

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

In Senate Chamber  
Wednesday  
April 14, 1999

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

Prayer by Reverend Iris Burnell of the Union Congregational Church in South Bristol.

**REVEREND BURNELL:** Let us Pray. Creator and creating God, we come before You, Your servants and the servants of the people who have sent us to this special place. We acknowledge that sometimes our burdens are easy but often they are heavy indeed. We ask not that our burdens be lifted but that You help us carry them. We gather this morning from towns and cities throughout our beloved Maine. Also we gather from the rough places in our personal lives, those concerns and problems in our hearts and homes, which always challenge us. Help us to discern Your will for us in both our personal and professional lives. We are a hopeful people God, so is our hope for the future which sustains us. Lead us to common ground as we face difficult issues which defy easy solutions. For we know that when we reach that special place, that common ground, there will You be welcoming us home. Amen.

Doctor of the day, Andrew Carey, M.D., Falmouth.

Reading of the Journal of Tuesday, April 13, 1999.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act to Include a Denturist on the Board of Dental Examiners"

S.P. 163 L.D. 483  
(C "A" S-58)

In Senate, April 7, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-58).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-58) AS**

**AMENDED BY HOUSE AMENDMENT "A" (H-163)** thereto, in **NON-CONCURRENCE.**

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

**Joint Orders**

The following Joint Order: H.P. 1539

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Human Services report out to the House legislation on long-term care.

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

**READ.**

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

The following Joint Order: H.P. 1540

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out to the House legislation authorizing a General Fund bond issue to finance the purchase of public lands.

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

**READ** and **PASSED**, in concurrence.

**COMMUNICATIONS**

The Following Communication: S.C. 186

**THE SENATE OF MAINE  
OFFICE OF THE PRESIDENT  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

April 7, 1999

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

Dear Secretary O'Brien:

Pursuant to my authority under 22 MRSA, Chapter 1058, I have appointed Senator Neria Douglass of Androscoggin to the Maine Children's Trust Incorporated.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Mark W. Lawrence  
President of the Senate

**READ** and **ORDERED PLACED ON FILE**.

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**SENATE PAPERS**

Bill "An Act Concerning Licensure of Chiropractors"  
(EMERGENCY)

S.P. 784 L.D. 2199

Sponsored by President LAWRENCE of York.  
Cosponsored by Representative O'NEAL of Limestone and  
Senators: AMERO of Cumberland, KONTOS of Cumberland,  
PINGREE of Knox, RAND of Cumberland, Representatives:  
MURPHY of Kennebunk, Speaker ROWE of Portland, SAXL of  
Portland.

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

Sent down for concurrence.

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Bill "An Act to Permit Persons Out-of-state to Ship Malt Liquor  
and Wine to Maine Residents"

S.P. 785 L.D. 2200

Sponsored by President LAWRENCE of York.  
Cosponsored by Representative WHEELER of Eliot and Senator:  
LIBBY of York.

**REFERRED** to the Committee on **LEGAL AND VETERANS  
AFFAIRS** and ordered printed.

Sent down for concurrence.

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

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**REPORTS OF COMMITTEES**

**House**

**Change of Committee**

The Committee on **BANKING AND INSURANCE** on Bill "An Act  
to Clarify Reimbursement for Cognitive Services"

H.P. 1050 L.D. 1472

Reported that the same be **REFERRED** to the Committee on  
**HEALTH AND HUMAN SERVICES**.

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

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

**REFERRED** to the Committee on **HEALTH AND HUMAN  
SERVICES**, in concurrence.

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**Ought to Pass**

The Committee on **NATURAL RESOURCES** on Bill "An Act to  
Require Legislative Review of Motor Vehicle Fuel Standards"  
(EMERGENCY)

H.P. 929 L.D. 1306

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

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

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

**READ ONCE**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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**Ought to Pass As Amended**

The Committee on **APPROPRIATIONS AND FINANCIAL  
AFFAIRS** on Bill "An Act to Appropriate Funds for Conservation at  
the Local Level"

H.P. 406 L.D. 548

Reported that the same **Ought to Pass As Amended by  
Committee Amendment "A" (H-173)**.

Comes from the House with the Report **READ** and **ACCEPTED**  
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY  
COMMITTEE AMENDMENT "A" (H-173)**.

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

**READ ONCE**.

Committee Amendment "A" (H-173) **READ** and **ADOPTED**, in  
concurrence.

**TOMORROW ASSIGNED FOR SECOND READING**.

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The Committee on **CRIMINAL JUSTICE** on Bill "An Act to  
Prohibit the Taking of Another Person's Legal Identification"

H.P. 162 L.D. 224

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-183)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-183)**.

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

**READ ONCE.**

Committee Amendment "A" (H-183) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Revise Maine's Trespass Laws"

H.P. 531 L.D. 738

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-181)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-181)**.

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

**READ ONCE.**

Committee Amendment "A" (H-181) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Allow the State Police to Accept Revenue for Providing Services to Municipalities and Counties"

H.P. 572 L.D. 812

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-180)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-180)**.

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

**READ ONCE.**

Committee Amendment "A" (H-180) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Require That Both the Northern Maine Regional Juvenile Detention Facility and the Maine Youth Center Receive Detainees"

H.P. 984 L.D. 1382

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-182)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-182)**.

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

**READ ONCE.**

Committee Amendment "A" (H-182) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Amend the Law Regarding Conflict of Interest"

H.P. 956 L.D. 1354

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-186)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-186)**.

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

**READ ONCE.**

Committee Amendment "A" (H-186) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Chapter 125: Health Care Information that Directly Identifies an Individual, Major Substantive Rules of the Maine Health Data Organization (EMERGENCY)

H.P. 298 L.D. 406

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-170)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-170)**.

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

**READ ONCE.**

Committee Amendment "A" (H-170) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **NATURAL RESOURCES** on 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

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-169)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-169)**.

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

**READ ONCE.**

Committee Amendment "A" (H-169) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Establish Thresholds for Delegated Purchasing Authorities and Requirements for Competitive Bidding"

H.P. 641 L.D. 891

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-187)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-187)**.

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

**READ ONCE.**

Committee Amendment "A" (H-187) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **TRANSPORTATION** on Bill "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

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-178)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-178)**.

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

**READ ONCE.**

Committee Amendment "A" (H-178) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **TRANSPORTATION** on Bill "An Act to Make Moving a Mobile Home with Unpaid Taxes Subject to a \$250 Forfeiture"

H.P. 553 L.D. 774

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-177)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-177)**.

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

**READ ONCE.**

Committee Amendment "A" (H-177) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Committee on **TRANSPORTATION** on Bill "An Act to Exempt the Requirement that All Municipal Taxes Be Paid in Advance of Moving a Mobile Home"

H.P. 776 L.D. 1099

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-176)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-176)**.

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

**READ ONCE.**

Committee Amendment "A" (H-176) **READ** and **ADOPTED**, in concurrence.

**TOMORROW ASSIGNED FOR SECOND READING.**

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**Divided Report**

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act Regarding Civil Actions Involving Insurance Coverage"

H.P. 584 L.D. 824

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

Signed:

Senators:

LaFOUNTAIN of York  
ABROMSON of Cumberland

Representatives:

JONES of Pittsfield  
NUTTING of Oakland  
SAXL of Bangor  
SULLIVAN of Biddeford  
PERRY of Bangor  
GLYNN of South Portland  
MAYO of Bath

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-189).**

Signed:

Senator:

DOUGLASS of Androscoggin

Representatives:

RICHARDSON of Brunswick  
DUDLEY of Portland  
O'NEIL of Saco

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

Reports **READ**.

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

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

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**Divided Report**

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Decrease the Required Minimum Amounts of Liability Insurance Coverage for Motor Vehicles"

H.P. 593 L.D. 833

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

Signed:

Senators:

LaFOUNTAIN of York  
DOUGLASS of Androscoggin  
ABROMSON of Cumberland

Representatives:

JONES of Pittsfield  
RICHARDSON of Brunswick  
NUTTING of Oakland  
DUDLEY of Portland  
O'NEIL of Saco  
SAXL of Bangor  
SULLIVAN of Biddeford  
PERRY of Bangor  
MAYO of Bath

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

Signed:

Representative:

GLYNN of South Portland

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Eliminate Discrimination in Accident Insurance Coverage"

H.P. 769 L.D. 1092

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

Signed:

Senators:

LaFOUNTAIN of York  
DOUGLASS of Androscoggin  
ABROMSON of Cumberland

Representatives:

JONES of Pittsfield  
RICHARDSON of Brunswick  
NUTTING of Oakland  
DUDLEY of Portland  
O'NEIL of Saco  
SAXL of Bangor  
SULLIVAN of Biddeford  
PERRY of Bangor  
MAYO of Bath

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

Reports **READ**.

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

The Minority of the same Committee on the same subject  
reported that the same **Ought to Pass as Amended by**  
**Committee Amendment "A" (H-188)**.

Signed:

Representative:

GLYNN of South Portland

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND**  
**WILDLIFE** on Bill "An Act to Change the Name of the Department  
of Inland Fisheries and Wildlife"

H.P. 17 L.D. 27

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

Signed:

Senators:

KILKELLY of Lincoln  
RUHLIN of Penobscot  
KIEFFER of Aroostook

Representatives:

DUNLAP of Old Town  
CHICK of Lebanon  
HONEY of Boothbay  
TRUE of Fryeburg  
BRYANT of Dixfield  
COTE of Lewiston  
TRAHAN of Waldoboro

The Majority of the Committee on **HEALTH AND HUMAN**  
**SERVICES** on Bill "An Act to Increase the Availability of Glucose  
Screenings"

H.P. 965 L.D. 1363

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

Signed:

Senators:

PARADIS of Aroostook  
BERUBE of Androscoggin

Representatives:

KANE of Saco  
BROOKS of Winterport  
FULLER of Manchester  
QUINT of Portland  
DUGAY of Cherryfield  
LOVETT of Scarborough  
SNOWE-MELLO of Poland

The Minority of the same Committee on the same subject  
reported that the same **Ought to Pass as Amended by**  
**Committee Amendment "A" (H-193)**.

Signed:

Representative:

SHIELDS of Auburn

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

Signed:

Representatives:

PERKINS of Penobscot  
CLARK of Millinocket  
TRACY of Rome

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND**  
**WILDLIFE** on Bill "An Act to Allow Free Access to Waters  
Stocked With Fish by the State"

H.P. 289 L.D. 397

HONEY of Boothbay  
BRYANT of Dixfield  
COTE of Lewiston

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

Signed:

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

Senators:

KILKELLY of Lincoln  
RUHLIN of Penobscot  
KIEFFER of Aroostook

Signed:

Senator:

KIEFFER of Aroostook

Representatives:

DUNLAP of Old Town  
PERKINS of Penobscot  
CHICK of Lebanon  
TRAHAN of Waldoboro  
HONEY of Boothbay  
TRUE of Fryeburg  
BRYANT of Dixfield

Representatives:

CHICK of Lebanon  
TRUE of Fryeburg  
CLARK of Millinocket  
TRACY of Rome

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

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

Signed:

Reports **READ**.

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

Representatives:

CLARK of Millinocket  
COTE of Lewiston  
TRACY of Rome

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.

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

Reports **READ**.

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

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

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Create the Maine Civil Rights Act of 1999"

H.P. 496 L.D. 703

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

Signed:

Senators:

LONGLEY of Waldo  
TREAT of Kennebec  
BENOIT of Franklin

Representatives:

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

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Establish a Fishing Rules Policy"  
H.P. 294 L.D. 402

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

Signed:

Senators:

KILKELLY of Lincoln  
RUHLIN of Penobscot

Representatives:

DUNLAP of Old Town  
PERKINS of Penobscot  
TRAHAN of Waldoboro

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-194)**.

Signed:

Representatives:  
PLOWMAN of Hampden  
WATERHOUSE of Bridgton

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Include Fraudulent Billing by Attorneys under the Unfair Trade Practices Act"

H.P. 1055 L.D. 1486

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

Signed:

Senators:  
LONGLEY of Waldo  
TREAT of Kennebec  
BENOIT of Franklin

Representatives:  
THOMPSON of Naples  
BULL of Freeport  
LaVERDIERE of Wilton  
JACOBS of Turner  
NORBERT of Portland  
MITCHELL of Vassalboro  
MADORE of Augusta  
SCHNEIDER of Durham

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

Signed:

Representatives:  
PLOWMAN of Hampden  
WATERHOUSE of Bridgton

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Regarding Lobbying by Government Agencies and Organizations That Receive Public Funds"  
H.P. 217 L.D. 295

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

Signed:

Senators:  
DAGGETT of Kennebec  
CAREY of Kennebec  
FERGUSON of Oxford

Representatives:  
TUTTLE of Sanford  
CHIZMAR of Lisbon  
LABRECQUE of Gorham  
MAYO of Bath  
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 as Amended by Committee Amendment "A" (H-190)**.

Signed:

Representative:  
PERKINS of Penobscot

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Eliminate the Lodging Tax on Long-term Rentals"  
H.P. 892 L.D. 1249

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-168)**.

Signed:

Representatives:  
GAGNON of Waterville  
GREEN of Monmouth  
LEMOINE of Old Orchard Beach  
LEMONT of Kittery  
COLWELL of Gardiner  
DAVIDSON of Brunswick



CIANCHETTE of South Portland

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

Signed:

Senators:

- RUHLIN of Penobscot
- DAGGETT of Kennebec
- MILLS of Somerset

Representatives:

- MURPHY of Berwick
- BUCK of Yarmouth
- STANLEY of Medway

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-168)**.

Reports **READ**.

Senator **RUHLIN** of Penobscot moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

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**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Increase Sanctions for Passing School Buses that Have Red Lights Flashing"

H.P. 634 L.D. 884

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

Signed:

Senators:

- O'GARA of Cumberland
- PARADIS of Aroostook
- CASSIDY of Washington

Representatives:

- FISHER of Brewer
- COLLINS of Wells
- SANBORN of Alton
- WHEELER of Eliot
- LINDAHL of Northport
- JABAR of Waterville
- BOUFFARD of Lewiston
- SAVAGE of Union
- WHEELER of Bridgewater

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

Signed:

Representative:

CAMERON of Rumford

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

Reports **READ**.

On motion by Senator **O'GARA** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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**Senate**

**Ought to Pass**

Senator KONTOS for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Allow Assistants to Physicians to Perform Certain Tasks outside the Direct Supervision of the Physicians"

S.P. 127 L.D. 324

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

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

**READ ONCE**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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**Ought to Pass As Amended**

Senator PENDLETON for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Concerning Municipal Public Library Trust Funds"

S.P. 255 L.D. 689

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-93)**.

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

**READ ONCE**.

Committee Amendment "A" (S-93) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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**Divided Report**

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Change the Provisions of the Lobster License Apprentice Program"

S.P. 561 L.D. 1628

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

Signed:

Senators:

GOLDTHWAIT of Hancock  
PENDLETON of Cumberland  
MacKINNON of York

Representatives:

ETNIER of Harpswell  
STANWOOD of Southwest Harbor  
USHER of Westbrook  
HONEY of Boothbay  
PINKHAM of Lamoine  
PIEH of Bremen  
BAGLEY of Machias  
LEMONT of Kittery  
McNEIL of Rockland

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

Signed:

Representative:

VOLENIK of Brooklin

Reports **READ**.

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

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act to Eliminate Duplicate Benefits from the Tax Increment Financing and Business Equipment Reimbursement Programs"

S.P. 79 L.D. 182

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

Signed:

Senators:

RUHLIN of Penobscot  
DAGGETT of Kennebec

Representatives:

GAGNON of Waterville  
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**.

Signed:

Senator:

MILLS of Somerset

Representative:

GREEN of Monmouth

Reports **READ**.

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

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

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**THE PRESIDENT:** The Chair recognizes the Senator from Washington, Senator Cassidy, who requests unanimous consent to address the Senate on the record. The Senator may proceed.

Senator **CASSIDY:** Thank you Mr. President. Men and women of the Senate, it's a real honor today. I have some guests visiting us here in the Chamber. I have the Calais Lady Blue Devils who are the Class C State Girls Basketball Champions. I'm so pleased to have them here with us today and their coaches, Bob McShane, Lori. Frost, and Brenda Batson. These girls have had quite a history here in the state. I think since the 90's I have heard them referred to as the Team of the 90's. They have won the Eastern Maine Championship seven times and they've won the State Championship four times. So we have four gold balls down there in the trophy case, which we're really pleased with. The other thing I must tell you is that over the years I've lost the odd lunch to Senator Michaud. Once in a while we run into a snag here. I've also had a few discussions with Senator Ferguson from Oxford, who actually has in his district the Dirigo girls team who we played the last four consecutive years in each split. So probably next year we'll probably see a rubber match. I want to mention we have two seniors out of the three seniors with us today. Elizabeth Churchill and Rachel Clark who have really entertained the community and offered a lot of spirit and worked very hard on the team. The thing that really always impresses me, and you folks who have gone to celebrations in your community, when the kids get back win or lose from the tournaments is to go and see the turnout of the community. Another thing that impressed me when I was there this February after the state tournament was that these kids were all academically on the honor roll and just tremendous all around kids. I think that's so important as well. The other thing, just to warn Senator Ferguson, we did have three Freshman on the starting team this year so I think you'll probably see them back

there next year. I just want to congratulate them and ask you to join me in welcoming them here to the Senate Chambers. Thank you.

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

Senator **FERGUSON:** Thank you very much Mr. President. Ladies and gentleman of the Senate, it is true that Dirigo has faced Calais in the last four tournaments and I believe they are split, 2 and 2 apiece. You should be humble in victory and gracious in defeat and I would like to offer my congratulations to the coach and the girls for a fine job. If you remember last year I did challenge Senator Cassidy to a small wager, a meal. He didn't take me up on it but I didn't approach the subject this year because it looked like I might be paying. I would like to once again offer my congratulations and I'm sure they will meet in the future. With three Freshman on the team I'm not going to be offering any challenges in the future. Thank you.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the Chamber the Class C State Champions, the Calais High School Blue Devils. They are Elizabeth Churchill, Rachael Clark, Morgan Drew, Nancy Feck, Katie Frost, Lanna Martin, their coach Bob McShane, assistant coach Brenda Batson, JV coach Lori Frost, and their manager Paul Storey. Would they please all rise and accept the greetings of the Senate.

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**SECOND READERS**

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

**House**

Bill "An Act to Appropriate Funds for Acquisitions for the Maine State Library and for Library Resource Sharing" (EMERGENCY)  
H.P. 374 L.D. 499

Bill "An Act to Reestablish the Municipal Boundary between Pownal and Durham"  
H.P. 650 L.D. 900

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

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**House As Amended**

Bill "An Act to Ensure Funding for a Replacement Correctional Facility in Washington County"  
H.P. 65 L.D. 78  
(C "A" H-150)

Bill "An Act Authorizing County Commissioners to Enact Noise and Animal Control Ordinances in Unorganized Territories"  
H.P. 108 L.D. 139  
(C "A" H-145)

Bill "An Act to Increase the Appropriation to the Saco River Corridor Commission"  
H.P. 155 L.D. 217  
(C "A" H-160)

Resolve, to Name the State Office Building the Burton M. Cross Building  
H.P. 172 L.D. 250  
(C "A" H-117)

Bill "An Act to Amend the Laws Regarding Reporting Requirements for the Maine Health and Higher Educational Facilities Authority"  
H.P. 261 L.D. 365  
(C "A" H-162)

Bill "An Act to Increase the Sanctions for Criminal Mischief Within a Correctional Facility"  
H.P. 341 L.D. 457  
(C "A" H-149)

Bill "An Act to Prohibit the Surveillance of the Interior of Dressing Rooms"  
H.P. 415 L.D. 557  
(C "A" H-155)

Bill "An Act to Give the Commissioner of Public Safety Law Enforcement Powers"  
H.P. 477 L.D. 684  
(C "A" H-154)

Bill "An Act to Require Courts to Reimburse Jurors for Parking Expenses"  
H.P. 490 L.D. 697  
(C "A" H-133)

Bill "An Act Concerning the Method of Taking of Soft Shell Clams"  
H.P. 513 L.D. 720  
(C "A" H-159)

Bill "An Act to Increase State Funding for the Purchase of School Buses"  
H.P. 522 L.D. 729  
(C "A" H-157)

Bill "An Act to Assist the Department of Public Safety in Implementing the Requirements of Fingerprint-based Background Checks" (EMERGENCY)  
H.P. 534 L.D. 741  
(C "A" H-152)

Bill "An Act to Promote the Cranberry Industry and to Encourage Cultivation of Cranberries in the State"  
H.P. 587 L.D. 827  
(C "A" H-156)

Bill "An Act to Require Reflectors on the Front of Utility Trailers"  
H.P. 673 L.D. 929  
(C "A" H-148)

Bill "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)

Bill "An Act to Provide Funding for the Advisory Commission on Women Veterans"  
H.P. 732 L.D. 1022  
(C "A" H-158)

Bill "An Act to Provide for Resident State Police Officers for Municipalities Without a Police Force"  
H.P. 863 L.D. 1220  
(C "A" H-153)

Bill "An Act to Provide Additional Funding for the Maine Indian Tribal-State Commission"  
H.P. 944 L.D. 1341  
(C "A" H-161)

Resolve, to Establish a Police Cadet Program for the State Police  
H.P. 988 L.D. 1386  
(C "A" H-151)

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

---

**Senate**

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

Bill "An Act to Amend the Maine Criminal Code Regarding Improper Gifts"  
S.P. 617 L.D. 1782

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

Sent down for concurrence.

---

Bill "An Act to Clarify the Laws Regarding Fund Raising During the Legislative Session" (EMERGENCY)  
S.P. 575 L.D. 1655

**READ A SECOND TIME.**

On motion by Senator **RAND** of Cumberland, Senate Amendment "A" (S-68) **READ.**

At the request of Senator **AMERO** of Cumberland a Division was had. 12 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **RAND** of Cumberland to **ADOPT** Senate Amendment "A" (S-68), **PREVAILED.**

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-68).**

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**Senate As Amended**

Bill "An Act to Eliminate Sales Tax on Electricity Used in Agriculture and Aquaculture"  
S.P. 23 L.D. 4  
(C "A" S-85)

Bill "An Act to Restrict Circulators of Initiated Petitions from Being within 250 Feet of Voting Places"  
S.P. 117 L.D. 314  
(C "A" S-42)

Bill "An Act to Encourage Contributions to Family Development Account Reserve Funds"  
S.P. 186 L.D. 579  
(C "A" S-84)

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

Bill "An Act to Adjust the Alternative Funding Mechanism for the Maine Public Drinking Water Commission"  
S.P. 234 L.D. 656  
(C "A" S-74)

Bill "An Act Regarding the Unbundling of Natural Gas Services"  
S.P. 239 L.D. 661  
(C "A" S-92)

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

Bill "An Act to Simplify the Process of Claiming Abandoned Vehicles"  
S.P. 375 L.D. 1076  
(C "A" S-76)

Bill "An Act to Amend the Real Estate Brokerage Law"  
S.P. 382 L.D. 1083  
(C "A" S-77)

Bill "An Act to Expand the Basic Service Calling Area in Certain Rural Areas"  
S.P. 405 L.D. 1194  
(C "A" S-91)

Bill "An Act Relating to Utilities and Affiliated Interests"  
S.P. 439 L.D. 1276  
(C "A" S-89)

Bill "An Act to Increase Long-term Health Care Options"  
S.P. 446 L.D. 1321

(C "A" S-75)

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

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

An Act to Consolidate and Improve Agricultural Market Research and New Technology Grants in the Department of Agriculture, Food and Rural Resources to Encourage Economic Development of Maine Farms and Food Processors

S.P. 316 L.D. 950  
(C "A" S-41)

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

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

Sent down for concurrence.

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**ENACTORS**

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

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**Emergency Measure**

**Emergency Measure**

An Act Relating to Transfer of Ownership of Dams  
H.P. 373 L.D. 498  
(C "A" H-106)

An Act to Amend the Enhanced 9-1-1 Laws  
S.P. 419 L.D. 1208  
(C "A" S-47)

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

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

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**Emergency Measure**

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Off Record Remarks

An Act to Amend the Charter of the Tenants Harbor Standard Water District  
S.P. 428 L.D. 1265  
(C "A" S-46)

**Emergency Measure**

An Act to Amend the Pulling Event Laws  
H.P. 623 L.D. 863  
(C "A" H-110)

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.

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

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**Emergency Resolve**

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Off Record Remarks

Resolve, Regarding Legislative Review of Chapter 64: Maine School Facilities Finance Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education  
H.P. 469 L.D. 632  
(C "A" H-107)

**Emergency Measure**

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency Resolve**

Resolve, to Preserve the Temporary Assistance to Needy Families Block Grant Funds Reserved for Future Use  
 S.P. 396 L.D. 1187  
 (C "A" S-40)

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

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**Pursuant to Constitution  
 Public Land**

Resolve, to Authorize the Director of the Bureau of Parks and Lands to Exchange Land between the State and Pownal Relating to Bradbury Mountain State Park  
 H.P. 1045 L.D. 1467  
 (C "A" H-109)

In accordance with the provisions of Article IX, Section 23 of the Constitution, this requires the affirmative vote of two-thirds of the entire elected Membership of the Senate, 30 Senators having voted in the affirmative and no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Acts**

An Act Regarding Commercial Beano Halls  
 H.P. 57 L.D. 71  
 (C "A" H-126)

An Act to Amend the Charter of the Department of Electric Works Within the Town of Madison  
 H.P. 229 L.D. 333  
 (C "A" H-114)

An Act to Amend the Membership of the State Board of Funeral Service  
 H.P. 305 L.D. 421  
 (C "A" H-118)

An Act to Excuse Elections Staff from Jury Duty When Needed to Perform Election Functions  
 H.P. 325 L.D. 441  
 (C "A" H-103)

An Act to Amend the Laws Pertaining to Conveyance and Reservation of Real Estate  
 H.P. 426 L.D. 568  
 (C "A" H-101)

An Act to Establish the Chesuncook Soil Series as the Official State Soil and to Remove Enhanced Protection Status from State Symbols  
 S.P. 203 L.D. 592  
 (H "C" H-165 to C "A" S-29)

An Act to Increase the Penalty for Failure to Yield the Right-of-way to a Visually Impaired Pedestrian  
 S.P. 233 L.D. 655  
 (C "A" S-51)

An Act to Increase the Number of Elm Trees in the State  
 H.P. 487 L.D. 694  
 (C "A" H-94)

An Act to Amend the Law Relating to School Construction and School Facilities  
 H.P. 509 L.D. 716  
 (C "A" H-108)

An Act to Establish a Marine Recreation Fishing Conservation and Management Fund and a Marine Recreational Fishing Advisory Council  
 H.P. 516 L.D. 723  
 (C "A" H-116)

An Act to Make the Laws Governing State Ambient Air Quality for Ozone and Particulate Matter Consistent with Federal Requirements  
 H.P. 549 L.D. 770  
 (C "A" H-105)

An Act to Clarify the Law Regarding the Payment of the Application Fee for a Motorcycle Dealer License  
 H.P. 580 L.D. 820  
 (C "A" H-123)

An Act to Remove Certain Records Concerning Minors From the Definition of "Public Records"  
 S.P. 301 L.D. 874  
 (C "A" S-39)

An Act to Amend the Laws Regarding the Scallop Fishing Season and Scallop Fishing Gear Requirements  
 H.P. 651 L.D. 901  
 (C "A" H-115)

An Act to Clarify Certain Liens  
 S.P. 313 L.D. 947  
 (C "A" S-38)

An Act to Require Motor Vehicles to Stop for All Pedestrians in a Marked Crosswalk  
 H.P. 742 L.D. 1032  
 (C "A" H-124)

An Act to Prevent Minors from Acquiring Beer-making or Wine-making Equipment  
 S.P. 376 L.D. 1077

An Act to Amend the Site Evaluator Licensing Laws  
H.P. 853 L.D. 1210  
(C "A" H-102)

An Act to Transfer the Regulatory Responsibilities of the Arborist  
Examining Board to the Department of Agriculture, Food and  
Rural Resources  
H.P. 1025 L.D. 1436  
(S "A" S-63)

An Act to Amend Agency Disclosure within the Real Estate  
Brokerage Laws  
H.P. 1028 L.D. 1450

An Act to Increase the Contingency Reserve Fund Percentage for  
Consumer-owned Electric Utilities  
S.P. 496 L.D. 1481

An Act to Amend and Improve the Education Laws  
S.P. 508 L.D. 1509

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

An Act to Appropriate \$50,000 for the Muskie Memorial Committee in  
Rumford  
S.P. 35 L.D. 45

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

An Act to Implement the Recommendations of the Commission to Study  
Poverty Among Working Parents with Regard to State Earned Income  
Credit  
H.P. 90 L.D. 103  
(C "A" H-119)

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

An Act to Fund Maine Agricultural Education Programs  
H.P. 407 L.D. 549

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

An Act to Ameliorate Penalties for Late Filing of Municipal Tax Returns  
S.P. 198 L.D. 587  
(C "A" S-49)

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

An Act to Allow Certain Companies' Operations that Started in 1996 to  
Qualify for Employment Tax Increment Financing Treatment  
S.P. 208 L.D. 597  
(C "A" S-50)

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

An Act to Fund Public School Alliances  
H.P. 474 L.D. 681  
(C "A" H-95)

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

An Act to Change the Tax Treatment of Truck Campers  
H.P. 767 L.D. 1090  
(C "A" H-120)

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

An Act to Increase Payments to Foster Parents  
H.P. 871 L.D. 1228  
(C "A" H-131)

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

**Resolve**

Resolve, to Increase Public Trust in Medical Care  
H.P. 722 L.D. 1012  
(C "A" H-93)

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

Off Record Remarks

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

**COMMUNICATIONS**

The Following Communication: S.P. 786

April 13, 1999

Senator Jill Goldthwait  
Representative David Etnier  
Chairpersons  
Joint Standing Committee on Marine Resources  
119<sup>th</sup> Legislature  
Augusta, Maine 04333

Dear Senator Goldthwait and Representative Etnier:

Please be advised that Governor Angus S. King, Jr. has nominated L. Blair Pyne of Bremen and Marsden Brewer of Stonington for appointment and Donald W. Perkins, Jr. of Westbrook, Marshall E. Alexander of Biddeford, Charlton H. Ames of Cumberland Foreside and David W. Jordan of Scarborough for reappointment as members of the Marine Resources Advisory Council.

Pursuant to Title 12, M.R.S.A., §6024, these nominations will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence                      S/G. Steven Rowe  
President of the Senate                  Speaker of the House

**READ and REFERRED** to the Committee on **MARINE RESOURCES**.

Sent down for concurrence.

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator RUHLIN for the Committee on **TAXATION** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Promote Historic and Scenic Preservation  
S.P. 429 L.D. 1266

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-96)**.

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

**READ ONCE**.

Committee Amendment "A" (S-96) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

**Divided Report**

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Recodify the Auctioneers Licensing Law"

S.P. 321 L.D. 955

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-95)**.

Signed:

Senators:

KONTOS of Cumberland  
LONGLEY of Waldo  
MackINNON of York

Representatives:

O'NEAL of Limestone  
SIROIS of Caribou  
TRIPP of Topsham  
USHER of Westbrook  
MARVIN of Cape Elizabeth  
BOWLES of Sanford  
CLOUGH of Scarborough

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

Signed:

Representatives:

MENDROS of Lewiston  
SHOREY of Calais

Reports **READ**.

On motion by Senator **KONTOS** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.  
**READ ONCE**.

Committee Amendment "A" (S-95) **READ** and **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING**.

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

**ORDERS**

**Joint Resolution**

On motion by Senator ABROMSON of Cumberland (Cosponsored by Representative DAVIS of Falmouth and President LAWRENCE of York, Representative BRENNAN of Portland, Speaker ROWE of Portland), the following Joint Resolution:  
S.P. 787



**JOINT RESOLUTION HONORING RABBI EMERITUS  
HARRY SKY ON THE OCCASION OF HIS 75TH BIRTHDAY**

WHEREAS, Rabbi Harry Sky served the congregation at Temple Beth El in Portland as its spiritual leader for more than 28 years; and

WHEREAS, Rabbi Sky has served the people of the State through many social action activities including member of the Maine Human Services Council; the State Parole Board; the Maine State Task Force on Hunger, Emergency Heating and Housing; and the United Way, serving on its board of directors and on the organization's committees concerning social planning, the elderly and AIDS lodging; and

WHEREAS, his leadership and guidance have been invaluable to the organizational efforts of the local chapter of the NAACP, the Project Feed and the Project Fuel; and

WHEREAS, Rabbi Sky also served on the Joint Placement Commission of Rabbinical Assembly; the Commission on Jewish Law and Standards, Rabbinical Assembly; the Israel Affairs Committee at the Rabbinical Assembly; the Social Action Commission at the Rabbinical Assembly; and served as President of the Interfaith Council in Portland; and

WHEREAS, in 1997, Rabbi Sky was instrumental in establishing the Senior College at the University of Maine, an organization dedicated to lifelong learning; and

WHEREAS, as Rabbi Emeritus, he continues to serve the congregation at Temple Beth El by participating in the morning minyan and by delivering sermons periodically; and

WHEREAS, Rabbi Sky has given much to the congregation at Temple Beth El, his community and his State; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred Nineteenth Legislature, now assembled in the First Regular Session, take this opportunity to recognize Rabbi Harry Sky and extend congratulations on the occasion of his 75th birthday; and be it further

**RESOLVED:** That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Rabbi Harry Sky on behalf of the People of the State of Maine.

**READ and ADOPTED.**

Sent down for concurrence.

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

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Off Record Remarks

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

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

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

After Recess

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act Concerning the Formation of the Central Maine Regional Public Safety Communication Center"  
H.P. 1542 L.D. 2196

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

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

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Bill "An Act to Allow a Specialty Wine Store to Provide Free Wine Samples"  
H.P. 1541 L.D. 2195

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

**REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed, in concurrence.

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**Pursuant to Public Law  
Joint Standing Committee on Marine Resources**

The **Joint Standing Committee on Marine Resources** pursuant to Public Law 1997, chapter 693, section 2 asked leave to report that the accompanying Bill "An Act to Fund the Costs Associated with Determining Eligibility for Certain Marine Resources Licenses"

H.P. 1544 L.D. 2198

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

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

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

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## 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 (4/13/99) Assigned matter:

HOUSE REPORTS - from the Committee on **MARINE RESOURCES** on Bill "An Act to Ensure Safety in the Sale of Shellfish"  
H.P. 792 L.D. 1115

Majority - **Ought to Pass** (7 members)

Minority - **Ought Not to Pass** (6 members)

Tabled - April 13, 1999, by Senator **RAND** of Cumberland.

Pending - motion by Senator **GOLDTHWAIT** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**

(In House, April 8, 1999, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 13, 1999, Reports **READ**.)

On motion by Senator **GOLDTHWAIT** of Hancock, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

**READ ONCE.**

**TOMORROW ASSIGNED FOR SECOND READING.**

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The Chair laid before the Senate the following Tabled and Later (4/13/99) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing and

Amendment to the Constitution of Maine to Require a Referendum for a People's Veto to Be Held at a Primary or General Election

H.P. 166 L.D. 228

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-71)** (7 members)

Minority - **Ought Not to Pass** (6 members)

Tabled - April 13, 1999, by Senator **PENDLETON** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 8, 1999, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.)

(In Senate, April 13, 1999, Reports **READ**.)

On motion by Senator **PENDLETON** of Cumberland, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

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The Chair laid before the Senate the following Tabled and Later (4/13/99) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Require the Legislature to Examine Executive Orders for Violations of Separation of Powers"  
H.P. 464 L.D. 627

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-143)** (8 members)

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

Tabled - April 13, 1999, by Senator **PENDLETON** of Cumberland.

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

(In House, April 8, 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-143)**.)

(In Senate, April 13, 1999, Reports **READ**.)

On motion by Senator **PENDLETON** of Cumberland, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (4/13/99) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill  
"An Act to Provide a State Income Tax Checkoff for Contributions  
to the Maine Veterans' Memorial Cemetery"

H.P. 60 L.D. 73

Majority - **Ought Not to Pass** (10 members)  
Minority - **Ought to Pass as Amended by Committee  
Amendment "A" (H-167)** (3 members)

Tabled - April 13, 1999, by Senator **RUHLIN** of Penobscot.

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

(In House, April 8, 1999, the Majority **OUGHT NOT TO PASS**  
Report **READ** and **ACCEPTED**.)

(In Senate, April 13, 1999, Reports **READ**.)

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

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The Chair laid before the Senate the following Tabled and Later  
(4/13/99) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill  
"An Act to Exempt Pension and Retirement Benefits from the  
Maine Income Tax"

H.P. 115 L.D. 146

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

Minority - **Ought to Pass as Amended by Committee  
Amendment "A" (H-166)** (2 members)

Tabled - April 13, 1999, by Senator **RUHLIN** of Penobscot.

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

(In House, April 8, 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" (H-166)**.)

(In Senate, April 13, 1999, Reports **READ**.)

On motion by Senator **AMERO** of Cumberland, supported by a  
Division of 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. Ladies and  
gentlemen of the Senate, I point out to you this morning you have  
a choice before you, here and now. That choice is to be  
responsible, look at the need to exempt legitimately the wages  
equitably of some of the people that have worked for the State,

who have served as veterans and have worked for the Federal government. That Bill is not before you, that is a Bill that will come before you. I will limit my further comments on the item before us. It's an irresponsible, feel good proposal that carries with it a \$60 million cost tag that this state cannot support financially at this point. If you, in fact, want to provide responsible, equitable tax relief to those people who receive pensions, that have already been paid taxes on once in the State of Maine, such as were previously mentioned, you will have that opportunity. The Taxation Committee will be bringing that before you very soon. If you want to vote irresponsibly, this is your opportunity. I would ask you to please respond responsibly and follow the Ought Not to Pass Report of 11 bipartisan members of the Taxation Committee. Thank you.

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

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I think we, as Senators, have today an opportunity to recognize people who want to retire and stay in the state of Maine. People who might want to retire from another state and come to the state of Maine. By offering them a break on the income taxes that they would have to pay on their pensions and retirement benefits. Now I ask you to look at all the Bills that we have already sent to the Appropriations Table that have very large price tags on them. Already we have accumulated over \$50 million in proposed new spending sitting on the Appropriations Table at this time. If this Bill is irresponsible then I think we ought to look at all the other irresponsible Bills that we've already sent to the Appropriations Table. I think that this Bill is more responsible than most that we've already talked about and most that we've already sent to Appropriations. I'd like to see us send this Bill to sit on the Appropriations Table with all those other Bills that have already passed for consideration. After all, we're talking about a large segment of the people of this state that we want to see stay in our state because Maine is, and should be, a great state to retire to. And it can be if we make it a little more attractive for people as far as the taxes that they have to pay after they retire. So I'd like to see us make a statement to the people across this country that Maine is a great state to retire to. Let's show the whole country that we want seniors in this state. We want them to stay. We want them to come to a crime free state with a great environment, with a lack of congestion. We want them to participate in other ways and spend their money in this state. We'll get it back one way or another. But allow them to keep part of their retirement income so they can buy their prescription drugs. We don't have to have all programs to cover everything for people if we allow them to keep their own income. So I say this Bill is as responsible as any other that we have sent to Appropriations and I would urge your support. Thank you Mr. President.

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

Senator **HARRIMAN:** Thank you very much Mr. President. Good afternoon ladies and gentleman of the Senate. On first blush I would have to say that my good friend from Penobscot, Senator Ruhlin, appears to make some sense that this Bill has such a high price tag to it that we'd want to end it's legislative life right here before going any further. But as I step back in my mind's eye and

put myself out in the private sector, in my real job if you will, my other job perhaps more appropriately, where I work with people with their retirement plans ladies and gentlemen of the Senate I have to tell you that because of our tax policy we are driving the people who have built our communities and our economy in ways that you can't imagine, to go claim residency in other states because our income tax policy is so onerous. These are folks who are entering into a phase of life where their income levels off and their expenses continue to rise. So what we do by our policies, we thank them for the efforts they've put in to build our communities and our economy. And we say thank you very much. Florida is but a three hour plane ride away and the tax savings that you can enjoy from changing your residence to Florida will pay for your airline tickets and your county club dues and presents sent home to your grandchildren and a little left over. If we have the courage to see this Bill as an opportunity to send a message to the people who have built our communities and our way of life, that we want you to stay. Not only that we want to be seen as a place that attracts people in their senior years, ladies and gentlemen of the Senate, this is the largest growing segment in our population in the entire country. They enter a phase of life where they don't affect the school system. They are not expecting more, and more services, rather they want to enjoy their lifestyle here. As my good friend from Cumberland, Senator Amero, was mentioning, our crime free neighborhoods, our state of the art telecommunications, pristine environment and so on and so forth. With the tax relief that this Bill would provide, it would free up the money to rest in their checkbook where they can pay their property taxes. Where they can pay for their prescription drugs. Where they can pay for their long term care needs and empower our citizens to make choices for themselves rather than sending their tax money to Augusta where we build a bureaucracy to send the money back in some form or fashion. This is a great opportunity to send a positive message beyond Maine's border that would be heard loud and clear around the country. That this is a great place to spend your retirement years. Not only is it a positive message, I suspect it would generate some unexpected revenues. We're losing not only income taxes, we're losing sales taxes on purchases that people make who are retired and who live in other states for six or more months out of the year. The excise taxes on their automobiles and yes, there are only two things that are certain in life, taxes and death, and at death you pay an estate tax where you reside. In fact, because of our tax policy, we are inviting people to claim residency in other states, where they are receiving the state taxes. I want to join Senator Amero from Cumberland, and hopefully many more in the Chamber here, in sending a strong positive message that we want to work with this Bill. I hope you will join me in defeating the pending motion. Thank you Mr. President.

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Off Record Remarks

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

Senator **FERGUSON:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, I, too, would like to voice my opposition to the pending motion. I live in a small community in

Hanover, over in the western mountains. We have a population of 275 souls and a lot of my friends who are my age have just taken up residence in Florida. The reason they're doing that is due to the heavy tax burden that we have in this state. It seems to me that this is a good start and we should defeat the pending motion and go on and Accept the Minority Report. I was trying to come up with something catchy to say, and the other day we passed a Bill, Start Me Right, and what I think, a good catchy phrase for this would be "End Me Right". I would hope the members of the Chamber would join me in voting against the pending motion so we can go on and Accept the Minority Report and do something for the senior citizens of this state and I thank you very much.

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

Senator **LONGLEY:** President and colleagues in the Senate, I'll pick up the "End Me Right" and promote ending this Bill right now, because we do have a much more fiscally responsible Bill coming up. If the issue is to get the rights of senior citizens in these tax areas on the table, we have a vehicle. Last week when we were doing Start Me Right the issue was GPA and paying our bills and that's what I was hearing from the people who I suspect are going to be voting against this pending motion. I'm just saying that it's unfortunate that up until now it has felt for me, speaking for myself, that we've been working together pretty well and this one is feeling like it's getting partisan and we're playing games with the public's mind. We have a vehicle coming to address tax issues for senior citizens and it's a fiscally responsible Bill, I would prefer to be real with the public in terms of what we're willing to do. The same time we addressed the good Senator from Cumberland's point of getting this issue on the Table to be dealt with. Thank you.

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

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

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

Senator **KILKELLY:** Thank you Mr. President. I must confess that many of these tax issues and pension issues are somewhat beyond my ready comprehension. I have a question. Would this Bill, in fact, cover pension plans where the dollars that go into the plan are tax deferred at that point? Which would mean, if they're tax deferred going in, and tax deferred coming out, we're creating a \$60 million hole, by some people paying no taxes at all on that money and shifting that to the working families who are maybe going to have to pay higher taxes to fix that. So I just would wonder, will this include those plans where there's no tax going in and this would mean there's no tax coming out?

**THE PRESIDENT:** The Senator from Lincoln, Senator Kilkelly poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator **RUHLIN:** Thank you Mr. President. In response to the good Senator, I would say yes. The way the Bill is written, under

State of Maine Tax Law, those people who presently take money from their income, they may deduct it if they put it into say an IRA. That money is tax deferred under State of Maine law and Federal law until it's withdrawn as a pension. Usually, the reason for that is to allow the shelving of that money, if you will, when you're in a higher income tax bracket and then you withdraw it, at what is often thought to be a lower income tax bracket, you get that benefit. The way this Bill is written, you would now pay no State income tax on it whatsoever. I have further comments to make, if I may Mr. Chairman, beyond that.

**THE PRESIDENT:** The Senator may proceed.

Senator **RUHLIN:** Ladies and gentleman of the Senate, I want to talk to you about this Bill and it's interrelationship with the Committee process. The Taxation Committee this year has tried very hard to consider many of the weighty issues of almost 400 Bills coming before us. We have made a strong effort. I've never seen a stronger effort made in this entire building in my years here, to be bipartisan on as many issues as possible. You have deputized us, if you will, by the rules that you have, to become your experts in tax matters. To take the time, work the late hours, to take the energy and expend it, in understanding to do the homework. I assure you that is a Committee I'll put against any Committee in this building. They have done the homework. They have done the studies. They have applied themselves and they've done so in a bipartisan manner. If you will look at the Report, you'll find that 11 members of both parties examined the idea that is proposed here. While I agree with the good Senator from Cumberland, the problem exists. They recognized that it existed as well and made a proposal that is very workable, that is very fair, and it even has equality in its name. This is not the end of the subject. I hope that this is the beginning of the end for this particular proposal. Then we will go on in our future, I hope, to consider other bipartisan proposals. Worked together, for harmony, and a lot of work in the Taxation Committee brought and signed by all the members in this Body that serve on that Committee. I hope you'll take that into consideration as you vote today. Thank you.

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Off Record Remarks

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The President requested the Sergeant-At-Arms escort the Senator from Penobscot, Senator **MURRAY** to the rostrum where he assumed the duties as President Pro Tem.

The President retired from the Chamber.

The Senate called to order by President Pro Tem **ROBERT E. MURRAY** of Penobscot County.

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

Senator **MILLS:** Mr. President, men and women of the Senate, I rise to address a somewhat larger issue than what has so far been under discussion in regard to this Bill and I'd begin by saying

I will vote with my Committee Chair out of respect to the Committee. Having said that, one of the things that has disturbed me lately, and I don't know why it didn't disturb me 5 years ago when I first came down here, it's sort of grown on me as time passes, is the extent in which members on both sides of the aisle and Committees and policy Committees generally seem somehow content to delegate the essential work of this Legislature to a single Committee of 13 people called Appropriations. It seems to me we go about our business backward too often. If one were rational, and if one were running the State of Maine like a business, somehow, by some method at some point in March we would know, for instance, how much the Taxation Committee may have at its disposal for tax relief, or for revenue generation. But somehow these essential outlines of budget work would be done so that, by way of further example, when the Health and Human Services Committee wants to address a program called "Start Me Right" and is thinking about spending \$8 or \$9 million in order to fund it, that they have a budget. That they have the responsibility to decide on spending priorities within the area that they are responsible for, and that they live within the confines of that budget. That they find money as it may be appropriate to fund the programs and to adjust their own priorities. By the same token I see the Education Committee struggling, wildly speculating about how much money they may have at their disposal in order to create a rational School Funding Formula, and we have spreadsheets that are now down through K already, and it's April 14. We'll be down to double Z by June, and we still won't have a School Funding Formula and at least part of the reason is they have no idea how much money will be set into it. So we're working in the vacuum and in the same token the Taxation Committee, in reality, has no idea whether we will be directed in the final analysis to cut taxes or raise revenues or do some combination, but it's very, very difficult for a policy Committee whether it be Taxation, Human Services or Education. By way of example to policy, when you do not have the broad outline, or the budgetary constraints, in front of you to do your work. So, I must end by saying that I respect completely, the votes of those of you primarily from my caucus who may choose to send this tax cutting Bill down to the Appropriations Committee because it is just as fair game to send down a \$60 million tax then it is to send \$2 or \$3 hundred million of new spending down there from the policy Committees without any sense of where the money is coming from. Thank you.

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

Senator **HARRIMAN:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, I rise a second time and I will be brief, to bring you the voice that I've heard from Main Street in my district. As like you, I've traversed time and time again, the neighborhoods, the meeting places and the coffee shops where you learn what's really important to Maine people. Over and over and over again I heard the people who told me about their friend or their parent who no longer claims Maine as their residence because of harsh tax policy. This past fall as I walked through neighborhoods, knocking on doors, I met person after person after person, who told me they don't vote here because they are a resident of another State. Or the "for sale" sign that was on the lawn of a number of places who said, "I've had it. My kids are out of school. I'm retiring to a different state." To me this is what this Bill is all about. An opportunity to address

the economic drain that is leaving our state. People have finally reached a point in their life where they could look forward to a retirement. Those who have the choices, and that's what we're talking about here, those who have the power of choice are choosing to leave our state and along with it, the tax revenues and the excise taxes, the sales taxes and other taxes that we would continue to receive. It is that voice that I'm rising today to speak for. I want to assure my good friend from Waldo, Senator Longley, that this is not partisan. This is not gamesmanship as I said at the onset of my remarks earlier. My first reaction was that of the good Senator from Penobscot Senator Ruhlin, that this is such a significant policy impact that it really isn't going to go very far. But you know, I see this as a great opportunity to really send a strong positive message to those who have the wealth, who could choose to stay here. I want to see if we can address that. I acknowledge up front now that if we have an opportunity to work with this policy that it's got to come from somewhere else. I'm prepared to keep an open mind as to how to do that but, I see this as an opportunity to help the people who want to retire. I see nothing wrong with creating the strong incentive for people to prepare for retirement and to live here in retirement. If our tax policy reflects that, I'm confident that we're going to see more people staying here than we currently see leaving. I suppose at the end of the day it boils down to this policy sending a message. Those who want to empower people and individuals to make their own choices to stay here and to live here, versus the policy of saying we can't afford to release the tax revenue, we can't release the grip of taxes, because we need them here in Augusta. That's a debate we'll have in a nonpartisan, good public policy way. When I first got elected to the Senate, Mr. President, I had the opportunity to serve with the former Senator from Washington, Senator Vose. Those of you who knew Harry Vose know he was quite a character and he was certainly a bright light and source of wit and humor from time to time in this Chamber. When we adjourned Sine Die, he was regaled because this was his last term and he was going to retire. After we adjourned I asked him what he was going to do. He said, well, I'm going to move to Florida, because the taxes are too high here. True story. My good friend from Washington, Senator Cassidy, mentioned to me that he got a letter from Senator Vose today from Crystal River Florida. I say let's take this piece of legislation, let's work with it in the Appropriations Committee and invite him back. Thank you Mr. President.

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

Senator **LONGLEY:** Thank you Mr. President. Colleagues in the Senate, I wish I was missing something here but I'm afraid I'm not. We have a Bill before us now that is 3 times as large to help the elderly as we had to help the early aged kids last week, and the same people who are now saying let's help the elderly, and we all want to help the elderly, and the same people who said we didn't have the money we had to pay our bills and the same people in my opinion that were pitting early age care kids, early younger kids with older kids with GPA and the need to fund that are now saying let's spend 3 1/3 times as much. I'm all for equal allocations elderly and young and this Bill is 3 times larger for the elderly than for the very young. If it were the same I think I could hear these arguments. It's not and I wish I didn't understand, I think I do and I'm sorry that this vote is going this way.

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

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'd like to just speak briefly once more to this whole issue of where we are with the amount of spending being proposed in this state, and where we are with the amount of money being proposed for tax relief in this state. There are all kinds of proposals for spending at all levels for all kinds of programs. There are all kinds of proposals for different types of tax relief. They say we're going, why don't we put everything on the table and keep an open mind on where the monies are going to go for both spending programs, for both spending and tax relief. Remember, the Governor already has money in his budget for tax relief. I don't think we've had the debate yet on what's the best form of tax relief in the state. I'd like to see giving our senior citizens a tax break, being on the table for consideration along with everything else and that's why I would urge today that you vote in opposition to the pending motion so that we can put this proposal, which I think is a good idea well worthy of consideration, it's not a partisan proposal. Doing something for our senior citizens is, I think, something that people on both sides of the aisle want to consider doing. I would urge you to oppose the pending motion so that we can go on and vote for the Minority Report. Thank you.

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

Senator **RAND:** Thank you Mr. President. Men and women of the Senate, I would urge you to accept the Majority Ought Not to Pass Report, for the simple reason that the money, the income that is being tax exempted here is being tax exempted twice. For those of us who have a number of constituents who are able to take advantage of financial instruments, such as IRAs, during their productive working years they are able to set aside extra money for their future, which is a wise and good thing for them to be doing and I wish all of our constituents could do it. That money, at the time that it's put aside is not taxed. We find this good tax policy. When a person retires and their income has leveled out and their cost of living continues to rise we then say, okay, you can use that money. You can draw that money out but at this particular time you have to pay a tax on it. This seems a fair and equitable thing and I don't believe anybody here could argue. What this Bill does, does not exempt just the pension and retirement benefits from the Maine Income Tax. What this does is protect a certain segment of our society with enough disposable income to put some aside for a rainy day, which we all approve and agree is a good thing to do. It exempts them from all taxes on that income ever. I find that blatantly and just preposterously unfair to the majority of Maine people who unfortunately, at this point in time, rely on Social Security in their retirement years. Which, by the way, is not taxed by the State of Maine. I would urge you to please do the responsible thing. Not the thing that looks like a politically popular thing. Then you can wave a Roll Call at the end of the day and say, see I voted to exempt your pension and retirement benefits from Maine Income Tax. This is blatantly unfair to the majority, the vast majority of all of our constituents who are going to have to pick up the slack and pay for this at the end of the day. We have heard that this particular issue is going to be addressed, and is presently being addressed by the Committee of jurisdiction. I would urge you please to do

the responsible thing and vote with the Majority, eleven members, Ought Not to Pass. Thank you.

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

Senator **CASSIDY:** Thank you Mr. President. Men and women of the Senate, I probably am really the difference between us having lunch and listening to this debate, so I'll be very, very short. This Bill, I just want to tell you for years, I think 30 years or so that I've been a member of the Calais Lions Club. Although, since I've been here I've been sort of a member-at-large because, as you know we're not there for the meetings in the winter. But the ironic thing that happens often when we look at projects and things that we're going to do there in the area for the community, often times if it's a real big project we'll say, well let's wait until the spring when the snowbirds get back. We have so many members of our club who have retired and moved to Florida who are also members-at-large. What's going on here is we're losing the taxes that we could generate for the communities in excise tax, registration of vehicles for the State and sales tax. I really think a Bill like this could help us generate more funds. It's not a cost that's going to go on forever, hopefully it's a cost that will reverse some of these revenues. The last thing I wanted to mention, this is so ironic to me when I think this price tag just happened to ring a bell when I heard \$60 million. Where did I hear that number before, I think it was the tax break we gave to Bath Iron Works 3 or 4 years ago. I'd kind of like to give \$60 million to the people of Maine. Thank you Mr. President.

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

Senator **GOLDTHWAIT:** Mr. President, ladies and gentlemen of the Senate, briefly, I cast a vote, I think last week, which was one of the more difficult decisions I've had to make because of an issue similar to this. A Bill of some significance, a Bill of great value to a segment of the population in Maine, but a Bill which no one had been able to present a funding proposal for. My concern remains that simply backing up that dump truck full of Bills with fiscal notes and dumping it out on the Appropriations Table and saying let them sort it out, doesn't work for me. So it will be easier for me in this case to vote against exempting these pension benefits partly because the price tag is three times greater than the one on which I already did this. I have selected some Bills with some fiscal notes that I do support. They are fairly modest certainly in comparison to some of the proposals we've had. Finally I would just like to report the one phone call that I've gotten on this issue to date, that is from a gentleman that called and said, Senator Goldthwait I just heard about this Bill. It would be wonderful. I'm debating, can I stay in Maine? Should I go to a different state where they don't tax these benefits? I really hope you'll support this. Will you support this Bill? I said no, and he said you won't? I said no and he said why not? I said it's going to cost \$60 million and I don't know how to pay for it. He said \$6 million, that's a lot of money. I said, no, \$60 million. He said Oh, I'm sorry that I bothered you. I understand what you're saying, thank you very much. Thank you Mr. President.

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

Senator **RUHLIN**: Thank you Mr. President. Ladies and gentlemen of the Senate I assure you I'm also hungry, but there are a couple of comments that have been made I really am going to respond to. I feel that it is the responsibility of every Committee that meets as a Joint Standing Committee of this Legislature to recognize its responsibilities to sort of pick and choose the fiscal demands of its policy area when it sends Bills forward to the Appropriations Process. To suggest willy-nilly sending everything with a fiscal note down to the Appropriations and let them sort it out is less than responsible. The other thing that I would point out to you as Senators is that you should take into consideration we already exempt in this state all Social Security Pension Plans. That is the largest amount most broadly based source of pension in the State of Maine. That is already done. That has been taken into consideration and calculated in a much more responsible measure that will be before you shortly. Thank you.

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

Senator **FERGUSON**: Thank you very much Mr. President. I have the Bill before me and I would like to make a couple of comments regarding the comments the good Senator from Cumberland, Senator Rand made. This does limit the exemption to \$25,000 per individual and \$44,000 per couple. So any couple making \$44,000 or less taxable income is certainly in the middle class categorize. I submit to you \$60 million is a lot of money. But if we have citizens that retire to Maine as a place of residence that we would generate probably 2 to 3 times that \$60 million that these folks come and settle into Maine and start registering their cars again and maybe taking up their residency in the state one more time. I would hope the Senate would join me in defeating the pending motion so we can go on and Accept the Minority Report. I won't talk any longer, I'm getting hungry also.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#55)

YEAS: Senators: BERUBE, CAREY, CATHCART, DAGGETT, DOUGLASS, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MILLS, NUTTING, O'GARA, PARADIS, PENDLETON, RAND, RUHLIN, TREAT, THE PRESIDENT PRO TEM - ROBERT E. MURRAY

NAYS: Senators: ABROMSON, AMERO, BENNETT, CASSIDY, DAVIS, FERGUSON, HARRIMAN, KIEFFER, LIBBY, MACKINNON, MITCHELL, SMALL

ABSENT: Senators: BENOIT, LAWRENCE, MICHAUD, PINGREE

19 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator **RUHLIN** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

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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. 1545

ORDERED, the Senate concurring, that Bill, "An Act to Correct Errors and Inconsistencies in the Laws of Maine," S.P. 18, L.D. 3, and all its accompanying papers, be recalled from the Engrossing Department to the House.

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

**READ** and **PASSED**, in concurrence.

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On motion by Senator **RAND** of Cumberland, **ADJOURNED**, until Thursday, April 15, 1999, at 10:00 in the morning.