

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

(C "A" S-485)

In Senate Chamber
Friday
March 3, 2000

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

Prayer by Mr. Wes Johnston of Good Will Hinckley Home for Boys and Girls.

MR. JOHNSTON: Dear God, thank You for answering the many sincere prayers that have been offered on behalf of our Senators. This morning we approach You once again for the blessings of insight, wisdom and genuine concerns for the issues being addressed in this Legislative session. Please assist our leaders as they serve the interest of Maine citizens and attend to the relationship of our state to the other forty-nine. Thank You for hearing this prayer, too. Amen

Doctor of the day, Frank Read, M.D., Cumberland.

Reading of the Journal of Tuesday, February 29, 2000.

Out of order and under suspension of the Rules, on motion by Senator PINGREE of Knox, the following Joint Order:
S.P . 1023

ORDERED, the House concurring, that when the House and Senate Adjourn the House does so until Tuesday, March 7, 2000, at 9 o'clock in the morning and the Senate does so until Tuesday, March 7, 2000, at 10 o'clock in the morning.

READ and PASSED.

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

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Amend the Motor Vehicle Laws"
S.P. 893 L.D. 2312

In Senate, February 18, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-485).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-485) AS AMENDED BY HOUSE AMENDMENT "A" (H-814)** thereto, in **NON-CONCURRENCE.**

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

Joint Order

The following Joint Order: H.P. 1857

ORDERED, the Senate concurring, that the Joint Select Committee to Study the Creation of a Public/Private Purchasing Alliance to Ensure Access to Health Care for all Maine Citizens is established as follows.

1. Joint select committee established. The Joint Select Committee to Study the Creation of a Public/Private Purchasing Alliance to Ensure Access to Health Care for All Maine Citizens, referred to in this order as the "committee," is established.
2. Membership. The committee consists of the following 13 members:
 - A. Three members of the Senate, appointed by the President of the Senate, each of whom serves on the Joint Standing Committee on Banking and Insurance; and
 - B. Ten members of the House of Representatives, appointed by the Speaker of the House, each of whom serves on the Joint Standing Committee on Banking and Insurance.
3. Chairs. The Senate and House chairs of the Joint Standing Committee on Banking and Insurance are the chairs of the committee.
4. Appointments; convening of committee. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members is complete, the chairs shall call the first meeting of the committee no later than May 15, 2000.

5. Duties. The committee shall:

A. Examine the public policy, regulatory and legislative issues related to the creation of a public/private purchasing alliance, including, but not limited to:

The priorities and objectives of a purchasing alliance;

The critical mass needed for an alliance to be effective and the possible public entities that could be included in an alliance;

The ability of private payers such as individuals, small employers and large employers to join an alliance;

The use of community rating, separate risk pools or other risk adjustment mechanisms in an alliance;

The governance and administrative structure of an alliance; and

The benefit structure and choice of health plans that should be offered through an alliance;

B. Review the experience of other states or entities that have established purchasing alliances;

C. Recommend a model and strategies for the establishment of purchasing alliances in this State; and

D. Invite the participation of experts and interested parties, including the Department of Professional and Financial Regulation, Bureau of Insurance; Department of Human Services, Bureau of Medical Services; the State Employee Health Commission; the Maine Health Management Coalition; and the University of Southern Maine, Edmund S. Muskie School of Public Service.

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

7. Compensation. Members of the committee are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the committee.

8. Meetings. The committee shall hold 6 meetings, but if the committee requires additional meetings, it may apply to the Legislative Council, which may approve additional meetings.

9. Report. The committee shall submit a report along with any recommended legislation to the Legislature by December 1, 2000. If the committee requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

10. Committee budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council or the executive director's designee shall provide the committee chairs and staff with a status report on the committee budget, expenditures incurred and paid and available funds.

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

READ.

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

Joint Resolution

The following Joint Resolution: H.P. 1854

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO OPPOSE THE ENTRY OF CHINA INTO THE WORLD TRADE ORGANIZATION AND TO DENY CHINA PERMANENT NORMAL TRADE RELATIONS STATUS

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

WHEREAS, the nation of China has taken steps to become a member of the World Trade Organization; and

WHEREAS, membership in the World Trade Organization would give China recognition and status as an equal, legitimate partner with other countries in world trade; and

WHEREAS, China has an abysmal record of human rights, imprisoning those who attempt to engage in legitimate political opposition and oppressing those whose religious or political beliefs differ from those of the regime; and

WHEREAS, China ignores the rights of its workers and intimidates and imprisons those who seek to improve labor conditions in the country; and

WHEREAS, China's neighbors consider it a military threat; and

WHEREAS, the World Trade Organization, through its promotion of global markets, promotes multinational corporations that exploit child labor and sponsor sweatshops and poor working conditions; and

WHEREAS, the World Trade Organization has not shown itself to be a champion of reform in member countries; and

WHEREAS, membership in the World Trade Organization would increase import of cheap textiles, made inexpensive by the low pay and poor working conditions of Chinese laborers; and

WHEREAS, these cheap textile imports would unfairly compete with and would harm Maine's shirt, textile and manufacturing industries; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully request that the members of the Congress of the United States vote against any proposal to grant permanent normal trade relations status to China, which is a precursor to the granting of World Trade Organization membership, and take whatever other action is in their power to deny membership in the World Trade Organization to the nation of China; and be it further

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

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

READ and **ADOPTED**, in concurrence.

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

SECOND READERS

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

Senate As Amended

Bill "An Act Relating to the Crime of Murder and to the Murder of Children"

S.P. 154 L.D. 474
(C "A" S-511)

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

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

COMMUNICATIONS

The Following Communication: S.C. 527

**UNIVERSITY OF MAINE
MARGARET CHASE SMITH CENTER FOR PUBLIC POLICY
5715 COBURN HALL
ORONO, MAINE 04469-5715**

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

February 23, 2000

Re: Maine State Government Summer Internship Program 1999
Annual Report

Dear Secretary O'Brien:

In accordance with 1967 Public Law, Chapter 493, Section 294, Item 8, I am enclosing copies of the 1999 Maine State Government Summer Internship Report for distribution to the Members of the Maine Senate.

Thank you for your assistance in making this Report available to the Members of the Senate.

Yours truly,

S/Suzanne K. Hart
Research Associate
Director, Maine State Government Summer Internship Program

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

The Following Communication: S.C. 532

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

February 25, 2000

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

Dear President Lawrence and Speaker Rowe:

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

- L.D. 2404 An Act to Provide Juvenile Drug Court Prosecutors
- L.D. 2452 An Act to Appropriate Funds to Help Restore Historic St. Lawrence Church

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

Sincerely,

S/Sen. Michael H. Michaud Senate Chair
S/Rep. Elizabeth Townsend House Chair

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

SENATE PAPERS

Bill "An Act to Establish Fairer Pricing for Prescription Drugs"
S.P. 1026 L.D. 2599

Sponsored by Senator PINGREE of Knox.
Cosponsored by Speaker ROWE of Portland and Senators: BERUBE of Androscoggin, CAREY of Kennebec, CATHCART of Penobscot, DOUGLASS of Androscoggin, FERGUSON of Oxford, GOLDTHWAIT of Hancock, KILKELLY of Lincoln, LaFOUNTAIN of York, President LAWRENCE of York, MICHAUD of Penobscot, MURRAY of Penobscot, NUTTING of Androscoggin, O'GARA of Cumberland, PARADIS of Aroostook, PENDLETON of Cumberland, RAND of Cumberland, RUHLIN of Penobscot, TREAT of Kennebec, Representatives: AHEARNE of Madawaska, ANDREWS of York, BERRY of Livermore, BOLDUC of Auburn, BROOKS of Winterport, BULL of Freeport, CLARK of Millinocket, COLWELL of Gardiner, COWGER of Hallowell, DESMOND of Mapleton, DUDLEY of Portland, DUGAY of Cherryfield, DUPLESSIE of Westbrook, ETNIER of Harpswell, FULLER of Manchester, GAGNON of Waterville, GREEN of Monmouth, HATCH of Skowhegan, KANE of Saco, KNEELAND of Easton, LEMOINE of Old Orchard Beach, LINDAHL of Northport, LORING of the Penobscot Nation, LOVETT of Scarborough, MAILHOT of Lewiston, MARTIN of Eagle Lake, MATTHEWS of Winslow, MAYO of Bath, McALEVEY of Waterboro, McDONOUGH of Portland, McGLOCKLIN of Embden, McKEE of Wayne, McNEIL of Rockland, MITCHELL of Vassalboro, MURPHY of Berwick, NORBERT of Portland, O'BRIEN of Lewiston, O'NEAL of Limestone, PIEH of Bremen, POWERS of Rockport, RICHARD of Madison, RICHARDSON of Brunswick, SAVAGE of Union, SAXL of Bangor, SAXL of Portland, SHIAH of Bowdoinham, SIROIS of Caribou, STANLEY of Medway, SULLIVAN of Biddeford, TESSIER of Fairfield, THOMPSON of Naples, TOWNSEND of Portland, TRACY of Rome, TRIPP of Topsham, TWOMEY of Biddeford, VOLENIK of Brooklin, WATSON of Farmingdale, WHEELER of Eliot, WILLIAMS of Orono.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Under suspension of the Rules, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

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

ORDERS

Joint Resolution

On motion by Senator RAND of Cumberland (Cosponsored by Representative HATCH of Skowhegan and Senator DOUGLASS of Androscoggin, Representatives: DUPLESSIE of Westbrook, MAILHOT of Lewiston, MATTHEWS of Winslow, SAMSON of Jay, SKOGLUND of St. George, VOLENIK of Brooklin), the following Joint Resolution:

S.P. 1025

**JOINT RESOLUTION COMMEMORATING THE
BIRTHDAY OF CESAR E. CHAVEZ**

WHEREAS, Cesar E. Chavez was born March 31, 1927 on a small farm near Yuma, Arizona and died on April 23, 1993; and

WHEREAS, numerous holidays, schools, parks, libraries and other structures and events have been named after Cesar E. Chavez, internationally and in California, New York, Michigan, Indiana, Oklahoma, Arizona, Illinois, Minnesota, Colorado, New Mexico, Massachusetts, Texas and Hawaii, with more planned; and

WHEREAS, Cesar E. Chavez was a recipient of the Martin Luther King, Jr. Peace Prize during his lifetime and was posthumously awarded the Presidential Medal of Freedom by President Clinton on August 8, 1994; and

WHEREAS, the grandson of Mexican immigrants and settlers, he grew up working with migrant farm workers, himself picking grapes, melons, beans and other staple crops at low wages and for long hours, during which time he developed a strong work ethic and respect for the farm workers his father called "the children of God"; and

WHEREAS, at the age of 18, Cesar E. Chavez entered the United States Navy and served his country with distinction for 2 years; and

WHEREAS, as early as 1949, Cesar E. Chavez committed himself to organizing farm workers to campaign for safe and fair working conditions, reasonable wages, decent housing and outlawing child labor; and

WHEREAS, in 1962, Cesar E. Chavez founded the National Farm Workers Association, predecessor of the United Farm Workers of America, which brought hope to farm workers that they might one day realize basic protections and workers' rights that all American workers should enjoy; and

WHEREAS, through his commitment to nonviolence, Cesar E. Chavez brought dignity and respect to the farm workers who organized themselves and became an inspiration and resource to other Americans and people engaged throughout the world in struggles for human rights; and

WHEREAS, Cesar E. Chavez was an advocate for nonviolence at a time when violence penetrated every level of our society; and

WHEREAS, Cesar E. Chavez and his family dedicated themselves to the education through migrant schools of farm workers' children, many of whom graduated and worked as

teachers, doctors and nurses and in other professional occupations; and

WHEREAS, the legacy of Cesar E. Chavez includes healthy working conditions that yield uncontaminated food for America's tables; and

WHEREAS, the influence of Cesar E. Chavez extends far beyond agriculture, and he provides inspiration for those who work to advance human rights through his example of organizing voter registration drives in urban and farm areas, initiating complaints against mistreatment by police and welfare officials and empowering everyday workers to seek advancement in education and politics; and

WHEREAS, Cesar E. Chavez lived alongside his campesino brothers and sisters in humble surroundings and upon his passing was laid to rest where he lived and worked for 23 years: on the grounds of the headquarters of the United Farm Workers of America, known as Nuestra Senora de La Paz (Our Lady of Peace), located in the Tehachapi Mountains at Keene, California; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the Second Regular Session, on behalf of the people we represent, honor Cesar E. Chavez for his tireless commitment to improve the plight of farm workers and of the poor throughout the United States and for the inspiration his heroic efforts have given to so many Americans to work nonviolently for justice in their communities, commemorate March 31st, his birthday, to his memory and encourage all citizens to commit themselves to justice through nonviolence in our communities and to remind themselves of the work of the people who put food on the tables of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the family of Cesar E. Chavez, the Cesar E. Chavez Foundation and the United Farm Workers of America, AFL-CIO.

READ.

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

Senator **RAND:** I thank you Mr. President. Men and women of the Senate, I hope you will support this Joint Resolution commemorating the birthday of Cesar Chavez, which will be on March 31. We have a sizable Latino community in my district and we plan great festivities around this hero to the working people, the migrant workers, many of whom are of Latino descent. It will be with great honor that we will be able to present this Joint Resolution to the members of Mr. Chavez's family in Portland at a very nice ceremony that has been planned in honor of this hero in honor of his birthday. So I hope you can support this Resolution. Thank you.

ADOPTED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Repeal the Nondiscrimination in Pharmaceuticals Pricing Law"

H.P. 1678 L.D. 2344

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

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Clarify the Prosecution of Aggravated Operating Under the Influence"

H.P. 1700 L.D. 2406

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-810)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-810)**.

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

READ ONCE.

Committee Amendment "A" (H-810) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **JUDICIARY** on Bill "An Act to Amend Maine's Probate Code"

H.P. 1633 L.D. 2285

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-817)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-817)**.

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

READ ONCE.

Committee Amendment "A" (H-817) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Clarify Laws Governing Simulcasting" (EMERGENCY)
H.P. 1147 L.D. 1644

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-807).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-807).**

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

READ ONCE.

Committee Amendment "A" (H-807) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **MARINE RESOURCES** on Bill "An Act Concerning the Possession of Marine Organisms by Aquaculturists Outside of the Harvest Season"
H.P. 1684 L.D. 2351

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-809).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-809).**

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

READ ONCE.

Committee Amendment "A" (H-809) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **TAXATION** on 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

Reported that the same **Ought to Pass As Amended by Committee Amendment "B" (H-812).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-812).**

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

READ ONCE.

Committee Amendment "B" (H-812) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Require That All Fines Collected by State Agencies Be Deposited in the General Fund"
H.P. 346 L.D. 462

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

Signed:

Senators:

MICHAUD of Penobscot
CATHCART of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-813).**

Signed:

Senator:

HARRIMAN of Cumberland

Representatives:

WINSOR of Norway
NASS of Acton

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

Reports **READ.**

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

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

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Allow Charitable Nonprofit Organizations to Conduct Limited Video Gaming"
H.P. 1205 L.D. 1715

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

Signed:

Senators:
DAGGETT of Kennebec
CAREY of Kennebec
FERGUSON of Oxford

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

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

Signed:

Representative:
MAYO of Bath

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Modify the Campaign Finance Laws with Regard to Running for Federal Office"
H.P. 1508 L.D. 2153

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

Signed:

Senators:
CAREY of Kennebec
FERGUSON of Oxford

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-811)**.

Signed:

Senator:
DAGGETT of Kennebec

Representative:
MAYO of Bath

Comes from the House with the Bill and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Reports **READ**.

On motion by Senator **PINGREE** of Knox, Bill and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Establish a Commemorative Day Recognizing Major-General Henry Knox" (EMERGENCY)
H.P. 1787 L.D. 2507

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

Signed:

Senators:
PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:
BUMPS of China
KASPRZAK of Newport
JODREY of Bethel
RICHARDSON of Greenville

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

Signed:

Representatives:

AHEARNE of Madawaska
RINES of Wiscasset
McDONOUGH of Portland
TWOMEY of Biddeford
GERRY of Auburn
BAGLEY of Machias

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

Reports **READ**.

Senator **PENDLETON** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending motion by Senator **PENDLETON** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

Senate

**Refer to the Committee on Natural Resources
Pursuant to Joint Order (S.P. 1014)**

Senator TREAT for the Committee on **NATURAL RESOURCES** on Bill "An Act to Implement the Land Use Recommendations of the Task Force on State Office Building Location, Other State Growth-related Capital Investments and Patterns of Development" S.P. 1027 L.D. 2600

Reported that the same be **REFERRED** to the Committee on **NATURAL RESOURCES**, pursuant to Joint Order S.P. 1014.

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

REFERRED to the Committee on **NATURAL RESOURCES**.

Sent down for concurrence.

**Refer to the Committee on Transportation
Pursuant to Joint Order (S.P. 1021)**

Senator O'GARA for the Committee on **TRANSPORTATION** on Bill "An Act to Implement the Transportation Recommendations of the Task Force Created to Review Smart Growth Patterns of Development" S.P. 1028 L.D. 2601

Reported that the same be **REFERRED** to the Committee on **TRANSPORTATION**, pursuant to Joint Order S.P. 1021.

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

REFERRED to the Committee on **TRANSPORTATION**.

Sent down for concurrence.

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

Ought to Pass As Amended

Senator MICHAUD for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Help Support the Medical Ride Volunteer Service" S.P. 933 L.D. 2383

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-517)**.

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

READ ONCE.

Committee Amendment "A" (S-517) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator CAREY for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Improve the Absentee Voting Process" S.P. 631 L.D. 1796

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-515)**.

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

READ ONCE.

Committee Amendment "A" (S-515) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator TREAT for the Committee on **NATURAL RESOURCES** on Bill "An Act to Establish the Environmental Leadership Program" S.P. 529 L.D. 1562

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-516)**.

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

READ ONCE.

Committee Amendment "A" (S-516) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

SECOND READERS

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

House

Resolve, Regarding Legislative Review of Chapter (unassigned): Rules Governing the Licensing and Inspection of Farm Cheese, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

H.P. 1801 L.D. 2528

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

House As Amended

Bill "An Act Regarding the Maintenance of Private Roads"

H.P. 332 L.D. 448
(C "A" H-793)

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

H.P. 704 L.D. 971
(C "A" H-799)

Bill "An Act to Amend Truck Weights"

H.P. 1643 L.D. 2303
(C "A" H-804)

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

Senate As Amended

Bill "An Act to Clarify the Law Relating to the Renewal of Liquor Licenses"

S.P. 883 L.D. 2298
(C "A" S-509)

Bill "An Act to Amend the Department of Corrections Statutes"

S.P. 896 L.D. 2315
(C "A" S-512)

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.

Off Record Remarks

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

REPORTS OF COMMITTEES

Senate

Change of Committee

Senator KILKELLY for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Prohibit Hunting Animals in Enclosed Areas"

S.P. 457 L.D. 1332

Reported that the same be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

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

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

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: H.P. 1865

STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE
AUGUSTA, MAINE 04333

March 1, 2000

Honorable Joseph Mayo
Clerk of the House
2 State House Station
Augusta, ME 04333

Dear Clerk Mayo:

Enclosed please find my official certification to the 119th Legislature of the citizen initiative petition entitled, "An Act to Repeal the Sales Tax on Snack Food Except Candy and Confections."

Sincerely,

S/Dan A. Gwadosky
Secretary of State

State of Maine
Department of State

I, Dan A. Gwadosky, Secretary of State, hereby certify that written petitions bearing signatures of 58,259 electors of this State were addressed to the Legislature of the State of Maine and were filed in the Office of the Secretary of State on January 31, 2000, requesting that the Legislature consider an act entitled, "An Act to Repeal the Sales Tax on Snack Food Except Candy and Confections."

I further certify that the number of signatures submitted is in excess of ten percent of the total vote cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 42,101.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the first day of March in the year two thousand.

S/Dan A. Gwadosky
Secretary of State

Comes from the House, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE**, in concurrence.

The accompanying Bill:

"An Act to Repeal the Sales Tax on Snack Food Except Candy and Confections"

(I.B. 6) (L.D. 2602)

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

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

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Revise the Law Protecting Farmers' Right to Farm"
H.P. 1861 L.D. 2596

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

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

Bill "An Act to Enhance Teacher Development and Meet the Special Needs of Students at the Southern Maine Juvenile Facility"
H.P. 1863 L.D. 2598

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

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

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

PAPERS FROM THE HOUSE

House Papers

Pursuant to Statutes Department of Agriculture, Food and Rural Resources

The **Department of Agriculture, Food and Rural Resources**, pursuant to Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter (Unassigned): Rules Governing Maine Milk and Milk Products, Major Substantive Rules of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

H.P. 1860 L.D. 2595

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218, in concurrence.

**Pursuant to Statutes
Department of Inland Fisheries and Wildlife**

The **Department of Inland Fisheries and Wildlife**, pursuant to Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 25: Leashed Tracking Dog License Rules, Major Substantive Rules of the Department of Inland Fisheries and Wildlife (EMERGENCY)

H.P. 1867 L.D. 2603

Be **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1864

ORDERED, the Senate concurring, that the Joint Select Committee on School-based Health Care Services is established as follows.

1. Committee established. The Joint Select Committee on School-based Health Care Services, referred to in this order as the "committee," is established.

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

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

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

3. Chairs. The first Senate member named is the Senate chair and the first House member named is the House chair.

4. Appointments; convening of committee. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When appointment of all members is complete, the chairs of the committee shall call and convene the first meeting of the committee no later than May 15, 2000.

5. Duties. The committee shall:

A. Review the current funding sources for school-based health care services in the State, including the ability of school-based health centers to receive reimbursement for their services from 3rd-party payors;

B. Examine the social and financial impact and the medical efficacy of mandating insurance coverage for school-based health care services with the technical assistance of the Department of Professional and Financial Regulation, Bureau of Insurance;

C. Examine the administrative costs and burdens to school-based health centers regarding billing of public payors and 3rd-party payors for their services;

D. Review the credentialing and other requirements imposed on health care providers and practitioners that relate to the ability of school-based health centers and practitioners in school-based health centers to bill 3rd-party payors or public payors for their services;

E. Recommend strategies for funding school-based health care services, including methods for public funding and 3rd-party reimbursement for school-based health care services; and

F. Invite the participation of experts and interested parties, including the Department of Professional and Financial Regulation, Bureau of Insurance; the Department of Education; and the Department of Human Services, Bureau of Health.

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

7. Compensation. Members of the committee are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the committee.

8. Meetings. The committee shall hold 5 meetings, but, if the committee requires additional meetings, it may apply to the Legislative Council, which may approve additional meetings.

9. Report. The committee shall submit a report along with any recommended legislation to the Legislature by December 1, 2000. If the committee requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

10. Committee budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council or the executive director's designee shall provide the committee chairs and staff with a status report on the committee budget, expenditures incurred and paid and available funds.

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

READ.

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

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1866

ORDERED, the Senate concurring, that the Joint Standing Committee on Inland Fisheries and Wildlife report out, to the House, a bill regarding lifetime hunting and fishing licenses.

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

READ and **PASSED**, in concurrence.

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

REPORTS OF COMMITTEES

House

Refer to the Committee on Natural Resources Pursuant to Joint Order (H.P. 1841)

The Committee on **NATURAL RESOURCES** on Bill "An Act to Improve Public Water Supply Protection" H.P. 1862 L.D. 2597

Reported that the same be **REFERRED** to the Committee on **NATURAL RESOURCES**, pursuant to Joint Order H.P. 1841.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committees on **NATURAL RESOURCES** and **HEALTH AND HUMAN SERVICES**.

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

REFERRED to the Committees on **NATURAL RESOURCES** and **HEALTH AND HUMAN SERVICES**, in concurrence.

Off Record Remarks

ORDERS OF THE DAY

Unfinished Business

The following matters 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 (2/25/00) Assigned matter:

Bill "An Act to Provide Education Benefits For Maine National Guard Members" (EMERGENCY)

S.P. 1017 L.D. 2585

Tabled - February 25, 2000, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

(Committee on **LEGAL AND VETERANS AFFAIRS** suggested and ordered printed.)

On motion by Senator **PINGREE** of Knox, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

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 (2/29/00) Assigned matter:

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Require the Labeling of Irradiated Food Sold at Retail"

H.P. 1378 L.D. 1985

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass** (2 members)

Tabled - February 29, 2000, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, February 25, 2000, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, February 29, 2000, Reports **READ**.)

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

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

Senator **NUTTING:** Thank you. Ladies and gentlemen of the Senate, this Bill we actually had a public hearing on last year and it was held over by the Agriculture, Conversation and Forestry Committee. At that time, there were two different proposals at the Federal level. One was to not have irradiated food be labeled anymore and the other proposal was to make the emblem so small you couldn't see it anyway. Both of those proposals at the Federal level did not proceed, did not pass. So nothing really changed with the labeling of irradiated food. Irradiated food, everything but spices, must be labeled and so that is why the majority of the Committee felt this, therefore, could be voted out Ought Not to Pass. Thank you.

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

Senator **GOLDTHWAIT:** Thank you Mr. President. Ladies and gentlemen of the Chamber, I generally don't favor duplicate legislation if it is unnecessary, but in my mind this Bill would do two things: One, it would put Maine on record as being clear about our sense that people have a right to know what is in, or has been done, to the food they are eating and the other is that, despite current Federal support for the labeling of irradiated food, one does not know whether that might be withdrawn in the future. If we had our own State law, that would be covered. It is an issue of some interest in my district where there is a lot of organic farming happening and people are quite conscious of the food that they eat and, therefore, I would urge you to oppose the pending motion. I would request a Division.

At the request of Senator **GOLDTHWAIT** of Hancock a Division was had. 21 Senators having voted in the affirmative and 8 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**.

Senator **GOLDTHWAIT** of Hancock was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

Senator **PARADIS** of Aroostook was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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:

Act

An Act Relating to the Crime of Murder and to the Murder of Children

S.P. 154 L.D. 474
(C "A" S-511)

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

Senator **PENDLETON:** Thank you Mr. President. Men and women of the Chamber, it is with great pleasure that I stand before you today to talk about the Bill that is before us, affectionately called by those of us that worked on it as Jake's Law. I would like to thank the leadership of both parties this morning for giving us a chance to get this Bill out and passed. The Bill came about because of a situation that happened in my district almost two years ago. Upon investigation, we found that the same situation that happened in my district had happened in districts of many others. We found that when children were shaken or pounded against a table, dropped or beaten, that when the perpetrator went to Court, they would usually plead manslaughter and get off with a light sentence. Upon speaking to the young mother of this child that was murdered in my district, I would like to say that she had a great deal of courage. I would like to say that she took a tragedy and made it into something very positive. She has organized and created a prevention program to provide help and public awareness for Shaken Baby Syndrome. I would also like, at this time, to thank one of my colleagues, Senator John Benoit, who has given me technical advice for the last two years. I would go to him and bug him like crazy. Does this sound like it would pass? No Peggy, it won't pass. Senator Benoit, do you think this will pass? I think you have some work to do on that. Finally, after agreement, the

Governor looked at the Bill, the Attorney General looked at the Bill. I just want to thank the whole Body and those of you who have helped us with this Bill to get it passed and congratulations to a young mother who took a very difficult situation and made it positive.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate. Shortly after Jake's death, his mother, Pam Belisle, who is in the Chamber today, telephoned me at my home in Rangeley and asked if I would support Legislation addressing the sad fact that Maine judges were imposing prison terms of generally four years in cases where children were the victims of manslaughter. I pledged her my support. I thank Senator Pendleton for allowing me to be a co-sponsor on this Legislation and I was pleased to testify before the Criminal Justice Committee in regards to this matter. On behalf of my constituents, Senator Pendleton, I would like to thank you for your enthusiasm, your diligence, stick-to-it-tiveness on this matter so that our Courts will impose more justice in these cases. Not once did Senator Pendleton bother me unduly. I am never bothered by enthusiasm. To Pam Belisle, my thanks to her as well. She turned her pain out of the loss into something positive. Sure, she could have gone negative. She could have turned inward; become bitter, chewed up for what happened and that be that, but she took the harder, more positive road. She worked toward better justice for all our children in these matters. Will Jake's Law bring more justice? I believe the answer can be found in Jake's case itself where the Court imposed a ten-year sentence, twice the average sentence that has been imposed in the past in such cases. And you know the unfortunate thing here is this, the Court could have done this all by itself without this law. But I think the fact that this Bill is in the legislative process gave the Court a message and that is why that sentence came out that way. The very existence of this Bill has brought fruit in a positive way. I said it before, I sound like a broken record. I'm going to say it again. When the Courts do not work for the people, the Legislature does and this is a good example. Mr. President, today we are not going to hear a judge's gavel in this matter, but rather, Mr. President's gavel. The sound should be music to our ears. Thank you.

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 is pleased to recognize in the Chamber, guests of the Senator from Cumberland, Senator Pendleton and the Senator from Franklin, Senator Benoit. They are Pam Belisle, Heather Lavoie, Jolene Swett, and Linda Scott. Would they please rise and receive the greetings of the Senate.

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

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

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

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

House Paper

Pursuant to Public Law

Joint Standing Committee on Natural Resources

The **Joint Standing Committee on Natural Resources** pursuant to Public Law 1997, chapter 748, section 5 asked leave to report that the accompanying Bill "An Act to Address Nonpoint Source Pollution from Certain Sources"

H.P. 1868 L.D. 2604

Be **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218, in concurrence.

On motion by Senator **PINGREE** of Knox, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, March 7, 2000, at 10:00 in the morning.