

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

In Senate Chamber
Friday
May 21, 1999

Reading of the Journal of Thursday, May 20, 1999.

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

Prayer by Senator John W. Benoit of Franklin County.

SENATOR BENOIT: Thank you Mr. President. May it please the Senate. I'd like to take just about ½ a minute if I might, Mr. President, to recite a poem I've written in honor of the Secretary's staff. They've been real helpful and decent to me and my constituents. I wanted to read "Watching Strawberries Grow".

Ever browse at a valley a part of a morning
Listening to Black Capped Chickadees sing
Watching strawberries grow?
Ever study a distant mountain's top,
Belly flopped in the cool grass of a dale,
wondering if you could teach a young pup new tricks?
I plan to do it.
But I wouldn't want to stay too long
and miss cupcakes at home,
or feeding the cat,
or using woodworking tools from a box.

My prayer would be greatly aided if we'd be in a prayerful state.

Lord, though you lived on earth for a little while,
no one ever pictures You wearing a smile.
But knowing of Your efforts to eradicate sin,
if we had that job surely we'd wear no grin.
Lord, we pray a pause in our public workplace,
striving to discern the look on Your face.
When prayer from schools was taken away,
did You wear a scowl, did Your brow frown that day.
Lord, please hear this thought of worrisome truth,
we have deep concern for our school age youth.
When school bells break their morning silence,
must our children suffer classroom violence.
Lord, prayer in this Chamber is a daily work tool.
But not so across town at the public school.
In school places devoid of prayer,
we ask nevertheless that You be there.
Lord, we need more than Your heavenly glance
to assure our children have a safe school chance.
We ask that You open heavens doors above
and give us a good soaking of brotherly love. Amen.

Doctor of the day, Frank Read, MD, Cumberland.

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

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Require that the State Planning Office Report to the Committee on State and Local Government"

H.P. 619 L.D. 859
(C "B" H-323)

In House, May 12, 1999, that Body **INSISTED** to **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-322) AS AMENDED BY HOUSE AMENDMENT "A" (H-505)** thereto, **AND HOUSE AMENDMENT "A" (H-496) and ASKED FOR A COMMITTEE OF CONFERENCE.**

In Senate, May 17, 1999, **ADHERED** to **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-323), in NON-CONCURRENCE.**

Comes from the House, **RECEDED** and subsequently **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-614), in NON-CONCURRENCE.**

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

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Ban Partial Birth Abortion"

I.B. 1 L.D. 1593

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-627)** (3 members)

In House, May 20, 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-627).**

In Senate, May 20, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

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

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

ORDERS

Joint Orders

On motion by Senator **DAGGETT** of Kennebec, the following Joint Order: **S.P. 837**

ORDERED, the House concurring, that Bill, "An Act to Require a Minor Who is the Underlying Cause of a Liquor Violation to Provide Identification to a Law Enforcement Officer," H. P. 274, L.D. 382, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

READ and **PASSED**.

Sent down for concurrence.

Off Record Remarks

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Require Parental Notification for Minors Seeking Abortions" **H.P. 106 L.D. 137**

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
- JACOBS of Turner
- LaVERDIERE of Wilton
- NORBERT of Portland
- MITCHELL of Vassalboro

SCHNEIDER of Durham

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-626)**.

Signed:

Representatives:

- PLOWMAN of Hampden
- MADORE of Augusta
- WATERHOUSE of Bridgton

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

Reports **READ**.

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

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

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending motion by Senator **LONGLEY** of Waldo to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence. (Roll Call Ordered)

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Creating Offenses Against Unborn Children" **H.P. 805 L.D. 1128**

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
- MITCHELL of Vassalboro
- NORBERT of Portland
- SCHNEIDER of Durham

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-612)**.

Signed:

Representatives:

PLOWMAN of Hampden
MADORE of Augusta
WATERHOUSE of Bridgton

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

Reports **READ**.

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

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in
Today's Session, pending motion by Senator **LONGLEY** of Waldo
to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in
concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to
Require a 24-hour Waiting Period before an Abortion May Be
Performed"

H.P. 1483 L.D. 2123

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
MITCHELL of Vassalboro
NORBERT of Portland
SCHNEIDER of Durham

The Minority of the same Committee on the same subject
reported that the same **Ought to Pass as Amended by**
Committee Amendment "A" (H-628).

Signed:

Representatives:

PLOWMAN of Hampden
MADORE of Augusta
WATERHOUSE of Bridgton

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

Reports **READ**.

Senator **LONGLEY** of Waldo 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.

Senate

Ought to Pass

Senator **MURRAY** for the Committee on **CRIMINAL JUSTICE** on Resolve, Authorizing the Commissioner of Corrections and the Commissioner of Administrative and Financial Services to Lease Up to 2 Acres of Land at the Maine Youth Center
S.P. 836 L.D. 2237

Reported that the same **Ought to Pass**, pursuant to Joint Order S.P. 821.

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

READ ONCE.

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

Sent down for concurrence.

Ought to Pass As Amended

Senator **MILLS** for the Committee on **TAXATION** on Bill "An Act Concerning Technical Changes to the Tax Laws" (EMERGENCY)
S.P. 440 L.D. 1277

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-329)**.

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

READ ONCE.

Committee Amendment "A" (S-329) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Promote Effective Management of Occupational Exposure to HIV"
S.P. 626 L.D. 1791

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-326)**.

Signed:

Senators:
LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-327)**.

Signed:

Representatives:
PLOWMAN of Hampden
WATERHOUSE of Bridgton
SCHNEIDER of Durham

Reports **READ**.

Senator **LONGLEY** of Waldo moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-326)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-326)** Report.

Off Record Remarks

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Provide a \$500 State Income Tax Credit for Private School Tuition Payments"

S.P. 621 L.D. 1786

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

Signed:

Senators:
RUHLIN of Penobscot
DAGGETT of Kennebec

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-328)**.

Signed:

Senator:

MILLS of Somerset

Representatives:

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

Reports **READ**.

Senator **RAND** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Off Record Remarks

SECOND READERS

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

House As Amended

Bill "An Act to Amend the Laws Regarding when A Merchant Must Remit Sales Tax"

H.P. 306 L.D. 422
(C "A" H-393)

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

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

H.P. 163 L.D. 225
(C "A" H-500)

READ A SECOND TIME.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**.

ENACTORS

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

Act

An Act to Improve the Efficiency of Environmental Regulation in the Unorganized and Deorganized Areas of the State

S.P. 574 L.D. 1654
(C "A" S-261; H "A" H-591)

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

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 (5/20/99) Assigned matter:

Bill "An Act to Allow Horse Racing Commencing at Noon on Sundays"

H.P. 749 L.D. 1039

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

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-526)**

(In House, May 20, 1999, Report **READ** and **ACCEPTED**. Committee Amendment "A" (H-526) **READ** and **RULED NOT GERMANE** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, May 20, 1999, Report **READ** and **ACCEPTED**, in concurrence. Committee Amendment "A" (H-526) **READ**.)

Senator **PINGREE** of Knox moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**. Subsequently, the same Senator requested and received leave of the Senate to withdraw her motion.

On further motion by same Senator, Committee Amendment "A" (H-526) **INDEFINITELY POSTPONE**.

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (5/17/99) Assigned matter:

Bill "An Act to Recognize Veterans of the Persian Gulf Conflict" S.P. 692 L.D. 1938 (C "A" S-291)

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

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**

(In Senate, May 17, 1999, **READ A SECOND TIME**.)

On motion by Senator **DAGGETT** of Kennebec, Senate Amendment "A" (S-330) **READ**.

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

Senator **DAGGETT:** Thank you Mr. President and members of the Senate. Just by way of explanation, this Amendment incorporates into the Bill so that the Bill will have the two changes made at the Federal level regarding benefits to veterans. It just brings Maine into conformity with what the current Federal statutes are. Thank you.

On motion by Senator **DAGGETT** of Kennebec, Senate Amendment "A" (S-330) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (5/18/99) Assigned matter:

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act to Amend Maine's Family and Medical Leave Law" S.P. 511 L.D. 1512

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-217)** (8 members)

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

Tabled - May 18, 1999, by Senator **PINGREE** of Knox.

Pending - **FURTHER CONSIDERATION**

(In Senate, May 10, 1999, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In House, May 17, 1999, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-217) AND HOUSE AMENDMENT "A" (H-576)**, in **NON-CONCURRENCE**.)

On motion by Senator **DOUGLASS** of Androscoggin, the Senate **RECEDED** from whereby it **ACCEPTED** the Minority **OUGHT NOT TO PASS** Report.

The same Senator moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Senator **AMERO** of Cumberland requested a Division.

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

Senator **MILLS:** Mr. President and men and women of the Senate, if I may, concerning the issue now before you, the Family and Medical Leave Law has interesting history in that it's power is an off-shoot from the Federal law that is much to the same effect. Ours does cover more employers than does the Federal law. But the interesting thing about the current state of the law is that it's designed to cover crises or emergency situations, things that everyone would plainly recognize as truly important reasons for someone to need to take time off from work. I don't mean to diminish in any way some of the reasons that are listed in the Bill that lies before you but they clearly are of a different character, a different magnitude, a different order of significance. My concern with the Bill, even in it's Amended form, is that it micro-manages the relationships between small employers and large alike, all employers down to about the size of 15, as I recall. It manages that relationship between the employer and the employee to a degree I think is truly meddling in the affairs of commerce. It doesn't seem to me that the matters that are addressed in the Bill need or require Legislative attention. The Bill, if it passes, would require that employers grant leave for such things as routine appointments for various medical visits or appointments with teachers and that sort of thing. I mean will it get to the point where we must grant leave for people to go buy groceries and the like? There's almost no end to how much we can, if we choose

regulate the relationship between employees and those who put them to work. I suggest to you that this Bill crosses the line. It goes beyond what is really required by way of Legislative intervention and for that reason I do ask that you vote Against the pending motion so that we can go on to Defeat the Bill. Thank you.

On motion by Senator **DOUGLASS** of Androscoggin, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence. (Division Requested)

Senate at Ease.

Senate called to order by the President.

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

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

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

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Designate December 3rd as Kate James Day"
S.P. 834 L.D. 2234

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

In Senate, May 20, 1999, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Eliminate the Minimum Quota Requirement for a Store to Have a Lottery Machine" H.P. 78 L.D. 91

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-578)** (4 members)

In House, May 19, 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-578)**.

In Senate, May 20, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

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

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 1591

JOINT RESOLUTION SUPPORTING THE EFFORTS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION IN PROTECTING THE PEOPLE AND RESOURCES OF MAINE FROM OIL SPILLS

WHEREAS, the State of Maine is known throughout the world for its scenic beauty and natural resources, particularly for its coastline and seafood industry; and

WHEREAS, the State has been in the forefront of the nation's efforts to protect the coastal environment from oil spills and has wisely and judiciously asserted its authority to do so for the past 25 years; and

WHEREAS, the Department of Environmental Protection, in cooperation with state and federal agencies, the oil industry and other stakeholders, has developed and refined the State's oil tanker safety and oil spill prevention rules. Those rules include requirements for tankers to have a full crew to protect against "tired tanker" incidents, and require onboard safety and spill containment equipment to be kept in operating condition; and

WHEREAS, the State's oil tanker and oil spill prevention safety rules are necessary to protect the State's coastal resources

against unsafe oil tankers and lax operating procedures of the oil tanker industry, which is largely owned and operated by foreign corporations; and

WHEREAS, the oil tanker industry is actively seeking to terminate Maine's and other coastal states' oil tanker safety rules; and

WHEREAS, as demonstrated by the Department of Environmental Protection's recently proposed reauthorization of its oil tanker safety rules, the State retains a compelling interest in protecting its coastal and marine natural resources; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature now assembled in the First Regular Session, take this occasion to affirm and support the efforts of the Department of Environmental Protection in protecting the people and resources of Maine from unsafe oil tanker operations and oil spills; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Angus S. King, Jr., Governor of Maine, the Commissioner of Environmental Protection and the Attorney General of the United States.

Comes from the House, **READ** and **REFERRED** to the Committee on **NATURAL RESOURCES**.

READ and **REFERRED** to the Committee on **NATURAL RESOURCES**, in concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Allow the State to Initiate Default Proceedings in Order to Obtain Forfeited Assets When the Defendant Fails to Appear in a Court Proceeding"

H.P. 964 L.D. 1362

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.

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

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Require Labeling of Fruits and Vegetables to Identify Country of Origin"

H.P. 718 L.D. 1008

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-615)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-615)**.

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

READ ONCE.

Committee Amendment "A" (H-615) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BANKING AND INSURANCE** on Bill "An Act Concerning Certified Nurse Practitioners and Certified Nurse Midwives as Primary Care Providers"

H.P. 617 L.D. 857

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-630)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-630)**.

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

READ ONCE.

Committee Amendment "A" (H-630) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Amend the Laws Regarding Asset Forfeiture"

H.P. 1406 L.D. 2011

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-619)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-619)**.

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

READ ONCE.

Committee Amendment "A" (H-619) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Amend the Uniform Health Care Decisions Act"

H.P. 797 L.D. 1120

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-616)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-616)**.

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

READ ONCE.

Committee Amendment "A" (H-616) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Election Laws"

H.P. 510 L.D. 717

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-622)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-622)**.

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

READ ONCE.

Committee Amendment "A" (H-622) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **MARINE RESOURCES** on Bill "An Act to Limit Entry into the Lobster Fishery by Zone"

H.P. 1386 L.D. 1992

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-629)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-629)**.

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

READ ONCE.

Committee Amendment "A" (H-629) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **NATURAL RESOURCES** on Bill "An Act to Promote Ethanol Production as Alternative Fuel"

H.P. 1032 L.D. 1454

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-632)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-632)**.

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

READ ONCE.

Committee Amendment "A" (H-632) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **NATURAL RESOURCES** on Bill "An Act to Clarify and Improve the State's Solid Waste Management Laws"

H.P. 1204 L.D. 1714

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-633)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-633)**.

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

READ ONCE.

Committee Amendment "A" (H-633) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Establish the Northern Maine Transmission Corporation"

H.P. 1034 L.D. 1456

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-617)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-617)**.

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

Committee Amendment "A" (H-617) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Establish a Trust Fund to Provide Statewide Assistance to Low-income Electric Consumers"

H.P. 1069 L.D. 1500

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-618)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-618)**.

Report **READ.**

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

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Electric Industry Restructuring Laws"

H.P. 1509 L.D. 2154

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-620)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-620)**.

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

(C "A" S-266)

READ ONCE.

Committee Amendment "A" (H-620) **READ** and **ADOPTED**, in concurrence.

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

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

ENACTORS

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

Emergency Resolve

Resolve, to Establish the Commission to Study Bulk Purchasing of Prescription Drugs and Medical Supplies

H.P. 144 L.D. 206
(H "A" H-613 to C "A" H-493)

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

Emergency Resolve

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

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

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

Acts

An Act to Amend the Laws Governing Secession

H.P. 1433 L.D. 2056
(H "A" H-608 to C "A" H-410)

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

An Act to Improve the State's Democracy by Increasing Access to the Ballot and Other Election Processes

S.P. 217 L.D. 639

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

An Act to Amend Maine's Boating Laws Pertaining to Noise Limits on Watercraft

S.P. 240 L.D. 662
(C "A" S-250)

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

An Act to Implement the Recommendations of the Task Force to Study Telecommunications Taxation

H.P. 807 L.D. 1130
(C "A" H-391; H "A" H-604)

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

An Act Regarding Taxation of Low-energy Fuels

H.P. 940 L.D. 1337
(C "A" H-592)

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

An Act to Create Statewide Smoking Cessation Services

H.P. 1264 L.D. 1818
(C "A" H-593)

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

An Act to Increase Access to Basic Needs for Low-income Maine Children and Families

S.P. 657 L.D. 1879
(C "A" S-290)

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

An Act to Promote Community Mental Health Services

S.P. 829 L.D. 2230

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

ADOPTED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-331).

Sent down for concurrence

Resolve

Resolve, Regarding Legislative Review of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1, Major Substantive Rules of the Department of Professional and Financial Regulation

H.P. 20 L.D. 30
(C C "A" H-601)

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

ORDERS OF THE DAY

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

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

Tabled - May 21, 1999, by Senator **PINGREE** of Knox.

Pending - **ENACTMENT**

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

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

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

On motion by Senator **O'GARA** of Cumberland, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **O'GARA** for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Create the Sex Offender Registration and Notification Act of 1999"

S.P. 597 L.D. 1721

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-332).**

Report **READ.**

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

COMMUNICATIONS

The Following Communication: S.C. 274

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

May 19, 1999

The Honorable Mark W. Lawrence
President of the Senate of Maine
119th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Banking and Insurance has had under consideration the nomination of Howard R. Gray, Jr. of Portland, for appointment as the Superintendent of the Bureau of Banking.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the

Senator **BERUBE** for the Committee on **HEALTH AND HUMAN SERVICES** on Joint Resolution - relative to Declaring a Maine Fitness Weekend

S.P. 644

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-331).**

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

READ.

Committee Amendment "A" (S-331) **READ** and **ADOPTED.**

Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 2 LaFountain of York,
 Abromson of Cumberland

Representatives 9 Saxl of Bangor, Dudley of
 Portland, Glynn of South
 Portland, Jones of Pittsfield,
 Mayo of Bath, Nutting of
 Oakland, O'Neil of Saco,
 Perry of Bangor, Sullivan of
 Biddeford

NAYS 0

ABSENT 2 Sen. Douglass of
 Androscoggin, Rep.
 Richardson of Brunswick

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Howard R. Gray, Jr. of Portland, for appointment as the Superintendent of the Bureau of Banking be confirmed.

Signed,

S/Lloyd P. LaFountain III
Senate Chair

S/Jane W. Saxl
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BANKING AND INSURANCE** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

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

ROLL CALL (#125)

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT,
 BENOIT, CAREY, CASSIDY, CATHCART,
 DAGGETT, DAVIS, DOUGLASS, FERGUSON,
 GOLDTHWAIT, KIEFFER, KILKELLY, KONTOS,
 LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON,
 MICHAUD, MILLS, MURRAY, NUTTING, O'GARA,
 PARADIS, PENDLETON, PINGREE, RAND,
 RUHLIN, SMALL, TREAT, THE PRESIDENT -
 MARK W. LAWRENCE

ABSENT: Senator: HARRIMAN

EXCUSED: Senators: BERUBE, MITCHELL

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Howard R. Gray, Jr.** of Portland, for appointment as the Superintendent of the Bureau of Banking was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 275

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

May 19, 1999

The Honorable Mark W. Lawrence
President of the Senate of Maine
119th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Banking and Insurance has had under consideration the nomination of William N. Lund of Falmouth, for reappointment as the Director of the Office of Consumer Credit Regulation.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	LaFountain of York, Abromson of Cumberland
	Representatives	9	Saxl of Bangor, Dudley of Portland, Glynn of South Portland, Jones of Pittsfield, Mayo of Bath, Nutting of Oakland, O'Neil of Saco, Perry of Bangor, Sullivan of Biddeford
NAYS		0	
ABSENT		2	Sen. Douglass of Androscoggin, Rep. Richardson of Brunswick

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of William N. Lund of Falmouth, for reappointment as the Director of the Office of Consumer Credit Regulation be confirmed.

Signed,

S/Lloyd P. LaFountain III
Senate Chair

S/Jane W. Saxl
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BANKING AND INSURANCE** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#126)

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senator: HARRIMAN

EXCUSED: Senators: BERUBE, MITCHELL

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **William N. Lund** of Falmouth, for reappointment as the Director of the Office of Consumer Credit Regulation was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 276

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 19, 1999

The Honorable Mark W. Lawrence
President of the Senate of Maine
119th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Barry D. McCrum of Mars Hill, for appointment to the University of Maine System Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Berube of Androscoggin, Murray of Penobscot, Small of Sagadahoc
	Representatives	9	Brennan of Portland, Andrews of York, Baker of Bangor, Belanger of Caribou, Desmond of Mapleton, Richard of Madison, Stedman of Hartland, Watson of Farmingdale, Weston of Montville

NAYS 0

ABSENT 1 Rep. Skoglund of St. George

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Barry D. McCrum of Mars Hill, for appointment to the University of Maine System Board of Trustees be confirmed.

Signed,

S/Georgette B. Berube
Senate Chair

S/Michael F. Brennan
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#127)

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senator: HARRIMAN

EXCUSED: Senators: BERUBE, MITCHELL

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Barry D. McCrum** of Mars Hill, for appointment to the University of Maine System Board of Trustees was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication S.C. 277

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 19, 1999

The Honorable Mark W. Lawrence
President of the Senate of Maine
119th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Edward A. Fox of Harborside, for appointment to the University of Maine System Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the

Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Berube of Androscoggin, Murray of Penobscot, Small of Sagadahoc
	Representatives	9	Brennan of Portland, Andrews of York, Baker of Bangor, Belanger of Caribou, Desmond of Mapleton, Richard of Madison, Stedman of Hartland, Watson of Farmingdale, Weston of Montville

NAYS 0

ABSENT 1 Rep. Skoglund of St. George

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Edward A. Fox of Harborside, for appointment to the University of Maine System Board of Trustees be confirmed.

Signed,

S/Georgette B. Berube
Senate Chair

S/Michael F. Brennan
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#128)

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senator: HARRIMAN

EXCUSED: Senators: BERUBE, MITCHELL

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Edward A. Fox** of Harborside, for appointment to the University of Maine System Board of Trustees was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

Senator **DOUGLASS** of Androscoggin requested and received leave of the Senate for all members and staff be allowed to remove their jackets for the remainder of the Session.

The Following Communication: S.C. 278

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 19, 1999

The Honorable Mark W. Lawrence
President of the Senate of Maine
119th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Albert B. Glickman of Cape Elizabeth, for reappointment to the University of Maine System Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Berube of Androscoggin, Small of Sagadahoc
	Representatives	9	Brennan of Portland, Andrews of York, Baker of Bangor, Belanger of Caribou, Desmond of Mapleton, Richard of Madison, Stedman of Hartland, Watson of Farmingdale, Weston of Montville

NAYS 0

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON LABOR**

May 19, 1999

The Honorable Mark W. Lawrence
President of the Senate of Maine
119th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Catherine R. Sullivan of Portland, for appointment to the Maine State Retirement System Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	1	Douglass of Androscoggin
	Representatives	8	Hatch of Skowhegan, Davis of Falmouth, Goodwin of Pembroke, MacDougall of North Berwick, Mack of Standish, Matthews of Winslow, Samson of Jay, Treadwell of Carmel
NAYS		0	
ABSENT		4	Rep. Frechette of Biddeford, Sen. LaFountain of York, Sen. Mills of Somerset, Rep. Muse of South Portland

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Catherine R. Sullivan of Portland, for appointment to the Maine State Retirement System Board of Trustees be confirmed.

Signed,

S/Neria R. Douglass
Senate Chair

S/Pamela H. Hatch
House Chair

READ and ORDERED PLACED ON FILE.

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

ABSENT 2 Sen. Murray of Penobscot,
Rep. Skoglund of St. George
Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Albert B. Glickman of Cape Elizabeth, for reappointment to the University of Maine System Board of Trustees be confirmed.

Signed,

S/Georgette B. Berube
Senate Chair

S/Michael F. Brennan
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#129)

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senator: HARRIMAN

EXCUSED: Senators: BERUBE, MITCHELL

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Albert B. Glickman** of Cape Elizabeth, for reappointment to the University of Maine System Board of Trustees was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 279

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#130)

YEAS: Senators: None
NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senator: HARRIMAN

EXCUSED: Senators: BERUBE, MITCHELL

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Catherine R. Sullivan** of Portland, for appointment to the Maine State Retirement System Board of Trustees was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 280

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

May 19, 1999
The Honorable Mark W. Lawrence
President of the Senate of Maine
119th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the

nomination of Martha G. Kirkpatrick of Newcastle, for appointment as the Commissioner of the Department of Environmental Protection.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 3 Treat of Kennebec, Libby of York, Nutting of Androscoggin
Representatives 9 Martin of Eagle Lake, Cameron of Rumford, Cowger of Hallowell, Daigle of Arundel, Duplessie of Westbrook, Etnier of Harpswell, Joy of Crystal, McKee of Wayne, Tobin of Windham
NAYS 0
ABSENT 1 Rep. Clark of Millinocket

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Martha G. Kirkpatrick of Newcastle, for appointment as the Commissioner of the Department of Environmental Protection be confirmed.

Signed,

S/Sharon Anglin Treat
Senate Chair

S/John L. Martin
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **NATURAL RESOURCES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#131)

YEAS: Senators: None
NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND,

RUHLIN, SMALL, TREAT, THE PRESIDENT -
MARK W. LAWRENCE

NAYS

0

ABSENT: Senator: HARRIMAN

EXCUSED: Senators: BERUBE, MITCHELL

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Martha G. Kirkpatrick** of Newcastle, for appointment as the Commissioner of the Department of Environmental Protection was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

Off Record Remarks

The Following Communication: S.C. 281

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

May 19, 1999

The Honorable Mark W. Lawrence
President of the Senate of Maine
119th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of Ernest W. Hilton of Starks, for appointment to the Board of Environmental Protection.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Treat of Kennebec, Libby of York, Nutting of Androscoggin
	Representatives	7	Martin of Eagle Lake, Cowger of Hallowell, Daigle of Arundel, Duplessie of Westbrook, Etnier of Harpswell, Joy of Crystal, Tobin of Windham

ABSENT 3 Rep. Cameron of Rumford,
Rep. Clark of Millinocket,
Rep. McKee of Wayne

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Ernest W. Hilton of Starks, for appointment to the Board of Environmental Protection be confirmed.

Signed,

S/Sharon Anglin Treat
Senate Chair

S/John L. Martin
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **NATURAL RESOURCES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#132)

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senator: HARRIMAN

EXCUSED: Senators: BERUBE, MITCHELL

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Ernest W. Hilton** of Starks, for appointment to the Board of Environmental Protection was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 282

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

May 19, 1999

The Honorable Mark W. Lawrence
President of the Senate of Maine
119th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of Virginia N. Plummer of Turner, for appointment to the Board of Environmental Protection.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Treat of Kennebec, Libby of York, Nutting of Androscoggin
	Representatives	8	Martin of Eagle Lake, Cowger of Hallowell, Daigle of Arundel, Etnier of Harpswell, Joy of Crystal, McKee of Wayne, Duplessie of Westbrook, Tobin of Windham
NAYS		0	
ABSENT		2	Rep. Clark of Millinocket, Rep. Cameron of Rumford

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Virginia N. Plummer of Turner, for appointment to the Board of Environmental Protection be confirmed.

Signed,

S/Sharon Anglin Treat
Senate Chair

S/John L. Martin
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **NATURAL RESOURCES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#133)

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senator: HARRIMAN

EXCUSED: Senators: BERUBE, MITCHELL

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Virginia N. Plummer** of Turner, for appointment to the Board of Environmental Protection was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 283

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

May 19, 1999

The Honorable Mark W. Lawrence
President of the Senate of Maine
119th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of John D. Tewhey of Gorham, for reappointment to the Board of Environmental Protection.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Treat of Kennebec, Libby of York, Nutting of Androscoggin
	Representatives	9	Martin of Eagle Lake, Cameron of Rumford, Cowger of Hallowell, Daigle of Arundel, Duplessie of Westbrook, Etnier of Harpswell, Joy of Crystal, McKee of Wayne, Tobin of Windham
NAYS		0	
ABSENT		1	Rep. Clark of Millinocket

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of John D. Tewhey of Gorham, for reappointment to the Board of Environmental Protection be confirmed.

Signed,

S/Sharon Anglin Treat
Senate Chair

S/John L. Martin
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **NATURAL RESOURCES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#134)

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senator: HARRIMAN

EXCUSED: Senators: BERUBE, MITCHELL

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **John D. Tewhey** of Gorham, for reappointment to the Board of Environmental Protection was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 284

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

May 19, 1999

The Honorable Mark W. Lawrence
President of the Senate of Maine
119th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of John F. Marsh of W. Gardiner, for reappointment to the Board of Environmental Protection.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Treat of Kennebec, Libby of York, Nutting of Androscoggin
	Representatives	9	Martin of Eagle Lake, Clark of Millinocket, Cowger of Hallowell, Daigle of Arundel, Duplessie of Westbrook, Etnier of Harpswell, Joy of Crystal, McKee of Wayne, Tobin of Windham
NAYS		0	
ABSENT		1	Rep. Cameron of Rumford

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of John F. Marsh of W. Gardiner, for reappointment to the Board of Environmental Protection be confirmed.

Signed,

S/Sharon Anglin Treat
Senate Chair

S/John L. Martin
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **NATURAL RESOURCES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#135)

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senator: HARRIMAN

EXCUSED: Senators: BERUBE, MITCHELL

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **John F. Marsh** of W. Gardiner, for reappointment to the Board of Environmental Protection was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 285

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

May 19, 1999

The Honorable Mark W. Lawrence
President of the Senate of Maine
119th Maine Legislature
State House

Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on State and Local Government has had under consideration the nomination of Patricia Lemaire of Lewiston, for appointment to the Workers' Compensation Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	1	Pendleton of Cumberland
	Representatives	9	Ahearne of Madawaska, Bagley of Machias, Bumps of China, Gerry of Auburn, Jodrey of Bethel, McDonough of Portland, Richardson of Greenville, Rines of Wiscasset, Twomey of Biddeford

NAYS 0

ABSENT		3	Sen. Davis of Piscataquis, Sen. Goldthwait of Hancock, Rep. Kasprzak of Newport
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Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Patricia Lemaire of Lewiston, for appointment to the Workers' Compensation Board be confirmed.

Signed,

S/Peggy A. Pendleton
Senate Chair

S/Douglas J. Ahearne
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **STATE AND LOCAL GOVERNMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#136)

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART,

DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senator: HARRIMAN

EXCUSED: Senators: BERUBE, MITCHELL

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Patricia Lemaire** of Lewiston, for appointment to the Workers' Compensation Board was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 286

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

May 19, 1999

The Honorable Mark W. Lawrence
President of the Senate of Maine
119th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on State and Local Government has had under consideration the nomination of Barbara Longfellow of Winthrop, for appointment to the Workers' Compensation Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	1	Pendleton of Cumberland
	Representatives	10	Ahearne of Madawaska, Bagley of Machias, Bumps of China, Gerry of Auburn, Jodrey of Bethel, Kasprzak of Newport, McDonough of Portland, Richardson of Greenville, Rines of Wiscasset, Twomey of Biddeford

The Following Communication: S.C. 287

NAYS	0	
ABSENT	2	Sen. Davis of Piscataquis, Sen. Goldthwait of Hancock

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Barbara Longfellow of Winthrop, for appointment to the Workers' Compensation Board be confirmed.

Signed,

S/Peggy A. Pendleton Senate Chair	S/Douglas J. Ahearn House Chair
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READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **STATE AND LOCAL GOVERNMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#137)

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senator: HARRIMAN

EXCUSED: Senators: BERUBE, MITCHELL

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Barbara Longfellow** of Winthrop, for appointment to the Workers' Compensation Board was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

May 19, 1999

The Honorable Mark W. Lawrence
President of the Senate of Maine
119th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Legal and Veterans Affairs has had under consideration the nomination of Virginia Constantine of Bar Harbor, for appointment o the Commission on Governmental Ethics and Election Practices.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Daggett of Kennebec, Carey of Kennebec, Ferguson of Oxford
	Representatives	6	Chizmar of Lisbon, Fisher of Brewer, Labrecque of Gorham, Mayo of Bath, McKenney of Cumberland, O'Brien of Lewiston
NAYS		0	
ABSENT		4	Rep. Tuttle of Sanford, Rep. Gagne of Buckfield, Rep. Heidrich of Oxford, Rep. Perkins of Penobscot

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Virginia Constantine of Bar Harbor, for appointment to the Commission on Governmental Ethics and Election Practices be confirmed.

Signed,

S/Beverly C. Daggett
Senate Chair

S/John L. Tuttle Jr.
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LEGAL AND VETERANS AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#138)

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senator: HARRIMAN

EXCUSED: Senators: BERUBE, MITCHELL

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Virginia Constantine** of Bar Harbor, for appointment to the Commission on Governmental Ethics and Election Practices was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 288

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

May 19, 1999

The Honorable Mark W. Lawrence
President of the Senate of Maine
119th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Legal and Veterans Affairs has had under consideration the nomination of Michael E. Carpenter of Houlton, for appointment to the Commission on Governmental Ethics and Election Practices.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Daggett of Kennebec, Carey of Kennebec, Ferguson of Oxford
	Representatives	6	Chizmar of Lisbon, Fisher of Brewer, Gagne of Buckfield, Labrecque of Gorham, McKenney of Cumberland, O'Brien of Lewiston
NAYS		0	
ABSENT		4	Rep. Tuttle of Sanford, Rep. Heidrich of Oxford, Rep. Mayo of Bath, Rep. Perkins of Penobscot

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Michael E. Carpenter of Houlton, for appointment to the Commission on Governmental Ethics and Election Practices be confirmed.

Signed,

S/Beverly C. Daggett
Senate Chair

S/John L. Tuttle Jr.
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LEGAL AND VETERANS AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#139)

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senator: HARRIMAN

EXCUSED: Senators: BERUBE, MITCHELL

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Michael E. Carpenter** of Houlton, for appointment to the Commission on Governmental Ethics and Election Practices was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 289

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

May 19, 1999

The Honorable Mark W. Lawrence
President of the Senate of Maine
119th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Legal and Veterans Affairs has had under consideration the nomination of Harriet P. Henry of Standish, for reappointment to the Commission on Governmental Ethics and Election Practices.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Daggett of Kennebec, Carey of Kennebec, Ferguson of Oxford
	Representatives	7	Chizmar of Lisbon, Fisher of Brewer, Gagne of Buckfield, Labrecque of Gorham, Mayo of Bath, McKenney of Cumberland, O'Brien of Lewiston
NAYS		0	
ABSENT		3	Rep. Tuttle of Sanford, Rep. Heidrich of Oxford, Rep. Perkins of Penobscot

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Harriet P. Henry of Standish, for reappointment to the Commission on Governmental Ethics and Election Practices be confirmed.

Signed,

S/Beverly C. Daggett
Senate Chair

S/John L. Tuttle Jr.
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LEGAL AND VETERANS AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#140)

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senator: HARRIMAN

EXCUSED: Senators: BERUBE, MITCHELL

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Harriet P. Henry** of Standish, for reappointment to the Commission on Governmental Ethics and Election Practices was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 290

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

May 19, 1999

The Honorable Mark W. Lawrence
President of the Senate of Maine
119th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Legal and Veterans Affairs has had under consideration the nomination of Orland G. McPherson of Eliot, for reappointment to the State Liquor and Lottery Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Daggett of Kennebec, Carey of Kennebec, Ferguson of Oxford
	Representatives	7	Chizmar of Lisbon, Fisher of Brewer, Gagne of Buckfield, Labrecque of Gorham, Mayo of Bath, McKenney of Cumberland, O'Brien of Lewiston
NAYS		0	
ABSENT		3	Rep. Tuttle of Sanford, Rep. Heidrich of Oxford, Rep. Perkins of Penobscot

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Orland G. McPherson of Eliot, for reappointment to the State Liquor and Lottery Commission be confirmed.

Signed,

S/Beverly C. Daggett
Senate Chair

S/John L. Tuttle Jr.
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LEGAL AND VETERANS AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#141)

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senator: HARRIMAN

EXCUSED: Senators: BERUBE, MITCHELL

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Orland G. McPherson** of Eliot, for reappointment to the State Liquor and Lottery Commission was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 291

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

May 19, 1999

The Honorable Mark W. Lawrence
President of the Senate of Maine
119th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Legal and Veterans Affairs has had under consideration the nomination of Edwin W. Bowden of Camden, for reappointment to the State Liquor and Lottery Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Daggett of Kennebec, Carey of Kennebec, Ferguson of Oxford
	Representatives	7	Chizmar of Lisbon, Fisher of Brewer, Gagne of Buckfield, Labrecque of Gorham, Mayo of Bath, McKenney of Cumberland, O'Brien of Lewiston
NAYS		0	
ABSENT		3	Rep. Tuttle of Sanford, Rep. Heidrich of Oxford, Rep. Perkins of Penobscot

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Edwin W. Bowden of Camden, for reappointment to the State Liquor and Lottery Commission be confirmed.

Signed,

S/Beverly C. Daggett
Senate Chair

S/John L. Tuttle Jr.
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LEGAL AND VETERANS AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#142)

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senator: HARRIMAN

EXCUSED: Senators: BERUBE, MITCHELL

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Edwin W. Bowden** of Camden, for reappointment to the State Liquor and Lottery Commission was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Require Parental Notification for Minors Seeking Abortions"

H.P. 106 L.D. 137

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-626)** (3 members)

Tabled - May 21, 1999, by Senator **PINGREE** of Knox.

Pending - motion by Senator **LONGLEY** of Waldo to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence (Roll Call ordered)

(In House, May 20, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 21, 1999, Reports **READ**.)

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'll rise and just briefly state how I feel about this. I have a wife, I have a daughter, and I have two granddaughters and I love them all dearly. The incredible thing, when I think of my granddaughters, is they cannot get their ear's pierced or they cannot have their teeth drilled without their parent's permission but should they become pregnant they could have an abortion without their parents knowing about it. You think about this when you vote. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Waldo, Senator Longley to Accept the Majority 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 (#143)

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CATHCART, DAGGETT, DOUGLASS, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MILLS, NUTTING, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: CAREY, CASSIDY, DAVIS, FERGUSON, KIEFFER, LIBBY, MACKINNON, MICHAUD, MURRAY, O'GARA, PARADIS

ABSENT: Senator: HARRIMAN

EXCUSED: Senators: BERUBE, MITCHELL

21 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators being excused, the motion by Senator **LONGLEY** of Waldo to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act Creating Offenses Against Unborn Children"
H.P. 805 L.D. 1128

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-612)** (3 members)

Tabled - May 21, 1999, by Senator **PINGREE** of Knox.

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

(In House, May 20, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 21, 1999, Reports **READ**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#144)

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CATHCART, DAGGETT, DOUGLASS, FERGUSON, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MILLS, MURRAY, NUTTING, O'GARA, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: CAREY, CASSIDY, DAVIS, KIEFFER, LIBBY, MACKINNON, MICHAUD, PARADIS

ABSENT: Senator: HARRIMAN

EXCUSED: Senators: BERUBE, MITCHELL

24 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators being excused, the motion by Senator **LONGLEY** of Waldo to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Require a 24-hour Waiting Period before an Abortion May Be Performed"

H.P. 1483 L.D. 2123

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-628)** (3 members)

Tabled - May 21, 1999, by Senator **LONGLEY** of Waldo.

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

(In House, May 20, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 21, 1999, Reports **READ**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#145)

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CATHCART, DAGGETT, DOUGLASS, FERGUSON, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MILLS, NUTTING, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: CAREY, CASSIDY, DAVIS, KIEFFER, LIBBY, MACKINNON, MICHAUD, MURRAY, O'GARA, PARADIS

ABSENT: Senator: HARRIMAN

EXCUSED: Senators: BERUBE, MITCHELL

22 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators being excused, the motion by Senator **LONGLEY** of Waldo to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Promote Effective Management of Occupational Exposure to HIV"

S.P. 626 L.D. 1791

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-326)** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-327)** (3 members)

Tabled - May 21, 1999 by Senator **LONGLEY** of Waldo.

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-326)** Report

(In Senate, May 21, 1999, Reports **READ**.)

On motion by Senator **LONGLEY** of Waldo, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-326)** Report, **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-326) **READ** and **ADOPTED**.

LATER TODAY ASSIGNED FOR SECOND READING.

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

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Provide a \$500 State Income Tax Credit for Private School Tuition Payments"

S.P. 621 L.D. 1786

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-328)** (5 members)

Tabled - May 21, 1999, by Senator **RAND** of Cumberland.

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

(In Senate, May 21, 1999, Reports **READ**.)

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

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I would urge you to Reject the pending motion of Ought Not to Pass in order that we might provide some more choices for parents and their children to make it possible them to attend schools other than those in their public school district. This Bill would allow for elementary and secondary students whose parents earn incomes of \$50,000 or less to receive a \$500 tax credit if their children attend a private school. I would urge that you Reject the pending motion so that we could support the Minority Ought to Pass Committee Amendment. Thank you Mr. President.

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

Senator **RUHLIN:** Thank you Mr. President. Senators of Maine, I'd ask that you look very seriously at this Bill and what it does. I point out to you that at a time when we underfund public education in this state, this Bill proposes to underfund public education and undermine the public support and confidence in our educational system. It may grant credits for certain religious schools. We have the division between the state and religious schools, there's a Constitutional question. But that's not really my major concern. My major concern and I think the concern of the majority of the Committee was that tax credits for private schools will lead to funds being siphoned off from public school education. Simple as that. The fiscal note is over \$3 million. Started out at \$5 million and they bargained and amended it down to \$3 million a year. Do you have \$3 million to take away from public education in the state of Maine? If so I ask you to show so on a roll call and I do call for a Roll Call Mr. President. I thank you Senators for listening.

On motion by Senator **RUHLIN** of Penobscot, 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 Cumberland, Senator Amero.

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I would just like to make it clear that there is no direct connection between the funding of public schools in the state of Maine and providing an income tax credit for attendance at private schools. We provide all kinds of tax credits and that in no way reflects how we set our priorities in our budget in this state. Thank you Mr. President.

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

Senator **RUHLIN:** Thank you Mr. President. I'm not sure really, Senators of Maine, that I heard what I just heard. You take a budget, it's a pot, a given amount, a given volume, and you take something away from it so it won't be available later on. You've removed your ability to do what the whole thing would have done. To say you've done anything else is really to have a different view point, I guess, of what constitutes a whole that I would have. When you take and spend \$3 million, and let me make this perfectly clear that this Bill calls for spending at this point of \$3 million to aid private education. That's \$3 million that otherwise could have been available for public education and public education in the state of Maine, as agreed by everybody, is underfunded. Therefore a reasonable person would draw the conclusion that you are taking directly \$3 million that could have gone to support public education. Thank you.

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

Senator **SMALL:** Thank you Mr. President. Men and women of the Senate, may I pose a question through the Chair to the good gentleman from Penobscot?

THE PRESIDENT: The Senator may pose her question.

Senator **SMALL:** Thank you very much Mr. President. As I was listening to the remarks, and I'm not necessarily an advocate of vouchers or tax credits, I was looking at the fiscal note that came across our desk for LD 956 which is the Parents as First Teachers Bill that I actually supported in Committee. I looked and it had a \$7 million fiscal note for the two years. I'd like to pose my question. Will that \$7 million be taken away from the GPA, should I rethink my position on that Bill because GPA is my number one priority and I now may have to rethink my position on this Bill as well. Thank you.

THE PRESIDENT: The Senator from Sagadahoc, Senator Small 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. I'd be pleased to respond. I was just hoping you'd get back there to recognize me in time before I forgot what the question was. It was a good question. I'm not familiar with that particular Bill. My understanding of that Bill is to help children be more ready to start school. If my perception is correct, then I say that is money well spent that will enhance the effectiveness of the money that goes to public education. It is in fact an indirect way but a way of supporting or enhancing the money that goes to GPA. I hope that

as I recall the question that this will be a direct answer but if not I'd certainly give it another try. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Rand to Accept the Majority 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 (#146)

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

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, FERGUSON, KIEFFER, LIBBY, MILLS

ABSENT: Senator: HARRIMAN

EXCUSED: Senators: BERUBE, MITCHELL

22 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators being excused, the motion by Senator **RAND** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

Bill "An Act to Require that the State Planning Office Report to the Committee on State and Local Government"

H.P. 619 L.D. 859
(C "B" H-323)

Tabled - May 21, 1999, by Senator **PINGREE** of Knox.

Pending - **FURTHER CONSIDERATION**

(In House, May 12, 1999, that Body **INSISTED** to **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-322) AS AMENDED BY HOUSE AMENDMENT "A" (H-505)** thereto, **AND HOUSE AMENDMENT "A" (H-496)** and **ASKED FOR A COMMITTEE OF CONFERENCE**.)

(In Senate, May 17, 1999, **ADHERED** to **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-323)**, in **NON-CONCURRENCE**.)

(In House, May 20, 1999, **RECEDED** and subsequently **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-614)**, in **NON-CONCURRENCE**.)

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

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

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Ban Partial Birth Abortion"

I.B. 1 L.D. 1593

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-627)** (3 members)

Tabled - May 21, 1999, by Senator **PINGREE** of Knox.

Pending - **FURTHER CONSIDERATION**

(In House, May 20, 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-627)**.)

(In Senate, May 20, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

(In House, May 20, 1999, that Body **ADHERED**.)

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

Senator **MURRAY** of Penobscot moved the Senate **RECEDE** and **CONCUR**.

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

Senator **MURRAY:** Thank you Mr. President. Men and women of the Senate, I thank you for the opportunity to speak briefly on this issue. I acknowledge from the outset, as I suspect all of you would agree, this is a very difficult issue to debate and it's one that each of us I'm sure have spent a great deal of time considering and pondering. But I do think it's important to take at least a minute to consider one or two points that I'd like to raise for your consideration because I think it is important for us to at least ponder and consider and debate that issue here, especially as opposed to perhaps some other places. The only reason why I decided to raise the issue and debate the issue here is because the Bill comes before us fairly uniquely. It's not the typical Bill. Were it just us considering it here for our up or down vote, it would be gone and the issue disposed of. As you all know, that's

not what is now before us. But what is before us is an issue that will not end here no matter what we do. It will be one that if we decide not to enact it, will be one that will go on for a Referendum consideration debate and ultimately conclusion by the votes of the state of Maine. It's because of that process that I wanted to take an opportunity to at least raise a couple of points with you, the members of the Senate, for you to consider.

I don't know and I want to say at the outset at this point that I don't intend today to debate the particular merits or demerits of the issue of partial birth abortion before us today because I am confident and I respect each of our individual opinions on that issue and I think we reflected that in our vote last night and that is recorded. However what I am concerned about is that there are two things that I know will happen if this Body fails to enact the proposal before us today. One of those things is that the issue will then move to the Referendum and campaigning in the public. What I am convinced of is that that process is going to be an ugly process and one that I fear will enrage the passions of both sides to the point where things could happen that I would hope wouldn't happen but I'm unfortunately confident will happen. It's somewhat ironic to me, I heard as this issue was beginning to be considered last night that there was concern that the debate occur in the evening in the other Body because there was concern about the sorts of things that might be said or heard and how that would be heard and handled by people that were here in the State House. Well I think, quite frankly my friends, that whatever may have been heard in the other Body last night is going to pale in comparison to what the debate may be like next fall if this Body fails to act. I think it's appropriate for this Body to at this time take the action that is necessary to avoid that kind of rancor and division and potentially even violence that could occur as a result of the actions that would be involved in the campaign in a Referendum proceeding. So that's one issue that I wanted to raise and set before you to urge you to consider as you're deciding the best means of dealing with this particular issue.

The second issue again is what I would call a process issue but it's one that I take very seriously and I would again ask you to seriously and thoughtfully ponder. One of the issues that has been raised as this Bill has come before us is that there are concerns about how it has been drafted and whether or not certain particular points that are now in the draft before us are clear, are good, are concise enough so that what is in fact proposed as a law is the best law on this issue that could be possibly made a part of our statutes. Again, because of the way this Bill has been presented to us, we don't have the luxury here and now to work the Bill like we would any other Bill and craft what we think would be the clearest, most concise, best statute that could be drafted. We don't have that option because of the way it's before us. I don't know if this matter would go to Referendum or what the outcome would be, none of us know that. But what I do know is that what will be presented to the voters is what is before us and up or down that is what will become the law of the land if it's enacted. Politically speaking, if that becomes the law of the land it becomes virtually politically impossible to then Amend it after it becomes enacted by the vote of the people. I think the better course for us to consider here today is to put this on the books now as is and if after the course of two years where people have the opportunity to look at it and determine whether there are changes that need to be made. Changes can then be made at a subsequent Legislature without the political hammer that would be upon us to refrain from making the changes that a citizen initiated law would have. Those, quite frankly, are the only

two issues that I wanted us to at least pause and consider. I think we have the opportunity now as a Body, this Body, to take the correct step to avoid the harm that I think is going to come before the citizens of Maine if we have to go through the rancor that I expect would result. So I would ask you to at least, before you cast that final vote on this, think thoughtfully and ponder those two issues and ask you to support the motion to Recede and Concur so we can deal with this issue in the best way possible.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate, I will be brief. I am in strong opposition but hopefully respectful opposition to the pending motion to Recede and Concur. The good Senator from Penobscot, Senator Murray, says that he fears what will happen if the issue goes out to our people. That there will be language exchange. That is something we don't want to see happen. I'll tell you what I don't want to see happen. I don't want to see censorship of Democracy happen. We have a process to Referendum, to send this out to the people. That's the Democratic process. I don't think we're here to censor that process in any way. There's one other particular that will not permit me in a legal sense to support the motion. Laws like this have been enacted in nineteen other states. Seventeen of those states have struck them down for Constitutional reasons. We've taken an oath trying not to enact measures that are unconstitutional but that doesn't say that our citizens can't by initiative process come to us with a Bill that they move forward that may be illegal. They haven't taken an oath not to do it. We have and there's a difference. Thank you Mr. President.

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

Senator **GOLDTHWAIT:** Thank you Mr. President. Ladies and gentlemen of the Senate, I have as great a respect for the Senator from Penobscot, Senator Murray, as I do for any member of this Body and as usual he has made a cogent and compelling argument and I agree with many of the points that he made. However my alternative being to vote in favor of this Bill and put it on the books is really not an acceptable one. Therefore I'm urging you to oppose the pending motion to Recede and Concur. This Bill puts in statute language that is devised by the lay community rather than the medical community. It recognizes something it, the lay community, considers to be a medical procedure but it is not recognized as such by the medical community. Already those two facts lead to sufficient confusion in a place where we never want there to be confusion, that is in the operating room. It interferes with the rights of women regarding the reproductive choice but equally important is that this interferes with the physician practice of medicine. For us to be sitting in this Chamber today and thinking that it is appropriate for us to decide or to rule on a potential therapeutic intervention that could be undertaken by a physician and put that physician in the place of not only having to deal with the catastrophic situation involving two people but also have to worry about whether his or her actions could possibly be construed to be this procedure defined by a segment of the lay community and therefore cause the loss of his or her license. It is absolutely unacceptable to me to tie the hands of a physician and the more serious the situation gets the more inappropriate it is for us sitting in a State House to be saying

what that person sitting in an operating room should or shouldn't do and what we think is best for the patient under that physician's care. For those reasons I would strongly urge you to Defeat the pending motion. Thank you.

Senator **LONGLEY** of Waldo requested a Division.

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

Senator **LONGLEY:** I'd just like to say we're being fed a Bill that's filled with political terms and it has to be interpreted by people in the medical profession and the legal profession. In the medical profession, where they've got to do what is medically appropriate, they have political terms. Is that sending a helpful message from the Legislature to the medical community? No. To those in the legal community, rather than words such as trimester approach and viability, neither of those two very legal terms with respect to this issue are in any way mentioned in this Bill. So we're having the Courts interpret political terms and that's why, in my opinion, court after court has come back and said this is too vague. We don't know what the drafters of legislation like this mean. They are saying it's Unconstitutional. Court after court after court after court. So for both medical and legal reasons and a few other reasons I urge you to vote Against the pending motion. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#147)

YEAS: Senators: BENNETT, CASSIDY, DAVIS, FERGUSON, KIEFFER, LAFOUNTAIN, LIBBY, MACKINNON, MICHAUD, MURRAY, O'GARA, PARADIS, RUHLIN

NAYS: Senators: ABROMSON, AMERO, BENOIT, CAREY, CATHCART, DAGGETT, DOUGLASS, GOLDTHWAIT, KILKELLY, KONTOS, LONGLEY, MILLS, NUTTING, PENDLETON, PINGREE, RAND, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senator: HARRIMAN

EXCUSED: Senators: BERUBE, MITCHELL

13 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators being excused, the motion by Senator **MURRAY** of Penobscot to **RECEDE** and **CONCUR**, **FAILED**.

Senator **PINGREE** of Knox requested and received leave of the Senate to withdraw her motion to **INSIST**. On further motion by same Senator, the Senate **ADHERED**.

Off Record Remarks

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

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

SENATE REPORT - from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Create the Sex Offender Registration and Notification Act of 1999"

S.P. 597 L.D. 1721

Report - **Ought to Pass As Amended by Committee Amendment "A" (S-332)**

Tabled - May 21, 1999, by Senator **RAND** of Cumberland.

Pending - **ACCEPTANCE OF THE REPORT**

(In Senate, May 21, 1999, Report **READ**.)

Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-332) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-332)**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Protect Victims of Crimes in the Workplace" H.P. 688 L.D. 944

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-642).**

Signed:

Senators:
DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:
HATCH of Skowhegan
MUSE of South Portland
GOODWIN of Pembroke
MATTHEWS of Winslow
SAMSON of Jay
DAVIS of Falmouth

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-643).**

Signed:

Representatives:
MacDOUGALL of North Berwick
MACK of Standish
TREADWELL of Carmel

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-642).**

Reports **READ**.

Senator **DOUGLASS** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-642)** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-642)** Report, in concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Allow the Child Support Obligor the Right to Provide Day Care" H.P. 907 L.D. 1285

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
MITCHELL of Vassalboro
NORBERT of Portland
MADORE of Augusta
SCHNEIDER of Durham

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-644).**

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.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Allow Reimbursement of Registered Nurse First Assistants for Surgical Procedures" H.P. 22 L.D. 32

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-649).**

Signed:

Senator:
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 Not to Pass**.

Signed:

Senators:
LaFOUNTAIN of York
DOUGLASS of Androscoggin

Representative:
GLYNN of South Portland

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-649)**.

Reports **READ**.

Senator **LAFOUNTAIN** of York 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**.

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 to Promote Effective Management of Occupational Exposure to HIV"

S.P. 626 L.D. 1791
(C "A" S-326)

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

Sent down for concurrence.

ORDERS OF THE DAY

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

An Act to Improve the Efficiency of Environmental Regulation in the Unorganized and Deorganized Areas of the State
S.P. 574 L.D. 1654
(C "A" S-261; H "A" H-591)

Tabled - May 21, 1999, by Senator **RAND** of Cumberland.

Pending - **ENACTMENT**, in concurrence

(In Senate, May 17, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-261) AND HOUSE AMENDMENT "A" (H-591)**, in concurrence.)

(In House, May 20, 1999, **PASSED TO BE ENACTED**.)

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

The Chair laid before the Senate the following Tabled and Later (4/8/99) Assigned matter:

JOINT ORDER - relative to the Joint Standing Committee on Inland Fisheries and Wildlife reporting out legislation, to the House, to more equitably distribute gas tax revenues attributable to snowmobiles, all-terrain vehicles and watercraft
H.P. 1510

Tabled - April 8, 1999, by Senator **CATHCART** of Penobscot.

Pending - **PASSAGE**, in concurrence

(In House, April 7, 1999, **READ** and **PASSED**.)

(In Senate, April 8, 1999, **READ**.)

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

Senator **RUHLIN:** Thank you Mr. President. I'd like to point out two things for the Senate if I may and end up also with a parliamentary inquiry. But first I'd point out to the Senate that we have areas of jurisdiction for the various Committees. Judicial matters are referred to the Committee on the Judiciary. Matters on spending money are referred to the Committee on Appropriations. Matters dealing with the health of our citizens are sent to Health and Human Services. For how long have we been

referring tax matters to the Fish and Wildlife Committee? That's what this proposes to do. That's point number one. The process. Maybe we can send some other tax matters over to Fish and Wildlife. Like the 5½% sales tax or whether or not we should do other certain types of taxes. We'll send the Fish and Wildlife matters to Taxation, do a little swapping around and give us a little break in our daily routine. Last time I checked, tax matters go to the Taxation Committee. That's point one.

Point two. This Senate in its wisdom back earlier in the year took L.D. 251, an act to increase the snowmobile trail fund, which called for, and I will read to you, a redistribution of the amount of excise tax on internal combustion fuel for snowmobile trail fund and the Department of Inland, Fisheries and Wildlife which I would interpret to be used for transportation items within the Department of Fish and Wildlife. That Bill, by the way, received an Ought Not to Pass and went to the Legislative files. I'm kind of curious about the new process we're trying to invent here. I went and looked in the Joint Rules and low and behold under Joint Rule 404 it says to me when I read it that those matters that have been dealt with and have gone to the Legislative File take 2/3 to remove them. Mr. President, as presiding officer I have an inquiry for the Chair.

THE PRESIDENT: The Senator may pose his parliamentary inquiry.

Senator **RUHLIN:** The subject matter delineated in L.D. 251 clearly states snowmobiles and other items of use to the Department of Inland Fisheries and Wildlife. This proposed Joint Order clearly states snowmobiles, watercraft administered by the Department of Fish and Wildlife and a minor addition of all-terrain vehicles. I hold and would ask the Chair to consider that this is close in manner and matter to that item that has already gone to the Legislative files and may only be a subterfuge to circumvent that and would ask for a Ruling from the Chair under Joint Rule 404.

Senator **RUHLIN** of Penobscot inquired if the Joint Order was **PROPERLY BEFORE THE BODY.**

THE CHAIR MADE THE FOLLOWING RULING:

"The Chair ruled that this Joint Order simply allows the Committee on Inland, Fisheries and Wildlife to Report out legislation on the subject of equitable distribution of Gas Tax revenues, specifically to snowmobiles, all-terrain vehicles and watercraft. Absent the actual piece of legislation from the Committee on this matter, it would be inappropriate to make a Ruling regarding Joint Rule 404, The Rejection of Bills. Therefore, the Chair would rule this Order **PROPERLY BEFORE THE BODY.**"

THE CHAIR RULED THE JOINT ORDER PROPERLY BEFORE THE BODY.

Senator **KILKELLY:** (Due to technical difficulties, some of Senator Kilkelly's remarks were not recorded.) looked at it back in 1995. We believe that we can, in fact, by working with the Department of Inland, Fisheries and Wildlife. The Department of Conservation, and the Department of Marine Resources, which also has an issue in terms of enforcing boating laws, if we work together to look at a proposal that we will bring before this Legislature in the next Session and all we ask is for the

opportunity to do that work, to bring back to you the information so that you can make the decision in the process that we have before us. So we ask your permission to do that and look forward to working with a number of you on this issue because we know how important these particular activities are in many districts in the state. Mr. President, I request a Roll Call.

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

Senator **CAREY** of Kennebec moved the Joint Order be **INDEFINITELY POSTPONED, in NON-CONCURRENCE .**

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

Senator **RUHLIN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I want to compliment the good Senator from Lincoln. Made a good argument as to perhaps why we should raise taxes or adjust the amount of the gasoline tax to do certain worthy projects in the State of Maine to support the use of snowmobiles and all-terrain vehicles. That's not the argument. That's not what this Order's all about. This Order says who has jurisdiction under our system. We have a system in this Legislature. If you want to spend money, you go the Appropriations Committee. Worthy as it is, could it make a case just as you did, just like I do, just like all the rest of us. If you want to raise money, if it's worthy enough and hopefully if they're bright enough down in that Taxation Committee room, they'll listen to you. But the argument belongs there. How is that tax change going to impact on this tax or that tax. How does it align itself within our tax system. That's why we have a Committee on Taxation to oversee tax matters. How will the money that they want to spend impact on the general programs for the State of Maine. That's why we have an appropriations process. So we're not here really to discuss that. I would like to do what I can to support ATVs. I'd like to do what I can to support snowmobiles. I love watercrafts. That's not the issue. The issue is process. Tax matters to the Taxation Committee and spending matters go to the Appropriations Committee. I would ask that you do vote to Indefinitely Postpone this Order.

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

Senator **KIEFFER:** Thank you Mr. President. Ladies and gentlemen of the Senate, I've been around this snowmobiling business for quite a long time, since 1964 as a matter of fact, and I've seen it grow from a fledgling industry where the machines were constantly broke down and they were nothing but a headache to one of the fastest growing economic developments that we presently have within the state of Maine. The revenues generated through the gas tax for off road vehicles, if my memory is correct, can be returned to individuals if they apply for them. In this case, I think this would be a very cumbersome process even though it might be headed up by an organization like the Maine Snowmobile Association or others. Back when I previously served on IF&W we did tinker with this issue a little. We go the percentage of the gas tax on the gas that snowmobilers use in off highway use up from .50, 1/2 of 1¢, to .65, from memory. I believe it's time that with an industry that develops some \$261

million dollars of revenues as reported in the Economic Evaluation of Snowmobiling in Maine, I think it's time that we design a system to properly fund this organization, this entity if you will, in a manner that is consistent and that can be budgeted over a long period of time instead of this hit or miss system that we have now with requests through Legislation on an annual basis similar to this Bill which went through this Body just this past week and it is L.D. 1086 that's down in Engrossing right now. When it comes back up here it will be put on the Appropriations Table. I would expect that it will probably join many others there in its demise. It seems that we've got a situation here where we're trying to siphon off this revenue fund and we're going to end up killing the goose that lays the golden egg. The fundamental need for snowmobiling is good, adequate, well groomed trails. It seems to me that it makes sense to fund these through revenues generated from those very snowmobiles that are using them. I don't know of a better way to budget. Certainly that's what you would do in business. You would take the revenues that are generated from a specific part of your business and you would use it to enhance more revenues to be generated from that business. That's what this is all about. I don't think that anyone here would agree that the revenues generated from snowmobiling and off road vehicles should be used to build streets and highways. That's what's happening today. I'd like to have you join me in Defeating the pending motion so that we can get on to at least let this Committee take a look at this. I find myself in sort of a predicament here because I'm not much one to support study committees as most of you well know. I think this is a case where we've got the goose that lays the golden egg. Let's see if we can't enhance it and see if we can't make it work. Thank you Mr. President.

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

Senator **FERGUSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, in regards to Committee of jurisdiction, the good Senator from Penobscot, Senator Ruhlman, was saying tax matters go to the Taxation Committee and indeed they should. But in this particular case, if I'm not mistaken, we're talking about gasoline tax which in my judgment and to my knowledge is being handled by the Transportation Committee. They seem to be the ones that are talking about whether we should have a 1% increase or a 5% increase in the fuel tax. I just wanted to point that out to the Body. Thank you Mr. President.

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

Senator **RUHLIN:** Thank you Mr. President. I wanted to reassure my very good friend from Oxford, my former seatmate, that I agree with him. I hope this does go to Transportation. No intent to try to take a matter that would go to Transportation and take it over to Taxation because I believe in the process very strongly. We should go to the Committee of jurisdiction. It is a gas tax. The principle is what I was arguing for. If this Senate in its wisdom, as it should decide the gas tax matters, certainly in time when we're discussing a potential increase in the gas taxes, best be handled by the Transportation Committee, I would perfectly agree and not question it one bit. I want to assure that good Senator from Oxford that this is one Chair in the Taxation Committee who's not out looking for more work. I'd be delighted

to have it go to Transportation. It does not change the point of the matter though. It should go to the Committee of jurisdiction. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Carey to Indefinitely Postpone the Joint Order and accompanying papers. 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 (#148)

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

5 Senators having voted in the affirmative and 26 Senators having voted in the negative, with 2 Senators being absent, and 2 Senators being excused, the motion by Senator **CAREY** of Kennebec to **INDEFINITELY POSTPONE**, in **NON-CONCURRENCE, FAILED**.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#149)

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

28 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 2 Senators being absent, and 2 Senators being excused, **PASSED**, in concurrence.

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

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Eliminate the Minimum Quota Requirement for a Store to Have a Lottery Machine"
H.P. 78 L.D. 91

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-578)** (4 members)

Tabled - May 21, 1999, by Senator **PINGREE** of Knox.

Pending - **FURTHER CONSIDERATION**

(In House, May 19, 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-578).**)

(In Senate, May 20, 1999, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

(In House, May 21, 1999, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.)

Senator **DAGGETT** of Kennebec moved the Senate **ADHERE**.

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

Senator **CAREY:** Thank you Mr. President. The entire problem has been created by the lottery itself. As many of you know, I ran the lottery for seven years and what has happened is that they have actually flooded the market. As the Cumberland Farms came into town, they automatically got a machine. As the CN Brown places came into town, they automatically got a machine. But the person who had been in town for some twenty odd years who had gotten a machine originally now had to compete and they found it extremely difficult. As there was only X number of dollars being spent within a community in the gambling area, if you would, that you found that the one who had the original machine was the one who was suffering the most. Their totals dropped. Unfortunately their loyalty to the Lottery over the years meant absolutely nothing to the Lottery and they ended up losing their machines. So I thought maybe the record should indicate that we have done an injustice to those who made a success of the lottery from day one. Thank you Mr. President.

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, this is a question where a particular Legislator was dissatisfied with the way the Lottery Commission is administering these machines. I submit to you that this is a policy issue. That we can't go legislating for each

disgruntled store owner in the state. We do have a policy. I'm perfectly willing to go back and review that policy and I think we should from time to time. I would hope that you would vote for the motion that's on the floor to Adhere. Thank you very much.

The Chair ordered a Division. 21 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator **DAGGETT** of Kennebec to **ADHERE, PREVAILED.**

The Chair laid before the Senate the following Tabled and Later (5/11/99) Assigned matter:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Extend Term Limits for Elected Officials and Constitutional Officers"
S.P. 377 L.D. 1078

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

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

Tabled - May 11, 1999, by Senator **RAND** of Cumberland.

Pending - motion by same Senator to **RECONSIDER** whereby the Senate **FAILED** to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

(In Senate, May 11, 1999, Reports **READ**. Motion by Senator **DAGGETT** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **FAILED**. Subsequently, Senator **RAND** of Cumberland moved to **RECONSIDER**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#150)

YEAS: Senators: ABROMSON, CAREY, CATHCART, DAGGETT, DOUGLASS, KILKELLY, KONTOS, LAFOUNTAIN, MILLS, MURRAY, PARADIS, PENDLETON, PINGREE, RAND, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, FERGUSON, GOLDTHWAIT, KIEFFER, LIBBY, LONGLEY, MACKINNON, MICHAUD, NUTTING, O'GARA, RUHLIN, SMALL

ABSENT: Senator: HARRIMAN

EXCUSED: Senators: BERUBE, MITCHELL

16 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators being excused, the motion by Senator **RAND** of Cumberland to **RECONSIDER** whereby the Senate **FAILED** to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **FAILED**.

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

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act to Amend Maine's Family and Medical Leave Law"
S.P. 511 L.D. 1512

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-217)** (8 members)

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

Tabled - May 21, 1999, by Senator **DOUGLASS** of Androscoggin.

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

(In House, May 17, 1999, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-217) AND HOUSE AMENDMENT "A" (H-576)**, in **NON-CONCURRENCE**.)

(In Senate, May 21, 1999, on motion by Senator **DOUGLASS** of Androscoggin, the Senate **RECEDED** from whereby it **ACCEPTED** the Minority **OUGHT NOT TO PASS** Report.)

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

Senator **MILLS:** Mr. President, if I may speak briefly to this issue. Men and women of the Senate, it's been a little difficult to understand the final draft of the language that lies before you with the Amendments that are being suggested. As I understand it, there's another Amendment forthcoming and if there is I will defer until that's been put on.

The Chair ordered a Division.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#151)

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

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

ABSENT: Senators: HARRIMAN, MICHAUD

EXCUSED: Senators: BERUBE, MITCHELL

18 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being absent, and 2 Senators being excused, the motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-217) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-576) **READ.**

On motion by Senator **DOUGLASS** of Androscoggin, Senate Amendment "B" (S-323) to House Amendment "A" (H-576) **READ.**

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

Senator **DOUGLASS:** Thank you Mr. President. Women and men of the Senate, this Bill, L.D. 1512, would allow parents to attend to medical and dental visits for their children and to attend parent/teacher conferences. The Bill submitted here in the Senate, which I submitted today, would limit those visits to a total of 24 hours in a 12 month period for all types of appointments that a parent might be required to attend. The purpose of this Bill is to allow families to take care of business that in general is done only during the business working hours of a parent. We have moved as a state in the direction of recognizing that many families are single parent families, many families have two parents who work and in order to balance the priorities of family and work life it's necessary to attend to some of those matters. Very few doctors have evening hours. If they do they're very limited. I don't know of any dentist in my area who has evening hours either. I wish they would but never the less dental care is very important as we've seen in other legislation we've passed in this Session. Further, we've done a great deal to encourage parents to pay attention to their children's education. That's what this Act does. It permits an employee to take that leave with reasonable notice. That is the other aspect of the Senate Amendment I offer here today, that we clarify that a thirty day notice would apply unless it is unreasonable to give it. Now in the case of dentists, my experience is that they make these appointments six months

ahead. The thirty day notice would be easily complied with. I suggest that in the case of parent/teacher conferences that often a two week notice is given or something along that order. I think we can trust the citizens of Maine who work and the citizens of Maine who are employers to work out the notice that is reasonable for the employer. What's more is that this Bill itself was worked hard by our Committee and it permits the employer notice and the employer may also give that employee unpaid leave. So there are protections for both the employer and the employee. Both economic and hardship in that the notice provision applies. Further it's important to point out that this is not a measure that is enforced by a private right of action or some other mechanism. Again, this is a matter of setting State policy as we've had several Bills before us that set State policy and encourage our employers to be family friendly. I urge you to accept Senate Amendment S-323 and its accompanying papers, the entire Bill now comprising L.D. 1512 along with House Amendment H-576.

On motion by Senator **DOUGLASS** of Androscoggin, Senate Amendment "B" (S-323) to House Amendment "A" (H-576) **ADOPTED.**

House Amendment "A" (H-576) as Amended by Senate Amendment "B" (S-323) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

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

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

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

Senator **MILLS:** Mr. President and men and women of the Senate, I have tried to follow the various Amendments to the Amendments and the various efforts that have been made to try to make this concept with this Bill somehow more palatable. I find that it has become sufficiently convoluted that I think one of the problems that will exist in the field is that people are going to misunderstand this Bill. They're not going to comprehend what it does. I don't know how you can take the various rules that are contained here and put them on the poster in comprehensible ways that will be read both by employers and employees without grounds for misunderstanding. I would also suggest that one of the things this Bill does that we haven't yet done certainly with Maine's Family and Medical Leave Law is that we have begun the process of trying to define in a micro-managed way some of the day to day relationships between people at work and those who employ them in a manner that, to me, goes way beyond what seems appropriate or necessary in today's market place. I don't know of any employers, or very few is any, who don't grant some accommodations to people during the week to tend to their personal business and personal affairs. Particularly for routine things of the sort that are mentioned here. In my own office I have a standing rule that people can take seven days off in a discretionary way per year. I don't want to hear about why they're taking the day off, they can just have it. If they want to go shopping in Waterville, they can go shopping. If they want to go to school to a parent/teacher conference, they can do it. But it's a freedom that is very customarily extended by most employers today and with the current market place the way it is, with good

employees in short supply and the unemployment rate dropping as it has in recent years, the idea that an employer in today's world would be so unenlightened as to not give people time off to get to a dental appointment or to take a child to a doctors appointment or to go to a school conference I just find very difficult to comprehend. I might say that in the Labor Committee we had, in my observation at least, no one come forward who said that they'd been turned down for such privileges at work. I did not see any petitions filed by people who said there were employers out there denying these very simple privileges to their employees.

I just think that we're heading down a road where we've come beyond certainly the state where we've certainly taken care of the situation where people need emergency leave or need extended leave to take care of a family member or themselves for medical purposes. The original Bill, the original law, has taken care of the exegesis that we saw that needed to be dealt with. Now we're down to micro-managing the relationship between employers and employees out there in the market place. This is the Session where we will be asking and I will be voting for an increase in the minimum wage. This is the Session where we hope this afternoon to be voting into law a Bill that will protect people who are victims of violence so that they will have the right to go to court to seek self-protection. This is the Session where I hope we will be passing a major reform to the Unemployment Compensation system where rates that will be paid on average by Maine employers will rise by about 10% next year. This is the Session where I would hope to see us pass some very small changes to the Workers Compensation Act of 1992 involving a repeal of the Rehab Assessment Fund which will cost employers next year. With the consent of the Chamber of Commerce and the other interested parties, there will be about 6 or 7% impact on Workers Compensation rates next year because of this consensual change that we all agree should take place.

In addition I will be voting for and asking this Chamber to adopt changes to the cost of living allowance to long term Workers Comp claims, an increase in the maximum benefit level for Workers Compensation injuries. We will be considering this afternoon or Monday some additional health insurance mandates for employers. I might add that the Bill before you was not in my observation brought forward by employees who felt the need for these kinds of small protections. It was opposed by our Department of Labor who perceived no apparent need for these changes in work place. I submit to you that the Bill, although well intended, it has a good heart behind it, I don't quarrel with its intent or its purpose, but it seems to me unnecessary and a piece of inappropriate meddling in the day to day relationships between people who work with each other. For that reason I ask for your vote Against the pending motion. Thank you.

At the request of Senator **DOUGLASS** of Androscoggin, House Amendment "A" (H-576) **READ.**

At the request of Senator **DOUGLASS** of Androscoggin, Senate Amendment "B" (S-323) to House Amendment "A" (H-576) **READ.**

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

Senator **DOUGLASS:** Mr. President, I do realize that by having a Senate Amendment to a House Amendment which is Amending a Bill that it appears to be confusing. Never the less, the substance

of the Bill is really quite simple and it is that parents be allowed to attend parent/teacher conferences and to attend necessary medical and dental appointments of a child. Further that privilege is limited to a total of 24 hours in a 12 month period. As all of us know, there are many people in our state who once collected what is now called TANF, what once was called Aide to Families to Dependent Children. Now it's Temporary Assistance to Needy Families. Those parents are the ones who are not able to attend the public hearings that we had on this Bill. They're generally not able to go to the medical appointments of their children and I hope they have them. I think that the results of not having this Bill currently is that those matters are not attended to. Particularly dental health in which our state is woefully behind. The reason we need this law, and I do appreciate that it's become a bit difficult to follow the Amendments and yet I say to you they are really quite simple, that for those two reasons a parent should be allowed to leave for no more than a total of 24 hours in a given 12 month period and with notice to the employer unless it is not reasonable to give a full thirty days notice which was of course contemplated with respect to the further adoption of a child. Then we allow as a state and require an employer to allow that leave during the normal business day when many people work. There are some particularly vulnerable parents who have, for instance I know the example was given of a parent with a special needs child and even a parent with a healthy child should be attending to matters of medical and dental health on a regular basis. In fact it's recommended that dental treatment, dental cleaning, occur twice in every year. With only one child that is probably a four hour obligation every year. I think it's wonderful that the good Senator from Somerset, Senator Mills, suggests that in his employing arena these things are taken care of. But I tell you they are not in every arena. In fact I think that there are many employers who will want to do the right thing and that they sometimes look to State law to know what is the right thing to do in circumstances like these. I am sure that when we passed the Family and Medical Leave Act we changed the dynamics of the work place. We changed the expectations of how long a leave is appropriate in the case of birth and adoption of the child. We need to do that with respect to attending to medical leave. I urge you to Pass this Bill as Amended.

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

Senator **PINGREE:** Thank you Mr. President. I only want to speak most briefly on this Bill. I think there's been plenty of excellent debate. But I did want to speak to a couple of the issues that actually have been somewhat addressed but were raised by the Senator from Somerset, Senator Mills. I had the privilege of being an employer for twelve years and having as many as ten women who worked for me. I think that this Bill addresses many of the demands that women in particular, but even more so today both men and women have in family life. We talk a lot today about having enough time to spend with your family, meeting the needs of your family and this certainly is a way, I think a very minimal way, to address that issue. I think it's a very good thing. I do think, as the good Senator from Somerset, Senator Mills, said in his business he allows seven days. Certainly in my business I knew that I was always better off if I let people take time off to be with their families, to go to school, to run their errands. What ever it was. People were better to work with and I was better to work with if we all had time to meet our

obligations. So this was never an issue for me as an employer. But the fact is not everybody does that. This is a Bill to address those employers who would not allow for adequate time for people to meet the demands. I'm sorry that we need to put these things into law. But we do and we know we do them all the time, whether it's safety standards, the minimum wage or all kinds of issues that we find ourselves in a position of having to require and regulate. This is merely an option for people to be able to find the time to be with their kids, to be with their family members. I think this is a very reasonable request. Very minimal. The current Amendment makes it very clear about the time allowed and the requirements for notice. I hope that all will support the pending motion so that we can go on to deal with other issues.

At the request of Senator **MILLS** of Somerset a Division was had. 14 Senators having voted in the affirmative and 12 Senators having voted in the negative, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-217) AND HOUSE AMENDMENT "A" (H-576) AS AMENDED BY SENATE AMENDMENT "B" (S-323)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/30/99) Assigned matter:

JOINT RESOLUTION - relative to Memorializing the United States Secretary of Transportation to Include U.S. Route 2 in Maine, New Hampshire and Vermont and U.S. Route 9 in Maine as Border Corridor Highways

H.P. 1440

Tabled - March 30, 1999, by Senator **PINGREE** of Knox.

Pending - **ADOPTION**, in concurrence

(In House, March 25, 1999, **READ** and **ADOPTED**.)

(In Senate, March 30, 1999, **READ**.)

ADOPTED, in concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Establish the Maine Single-payor Health Care Plan and to Restructure the State Tax System"

H.P. 1436 L.D. 2059

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

Signed:

Senators:

LaFOUNTAIN of York
ABROMSON of Cumberland

Representatives:

JONES of Pittsfield
RICHARDSON of Brunswick
NUTTING of Oakland
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-631)**.

Signed:

Senator:

DOUGLASS of Androscoggin

Representatives:

DUDLEY of Portland
SAXL of Bangor
O'NEIL of Saco

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

Reports **READ**.

On motion by Senator **PINGREE** of Knox, **TABLED until Later in Today's Session**, pending **ACCEPTANCE OF EITHER REPORT**.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Increase to 5.5% the Amount of Revenue Dedicated to General Revenue Sharing"

H.P. 1286 L.D. 1847

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-651)**.

Signed:

Senators:

RUHLIN of Penobscot
DAGGETT of Kennebec

Representatives:

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

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 Not to Pass**.

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

Signed:

Signed:

Senator:
MILLS of Somerset

Senators:
RUHLIN of Penobscot
DAGGETT of Kennebec
MILLS of Somerset

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-651)**.

Representatives:
GAGNON of Waterville
STANLEY of Medway

Reports **READ**.

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-650)**.

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

Reports **READ**.

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

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

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

ORDERS OF THE DAY

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Repeal the Snack Tax"
H.P. 42 L.D. 56

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act to Protect Victims of Crimes in the Workplace"
H.P. 688 L.D. 944

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-650)**.

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-642)** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-643)** (3 members)

Signed:

Tabled - May 21, 1999, by Senator **DOUGLASS** of Androscoggin.

Representatives:

GREEN of Monmouth
DAVIDSON of Brunswick
COLWELL of Gardiner
LEMOINE of Old Orchard Beach

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-642)** Report **ACCEPTED**, in concurrence

(In House, May 21, 1999, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-642)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-642).**)

(In Senate, May 21, 1999, Reports **READ.**)

On motion by Senator **DOUGLASS** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-642)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-642) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

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

On motion by Senator **PINGREE** of Knox, **ADJOURNED**, until Monday, May 24, 1999, at 9:00 in the morning.