down for concurrence.

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

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

Senator **CAREY:** Thank you Mr. President. Am I in order in making a motion that this Bill be carried forward?

THE PRESIDENT: This Bill has not been Recalled from the Legislative Files and is not before the Chamber. Only the Order is before the Chamber right now.

Senator **CAREY:** That is the intent.

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

ORDERS OF THE DAY

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

Resolve, to Increase Reimbursement for Chiropractic Manipulation under the Medicaid Program

H.P. 1313 L.D. 1896
(H "A" H-625 to C "A" H-602)

Tabled - June 5, 1999, by Senator **BENNETT** of Oxford.

Pending - motion by Senator **MICHAUD** of Penobscot to **ADOPT** Senate Amendment "A" (S-386) to Committee Amendment "A" (H-602)

(In House, May 24, 1999, **FINALLY PASSED**.)

(In Senate, June 5, 1999, the Senate **RECONSIDERED** **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-602) AS AMENDED BY HOUSE AMENDMENT "A" (H-625)** thereto. **RECONSIDERED ADOPTION** of Committee Amendment "A" (H-602) as Amended by House Amendment "A" (H-625) thereto. On motion by Senator **MICHAUD** of Penobscot, Senate Amendment "A" (S-386) to Committee Amendment "A" (H-602) **READ**.)

On motion by Senator **MICHAUD** of Penobscot, Senate Amendment "A" (S-386) to Committee Amendment "A" (H-602) **ADOPTED**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** House Amendment "A" (H-625) to Committee Amendment "A" (H-602).

On further motion by same Senator House Amendment "A" (H-625) to Committee Amendment "A" (H-602) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Committee Amendment "A" (H-602) as Amended by Senate Amendment "A" (S-386) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-602) AS AMENDED BY SENATE AMENDMENT "A" (S-386) thereto, in NON-CONCURRENCE.

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

The Chair laid before the Senate the following Tabled and Later (6/4/99) Assigned matter:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Extend Term Limits for Elected Officials and Constitutional Officers"

S.P. 377 L.D. 1078

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-262)** (12 members)

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

Tabled - June 4, 1999, by Senator **LONGLEY** of Waldo.

Pending - motion by same Senator to **RECONSIDER** whereby the Senate **ADHERED**

(In Senate, May 27, 1999, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In House, June 3, 1999, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-262)**, in **NON-CONCURRENCE**.)

(In Senate, June 4, 1999, motion by Senator **PINGREE** of Knox to **RECEDE** and **CONCUR**, **FAILED**. Subsequently, on motion by Senator **BENNETT** of Oxford, **ADHERED**.)

Senator **BENNETT** of Oxford requested a Division.

On further motion by same Senator, 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.

Senator **BERUBE** of Androscoggin who would have voted NAY requested and received leave of the Senate to pair her vote with Senator **DAGGETT** of Kennebec who would have voted YEA.

ROLL CALL (#217)

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

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MICHAUD, MITCHELL, NUTTING, SMALL

ABSENT: Senator: MACKINNON

PAIRED: Senators: BERUBE, DAGGETT

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators having paired their votes and 1 Senator being absent, the motion by Senator **LONGLEY** of Waldo to **RECONSIDER** whereby the Senate **ADHERED, PREVAILED**.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY:** Thank you Mr. President. Colleagues in the Senate, this one has been a really tough one for me as you can remember. I first voted in support of continuing Term Limits. Having taught history, taught Madison, and Federalist Papers and the importance of, as I put it on the floor, rotor tilling and dispersing of power. I continued to think that way until yesterday when I began to question my right to hold this vote from the people when it was a 16 to 17 vote. I had time to think about it and, boy, have I been thinking about it and I appreciate the time. To be honest, my guiding ethic is to honor this institution. At this point, having weighed a lot of competing ideas, I'm going to vote to Adhere because I think we ought to let the people decide. The people have voted strongly three times in the last five years to support Term Limits. I think as leaders in this Legislature it's incumbent on us to really think long and hard when you require the people to let go of their chosen Representatives. When you, in the process, force the Legislature to go with, I think its evident, much less skill. I'm beginning to think we are turning this chess game into a checkers game and I think we can do better. I think our collective intelligence, our collective IQ, can be improved and I may walk out of this Chamber questioning everything I'm saying, I probably will. Here and now, this nanosecond, I'm willing to let the people decide and I appreciate your giving me a chance to rethink this. Thank you.

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

Senator **MILLS:** Mr. President. If I may be forgiven a momentary lapse. As I understand it the pending motion is to Adhere. A vote in favor of the motion that essentially killed the Bill and to vote against the motion would revive it. Am I correct? I think the good Senator from Waldo now agrees that she had it backwards, I hope. Just for the sake of clarity.

THE PRESIDENT: The Chair would answer to the Senator that the motion to Adhere would mean the Senate adheres to its position whereby it Accepted the Minority Ought Not to Pass Committee Report and at that point the only question for the House is agreement with the Senate at that point. The Secretary stands corrected. If the Senate Adheres it still goes back to the House and the choice of the House at that point is only to agree with the Senate and the Bill will die.

Senator **MILLS:** May I speak to the merits of the issue?

THE PRESIDENT: The Senator may speak to his merits now that the Secretary and the President are done.

Senator **MILLS:** Women and men of the Senate, I have in the last day or two entertained the same struggles and moral conundrum that the good Senator from Waldo has suffered through. We wound up on different sides, I think, on both occasions. No we haven't, we voted once together. In any case, I think that I am very deeply interested, as a long-term policy matter, in seeing that at some point during the remainder of my life that this law be changed so that we have at least 10 years of service permitted and maybe 12. But I'm firmly convinced that 8 years, 4 terms, is a truncated system. Many states do have limits at 8 years. There is still another large body of states that have limits at 12. There don't seem to be any at 10, which is roughly my preferred solution.

California has the misfortune of limiting its assembly members to two three-year terms, six years only, lifetime disability thereafter. The most bizarre system imaginable. They essentially rule the State by Referendum. Heaven forbid we should ever be as bad off as they are in California. I think they have one of the most dysfunctional Legislative systems in the free world. We are no where near that and we are very fortunate that our limit is only at 8 years. But I see so many people on both sides of the isle who rise through the ranks to the point of leadership, who serve one term in that capacity, find themselves almost desperate to Enact their respected agendas, and you can't do it in two years. I came down here 5 years ago with all sorts of ideas rummaging around in my head. It's only been in this term, frankly, that I've seen some of them come to fruition and I've got more yet. I can easily imagine that somebody in a leadership posture would be very frustrated at having to be cut off at the knees after a two year term in leadership. So I want this to happen. But I am also convinced, and I'm the Sponsor of this Bill, and I'm going to vote against it. I came to that decision yesterday and without much notice to those who, frankly, were hoping that I would persist in my earlier views. But the reason I did, and this is it in a nutshell, I think that this issue has to go to the public in a posture where incumbents are not favored by the result because I know how much money there is out there, frankly, to go to the public and try to kill this issue by assailing the motives of those of us who feel the law should annihilated. They will fight dirty and they will fight hard. There will be far more money on that side then we could possibly muster from this institution arguing folks you don't know how it works down here, you need the 10 or 12 years. Those pleas will fall on deaf ears. The TV spots will all be muster and a raid against this policy issue that I, frankly, believe in rather deeply. I am concerned that in an odd year, in an off-election cycle vote, with those of us here possibly standing to benefit from the Passage that we will leave ourselves vulnerable on the merits of the policy issue.

If we want to get this changed, and I do, I think we have got to send it out to Referendum in a posture where, first of all, it goes into an election year, an even year, to the voters where it will get a good, fair turnout. Number two, where we isolate it from those of us who are here. Isolate it from the fortunes of all of us who are here. I think unless we do that, there are those out there who will turn this into a Referendum about the motives of some us here in the Legislature. In the year when we are voting ourselves a pay increase, you throw on top of that a Bill that would also grant us access to the pension system, which 12 years does 8 years doesn't, and you wind up turning this into a fight over what are our motives and our selfish agendas. Then the policy issue will get lost in the sound bytes and we will lose. Once it's lost folks, I will never see it changed in my lifetime. It just won't happen. I have come to this decision recently and rather suddenly yesterday as I began to ruminate over the issue. That is the reason for my sudden change in position on this vote and I deeply regret having made it at the last minute. I very deeply regret having made it on an 18 to 17 vote without adequate notice to those who were trusting in my judgment. I don't make it a practice of doing it and I'm very sorry. I apologize openly. But those are my reasons, they are honest reasons, and nobody got to me. Thank you.

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

Senator **TREAT:** Thank you Mr. President. Parliamentary Inquiry?

THE PRESIDENT: The Senator may pose her Parliamentary Inquiry.

Senator **TREAT:** Would a motion to Recede and Concur be in order at this time?

THE PRESIDENT: The Chair would answer in the affirmative, an intervening motion having occurred.

Senator **TREAT** of Kennebec moved the Senate **RECEDE** and **CONCUR**.

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

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

Senator **BENNETT:** Thank you Mr. President. I move the Senate Recede and wish to speak to my motion.

Senator **BENNETT:** Thank you Mr. President. I make this motion because I believe that this Bill going out in its current form to the people is not ideal. I do have an Amendment which I cannot offer until this motion Passes but I would like to provide it for your consideration. Thank you.

The same Senator moved the Senate **RECEDE**.

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

Senator **ABROMSON**: Thank you very much Mr. President. Ladies and gentlemen of the Senate, I too, as the good Senator from Waldo and the good Senator from Somerset, have been thinking about this for quite some time. I wish I were as articulate as my seatmate, but unaccustomed as I am to hyperbole, I shall just tell you this, I too dislike Term Limits. I told that to Project Vote Smart, I told that to the Portland Press Herald, the Casco Bay Weekly, the Falmouth Forecaster, and yet these same people who voted for Term Limits sent me here. So it put me somewhat in a quandary. But I must say that I'm very uncomfortable asking those voters who voted for Term Limits to allow me to exempt myself from the law that they initiated. I just think it's self-serving to include myself in that. Therefore, I will be voting to Recede. Thank you Mr. President.

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

Senator **TREAT**: Thank you Mr. President. Men and women of the Senate, I would just point out that when the original Term Limits action took place it was retroactive and encompassed everyone within its scope. A proposal to change the law, which is not retroactive and therefore targets those same people, I think there is a similar kind of unfairness to it. I would ask for a Division on this motion.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY**: Thank you Mr. President. Colleagues in the Senate, still thinking that the next piece to my process is the good advice I got year one. Don't go forward unless you think you can win. Having heard what the Senator from Somerset has said, and knowing what is coming from the Senator from Oxford, I'll be voting to Recede. To increase the chances that we accomplish, for the institution, what I'm seeking to accomplish.

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

Senator **KILKELLY**: Thank you Mr. President. Men and women of the Senate, I will now be voting to Recede and would like to respond to some of the comments that were made by the good Senator from Somerset, Senator Mills. There will never be enough money for people to go out and talk about good governance because it's a very nebulous thing. We can't bring with us a lot of money that is going to say this is how this place works, these are the things that we need to have done. The other side will be able to generate great amounts of money because hate and discontent can generate great amounts of money, and they will always be able to do that because people are much more likely to get whipped up into a frenzy and pull out their checkbook and send in money and say, we dislike this, government is bad and all these people are there for self-interest, and this is a terrible thing. They are always going to be able to out-spend us. They are always going to be able to do that whether it's this year, whether it's next year, whether it's 10 years down the road. That is the way that part is going to be.

One of the benefits, I believe, in having this issue go out for Referendum this year is that it's not an election year. Those of us who support this particular Bill will then have an opportunity to go before our constituents and stand for election in the next year.

The people at that point will make a decision. If they are unhappy about the position that we took, and they feel that unhappiness is strong enough for them to not elect us, then I for one am ready to say so be it, because I do believe that there are some principals in which we must stand, and stand tall, and take the consequences for it. I would rather be able to go away from here sleeping at night, knowing that I have done all the things I can. I've stood up when I needed to for the things that were important to me. I've said what I needed to say. I've taken a stand when I've needed to take it. I've lost when I've lost and I've won when I've won. But I've done the things I needed to do, rather than to go away from here thinking I've avoided this because I don't know if it's going to work. I've avoided it because the odds may not be in my favor. I've avoided it because maybe there is going to be a problem. That is not good governance. Good governance is saying this is what needs to happen. This is what I believe in and I'm going to go forward whether your supporting it or whether your opposing it.

The other issue has to do with putting this out when we have voted ourselves a pay increase. A pay increase. Now if we say we're taking this out and we've voted ourselves a pay increase, I expect that about 60% of the people we talk to will think, why those people voted themselves that 50% pay increase that I read about in the paper. How many of you have read about the 3% pay increase that we actually voted for? That didn't get quite the high headlines that a 50% pay increase did. So an awful lot of people are out there that are going to say well they voted themselves a pay increase now they just want to stay and reap the benefits of their largess. Well, a largess of 3%. 3% that doesn't even amount to minimum wage over the course of the year isn't exactly something that will allow me to quit one of the four part-time jobs that I work in order to stay here and do this work that I love. So I'm not at all uncomfortable going out and saying yes, in fact, I do believe that for the first time in 10 years we needed a pay increase and that it's 3%. It's the cost of living, it's the same amount of pay increase that State Government Employees got and that is quite reasonable. And yes, in fact, if this Bill were to Pass here and go out for Referendum and it, in fact, passed in Referendum I would be one of the people that would benefit from that. But Term Limits is not an issue that limits the power of the Legislature. Term Limits limits the power of the voter. I have no right to serve in this Legislature but my constituents have a right to select from as large a pool as possible the person they want to represent them. And if that person has 8 years experience, or 10 years experience, so be it. I believe they have that right. So I firmly believe that this is, in fact, a vote that shifts power back to the public. Gives them a larger pool of people from whom to pick to represent them and I am more than happy to go out and say yes I voted myself a 3% pay increase, yes I think you ought to have a chance to address this again given some of the turn-over we have seen within this Legislature looking at the amount of years collectively that we have lost as experience within the two Body's of this Legislature. Yes, I think the people ought to take a look at it because any stress and challenge within this Legislature results in a product that impacts their lives every single day. So I would urge you to vote against the pending motion and go on to Pass this legislation. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY**: Thank you again Mr. President. Colleagues of the Senate, in this chess game if in fact we are opposed to Term Limits, if in fact we want to honor this institution, I think we've got to strategically position ourselves so that yes we will do damage to ourselves, long-term, if we don't time this process or don't present arguments in such a way. If Term Limits get voted again, next time around, where the public says yes. In addition to 1993, in addition to 1994, 1996, and also in 1999, we support Term Limits. We do much more permanent damage to ourselves. I think that if we realize that Term Limits causes this institution more harm than good, then we have got to be willing to, basically, politically die for this principal. Saying it does not apply to us. Reasonable people differ and evidentially this whole issue strikes strong chords in all of us and best of luck everybody.

The Chair ordered a Division. 18 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **BENNETT** of Oxford to **RECEDE, PREVAILED**.

Senator **BENNETT** of Oxford moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-262)** Report, in concurrence.

Senator **LIBBY** of York requested a Division.

Off Record Remarks

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

Senator **SMALL**: Thank you Mr. President. Despite my many years of being here, I'm still in a little bit of a quandary over what these different motions will mean. If we defeat the motion to Recede, no we already Receded. If we defeat the Amendment, would it then be in order to then go back to the Recede and Concur?

THE PRESIDENT: The Chair will answer that the posture that we are in is that the Senate Accepted the Minority Ought Not to Pass Report. We have Receded from that position. Pending question before us is Acceptance of one of the Committee Reports. In order to offer an Amendment we have to positively Accept the Committee Amendment and then Amend it in order to Pass a piece of Legislation.

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

Senator **SMALL**: Thank you Mr. President. I stand corrected. If we defeat the motion to Accept the Majority Ought To Pass Report, would they then be able to offer the Recede and Concur motion after that?

THE PRESIDENT: The Chair will answer that if the motion to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" Report Fails, the motion to Recede and Concur would not be in order. A motion to Concur would be in order since we have already Receded. A motion to Concur would put us in agreement with the House, which has Accepted the Majority Ought to Pass as Amended by Committee Amendment "A" Report.

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

Senator **AMERO**: Thank you Mr. President. Ladies and gentlemen of the Senate, we certainly had a lot of debate on this whole issue. I hope that one of the last actions that we take in this Session is not to send out for Referendum a question that I think would look to be very self-serving by this Body. I haven't gotten a single call all Session from anybody who has said you really need to have a longer term up there. Maybe it's just me and maybe all of the other Senators up here have received a lot of calls from constituents urging us to extend our terms. You know I look at the will of the people of the State of Maine not many years back and I have great confidence in the will of the people when they turn out to vote for an item they feel strongly about. We have to remember that we have Term Limits because enough citizens went out and gathered signatures and by a very large majority they voted to limit our terms to 8 years. I feel very strongly that the Term Limits Bill that they gave us in the State of Maine was a very liberal one. Unlike California and other States, all you have to do if you want to continue to serve in the Legislature is take a term off and then you can run again. Or you can run for one of the other Body's. We're not restricted from just 8 years total service to the people of the State of Maine. So I hope that when the time comes if people think that they want to return as Legislators to the Senate and to the House for longer terms, that it will come up for vote because the citizens of the State of Maine want it and they have gone out and gathered signatures to do just that. So with this in mind, I would move at this time that we Indefinitely Postpone this Bill and all it's accompanying papers.

Senator **AMERO** of Cumberland moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**.

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

Senator **LIBBY**: Thank you Mr. President. Men and women of the Senate, I rise to speak in favor of the motion in front of us and that is to Indefinitely Postpone this Bill and all it's accompanying papers. I want to make it clear to the members of the Senate that I would not be willing to entertain any ideas to amend this Bill. Particularly an idea to amend this Bill. It might have good ethical principals behind it, but one that might lead to some members sitting in this Chamber in some year who would be subject to Term Limits and some members who would be sitting in this Chamber in a certain year who would not be subject to Term Limits and they sitting beside each other. I am not in favor of that in any way and that appears to me to be a possibility here. This is a principal that I believe should be brought back to us by members of the public. I'm not sure, but I think it was a Senator from Cumberland, who said a few weeks ago that if we are going

to change this law it probably ought to come from the folks who passed the law in the first place by Referendum. I think that is an important and very valid reason. I have seen really no negative impact of the law itself but others have. For those of you that have, I respect that and I would say that you could go out and organize with some other folks and get the signatures that you need, bring it back to this Body in a future year and we can act on it then. But until that happens I would wholeheartedly support this motion that is pending before us and I ask you to join me. Thank you.

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

Senator **HARRIMAN:** Thank you very much Mr. President. Mr. President may I request the Secretary read the Minority Report?

At the request of Senator **HARRIMAN** of Cumberland, the Minority **OUGHT NOT TO PASS** Report **READ**.

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

Senator **RUHLIN:** Thank you Mr. President. Members of the Senate, I would like to speak against this motion to Indefinitely Postpone. Term Limits are something I've never said much about publicly. When they first came about, I frankly did not support them because I always felt the ballot box is what made for the say. I still feel the ballot box is the best way to have Term Limits. However, it is nice frankly, to have some fresh air in a Body from time to time. It's nice to see the advancement of nice, bright people in the process, which that does open up. It is nice to see some of the fresh blood and someone rising to the top like cream in bottle. It's good to see. However, the people of the state of Maine were only given one choice, 8 years. Wasn't 12, wasn't 6, and I regret that they did not have that choice because that same cream that rises to the top of the bottle in 4 to 6 years will be even better, for the purposes of this State, if were allowed to mature in place to the degree of going 10 or 12 years. It still serves the same purpose of allowing new people to come in. When I first came in this building, there were many who were, to a young Legislator starting out, I'd call them ancient and in place. That was before my hair turned white. But you know there is need for some experience. I question how much experience you get in 8 years. I think if the people had the choice of 8 years or 12 years, the choice isn't over Term Limits, the choice is over what amounts to adequate experience to properly propose policies and the wise management of this State. I think that is the choice we should give the people of the State. So I hope that you will vote with me against the Indefinite Postponement of this Bill. Thank you.

The Chair ordered a Division. 13 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **AMERO** of Cumberland to **INDEFINITELY POSTPONE** the Bill and accompanying papers, **FAILED**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

Senator **BERUBE** of Androscoggin who would have voted NAY requested and received leave of the Senate to pair her vote with Senator **DAGGETT** of Kennebec who would have voted YEA.

ROLL CALL (#218)

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

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MICHAUD, MITCHELL, NUTTING, SMALL

ABSENT: Senator: MACKINNON

PAIRED: Senators: BERUBE, DAGGETT

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators having paired their votes and 1 Senator being absent, the motion by Senator **BENNETT** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-262)** Report, in concurrence, **PREVAILED**.

READ ONCE.

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

Under suspension of the Rules, **READ A SECOND TIME.**

On motion by Senator **BENNETT** of Oxford, Senate Amendment "A" (S-438) **READ**.

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

Senator **BENNETT:** Thank you Mr. President. Fellow members of the Senate, I will not belabor this issue. We all have our positions on this, as much as they may fluctuate from moment to moment. I will just say this, this Amendment would do a very simple thing and I think it is fair to say we will have a major reaction either in favor or opposed to it. But what it does is it would essentially exempt any extension of Term Limits. Exempt any currently serving members in the Legislature or more specifically those members and Constitutional Officers who are in office on July 1 of this year. It would exempt those persons from any extension of Term Limits that have passed by the people under this Bill. My concern is this and it's simple. If we are going to send this matter forward to the people, it is my preference to see that it be done in a way without any cloud, without any question of doing so in a self-serving nature. Others have suggested that there may be a problem with people serving next to somebody who's Term Limited. I would say that it all depends on when you start the clock. It was people who were elected later, as I was to the other Body, and had less of an opportunity to

serve in that Body then people who were elected before me by virtue of when Term Limits came into effect. So the same argument, I think applies in the reverse to this. I would hope that if we do decide to send this out that this Amendment is Adopted so that we can remove any cloud of suspicion about the motives that the people may have and they can deal with this issue cleanly and purely as I think they must. With that I offer the Amendment. Thank you.

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

Senator **TREAT:** Thank you Mr. President. Men and women of the Senate, I appreciate your patience with me. I do think that it would be a poor idea to Adopt this Amendment. As has been noted by others, this would end up with some members of the Chambers having terms that went on for substantially longer than other members being very constrained. As I pointed out myself in the debate, when the Term Limits Law was Enacted it was retroactive and did apply to everybody equally who was serving. It applied to those who served. It only seems appropriate to me that if we are going to change that law that it should similarly apply in that sense retroactively to those who are serving. I would just say that this is an issue that I have really noticed in effect within the Committee that I have chaired and others, and I believe we've talked about, how come there are so many Studies this year? How come there are so many Bills put in? How come I've never seen so many Bills Committed back to Committee ever. I mean I've spent three terms in the other Body, this is my second term in the Senate. It may be because people have discovered this motion and they never knew it existed before. But I think more likely it's because the Bills coming out of Committee have not been sufficiently worked and that is partly because the people on those Committees do not have any history with the issues. They haven't had the time to get up to speed on those issues. A combination, I think, of the Term Limits as well as the compressed time frame that we're trying to deal with. I do think it's been damaging to the institution. I would like the opportunity, now that I have had a chance to see how the system works under Term Limits, to explain to the public how it has worked and give them the opportunity to evaluate a change. I think no matter how this is sent out back to the voters there will be those who say it is self-serving. I don't think we will ever get beyond that and I don't think putting on this Amendment will change that debate. I really don't. Those who wish to make that statement will do so. It's really up to us to make the case otherwise, if we choose to do so. I think this is worth sending out. I encourage that you do Oppose the pending motion.

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

Senator **LIBBY:** Thank you Mr. President. Men and women of the Senate, briefly it could never be self-serving to vote on an issue that was brought to us by the people. I would feel very badly if in the year, if my math is correct, 2007 or so that we had the couple of freshman that are here today still in this Chamber and the only two, or maybe one of them is gone, one of them here. One person in this Chamber subject to Term Limits in a year. I think that would be outrageous. Absolutely outrageous. I am not for this Amendment in any way because of that. I would not like to see the Senator from Cumberland for example, Senator

Kontos, sitting in this Body several years from now, the only person subject to Term Limits, or the Senator from Androscoggin, Senator Douglass. I would feel very badly if that were the case. I think it is wrong and I'm standing up. They may feel differently, but I'm standing up on that principal alone here. I just think that this Bill, it's time for it die. I would like to see it go. If it is to pass though, it certainly should not be with this Amendment. Thank you.

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

Senator **MILLS:** Mr. President and men and women of the Senate, if you will bare with a little more hyperbole or populous nonsense from yours truly. I think that this Amendment represents the high road to success on this very important issue. Those of us who are equipped to be the messengers of this policy, those of us who are equipped to take the message back to the voters and explain to them the need for changing the policy need to be capable of saying, but it won't apply to me. I'm bringing this message to you as a pure matter of good sound government and good policy. That's the reason I'm arguing for you to vote in favor of this Referendum in the fall. Otherwise, the message will be horribly bound up in the deficiencies of the messenger and that would be a shame. For that reason I urge your support of the Amendment and appreciate the thoughtfulness of the Senator from Oxford in bringing it up and putting it on our agenda. Thank you.

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

Senator **ABROMSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, the one little sentence I would like to share with you is that I'm not concerned that this appears to be self-serving. The fact is that without this Amendment it is self-serving. Thank you.

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

Senator **DOUGLASS:** Mr. President. Women and men of the Senate, I do hope that we will send this measure out to Referendum and when we do the people of Maine will have the opportunity to decide the fate of this institution. I'm one of those who voted in favor of Term Limits and I do believe in them. However, that was somewhat of an experiment at the time that we undertook that vote. At that time I was a mere regular citizen. I have come to understand, even before I decided to serve here, that the number of terms which we Enacted as the Term Limits was probably not sufficient. We weren't given a choice of numbers to choose, we simply had to vote up or down as to the limits. I think it's time to give that question to the people again. When they speak, I think that their decision should be final for us and all others after us. I hope you will agree.

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

Senator **BENNETT:** Thank you Mr. President. I just want to say one other thing and that is there is a significant difference between this measure before us today that we are asking to send

out to the voters and that initiated by the people. That difference is that this one was initiated by us, this Legislature. If we put it out it is us who is saying that it is important enough to warrant their attention. That distinction is exactly the reason that I bring this before us today. It's precisely that distinction. For us to say that this is worthy of attention without the people getting the necessary signatures on petitions. I think that we should add this additional measure in to let them know that we are doing this from a public policy point of view, rather than from one of serving our own interest. When the vote is taken Mr. President, I request the yeas and nays.

On further motion by same Senator, 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 (#219)

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CAREY, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, LONGLEY, MICHAUD, MILLS, MITCHELL, SMALL

NAYS: Senators: CATHCART, DOUGLASS, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: CASSIDY, DAGGETT, MACKINNON

16 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **BENNETT** of Oxford to **ADOPT** Senate Amendment "A" (S-438), **FAILED**.

The Chair moved the Senate **RECONSIDER** whereby it **FAILED** to **ADOPT** Senate Amendment "A" (S-438).

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#220)

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CAREY, CASSIDY, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, LONGLEY, MICHAUD, MILLS, MITCHELL, SMALL

NAYS: Senators: CATHCART, DOUGLASS, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON,

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

ABSENT: Senators: DAGGETT, MACKINNON

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **BENNETT** of Oxford to **ADOPT** Senate Amendment "A" (S-438), **PREVAILED**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#221)

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

NAYS: Senators: AMERO, BENNETT, BENOIT, BERUBE, CASSIDY, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, LAFOUNTAIN, LIBBY, MITCHELL, NUTTING, PENDLETON, RAND, SMALL

ABSENT: Senators: DAGGETT, MACKINNON

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators being absent, **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-262) AND SENATE AMENDMENT "A" (S-438), in NON-CONCURRENCE, FAILED.**

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

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

Emergency Measure

An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 2000 and June 30, 2001
H.P. 690 L.D. 957
(H "B" H-755 to C "C" H-752)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, June 4, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-752) AS**

AMENDED BY HOUSE AMENDMENT "B" (H-755) thereto, in concurrence.)

(In House, June 5, 1999, **PASSED TO BE ENACTED.**)

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

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

Senator **LIBBY:** Thank you Mr. President. Men and women of the Senate, this morning in our office we received dozens of phones calls Opposing this measure, and some of the elements of this Bill. And I would suggest that, if any of you have had the opportunity to check your messages, or return your constituent calls, you will find there is an awful lot of people in this state who disagree with the raising of the gas tax, and especially, the increase of \$2 into the registration fee. So if any of you have had the opportunity to sleep on this I think it would be a very objective move to maybe Reconsider your vote and vote against the pending motion. Thank you.

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

Senator **O'GARA:** Thank you Mr. President. Mr. President, ladies and gentlemen of the Senate, just one very brief reminder. It now appears obvious to everyone that we have the votes to pass this by simple majority. But, a two-thirds vote means an August start up instead of an October start up with a simple majority. And what that simply means is, the difference between 24 votes and anything less is the loss of 4 ½ million dollars. Many of you are on record. Several of you are on record twice now as having voting against the plan, and that's one thing. But to go home now and to show a vote that you cost 4 ½ million dollars. I hope that you consider it very, very carefully. The difference between 24 and anything less is a loss of 4 ½ million dollars for the Highway Fund. I urge your support for the item before you. Thank you.

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#222)

YEAS: Senators: ABROMSON, BENOIT, BERUBE, CAREY, CASSIDY, CATHCART, DOUGLASS, FERGUSON, GOLDTHWAIT, KONTOS, LONGLEY, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: AMERO, BENNETT, DAVIS, HARRIMAN, KIEFFER, KILKELLY, LAFOUNTAIN, LIBBY, SMALL

ABSENT: Senators: DAGGETT, MACKINNON

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with 9 Senators having voted in the negative, and 2 Senators being absent, and 24 being two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

Senator **O'GARA:** Thank you Mr. President. Mr. President, ladies and gentlemen of the Senate. I thank you all very much for that vote. But I do want to just take a minute, very briefly, to thank some people publicly who have worked so very, very, hard and most of them are in the room with us here. From the Department of Transportation, Commissioner John Melrose, Jane Lincoln, and Alan Stearns. Secretary of State's Office, Dan Gwadosky and Rebecca Wyke. Maine Municipal, Kate Dufore. Maine Better Transportation Association, Marie Fuentes and with her Cheryl Timberlake. Maine State Employees Association, Dick Trahee. And the Maine Turnpike Authority, Conrad Wells. And of course naturally, my very, very, great coach here and the tremendous Committee that we have had, as well as, the Governor and his staff. I just can't tell you how hard these people have worked and how much it has meant to all of us. And we thank you so very much for your vote. Also the other two Senators in this Chamber and on the Transportation Committee, Senator Cassidy from Washington, and Senator Paradis from Aroostook. Very, very important, their support, their effort, their courage, and their determination to arrive at a compromise that we can survive with, and we thank them all very much.

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **RECESSED** until 2:15 in the afternoon.

After Recess
Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

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

Emergency Resolve

Resolve, Establishing the Commission to Study High-speed Chases and Emergency Responses

H.P. 194 L.D. 272
(C "A" H-63)

Tabled - April 7, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 30, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-63)**, in concurrence.)

(In House, April 5, 1999, **FINALLY PASSED.**)

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

Sent down for concurrence.

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

Emergency Resolve

Resolve, to Create a Task Force to Study Ways to Improve and Streamline the Regulation of Water Utilities

S.P. 261 L.D. 756
(H "A" H-213 to C "A" S-45)

Tabled - April 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 15, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-45) AS AMENDED BY HOUSE AMENDMENT "A" (H-213)** thereto, in concurrence.)

(In House, April 26, 1999, **FINALLY PASSED.**)

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

Sent down for concurrence.

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

Emergency Resolve

Resolve, Establishing the Commission to Study the Educational Needs of Offenders in the State's Correctional System

H.P. 616 L.D. 856
(C "A" H-299)

Tabled - May 17, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in **NON-CONCURRENCE**

(In Senate, May 5, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-299)**, in concurrence.)

(In House, May 12, 1999, **FAILED FINAL PASSAGE**.)

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

Sent down for concurrence.

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

Emergency Measure

An Act Concerning the Review of State Solid Waste Management Policies

S.P. 391 L.D. 1170
(C "A" S-185; H "A" H-550)

Tabled - May 18, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 14, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-185) AND HOUSE AMENDMENT "A" (H-550)**, in concurrence.)

(In House, May 17, 1999, **PASSED TO BE ENACTED**.)

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

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

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

Emergency Resolve

Resolve, to Establish the Energy Policy Commission

H.P. 851 L.D. 1185
(C "A" H-254)

Tabled - May 7, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 3, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-254)**, in concurrence.)

(In House, May 6, 1999, **FINALLY PASSED**.)

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

Sent down for concurrence.

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

Emergency Resolve

Resolve, to Create the Task Force to Explore Alternative Payment Mechanisms for Dental Health Care

H.P. 918 L.D. 1296
(H "C" H-541 to C "A" H-146)

Tabled - May 17, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 12, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-146) AS AMENDED BY HOUSE AMENDMENT "C" (H-541)** thereto, in concurrence.)

(In House, May 17, 1999, **FINALLY PASSED**.)

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

Sent down for concurrence.

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

Resolve, to Conduct and Report on a Comprehensive Needs Assessment for Coordinated School Health Programs

H.P. 1196 L.D. 1706
(C "A" H-365)

Tabled - May 12, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 7, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-365)**, in concurrence.)

(In House, May 12, 1999, **FINALLY PASSED.**)

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

Sent down for concurrence.

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

Resolve, Creating a Commission to Study the Multicultural Education Needs of Maine Teachers to Ensure Multicultural Awareness and Understanding for All Maine Students
H.P. 1230 L.D. 1759
(C "A" H-319)

Tabled - May 12, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 7, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-319)**, in concurrence.)

(In House, May 11, 1999, **FINALLY PASSED.**)

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

Sent down for concurrence.

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

Resolve, to Create a Committee to Establish a Memorial Dedicated to the Civilian Conservation Corps
H.P. 1394 L.D. 1999
(C "A" H-305)

Tabled - May 10, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 5, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-305)**, in concurrence.)

(In House, May 7, 1999, **FINALLY PASSED.**)

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

Sent down for concurrence.

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

Emergency Resolve

Resolve, to Establish the Commission to Study Alternative Uses for Unused Maine Youth Center Land and Buildings
H.P. 1478 L.D. 2118
(H "A" H-587 to C "A" H-558)

Tabled - May 20, 1999, by Senator **CATHCART** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 18, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-558) AS AMENDED BY HOUSE AMENDMENT (H-587)** thereto, in concurrence.)

(In House, May 20, 1999, **FINALLY PASSED.**)

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

Sent down for concurrence.

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

Emergency Resolve

Resolve, to Establish the Commission to Study Bulk Purchasing of Prescription Drugs and Medical Supplies
H.P. 144 L.D. 206
(H "A" H-613 to C "A" H-493)

Tabled - May 21, 1999, by Senator **CATHCART** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 19, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-493) AS AMENDED BY HOUSE AMENDMENT "A" (H-613)** thereto, in concurrence.)

(In House, May 21, 1999, **FINALLY PASSED.**)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with no Senators having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

Emergency Resolve

Resolve, to Establish a Commission to Encourage Incorporations in Maine

S.P. 697 L.D. 1972
(C "A" S-215; H "A" H-549)

Tabled - May 20, 1999, by Senator **CATHCART** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 17, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-215) AND HOUSE AMENDMENT "A" (H-549)**, in concurrence.)

(In House, May 20, 1999, **FINALLY PASSED.**)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with no Senators having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

On motion by Senator **RAND** of Cumberland, the Senate removed from the **SPECIAL STUDY TABLE** the following:

JOINT ORDER - relative to Establishing the Stakeholders Group to Explore Options and Alternatives to MTBE and RFG

H.P. 1581
(H "A" H-582)

Tabled - May 17, 1999, by Senator **PINGREE** of Knox.

Pending - **PASSAGE AS AMENDED**, in concurrence

(In House, May 14, 1999, **READ** and **PASSED AS AMENDED BY HOUSE AMENDMENT "A" (H-582).**)

(In Senate, May 17, 1999, **READ**. House Amendment "A" (H-582) **READ** and **ADOPTED**, in concurrence.)

Senator **RAND** of Cumberland moved the Joint Order and accompanying papers be **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Senator **AMERO** of Cumberland requested a Roll Call.

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

Cumberland to **INDEFINITELY POSTPONE** the Joint Order and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **RAND** of Cumberland, the Senate removed from the **SPECIAL STUDY TABLE** the following:

JOINT ORDER - relative to Establishing the Commission to Review Traffic Congestion on Route 236 from Kittery to Berwick
H.P. 1596

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

Pending - **PASSAGE**, in concurrence

(In House, May 25, 1999, **READ** and **PASSED.**)

(In Senate, May 25, 1999, **READ.**)

On further motion by same Senator, **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

The Chair laid before the Senate the following Tabled and Later (6/4/99) Assigned matter:

Emergency Resolve

Resolve, to Modify the State Valuation for the Sappi Plant in the City of Westbrook for Purposes of Education Funding

H.P. 1593 L.D. 2241

Tabled - June 4, 1999, by Senator **RUHLIN** of Penobscot.

Pending - motion by Senator **MICHAUD** of Penobscot to **ADOPT** Senate Amendment "A" (S-426)

(In House, May 25, 1999, **FINALLY PASSED.**)

(In Senate, June 4, 1999, under suspension of the Rules, **RECONSIDERED PASSAGE TO BE ENGROSSED**, in concurrence. On motion by Senator **MICHAUD** of Penobscot, Senate Amendment "A" (S-426) **READ.**)

On motion by Senator **MICHAUD** of Penobscot, Senate Amendment "A" (S-426) **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-426), in **NON-CONCURRENCE**.

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

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

H.P. 90 L.D. 103
(S "A" S-421 to C "A" H-119)

In House, June 4, 1999, **PASSED TO BE ENACTED.**

In Senate, June 4, 1999, **FAILED ENACTMENT**, in **NON-CONCURRENCE.**

Comes from the House, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE.**

Senator **PINGREE** of Knox moved the Senate **RECEDE** and **CONCUR.**

On motion by Senator **HARRIMAN** of Cumberland, 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 (#223)

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

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

ABSENT: Senators: DAGGETT, DOUGLASS, MACKINNON, O'GARA

16 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator **PINGREE** of Knox to **RECEDE** and **CONCUR**, **PREVAILED.**

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1609

ORDERED, the Senate concurring, that Bill, "An Act to Improve the Collection of Restitution," S.P. 268, L.D. 761, and all its accompanying papers be recalled from the Legislative files to the House.

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

READ. Pursuant to Joint Rule 404 a Division was had. 21 Members having voted in the affirmative and 10 Members having voted in the negative, and 21 being more than two-thirds of the members present and voting the Joint Order was **PASSED**, in concurrence.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Create the Capital Riverfront Improvement District" S.P. 760 L.D. 2136
(C "A" S-302; S "B" S-440)

In Senate, June 4, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-302) AND SENATE AMENDMENT "B" (S-440)**, in **NON-CONCURRENCE.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-302) AND HOUSE AMENDMENT "A" (H-764)**, in **NON-CONCURRENCE.**

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

Under suspension of the Rules, ordered sent forthwith to the Engrossing Division.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$50,000,000 to Finance the Acquisition of Lands and Interests in Lands for Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitat and Farmland Preservation and to Access \$25,000,000 in Matching Contributions from Public and Private Sources"

H.P. 1607 L.D. 2253

Reported that the same **Ought to Pass** pursuant to Joint Order (H.P. 1540).

Signed:

Senators:

MICHAUD of Penobscot
CATHCART of Penobscot
HARRIMAN of Cumberland

Representatives:

TOWNSEND of Portland
STEVENS of Orono
BERRY of Livemore
MAILHOT of Lewiston
POWERS of Rockport
TESSIER of Fairfield
KNEELAND of Easton
BRUNO of Raymond
NASS of Acton

The Minority of the same Committee on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$30,000,000 to Finance the Acquisition of Lands and Interests in Lands for Conservation, Water Access, Outdoor Recreation, Fish and Wildlife Habitat and Farmland Preservation and to Access \$25,000,000 in Matching Contributions from Public and Private Sources"

H.P. 1608 L.D. 2254

Reported that the same **Ought to Pass** pursuant to Joint Order (H.P. 1540).

Signed:

Representative WINSOR of Norway

Comes from the House with the Majority **OUGHT TO PASS** (H.P. 1607) (L.D. 2253) Report **READ** and **ACCEPTED** and the Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$50,000,000 to Finance the Acquisition of Lands and Interests in Lands for Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitat and Farmland Preservation and to Access \$25,000,000 in Matching Contributions from Public and Private Sources" **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-762).**

Reports **READ**.

Senator **MICHAUD** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** (H.P. 1607) (L.D. 2253) Report, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#224)

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

NAYS: Senators: DAVIS, KIEFFER

ABSENT: Senators: DAGGETT, DOUGLASS, MACKINNON

30 Senators having voted in the affirmative and 2 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **MICHAUD** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS** Report on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$50,000,000 to Finance the Acquisition of Lands and Interests in Lands for Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitat and Farmland Preservation and to Access \$25,000,000 in Matching Contributions from Public and Private Sources" (H.P. 1607) (L.D. 2253) Report, in concurrence, **PREVAILED**.

READ ONCE.

House Amendment "A" (H-762) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-762)**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Division.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator MICHAUD for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$9,400,000 to Enable Maine Public Broadcasting to Implement the Federally Mandated Conversion to Digital Broadcasting" S.P. 279 L.D. 797

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-443)**.

Report **READ**.

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

On motion by Senator **O'GARA** of Cumberland, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act to Require the State to Reimburse Licensed Vehicle Inspection Stations for Unused Inspection Stickers
H.P. 698 L.D. 965
(C "A" H-147)

Tabled - May 1, 1999, by Senator **O'GARA** of Cumberland.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-147)**, in concurrence.)

(In House, April 26, 1999, **PASSED TO BE ENACTED**.)

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

Sent down for concurrence.

On motion by Senator **O'GARA** of Cumberland, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act to Amend the Laws Pertaining to Excise Tax Collection
S.P. 411 L.D. 1200
(C "A" S-134)

Tabled - May 1, 1999, by Senator **O'GARA** of Cumberland.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 3, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-134)**.)

(In House, May 7, 1999, **PASSED TO BE ENACTED**.)

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

(C "A" S-219; S "A" S-230)

Sent down for concurrence.

Tabled - May 1, 1999, by Senator **O'GARA** of Cumberland.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 7, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-219) AND SENATE AMENDMENT "A" (S-230).**)

(In House, May 14, 1999, **PASSED TO BE ENACTED.**)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **O'GARA** of Cumberland, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act Regarding Taxation of Low-energy Fuels
H.P. 940 L.D. 1337
(C "A" H-592)

Tabled - May 1, 1999, by Senator **O'GARA** of Cumberland.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 19, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-592)**, in concurrence.)

(In House, May 21, 1999, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **TRANSPORTATION**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **O'GARA** of Cumberland, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act to Increase Load Weight on Farm Vehicles
H.P. 1443 L.D. 2064
(S "A" S-257; H "A" H-506
to C "A" H-380)

Tabled - May 1, 1999, by Senator **O'GARA** of Cumberland.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 11, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-380) AS AMENDED BY SENATE AMENDMENT "A" (S-257) AND HOUSE AMENDMENT "A" (H-506)** thereto, in concurrence.)

(In House, May 14, 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.

On motion by Senator **O'GARA** of Cumberland, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act to Change the Minimum Time for Issuing a Temporary Registered Gross Weight Increase from 2 Months to One Month
H.P. 410 L.D. 552
(C "A" H-178)

Tabled - May 1, 1999, by Senator **O'GARA** of Cumberland.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 15, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-178)**, in concurrence.)

(In House, April 26, 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.

On motion by Senator **O'GARA** of Cumberland, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

Emergency Measure

An Act to Consolidate Traffic Movement Permits within the Department of Transportation
S.P. 756 L.D. 2132
(C "A" S-167; S "A" S-192)

Tabled - May 1, 1999, by Senator **O'GARA** of Cumberland.

Pending - **ENACTMENT**, in concurrence

On motion by Senator **O'GARA** of Cumberland, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

Emergency Measure

An Act to Amend Motor Vehicle Laws
S.P. 587 L.D. 1667

(In Senate, May 5, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-167) AND SENATE AMENDMENT "A" (S-192).**)

(In House, May 11, 1999, **PASSED TO BE ENACTED.**)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **O'GARA** of Cumberland, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act Requiring That the Costs of Transporting Highway Construction and Maintenance Materials to Isle au Haut by Barge or Ferry be Paid from the Highway Fund

H.P. 1522 L.D. 2172
(C "A" H-432)

Tabled - May 1, 1999, by Senator **O'GARA** of Cumberland.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 11, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-432)**, in concurrence.)

(In House, May 14, 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.

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

Bill "An Act to Change the Tax Treatment of Truck Campers"
H.P. 767 L.D. 1090

Tabled - June 5, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FURTHER CONSIDERATION**

(In Senate, June 3, 1999, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**)

(In House, June 5, 1999, that Body **INSISTED** to **ENACTMENT**, in **NON-CONCURRENCE.**)

On motion by Senator **PINGREE** of Knox, the Senate **RECEDED** and **CONCURRED** and the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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

JOINT ORDER - relative to Establishing the Stakeholders Group to Explore Options and Alternatives to MTBE and RFG
H.P. 1581
(H "A" H-582)

Tabled - June 5, 1999, by Senator **BENNETT** of Oxford.

Pending - motion by Senator **RAND** of Cumberland to **INDEFINITELY POSTPONE** the Joint Order and accompanying papers, in **NON-CONCURRENCE** (Roll Call Requested)

(In House, May 14, 1999, **READ** and **PASSED AS AMENDED BY HOUSE AMENDMENT "A" (H-582).**)

(In Senate, May 17, 1999, **READ**. House Amendment "A" (H-582) **READ** and **ADOPTED**, in concurrence.)

On motion by Senator **RAND** of Cumberland, **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Require an Assessment Evaluation of Juveniles Entering the Juvenile Justice System"
H.P. 1130 L.D. 1589
(C "A" H-689)

In House, May 27, 1999, **PASSED TO BE ENACTED.**

In Senate, June 4, 1999, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

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

On motion by Senator **MICHAUD** of Penobscot, the Senate **ADHERED.**

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

RECALLED FROM LEGISLATIVE FILES

Bill "An Act to Amend the Lobbyist Registration Fee Provisions"
S.P. 503 L.D. 1504
(C "A" S-263)

(In Senate, June 3, 1999, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**)

(In House, June 3, 1999, that Body **RECEDED** and **CONCURRED.**)

(**RECALLED** from the Legislative Files pursuant to Joint Order (S.P. 854).)

On motion by Senator **MICHAUD** of Penobscot, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill and accompanying papers were **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in **NON-CONCURRENCE.**

Sent down for concurrence.

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

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

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

On motion by Senator **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:

ENACTORS

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

Acts

An Act to Make Minor Substantive Changes in the Tax Laws
H.P. 131 L.D. 162
(S "A" S-419 to C "A" H-695)

An Act to Amend the Laws Regarding when A Merchant Must Remit Sales Tax
H.P. 306 L.D. 422
(C "B" H-394)

An Act to Provide Fairness to Victims of Medical Malpractice
S.P. 450 L.D. 1325
(S "B" S-436 to C "A" S-352)

An Act to Increase Access to Cub Care for Children
H.P. 1255 L.D. 1809
(S "A" S-437 to C "A" H-595)

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

COMMITTEE OF CONFERENCE REPORT - on the disagreeing action of the two branches of the Legislature on Bill "An Act to Treat All Employees Equitably with Respect to Leaves of Absence for Legislative Service"

H.P. 235 L.D. 339

Report - that the Senate **Recede** and **Concur** to **Passage to be Engrossed as Amended by Committee of Conference Amendment "A" (H-748)**, in concurrence

In House, June 3, 1999, Committee of Conference Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (H-748)**, in **NON-CONCURRENCE**.

In Senate, June 5, 1999, Committee of Conference Report **READ** and **REJECTED**, in **NON-CONCURRENCE**.

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

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#225)

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

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CASSIDY, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, KILKELLY, LAFOUNTAIN, LIBBY, MILLS, MITCHELL, PENDLETON, SMALL

ABSENT: Senators: DAGGETT, DOUGLASS, MACKINNON, NUTTING

13 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator **RAND** of Cumberland to **RECEDE** and **CONCUR**, **FAILED**.

On motion by Senator **BENNETT** of Oxford, the Senate **ADHERED**.

ORDERS OF THE DAY

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

SENATE REPORT - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$9,400,000 to Enable Maine Public Broadcasting to Implement the Federally Mandated Conversion to Digital Broadcasting"

S.P. 279 L.D. 797

Report - **Ought to Pass As Amended by Committee Amendment "A" (S-443)**.

Tabled - June 5, 1999, by Senator **TREAT** of Kennebec.

Pending - **ACCEPTANCE OF THE REPORT**

(In Senate, June 5, 1999, Report **READ**.)

The **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-443)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-443) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-443)**.

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

Senate at Ease.

Senate called to order by the President.

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

Resolve

Resolve, to Study Current Regulations Imposed on Small Businesses to Require Greater Efficiency

H.P. 99 L.D. 112
(C "A" H-79)

Tabled - April 7, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 31, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-79)**, in concurrence.)

(In House, April 5, 1999, **FINALLY PASSED**.)

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-79)**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-79).

S.P. 116 L.D. 313

On further motion by same Senator, Senate Amendment "A" (S-448) to Committee Amendment "A" (H-79) **READ** and **ADOPTED**.

An Act to Expand Opportunities for Education, Training and Employment for Displaced Homemakers

S.P. 409 L.D. 1198
(S "A" S-405)

Committee Amendment "A" (H-79) as Amended by Senate Amendment "A" (S-448) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

An Act to Ensure the Quality and Safety of Child Care and to Expand Home Visiting Services

H.P. 938 L.D. 1315
(S "A" S-435)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-79) AS AMENDED BY SENATE AMENDMENT "A" (S-448) thereto, in **NON-CONCURRENCE**.

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

Sent down for concurrence.

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

An Act to Amend the Maine Workers' Compensation Act of 1992 as it Relates to Compensation for Amputation of a Body Part

H.P. 163 L.D. 225
(S "A" S-380)

Senate at Ease.

Senate called to order by the President.

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

The Doorkeepers secured the Chamber.

Off Record Remarks

The Secretary opened the vote.

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

Senator **KILKELLY** of Lincoln who would have voted NAY requested and received leave of the Senate to pair her vote with Senator **DAGGETT** of Kennebec who would have voted YEA.

ENACTORS

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

Senator **GOLDTHWAIT** of Hancock who would have voted NAY requested and received leave of the Senate to pair her vote with Senator **DOUGLASS** of Androscoggin who would have voted YEA.

Emergency Measure

An Act to Clarify the Solid Waste Laws as They Relate to the Exception to the Ban on New Commercial Landfills
S.P. 839 L.D. 2238
(C "A" S-441)

ROLL CALL (#226)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MILLS, MITCHELL, O'GARA, SMALL

ABSENT: Senators: MACKINNON, NUTTING

PAIRED: Senators: DAGGETT, DOUGLASS, GOLDTHWAIT, KILKELLY

Acts

An Act to Allow Honorably Discharged Veterans to Be Buried in the Veterans' Memorial Cemetery

15 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 4 Senators having paired their votes and 2 Senators being absent, was **PASSED TO BE**

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Reduce the Sales Tax to 5%"

H.P. 302 L.D. 410

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

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
BUCK of Yarmouth
CIANCHETTE of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-740)**.

Signed:

Senator:

MILLS of Somerset

Comes from the House with Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**.

Reports **READ**.

On motion by Senator **RUHLIN** of Penobscot, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Promote the Cranberry Industry"

S.P. 400 L.D. 1191
(C "A" S-416)

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-416)** (1 member)

In Senate, June 4, 1999, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-416)**.

Comes from the House, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

On motion by Senator **MICHAUD** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

JOINT ORDER - relative to establishing the Legislative Task Force on Patterns of Development

S.P. 827

In Senate, May 13, 1999, **READ** and **PASSED**.

Comes from the House, **READ** and **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Senator **PINGREE** of Knox moved the Senate **RECEDE** and **CONCUR**.

Off Record Remarks

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

Senator **LIBBY:** Thank you Mr. President. Men and women of the Senate, I want to pose a question through the Chair.

PRESIDENT: The Senator may pose his question.

Senator **LIBBY:** I guess I have not read the Joint Order, so I wondered if somebody could explain the Task Force on Patterns of Development for me before we vote?

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

Senator **TREAT:** Thank you Mr. President. Men and women of the Senate, to respond to the question of the good Senator from York, this is a Joint Order that actually did come from our Committee to address a Study over the summer on a number of Bills that were carried over in our Committee and others. There was a separate Bill coming out of State and Local Government that did some similar things. So when this went to the Study Table, the concepts that were in this Joint Order are going to be merged into the other Bill, which I hope will pass through this Body and it's okay to Kill this one so we don't have two Studies on the same thing. I had the same concerns though when I saw this being Postponed.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

JOINT ORDER - relative to Establishing the Task Force to Study the Implementation of Alternative Programs and Interventions for Violent and Chronically Disruptive Students

S.P. 598
(C "A" S-276)

In Senate, May 13, 1999, **PASSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-276)**.

Comes from the House, **PASSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-276) AS AMENDED BY HOUSE AMENDMENT "A" (H-766)** thereto, in **NON-CONCURRENCE**.

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

Off Record Remarks

On motion by Senator **MILLS** of Somerset, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

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

Emergency Resolve

Resolve, to Create the Commission to Study the Enhancement of Fire Protection Services throughout the State

H.P. 1017 L.D. 1428
(H "A" H-586 to C "A" H-557)

Tabled - May 21, 1999, by Senator **CATHCART** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 19, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-557) AS AMENDED BY HOUSE AMENDMENT "A" (H-586)** thereto, in concurrence.)

(In House, May 21, 1999, **FINALLY PASSED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-557) AS AMENDED BY HOUSE AMENDMENT "A" (H-586)** thereto, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-557) as Amended by House Amendment "A" (H-586) thereto, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** House Amendment "A" (H-586) to Committee Amendment "A" (H-557).

On further motion by same Senator, House Amendment "A" (H-586) to Committee Amendment "A" (H-577) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

On further motion by same Senator, Senate Amendment "A" (S-447) to Committee Amendment "A" (H-557) **READ** and **ADOPTED.**

Committee Amendment "A" (H-557) as Amended by Senate Amendment "A" (S-447) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-557) AS AMENDED BY SENATE AMENDMENT "A" (S-447) thereto, in **NON-CONCURRENCE.**

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

On motion by Senator **PINGREE** of Knox, the Senate removed from the **SPECIAL STUDY TABLE** the following:

JOINT ORDER - relative to Establishing a Commission to Examine the Adequacy of Services at the Veterans Administration Medical Center

H.P. 1052
(C "A" H-466)

Tabled - May 11, 1999, by Senator **PINGREE** of Knox.

Pending - **PASSAGE AS AMENDED**, in concurrence

(In House, May 7, 1999, the **OUGHT TO PASS AS AMENDED** Report from the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED.** Joint Order **READ** and **PASSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-466).**)

(In Senate, May 10, 1999, the **OUGHT TO PASS AS AMENDED** Report from the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED**, in concurrence. Joint Order **READ.** Committee Amendment "A" (H-466) **READ** and **ADOPTED**, in concurrence.)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-466), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-449) to Committee Amendment "A" (H-466) **READ** and **ADOPTED.**

Committee Amendment "A" (H-466) as Amended by Senate Amendment "A" (S-449) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-466) AS AMENDED BY SENATE AMENDMENT "A" (S-449) thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

On motion by Senator **PINGREE** of Knox, the Senate removed from the **SPECIAL STUDY TABLE** the following:

JOINT ORDER - relative to Establishing the Committee on Sawmill Biomass H.P. 1583

Tabled - May 20, 1999, by Senator **PINGREE** of Knox.

Pending - **FURTHER CONSIDERATION**

(In House, May 17, 1999, **READ** and **PASSED**.)

(In Senate, May 17, 1999, **READ** and **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, in **NON-CONCURRENCE**.)

(In House, May 19, 1999, that Body **INSISTED**.)

On further motion by same Senator, the Senate **RECEDED**.

On further motion by same Senator, Senate Amendment "A" (S-451) **READ** and **ADOPTED**.

PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-451), in NON-CONCURRENCE.

Sent down for concurrence.

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

On motion by Senator **PINGREE** of Knox, the Senate removed from the **SPECIAL STUDY TABLE** the following:

JOINT ORDER - relative to Establishing the Commission to Study Single-sales Factor Apportionment S.P. 771

Tabled - May 11, 1999, by Senator **PINGREE** of Knox.

Pending - **PASSAGE**

(In Senate, May 7, 1999, the **OUGHT TO PASS** Report from the Committee on **TAXATION READ** and **ACCEPTED**. Order **READ**.)

On further motion by same Senator, Senate Amendment "B" (S-452) **READ** and **ADOPTED**.

PASSED AS AMENDED BY SENATE AMENDMENT "B"(452).

Sent down for concurrence.

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

Emergency Resolve

Resolve, to Study Standardized Periods of Military Service and Other Matters Related to the Award of State of Maine Veterans' Benefits

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

Tabled - May 13, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 6, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-312)**, in concurrence.)

(In House, May 12, 1999, **FINALLY PASSED**.)

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-312)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-312), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-444) to Committee Amendment "A" (H-312) **READ** and **ADOPTED**.

Committee Amendment "A" (H-312) as Amended by Senate Amendment "A" (S-444) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-312) AS AMENDED BY SENATE AMENDMENT "A" (S-444) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Resolve

Resolve, to Establish the Task Force on State Office Building Location and Other State Growth-related Capital Investments
H.P. 226 L.D. 304
(C "A" H-292)

Tabled - May 20, 1999, by Senator **CATHCART** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 17, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-292)**, in concurrence.)

(In House, May 20, 1999, **FINALLY PASSED**.)

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-292)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-292), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-458) to Committee Amendment "A" (H-292) **READ** and **ADOPTED**.

Committee Amendment "A" (H-292) as Amended by Senate Amendment "A" (S-458) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-292) AS AMENDED BY SENATE AMENDMENT "A" (S-458) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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

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)

Tabled - May 10, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, April 29, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-72)**.)

(In House, May 7, 1999, **PASSED TO BE ENACTED**.)

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-72)**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-72).

On further motion by same Senator, Senate Amendment "A" (S-455) to Committee Amendment "A" (S-72) **READ** and **ADOPTED**.

Committee Amendment "A" (S-72) as Amended by Senate Amendment "A" (S-455) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-72) AS AMENDED BY SENATE AMENDMENT "A" (S-455) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Resolve

Resolve, to Establish a Task Force to Study the Operation of and Support for the Board of Environmental Protection

H.P. 899 L.D. 1256
(C "A" H-169)

Tabled - April 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 15, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-169)**, in concurrence.)

(In House, April 26, 1999, **FINALLY PASSED**.)

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-169)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-169), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-446) to Committee Amendment "A" (H-169) **READ** and **ADOPTED**.

Committee Amendment "A" (H-169) as Amended by Senate Amendment "A" (S-446) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-169) AS AMENDED BY SENATE AMENDMENT "A" (S-446) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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

Emergency Resolve

Resolve, to Establish a Task Force to Study the Improvement of Public Water Supply Protection

H.P. 1103 L.D. 1550
(C "A" H-425; H "A" H-540)

Tabled - May 17, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 12, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-425) AND HOUSE AMENDMENT "A" (H-540)**, in concurrence.)

(In House, May 17, 1999, **FINALLY PASSED**.)

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-425) AND HOUSE AMENDMENT "A" (H-540)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-425), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-456) to Committee Amendment "A" (H-425) **READ** and **ADOPTED**.

Committee Amendment "A" (H-425) as Amended by Senate Amendment "A" (S-456) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-425) AS AMENDED BY SENATE AMENDMENT "A" (S-456) thereto, **AND HOUSE AMENDMENT "A" (H-540)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Emergency Resolve

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

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

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

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 14, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-87).**)

(In House, April 29, 1999, **FINALLY PASSED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-87).**

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-87).

On further motion by same Senator, Senate Amendment "A" (S-445) to Committee Amendment "A" (S-87) **READ** and **ADOPTED.**

Committee Amendment "A" (S-87) as Amended by Senate Amendment "A" (S-445) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-87) AS AMENDED BY SENATE AMENDMENT "A" (S-445) thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

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

Emergency Resolve

Resolve, to Establish the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims
H.P. 1414 L.D. 2021
(S "A" S-232 to C "A" H-455)

Tabled - May 17, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 10, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455) AS AMENDED BY SENATE AMENDMENT "A" (S-232)** thereto.)

(In House, May 14, 1999, **FINALLY PASSED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455) AS AMENDED BY SENATE AMENDMENT "A" (S-232)** thereto.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-455) as Amended by Senate Amendment "A" (S-232) thereto.

On further motion by same Senator, Senate Amendment "B" (S-457) to Committee Amendment "A" (H-455) **READ** and **ADOPTED.**

Committee Amendment "A" (H-455) as Amended by Senate Amendments "A" (S-232) and "B" (S-457) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455) AS AMENDED BY SENATE AMENDMENTS "A" (S-232) AND "B" (S-457) thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

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

Resolve, to Establish the Citizens' Advisory Committee to Secure the Future of Maine's Wildlife and Fish

S.P. 725 L.D. 2045
(C "A" S-254; H "A" H-639)

Tabled - May 24, 1999, by Senator **HARRIMAN** of Cumberland.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 20, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-254) AND HOUSE AMENDMENT "A" (H-639)**, in concurrence.)

(In House, May 24, 1999, **FINALLY PASSED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-254) AND HOUSE AMENDMENT "A" (H-639)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-254).

On further motion by same Senator, Senate Amendment "A" (S-450) to Committee Amendment "A" (S-254) **READ** and **ADOPTED**.

Committee Amendment "A" (S-254) as Amended by Senate Amendment "A" (S-450) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-254) AS AMENDED BY SENATE AMENDMENT "A" (S-450) thereto, AND HOUSE AMENDMENT "A" (H-639), in NON-CONCURRENCE.

Sent down for concurrence.

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

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

Resolve

Resolve, to Implement the Recommendations of the Task Force to Study Strategies to Support Parents as Children's First Teachers

H.P. 689 L.D. 956
(C "A" H-623)

Tabled - May 26, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 25, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-623)**, in concurrence.)

(In House, May 26, 1999, **FINALLY PASSED**.)

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-623)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-623), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-454) to Committee Amendment "A" (H-623) **READ** and **ADOPTED**.

Committee Amendment "A" (H-623) as Amended by Senate Amendment "A" (S-454) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-623) AS AMENDED BY SENATE AMENDMENT "A" (S-454) thereto, in NON-CONCURRENCE.

Sent down for concurrence.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Improve the Collection of Restitution"

S.P. 268 L.D. 761
(S "A" S-86 to C "A" S-67)

RECALLED from the Legislative Files, pursuant to Joint Order (H.P. 1609), in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-67) AS AMENDED BY HOUSE AMENDMENT "A" (H-763)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **MURRAY** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

Bill "An Act to Allow Three Hunters to Hunt Deer Together"

H.P. 704 L.D. 971

In Senate, May 24, 1999, **PASSED TO BE ENACTED**, in concurrence.

RECALLED from the Governor's Desk, pursuant to Joint Order (H.P. 1606), in concurrence.

Comes from the House, Bill and accompanying papers
COMMITTED to the Committee on **INLAND FISHERIES AND WILDLIFE**, in **NON-CONCURRENCE**.

On motion by Senator **KILKELLY** of Lincoln, the Senate
RECEDED and **CONCURRED**.

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

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

REPORTS OF COMMITTEES

House

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Improve Alcohol Server Education Courses"

S.P. 320 L.D. 954

Had the same under consideration, and asked leave to report:

That the Senate **Recede** from whereby the Bill and accompanying papers was **Indefinitely Postponed** and **Concur** to **Enactment**.

On the Part of the Senate:

Senator **FERGUSON** of Oxford
Senator **CAREY** of Kennebec
Senator **MITCHELL** of Penobscot

On the part of the House:

Representative **GAGNE** of Buckfield
Representative **O'BRIEN** of Lewiston
Representative **McALEVEY** of Waterboro

Comes from the House with the Report **READ** and **ACCEPTED**.

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

The Senate RECEDED and **CONCURRED** and the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Under suspension of the Rules, ordered sent forthwith.

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

ORDERS

Joint Order

Expression of Legislative Sentiment recognizing:

Denise C. Ducharme, of Madison, Abandoned Property Manager of the Maine State Treasury, as she steps down as the President of the National Association of Unclaimed Property Administrators (NAUPA). Denise has proved invaluable on both the State level as she has assisted individuals and businesses regarding abandoned property and on the national level as president of NAUPA. We acknowledge her exceptional abilities, exemplary leadership and dedication to her work and to her State, and we extend our congratulations and very best wishes to her;

SLS 241

Sponsored by Senator **CAREY** of Kennebec.
Cosponsored by Senator **MILLS** of Somerset, Senator **BENOIT** of Franklin, Representative **RICHARD** of Madison.

READ.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate, I had to rise concerning this particular Joint Order and speak briefly to it. Denise Ducharme is a very delightful person to run into. And in both my last two Senate terms, this one and the last term on the Judiciary Committee I had occasion to see her frequently before the Committee. Particularly concerning uniform laws on the subject with which she is pretty much a national expert, on unclaimed property administration. The last time she appeared before the Committee, she appeared amongst experts from across the Nation in this area, and they recognized her ability. I had a chance to speak with her on more than one occasion on several Bills, and her ability, her willingness to work reflect well upon the state of Maine. She certainly is, on top of everything else, a very nice person. The last time she appeared before the Committee, when she was finished I was so moved by her presentation that I wanted to do something publicly to show my admiration for her ability. But what could I do? The hearing was over, people were starting to disperse, and there I would be without recognizing her ability. In haste I looked to my left and there was a candy bar, one of these small candy bars in a bowl, and I grabbed it up, got the attention of the Chairs of the Committee to restore order and made a presentation. The First Annual Mr. Good Bar Award for Excellence. And perhaps, a little jest there I'm sure, brought the house down at the time. But I, Mr. President, am moved to say that on occasion in this business you run into a person that strikes you as a special person. And Denise Ducharme certainly is that. Every time I've crossed her path she had a smile, she showed her ability, and I am so pleased to be able to have my name on this Joint Order. I consider it a privilege and a distinct honor to have my name appear on this Joint Order of this Body and the House. Thank you.

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

Senator **CAREY**: Thank you Mr. President. My daughter, who is Denise Ducharme, started out an auditor in the Medicare/Medicaid program. And every now and then she would get a promotion, and she would come over and tell me about it. And I would say, gee you know maybe I could have been some help. And she said, if I can't do the job, and I can't get promoted by myself, I don't want the job. And that has told me a lot about my own daughter. Thank you Mr. President.

PASSED.

Sent down for concurrence.

having voted in the negative, and 31 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.

Mandate

An Act to Create the Capital Riverfront Improvement District
S.P. 760 L.D. 2136
(C "A" S-302; H "A" H-764)

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator MICHAUD for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,500,000 to Construct Water Pollution Control Facilities and Make Other Environmental Improvements"

S.P. 748 L.D. 2107

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-453)**.

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

READ ONCE.

Committee Amendment "A" (S-453) **READ**.

On motion by Senator **TREAT** of Kennebec, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-453).

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 Resolve

Resolve, to Modify the State Valuation for the City of Westbrook and the Town of Livermore Falls for Purposes of Education Funding

H.P. 1593 L.D. 2241
(S "A" S-426)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 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.

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$50,000,000 to Finance the Acquisition of Lands and Interests in Lands for Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitat and Farmland Preservation and to Access \$25,000,000 in Matching Contributions from Public and Private Sources

H.P. 1607 L.D. 2253
(H "A" H-762)

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 30 Members of the Senate, with 1 Senator having voted in the negative, and 30 being more than two-thirds of the Members present and voting, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Act

An Act to Enhance the Payment Options for Certain Employers
H.P. 214 L.D. 292
(S "A" S-361; S "E" S-412
to C "A" H-477)

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

Resolve

Resolve, to Increase Certain Reimbursement Rates under the Medicaid Program

H.P. 1313 L.D. 1896
(S "A" S-386 to C "A" H-602)

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

ORDERS OF THE DAY

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

SENATE REPORT - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Establish Limits on Contributions to Political Action Committees That Support Candidates"

S.P. 72 L.D. 175

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-18)**

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

Pending - motion by Senator **AMERO** of Cumberland to **RECEDE** and **CONCUR** (Division Ordered)

(In Senate, June 4, 1999, Report **READ** and Bill and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.)

(In House, June 4, 1999, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-18)**, in **NON-CONCURRENCE**.)

(In Senate, June 5, 1999, Senator Pingree of Knox moved the Senate **INSIST**. Senator Amero of Cumberland moved the Senate **RECEDE** and **CONCUR**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#227)

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

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

ABSENT: Senators: DAGGETT, DOUGLASS, MACKINNON

13 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **AMERO** of Cumberland to **RECEDE** and **CONCUR**, **FAILED**.

Senator **PINGREE** of Knox requested and received leave of the Senate to withdraw her motion to **INSIST**.

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

Senator **PINGREE:** Thank you Mr. President. I'm moving to Adhere because I originally moved to Commit this Bill back to the Committee on Legal and Veterans Affairs and I would like to explain a little bit why I chose to do that. This is a Bill that limits campaign contributions to PACs, to \$25,000 a year in the aggregate from any individual. And certainly at face value that sounds like, well that's a lot of money, that seems like a reasonable limit. But I have a couple of concerns about it and I felt that these concerns should be raised in the Committee and they should have the opportunity to readdress this issue. One of my concerns with it is this only applies to individuals, not corporations. I don't feel that we should restrict individuals any differently than we restrict corporations on this issue. That means that a corporation could give \$100,000 to any PAC and there would be no restrictions. It also does not limit a Referendum campaign. I think we are all too aware of individuals who have given well over \$25,000 to Referendum campaigns and changed major issues in our State. There are no restrictions on that or corporations in that issue. Probably my bigger concern, and the reason why I would particularly like to see this go to the Committee, is because there has been a legal opinion by the Attorney General's Office that this is, in fact, Unconstitutional subsequent to a 1996 Federal case with a Right to Life Committee. In that case, in Federal District Court, they won the case and the Court said the contributions cannot be limited. This has to do with our right of free speech and our inability to tie the spending of money to that issue. In that case the State had to pay the cost of the Right to Life Committee. I have the opinion that, based on this previous legal decision, we would find ourselves back in the Court very quickly on this issue and, once again, we would have to pay the legal cost of a decision that was made as recently as 1996. I think it is important that the Committee reconsider this information before we pass this law and at this point I urge you to support my motion to Adhere and let us have the opportunity to Reconsider this issue.

Senator **PINGREE** of Knox moved the Senate **ADHERE**.

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

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just want to remind this Body that this Bill came out of Committee unanimous Ought To Pass. That the analyst in that Committee raised no Constitutional issues and the opinion that the good Senator from Knox, Senator Pingree, is talking about was based on existing law back in 1996. This Bill purports to change the law to cover contributions by an individual who is supporting candidates running for election and it is a major Campaign Finance Reform Bill in this State. We are trying to make sure that no one individual can influence the outcome of our own State Legislative elections. So we are attempting in this Bill to correct, what I think, is a loophole in the present law since we have created Political Action Committees, that no one individual can contribute more than \$25,000 in the course of one calendar year to electing candidates to the Maine Legislature. So I would urge your support of this unanimous Committee Report. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY:** Thank you Mr. President, I move to Indefinitely Postpone this Bill and all accompanying papers and wish to speak to my motion.

PRESIDENT: That motion is not in order at this time.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY:** Thank you Mr. President. Colleagues in the Senate, Roll Call or no, the Attorney General has ruled that this violates the Constitution. I think the issue is Buckley vs. Valeo, the case we have heard about since the 70's on Campaign Finance Reform. I agree with the Senator from Cumberland. In a world where money often dictates who wins, it would be nice if we could make this democracy be more fair. The fact of the matter is the U.S. Supreme Court and many other Courts have determined that when we limit contributions by individuals, that's limiting speech. It is a fragile balance to find some sense of fairness. Evidentially this Bill, and it seems pretty obvious to me, which basically just says that individuals can't contribute X amount, that is not the balance that the Courts are requiring. If we can't Kill this Bill outright, I guess the best thing is to send it back to the Committee. Maybe it should be recommitted to Judiciary. But it is an Unconstitutional provision and we didn't get elected to use our votes as civil disobedience. I urge you to do what you need to do to honor the Constitution. Thank you.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate. My reply to those who have made comments about the Constitutional situation attending this matter I'm sure realize that every law that goes out of this building carries with it what I would call a good housekeeping seal of approval. More specifically, in the law it's called a presumption of constitutionality. Every single measure that goes out of this building properly solved through the process is presumed valid; presumed Constitutional. We do not enact laws that go out of here presumed to be otherwise. Thank you Mr. President.

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

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, by Maine Statute individuals in this State are already limited to contributing \$25,000 in one calendar year to candidates for election. That doesn't limit an individual contributing to their own candidacy or their spouse's. But any other individual in this State or other States who wants to contribute to any candidates running for office are already, under statute passed in the 1980's, limited to \$25,000 in the aggregate in any one year. This Bill merely says that if an individual creates a PAC that is going to give to candidates they cannot, in the aggregate, give more than \$25,000 in a calendar year. Thank you Mr. President.

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

Senator **MURRAY:** Thank you Mr. President. May I pose a question?

PRESIDENT: The Senator may pose his question.

Senator **MURRAY:** Thank you Mr. President. Men and women of the Senate, I apologize if this has already been addressed, but does this proposed legislation prohibit corporations from contributing more than \$25,000 or is this just limited to individuals?

THE PRESIDENT: The Senator from Penobscot, Senator Murray, 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. It's my understanding from reading the Bill that this only restricts an individual and not corporations and only Political Action Committees that support candidates not those that support Referendums or issue-based campaigns. That was one of my earlier contentions is that it's restricted just to individuals.

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

Senate at Ease.

Senate called to order by the President.

On motion by Senator **PINGREE** of Knox, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Resolve

Resolve, to Establish the Blue Ribbon Commission to Establish a Comprehensive Internet Policy (EMERGENCY)

S.P 763 L.D. 2155
(C "A" S-303)

Tabled - May 27, 1999, by Senator **PINGREE** of Knox.

Pending - **FURTHER CONSIDERATION**

(In Senate, May 19, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-303).**)

(In House, May 26, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-303) AS AMENDED BY HOUSE AMENDMENT "A" (H-688)** thereto, in **NON-CONCURRENCE.**)

On further motion by same Senator, the Senate **RECEDED** from **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-303).**

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED COMMITTEE AMENDMENT "A" (S-303).**

House Amendment "A" (H-688) to Committee Amendment "A" (S-303) **READ.**

On motion by Senator **PINGREE** of Knox, House Amendment "A" (H-688) to Committee Amendment "A" (S-303) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

On further motion by same Senator, Senate Amendment "A" (S-462) to Committee Amendment "A" (S-303) **READ** and **ADOPTED.**

Committee Amendment "A" (S-303) as Amended by Senate Amendment "A" (S-462) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED COMMITTEE AMENDMENT "A" (S-303) AS AMENDED BY SENATE AMENDMENT "A" (S-462) thereto, in **NON-CONCURRENCE.**

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

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

Resolve

Resolve, Establishing a Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine

S.P. 332 L.D. 986
(H "A" H-641; H "B" H-685 to
C "A" S-296)

Tabled - May 27, 1999, by Senator **CATHCART** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 26, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-296) AS AMENDED BY HOUSE AMENDMENTS "A" (H-641) AND "B" (H-685)** thereto, in concurrence.)

(In House, May 27, 1999, **FINALLY PASSED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-296) AS AMENDED BY HOUSE AMENDMENTS "A" (H-641) AND "B" (H-685)** thereto, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-296) as Amended by House Amendments "A" (H-641) and "B" (H-685) thereto.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** House Amendment "B" (H-685) to Committee Amendment "A" (S-296).

On further motion by same Senator, House Amendment "B" (H-685) to Committee Amendment "A" (S-296) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

On further motion by same Senator, Senate Amendment "A" (S-459) to Committee Amendment "A" (S-296) **READ** and **ADOPTED.**

Committee Amendment "A" (S-296) as Amended by Senate Amendment "A" (S-459) and House Amendment "A" (H-641) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-296) AS AMENDED BY SENATE AMENDMENT "A" (S-459) AND HOUSE AMENDMENT "A" (H-641) thereto, in **NON-CONCURRENCE.**

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

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

Emergency Resolve

Resolve, Establishing a Task Force to Study the Need for an Agricultural Vitality Zone Program
S.P. 393 L.D. 1172
(C "A" S-196; H "A" H-543)

Tabled - May 17, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 12, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-196) AND HOUSE AMENDMENT "A" (H-543)**, in concurrence.)

(In House, May 17, 1999, **FINALLY PASSED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-196) AND HOUSE AMENDMENT "A" (H-543).**

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** House Amendment "A" (H-543).

On further motion by same Senator, House Amendment "A" (H-543) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-196).

On further motion by same Senator, Senate Amendment "A" (S-460) to Committee Amendment "A" (S-196) **READ** and **ADOPTED.**

Committee Amendment "A" (S-196) as Amended by Senate Amendment "A" (S-460) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-196) AS AMENDED BY SENATE AMENDMENT "A" (S-460) thereto, in **NON-CONCURRENCE.**

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

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

Emergency Resolve

Resolve, to Create the Business Advisory Commission on Quality Child Care Financing
S.P. 486 L.D. 1446
(C "A" S-179)

Tabled - May 12, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 5, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-179).**)

(In House, May 11, 1999, **FINALLY PASSED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-179)**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-179).

On further motion by same Senator, Senate Amendment "A" (S-461) to Committee Amendment "A" (S-179) **READ** and **ADOPTED**.

Committee Amendment "A" (S-179) as Amended by Senate Amendment "A" (S-461) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-179) AS AMENDED BY SENATE AMENDMENT "A" (S-461) thereto, in **NON-CONCURRENCE**.

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

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

Emergency Resolve

Resolve, to Review Traffic Congestion Including Truck Traffic along the Route 1 York Corridor

S.P. 571 L.D. 1638
(C "A" S-117)

Tabled - May 7, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 27, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-117)**.)

(In House, May 6, 1999, **FINALLY PASSED**.)

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-117)**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-117).

On further motion by same Senator, Senate Amendment "A" (S-463) to Committee Amendment "A" (S-117) **READ** and **ADOPTED**.

Committee Amendment "A" (S-117) as Amended by Senate Amendment "A" (S-463) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-117) AS AMENDED BY SENATE AMENDMENT "A" (S-463) thereto, in **NON-CONCURRENCE**.

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

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:

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$9,400,000 to Enable Maine Public Broadcasting to Implement the Federally Mandated Conversion to Digital Broadcasting
S.P. 279 L.D. 797
(C "A" S-443)

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 23 Members of the Senate, with no Senators having voted in the negative, and 23 being more than two-thirds of the Members present and voting, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

Emergency Measure

An Act to Conform the Maine Tax Laws for 1998 With the United States Internal Revenue Code

H.P. 1053 L.D. 1484
(C "A" H-387)

Tabled - May 12, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 7, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-387)**, in concurrence.)

(In House, May 11, 1999, **PASSED TO BE ENACTED.**)

On motion by Senator **RUHLIN** of Penobscot, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-387)**, in concurrence.

On further motion by same Senator, Senate Amendment "C" (S-442) **READ** and **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-387) AND SENATE AMENDMENT "C" (S-442), in **NON-CONCURRENCE.**

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

The Chair laid before the Senate the following Tabled and Later (6/3/99) Assigned matter:

An Act to Restore Municipal Revenue Sharing
H.P. 701 L.D. 968
(C "A" H-218)

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

Pending - motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE** (Roll Call Ordered)

(In Senate, May 3, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-218)**, in concurrence.)

(In House, May 6, 1999, **PASSED TO BE ENACTED.**)

Senator **MICHAUD** of Penobscot requested and received leave of the Senate to withdraw his motion to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE.**

PASSED TO BE ENACTED and was signed by the President.

(See action later today.)

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, to Create a Committee to Establish a Memorial Dedicated to the Civilian Conservation Corps
H.P. 1394 L.D. 1999
(C "A" H-305)

In House, May 7, 1999, **FINALLY PASSED.**

In Senate, June 5, 1999, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-305) AS AMENDED BY HOUSE AMENDMENT "A" (H-767)** thereto, in **NON-CONCURRENCE.**

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

Ordered sent forthwith to the Engrossing Division.

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

Senate at Ease.

Senate called to order by the President.

Senator **GOLDTHWAIT** of Hancock was granted unanimous consent to address the Senate off the Record.

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

ORDERS

Joint Order

On motion by Senator PINGREE of Knox, the following Joint Order: S.P. 855

ORDERED, the House concurring, that when the House and Senate Adjourn they do so until Friday, June 18, 1999, at 10:00 o'clock in the morning.

READ and PASSED.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Limit Publicly Owned Land"

H.P. 520 L.D. 727

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

Signed:

Senators:

NUTTING of Androscoggin
KILKELLY of Lincoln

Representatives:

COWGER of Hallowell
GOOLEY of Farmington
VOLENIK of Brooklin
PIEH of Bremen
WATSON of Farmingdale
GAGNE of Buckfield
CROSS of Dover-Foxcroft

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-753).**

Signed:

Senator:

KIEFFER of Aroostook

Representatives:

CARR of Lincoln
FOSTER of Gray
GILLIS of Danforth

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

Reports **READ.**

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

At the request of Senator **BENNETT** of Oxford a Division was had. 28 Senators having voted in the affirmative and no Senators having voted in the negative, the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED.**

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 Resolve

Resolve, to Study Current Regulations Imposed on Small Businesses to Require Greater Efficiency

H.P. 99 L.D. 112
(S "A" S-448 to C "A" H-79)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Act

An Act to Improve the Collection of Restitution

S.P. 268 L.D. 761
(H "A" H-763 to C "A" S-67)

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

ORDERS OF THE DAY

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

An Act Concerning the Review of State Solid Waste Management Policies

S.P. 391 L.D. 1170
(C "A" S-185; H "A" H-550)

Tabled - June 5, 1999, by Senator **MITCHELL** of Penobscot.

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

(In Senate, May 14, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-185) AND HOUSE AMENDMENT "A" (H-550)**, in concurrence.)

(In House, May 17, 1999, **PASSED TO BE ENACTED**.)

Senator **MICHAUD** of Penobscot requested and received leave of the Senate to withdraw his motion to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

On motion by Senator **TREAT** of Kennebec, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-185) AND HOUSE AMENDMENT "A" (H-550)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-185).

On further motion by same Senator, Senate Amendment "A" (S-464) to Committee Amendment "A" (S-185) **READ** and **ADOPTED**.

Committee Amendment "A" (S-185) as Amended by Senate Amendment "A" (S-464) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-185) AS AMENDED BY SENATE AMENDMENT "A" (S-464) thereto, **AND HOUSE AMENDMENT "A" (H-550)**, in **NON-CONCURRENCE**.

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

Off Record Remarks

On motion by Senator **MICHAUD** of Penobscot, the Senate **RECONSIDERED** whereby it **PASSED TO BE ENACTED** the following:

An Act to Restore Municipal Revenue Sharing
H.P. 701 L.D. 968
(C "A" H-218)

(In House, May 6, 1999, **PASSED TO BE ENACTED**.)

(In Senate, June 6, 1999, **PASSED TO BE ENACTED**, in concurrence.)

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **ENACTMENT**.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,500,000 to Construct Water Pollution Control Facilities and Make Other Environmental Improvements"
S.P. 748 L.D. 2107

Tabled - June 5, 1999, by Senator **TREAT** of Kennebec.

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-453)**

(In Senate, June 5, 1999, Report **READ** and **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (S-453) **READ**.)

On motion by Senator **TREAT** of Kennebec, Senate Amendment "A" (S-465) to Committee Amendment "A" (S-453) **READ**.

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

Senator **MICHAUD:** Thank you Mr. President. I request a Division on this Senate Amendment. When the Committee had dealt with the Bond package it was a very delicate process. And when we finished up the Bond package this morning we dealt with this environmental package, and the Committee did delete some of the items that were in the Governor's original package. We think it is a good package, it's a \$9 million package. This Amendment would increase that. Our concern is the overall Bonding capacity that will go out to the voters this November. There are some items in this Amendment, such as the solid waste landfill closure which does not necessarily have to be done. These are landfills that the State will reimburse municipalities. One of the things we had talked about in Committee earlier today was, maybe next year we will look at what Bond package we might have, which will be very small, and we might be considering using some General Fund one-time money to help offset some of this cost as we did during the 118th Legislature, when the

Legislature actually appropriated money for landfill closure. So I hope that you would Oppose a vote against the pending motion to Adopt this Amendment. Thank you Mr. President.

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

Senator **HARRIMAN:** Thank you very much Mr. President. Good evening ladies and gentlemen of the Senate, I reluctantly rise to join my good friend from Penobscot, Senator Michaud, in asking you to Oppose the pending question as he has so accurately stated. The challenges that we have wrestled with to get to this point in the Bond package as such, we had to make difficult choices. And for us, we spent a lot of time looking at the entire Bond package on this proposal, which when it was presented to us, was approximately \$20 million. And as we researched in more detail the contents of this Bond proposal we kept asking ourselves, are these really capital items that should be Bonded? Aren't they really expenditures that arguably should be in the current services Budget and not sent out to the voters to repay debt and interest over a 10 year or longer period of time? And, so sharing the concerns of my friend from Kennebec, Senator Treat, it's not the priorities that are important here, but rather, that we have concluded that the issues before you in this Bond package truly reflect capital expenditures to the best of our ability. They maximize the access to matching funds wherever possible. And in closing Mr. President, I would just like to state to the Senate, and particularly to my friend from Kennebec, Senator Treat that the Appropriations Committee has acknowledged that the Department of Environmental Protection needs to be given a fresh look and recognizes that many of the programs that they are responsible for implementing are being run off of one-time revenue or dedicated revenue sources, and it's time for them to have a fresh look as it relates to their place in the General Fund Budget. So for all those reasons Mr. President, I hope you will join me in defeating the pending motion. Thank you.

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

Senator **TREAT:** Thank you Mr. President. Men and women of the Senate, I appreciate your indulgence in being willing to listen to me for a few minutes here tonight at this late hour. I would not have presented this Amendment unless I felt that it was very important to do so, and important to do so now. The Amendment does two things as the Senator from Penobscot, Senator Michaud, said. The initial Bond issue presented was a great deal larger and they did whittle it down. It was initially a \$20 million plus Bond issue from the Governors Office proposed to deal with a variety of environmental issues, most of them dealing with toxic materials, hazardous, and other types of waste. In the final package that came out of the Appropriations Committee this morning, I believe that two parts of that package were critically under-funded. One of them is the Hazardous Waste Site Clean Up Program. The Committee Amendment has \$.5 million, five hundred thousand, in it for that program. The request from the Governor's Office was \$1.5 million, and in my view this amount is necessary and my Amendment would put \$1 million more into the Bond package specifically for the purpose of cleaning up hazardous waste sites. The other area, which I believe was critically under-funded, or actually zero-funded was the Solid Waste Landfill Closure Program. A program which the State has

committed by statute to fund 75% of the cost of the municipalities, but in this Bond issue is refusing to put up any money to do so. The Governor's Bond package requested \$3.5 million, my Amendment would add in \$2.5 million. The Bond package that was voted out by the Appropriations Committee had zero in it. Added together my Amendment would add an additional \$3.5 million to this Bond package to bring it up to a total of \$12.5 million, which is still far below the requested amount and certainly below the need. I handed out a lot of paper to you earlier today. I hope you had an opportunity to look at some of it. I would just remind you of what is in there. One of them is a list of uncontrolled sites. We had a lengthy, spirited, interesting debate about the waste oil sites. That is four of the 472 hazardous waste sites in the state of Maine that we know of. One of the interesting things about hazardous waste sites is sometimes we don't know where they are, and that we have a problem until it suddenly emerges. That is one reason we try to have a little bit of a cushion there to deal with things that come up that we don't anticipate. If you take a look at the uncontrolled sites list that I handed out earlier, you will see the type of projects that we need this funding for. And \$.5 million, five hundred thousand, is simply not enough. Included in this list, interestingly, is the Portland-Bangor waste oil facility site in Plymouth. One of the waste oil sites that people in this Body were so concerned about when we've debated a different Bill dealing with the waste oil issue. Now interestingly enough what we voted to do in that case was to reimburse those private parties that disposed of their oil in these sites. What this Bond issue would do with my Amendment would be to provide some of the State share of those cost. The State is committed to provide \$800,000 to the Wells site, and another \$600,000 to the Plymouth site. It's a super friend site, we are required by Federal Law to contribute to it. The amount of money in this Bond issue is less than we need to contribute to that particular site.

Just as one example of why I think this is needed. On a solid waste front, you have a handout from the Maine Municipal Association, and also on the back of the listing of the Bonds that I handed out is a little chart showing some of the communities that are currently in the process of closing out their landfills that will be effected by our failing to fund this Bond issue this year. And what you will see is something interesting, which has very little relationship to the property taxed base, the size of the town, what the cost of cleaning up and closing that landfill is. So you could have a Town of North Haven that has \$800,000 cost to clean up and close their landfill, or you can have another Town of Sanford, which has a 20,000 population. Their landfill cost over a million. Either way it's clear to see why the State of Maine decided quite some time ago that it was our responsibility to help pay the cost because the towns on their own simply can't do it. By failing to put this money into the Bond issue this year we are delaying, once again, for several more years reimbursing these communities for tremendous expenses that they have had to incur as a result of Mandates that we have imposed on them in our environmental laws. I do not think that the Amendment that I am proposing which adds \$3.5 million to the Bond package is out of line. It still keeps that Bond package within reason. I happen to know that the Appropriations Committee was, for quite some time, considering a package in the neighborhood of around \$13 million. This is less than that amount of money. I think it is a reasonable amount of money, it needs to be done now, and I really urge your vote to support this Amendment. Thank you.

At the request of Senator **MICHAUD** of Penobscot a Division was had. 10 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **TREAT** of Kennebec to **ADOPT** Senate Amendment "A" (S-465) to Committee Amendment "A" (S-453), **FAILED**.

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

June 5, 1999

Committee Amendment "A" (S-453) **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-453)**.

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

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 Mandate

An Act to Amend the Nutrient Management Laws
S.P. 846 L.D. 2246
(S "A" S-430)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 26 Members of the Senate, with no Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Resolve

Resolve, Regarding Legislative Review of Chapter 565: Nutrient Management Rules, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources
H.P. 460 L.D. 623
(S "A" S-428 to C "A" H-334)

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

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

COMMUNICATIONS

The Following Communication: H.C. 224

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

Dear Madam Secretary:

The House voted today to adhere on Bill "An Act to Establish Limits on Contributions to Political Action Committees That Support Candidates" (S.P. 72) (L.D. 175).

Sincerely,

S/Joseph W. Mayo
Clerk of the House

READ and **ORDERED PLACED ON FILE.**

ORDERS OF THE DAY

On motion by Senator **RAND** of Cumberland, the Senate removed from the **SPECIAL STUDY TABLE** the following:

JOINT ORDER - relative to Establishing the Task Force to Review the Educational Program and the Governance System of the Governor Baxter School for the Deaf
H.P. 1587

Tabled - May 19, 1999, by Senator **PINGREE** of Knox.

Pending - **PASSAGE**, in concurrence

(In House, May 19, 1999, **READ** and **PASSED**.)

(In Senate, May 19, 1999, **READ**.)

PASSED, in concurrence.

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

Senate at Ease.

Senate called to order by the President.

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 Resolve

Resolve, to Study Standardized Periods of Military Service and Other Matters Related to the Award of State of Maine Veterans' Benefits

H.P. 76 L.D. 89
(S "A" S-444 to C "A" H-312)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with no Senators having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Establish the Task Force on State Office Building Location, Other State Growth-related Capital Investments and Patterns of Development

H.P. 226 L.D. 304
(S "A" S-458 to C "A" H-292)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with no Senators having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Establish a Task Force to Study the Operation of and Support for the Board of Environmental Protection

H.P. 899 L.D. 1256
(S "A" S-446 to C "A" H-169)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with no Senators having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Create the Commission to Study the Enhancement of Fire Protection Services throughout the State

H.P. 1017 L.D. 1428
(S "A" S-447 to C "A" H-557)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with no Senators having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (6/4/99) Assigned matter:

An Act to Amend the Tax Law Regarding Tax Liability of Innocent or Injured Spouses

S.P. 308 L.D. 910
(C "A" S-173)

Tabled - June 4, 1999, by Senator **RUHLIN** of Penobscot.

Pending - motion by Senator **MICHAUD** of Penobscot to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE** (Roll Call Requested)

(In Senate, May 5, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-173).**)

(In House, May 11, 1999, **PASSED TO BE ENACTED.**)

Senator **MICHAUD** of Penobscot requested and received leave of the Senate to withdraw his motion to **INDEFINITELY POSTPONE** Bill and accompanying papers, in **NON-CONCURRENCE**.

On motion by Senator **RUHLIN** of Penobscot, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-173)**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-173).

On further motion by same Senator, Senate Amendment "A" (S-466) to Committee Amendment "A" (S-173) **READ** and **ADOPTED**.

Committee Amendment "A" (S-173) as Amended by Senate Amendment "A" (S-466) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-173) AS AMENDED BY SENATE AMENDMENT "A" (S-466) thereto, in **NON-CONCURRENCE**.

ENACTORS

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

Emergency Resolve

Resolve, to Establish a Task Force to Study the Improvement of Public Water Supply Protection

H.P. 1103 L.D. 1550
(S "A" S-456 to C "A" H-425;
H "A" H-540)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with no Senators having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

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

S.P. 643 L.D. 1825
(S "A" S-445 to C "A" S-87)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with no Senators having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Establish the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims

H.P. 1414 L.D. 2021
(S "A" S-232; S "B" S-457
to C "A" H-455)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with no Senators having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Act

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
(S "A" S-455 to C "A" S-72)

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

Resolves

Resolve, to Implement the Recommendations of the Task Force to Study Strategies to Support Parents as Children's First Teachers

H.P. 689 L.D. 956
(S "A" S-454 to C "A" H-623)

Resolve, to Establish the Citizens' Advisory Committee to Secure the Future of Maine's Wildlife and Fish

S.P. 725 L.D. 2045
(S "A" S-450 to C "A" S-254;
H "A" H-639)

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

Off Record Remarks

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

An Act to Restore Municipal Revenue Sharing
H.P. 701 L.D. 968
(C "A" H-218)

Tabled - June 5, 1999, by Senator **MICHAUD** of Penobscot.

Pending - **ENACTMENT**, in concurrence

(In House, May 6, 1999, **PASSED TO BE ENACTED**.)

(In Senate, June 5, 1999, **PASSED TO BE ENACTED**, in concurrence. Subsequently, **RECONSIDERED**.)

On motion by Senator **RUHLIN** of Penobscot, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-218)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-218), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-467) to Committee Amendment "A" (H-218) **READ** and **ADOPTED**.

Committee Amendment "A" (H-218) as Amended by Senate Amendment "A" (S-467) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-218) AS AMENDED BY SENATE AMENDMENT "A" (S-467) thereto, in **NON-CONCURRENCE**.

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

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 Resolve

Resolve, Establishing a Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine

S.P. 332 L.D. 986
(H "A" H-641; S "A" S-459
to C "A" S-296)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with no Senators having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

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

S.P. 393 L.D. 1172
(S "A" S-460 to C "A" S-196)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with no Senators having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

An Act to Create the Business Advisory Commission on Quality Child Care Financing

S.P. 486 L.D. 1446
(S "A" S-461 to C "A" S-179)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with no Senators having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Review Traffic Congestion Including Truck Traffic along the Route 1 York Corridor and Route 236 Corridor

S.P. 571 L.D. 1638
(S "A" S-463 to C "A" S-117)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with no Senators having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Establish the Blue Ribbon Commission to Establish a Comprehensive Internet Policy

S.P. 763 L.D. 2155
(S "A" S-462 to C "A" S-303)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with no Senators having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and

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

Resolve

Resolve, to Create a Committee to Establish a Memorial Dedicated to the Civilian Conservation Corps

H.P. 1394 L.D. 1999
(H "A" H-767 to C "A" H-305)

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

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

ENACTORS

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

Emergency Measure

An Act to Conform the Maine Tax Laws for 1998 With the United States Internal Revenue Code

H.P. 1053 L.D. 1484
(C "A" H-387; S "C" S-442)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with no Senators having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Create a Uniform Standard Governing Legislative Leave of Absence"

H.P. 502 L.D. 709

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

Signed:

Senators:

GOLDTHWAIT of Hancock

DAVIS of Piscataquis

Representatives:

BAGLEY of Machias
RINES of Wiscasset
TWOMEY of Biddeford
BUMPS of China
KASPRZAK of Newport
JODREY of Bethel
GERRY of Auburn
RICHARDSON of Greenville

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

Signed:

Senator:

PENDLETON of Cumberland

Representatives:

AHEARNE of Madawaska
McDONOUGH of Portland

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

Reports **READ**.

Senator **PINGREE** of Knox moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**, in concurrence.

At the request of Senator **GOLDTHWAIT** of Hancock a Division was had. 13 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **PINGREE** of Knox to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in concurrence, **PREVAILED**.

Off Record Remarks

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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 Concerning the Review of State Solid Waste Management Policies

S.P. 391 L.D. 1170
(S "A" S-464 to C "A" S-185;
H "A" H-550)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with no Senators having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease.

Senate called to order by the President.

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:

Acts

An Act to Amend the Tax Law Regarding Tax Liability of Innocent or Injured Spouses

S.P. 308 L.D. 910
(S "A" S-466 to C "A" S-173)

An Act to Restore Municipal Revenue Sharing

H.P. 701 L.D. 968
(S "A" S-467 to C "A" H-218)

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

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **ADJOURNED**, pursuant to the Joint Order, until Friday, June 18, 1999, at 10:00 in the morning, in memory of and lasting tribute to Representative Fred W. Moholland of Princeton.