

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

Off Record Remarks

In Senate Chamber
Thursday
March 16, 2000

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

Prayer by Reverend Michelle Grube of the Peoples United Methodist Church in Union.

REVEREND GRUBE: Let us pray. Dear God before we begin this day of deliberations, please lift our minds to the realm of truth. May we remember and not forget throughout the day that our only work is to love for Your sake that our world and the State might be renewed. We think about this day, the people, of the circumstances, the situations and we surrender them to You. We remember, Lord, that this is but a veil across a truer truth. We withdraw our judgments, our interpretations, our agendas. We ask only to be a healing force, the work we do as only a front for a temple, a healing place where people shall be lifted above the insanity of a frightened world. So may it be that we contribute to this healing, to this upliftment with all our efforts and all our resources. Dear God, send Your angels to every person here in this chamber and to every person who will enter this State House today and forever. If we are tempted to judge or criticize anyone, please heal us of our limited vision. May we see only truth. May we work from integrity and excellence and full force of Your power within us, that we may know our true strength and contribute to our State and our world. May our presence here today be a blessing on others and on ourselves. Thank you, God, for showing us the way, now and forever. Amen

Doctor of the day, Jacob W. Gerritsen, M.D., Camden.

Reading of the Journal of Wednesday, March 15, 2000.

Out of order and under suspension of the Rules, on motion by Senator PINGREE of Knox, the following Joint Order:
S.P. 1046

ORDERED, the House concurring, that when the House and Senate adjourn they do so until Tuesday, March 21, 2000, at 9 o'clock in the morning.

READ and PASSED.

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

COMMUNICATIONS

The Following Communication: S.P. 1047

119TH MAINE LEGISLATURE

March 15, 2000

Senator Jill M. Goldthwait
Representative David M. Etnier
Chairpersons
Joint Standing Committee on Marine Resources
119th Legislature
Augusta, Maine 04333

Dear Senator Goldthwait and Representative Etnier:

Please be advised that Governor Angus S. King, Jr. has nominated Lori A. Howell of Eliot, Kristan L. Porter of Cutler and Jennifer S. Bichrest of Harpswell for reappointment and David Turner of Meddybemps, Ralph Smith of Jonesport and Craig Pendleton of Saco for appointment as members of the Marine Resources Advisory Council.

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

Sincerely,

S/Mark W. Lawrence
President of the Senate

S/G. Steven Rowe
Speaker of the House

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

Sent down for concurrence.

The Following Communication: S.C. 562

STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT

March 9, 2000

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

Dear President Lawrence and Speaker Rowe:

LEGISLATIVE RECORD - SENATE, THURSDAY, MARCH 16, 2000

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

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

L.D. 807 RESOLUTION, Proposing an Amendment to the Constitution of Maine Establishing a Rainy Day Fund

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Michael H. Michaud
Senate Chair

S/Rep. Elizabeth Townsend
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 567

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

March 13, 2000

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

Dear President Lawrence and Speaker Rowe:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Department of Conservation under the State Government Evaluation Act. In its review, the committee found that the Department is operating within its statutory authority.

Sincerely,

S/Sen. John Nutting
Senate Chair

S/Rep. Wendy Piek
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 568

March 13, 2000

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

Dear President Lawrence and Speaker Rowe:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the finding and recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Maine Seed Potato Board under the State Government Evaluation Act. In its review, the committee found that the board is operating within its statutory authority.

Sincerely,

S/Sen. John Nutting
Senate Chair

S/Rep. Wendy Piek
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 569

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

March 13, 2000

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

Dear President Lawrence and Speaker Rowe:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Wild Blueberry Commission of Maine and the Wild Blueberry Advisory Council under the State Government Evaluation Act. In its review, the committee found that the commission and the advisory council are operating within their statutory authority.

LEGISLATIVE RECORD - SENATE, THURSDAY, MARCH 16, 2000

Sincerely,
S/Sen. John Nutting
Senate Chair

S/Rep. Wendy Piek
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

FROM: S/Senator Carol A. Kontos, Senate Chair
S/Representative Gary L. O'Neal, House Chair
Joint Standing Committee on Business and Economic Development

DATE: March 15, 2000
RE: Government Evaluation Act review of the Maine State Housing Authority

The Following Communication: S.C. 570

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

March 13, 2000

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

Dear President Lawrence and Speaker Rowe:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Board of Pesticides Control under the State Government Evaluation Act. In its review, the committee found that the board is operating within its statutory authority.

Sincerely,

S/Sen. John Nutting
Senate Chair

S/Rep. Wendy Piek
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 571

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT**

MEMORANDUM

TO: The Honorable Mark W. Lawrence, President of the Senate
The Honorable G. Steven Rowe, Speaker of the House

We are pleased to submit the report of the Joint Standing Committee on Business and Economic Development with respect to our review of the Maine State Housing Authority pursuant to the Government Evaluation Act, Maine Revised Statutes, Title 3, chapter 35.

A copy of our report is attached. The committee found that the Authority is operating within its statutory authority, has clearly articulated its mission and continues to focus its resources to provide programs essential to that mission. The committee endorses the purpose of the Authority expressed in statute and finds that the activities of the Authority are consistent with that purpose. We have, however, also found that administrative changes should be undertaken by the Authority in order to ensure an appropriate level of oversight and uniformity in certain Authority programs. Those recommendations for administrative change are outlined in our report.

Thank you.

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 566

**119TH LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

March 10, 2000

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

Dear Secretary O'Brien:

Pursuant to my authority under 1998 Resolves, Chapter 117, Section 2, I have appointed Alice Goodwin of South Portland to the Maine Millennium Commission on Hunger and Food Security.

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

Sincerely,

S/Mark W. Lawrence

President of the Senate

READ and ORDERED PLACED ON FILE.

The Committee on **JUDICIARY** on Bill "An Act Concerning the Date by Which Land Must be Acquired by the Penobscot Nation"
H.P. 1782 L.D. 2499

Off Record Remarks

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

The University of Maine at Augusta on the occasion of its 35th Anniversary. The University of Maine at Augusta is a unique educational institution centered upon preparing Maine's work force for tomorrow. The university is the 3rd largest university in the State. The university has 3 formal campus locations in Augusta, Bangor and Lewiston-Auburn. We join the university, its alumni and students in celebrating 35 years of serving the entire State. We extend our best wishes to the University of Maine at Augusta on this very special occasion;

SLS 448

Sponsored by Senator DAGGETT of Kennebec.

Cosponsored by Representative MADORE of Augusta,
Representative WATSON of Farmingdale, Senator KONTOS of
Cumberland.

READ.

On motion by Senator DAGGETT of Kennebec, **TABLED** until
Later in Today's Session, pending **PASSAGE**.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **BUSINESS AND ECONOMIC
DEVELOPMENT** on Bill "An Act to Enhance Competition Among
Elevator Inspectors"

H.P. 1834 L.D. 2570

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

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An
Act to Remove Certain Barriers for Low-income Working Parents"
H.P. 1709 L.D. 2415

Reported that the same **Ought to Pass As Amended by
Committee Amendment "A" (H-868)**.

Comes from the House with the Report **READ** and **ACCEPTED**
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "A" (H-868)**.

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

READ ONCE.

Committee Amendment "A" (H-868) **READ** and **ADOPTED**, in
concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **AGRICULTURE,
CONSERVATION AND FORESTRY** on Bill "An Act to Require
the State Sealer to Conduct Spot Checks at Timber Mills"
H.P. 1751 L.D. 2457

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-835)**.

Signed:

Senators:

NUTTING of Androscoggin
KILKELLY of Lincoln

LEGISLATIVE RECORD - SENATE, THURSDAY, MARCH 16, 2000

Representatives:

GAGNE of Buckfield
WATSON of Farmingdale
PIEH of Bremen
VOLENIK of Brooklin
COWGER of Hallowell

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

Signed:

Senator:

KIEFFER of Aroostook

Representatives:

CROSS of Dover-Foxcroft
GILLIS of Danforth
GOOLEY of Farmington
FOSTER of Gray
CARR of Lincoln

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGRAVED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-835).

Reports **READ**.

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

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

Signed:

Senator:

HARRIMAN of Cumberland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGRAVED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-858).

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Concerning Offensive Names"

H.P. 1712 L.D. 2418

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-873).

Signed:

Senators:

LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

Representatives:

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

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

Signed:

Representative:
WATERHOUSE of Bridgton

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-858).

Signed:

Senators:

MICHAUD of Penobscot
CATHCART of Penobscot

Representatives:

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

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-873)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-873) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Study Outdated, Contradictory and Unenforced Laws

H.P. 612 L.D. 852

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

Signed:

Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

BAGLEY of Machias
McDONOUGH of Portland
KASPRZAK of Newport
RICHARDSON of Greenville
TWOMEY of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-855)**.

Signed:

Representatives:

AHEARNE of Madawaska
RINES of Wiscasset
BUMPS of China
JODREY of Bethel
GERRY of Auburn

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-855)**.

Reports **READ**.

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

Sent down for concurrence.

Off Record Remarks

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in the Maine State Prison in Thomaston H.P. 1650 L.D. 2319

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-862)**.

Signed:

Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
McDONOUGH of Portland
BUMPS of China
KASPRZAK of Newport
JODREY of Bethel
RICHARDSON of Greenville

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

Signed:

Representatives:

RINES of Wiscasset
TWOMEY of Biddeford

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-862)**.

Reports **READ**.

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

Senate

Ought to Pass As Amended

Senator KILKELLY for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Implement the Recommendations of the Task Force to Study the Need for an Agricultural Vitality Zone Program"

S.P. 982 L.D. 2532

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-548)**.

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

READ ONCE.

Committee Amendment "A" (S-548) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator KONTOS for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Resolve, to Promote Natural Resource-based Industries

S.P. 585 L.D. 1665

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-549)**.

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

READ ONCE.

Committee Amendment "A" (S-549) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator GOLDTHWAIT for the Committee on **MARINE RESOURCES** on Bill "An Act to Regulate the Sea Cucumber Fishery" (EMERGENCY)

S.P. 921 L.D. 2372

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-542)**.

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

READ ONCE.

Committee Amendment "A" (S-542) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator KONTOS for the Joint Select Committee on **RESEARCH AND DEVELOPMENT** on Bill "An Act to Appropriate Funds to Match a Federal Department of Energy Research and Development Award"

S.P. 882 L.D. 2297

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-547)**.

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

READ ONCE.

Committee Amendment "A" (S-547) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Funds for the Welfare-to-work Program" (EMERGENCY)

S.P. 790 L.D. 2203

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

Signed:

Senators:

CATHCART of Penobscot
HARRIMAN of Cumberland

Representatives:

TOWNSEND of Portland
STEVENS of Orono
MAILHOT of Lewiston
POWERS of Rockport
KNEELAND of Easton
WINSOR of Norway
BRUNO of Raymond
NASS of Acton

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

Signed:

Senator:
MICHAUD of Penobscot

Representatives:

BERRY of Livermore
TESSIER of Fairfield

Reports **READ**.

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

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Allow Hunting from Motor Vehicles for Persons Limited in Their Ability to Walk"

S.P. 16 L.D. 8

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

Signed:

Senators:

KILKELLY of Lincoln
KIEFFER of Aroostook

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-546)**.

Signed:

Representative:
PERKINS of Penobscot

Reports **READ**.

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

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Improve Elver Fishery Management"

S.P. 304 L.D. 906

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-543)**.

Signed:

Senators:

GOLDTHWAIT of Hancock
MacKINNON of York

Representatives:
ETNIER of Harpswell

STANWOOD of Southwest Harbor
USHER of Westbrook
HONEY of Boothbay
VOLENIK of Brooklin
PIEH of Bremen
McNEIL of Rockland

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

Signed:

Representative:
PINKHAM of Lamoine

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-543) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Stimulate Job Creation and Investment in Maine by Amending the Income Tax Apportionment Formula"

S.P. 360 L.D. 1064

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-544)**.

Signed:

Senator:
RUHLIN of Penobscot

Representatives:

COLWELL of Gardiner
LEMOINE of Old Orchard Beach
MURPHY of Berwick
CIANCHETTE of South Portland
LEMONT of Kittery
DAVIDSON of Brunswick
BUCK of Yarmouth

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

Signed:

Senator:
MILLS of Somerset

Representatives:
GAGNON of Waterville
GREEN of Monmouth
STANLEY of Medway

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

Reports **READ**.

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

SECOND READERS

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

House As Amended

Bill "An Act to Create a Seamless Treatment Plan for the Juvenile Offender with Substance Abuse Problems" (EMERGENCY)

H.P. 466 L.D. 629
(C "A" H-851)

Bill "An Act to Strengthen the Motor Vehicle Laws Pertaining to Registration of Motor Vehicles"

H.P. 1117 L.D. 1576
(C "A" H-863)

Bill "An Act to Clarify the Workers' Compensation Laws Regarding the Agricultural Laborer Exemption"

H.P. 1390 L.D. 1995
(C "A" H-857)

Bill "An Act to Update and Amend the Preferred Provider Arrangement Act"

H.P. 1422 L.D. 2029
(C "A" H-860)

Bill "An Act to Amend the Animal Welfare Laws"

H.P. 1646 L.D. 2306
(C "A" H-834)

Bill "An Act to Expand the Opportunities for State Companies to Provide Distributed Electric Generation Services"

H.P. 1691 L.D. 2397
(C "A" H-856)

Bill "An Act to Adequately Fund Poison Control Services"

H.P. 1693 L.D. 2399
(C "A" H-849)

Bill "An Act to Support and Expand the Maine Writing Project"

H.P. 1708 L.D. 2414
(C "A" H-859)

Bill "An Act to Improve Licensing Efficiency within the Department of Agriculture, Food and Rural Resources"

H.P. 1742 L.D. 2448
(C "A" H-864)

Senate

Bill "An Act to Amend the Comprehensive Research and Development Evaluation"

S.P. 1043 L.D. 2631

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Allow for Expedited Improvements to Commercial Tracks"

S.P. 478 L.D. 1438
(C "A" S-541)

Bill "An Act to Amend the Maine Seed Capital Tax Credit Program"

S.P. 905 L.D. 2357
(C "A" S-539)

Bill "An Act to Reduce the State Tax Valuation for the Town of Standish" (EMERGENCY)

S.P. 990 L.D. 2545
(C "A" S-538)

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

Sent down for concurrence.

ENACTORS

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

Emergency Measure

An Act to Prohibit Dragging in a Portion of the Taunton River Area

H.P. 1745 L.D. 2451
(H "A" H-821)

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

Off Record Remarks

On motion by Senator **O'GARA** of Cumberland, the Senate
ADHERED.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator PENDLETON for the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Commissioner of Administrative and Financial Services to Transfer or Acquire Property or Interests in Property at the Maine Criminal Justice Academy, Oak Grove Coburn School in Vassalboro and at Other State- owned Property

S.P. 890 L.D. 2309

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-550)**.

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

READ ONCE.

Committee Amendment "A" (S-550) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

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 (3/3/00) Assigned matter:

Bill "An Act to Amend the Motor Vehicle Laws"

S.P. 893 L.D. 2312
(C "A" S-485)

Tabled - March 3, 2000, by Senator **PINGREE** of Knox.

Pending - **FURTHER CONSIDERATION**

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

(In House, February 29, 2000, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-485) AS AMENDED BY HOUSE AMENDMENT "A" (H-814) thereto, in NON-CONCURRENCE.**)

Off Record Remarks

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

JOINT ORDER - recognizing the University of Maine at Augusta on the occasion of its 35th Anniversary.

SLS 448

Tabled - March 16, 2000, by Senator **DAGGETT** of Kennebec.

Pending - **PASSAGE**

(In Senate, March 16, 2000, **READ**.)

Sentiment **READ**.

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

Senator **DAGGETT**: Thank you very much Mr. President. I hope that all of you will take an opportunity to go down to the Hall of Flags today and see some of the wonderful activities that are taking place at the University of Maine in Augusta. This is truly one of our exciting State universities in that, even though the name says Augusta, there are campuses around the State and campus locations in Bangor and Lewiston/Auburn as well. This is a University that serves over 8,000 people and has shown an incredible amount of initiative in developing some new programs to meet today's needs. They have worked with the financial services community to develop a program to address that need, which is an area that Maine has been expanding in. You may have recently gotten a communication from the Maine Community Policing Institute, which again is a very new, forward looking program. It is a delight to me to represent the community that hosts this university and this is the 35th year of the University of Maine at Augusta. I believe that in the chamber as well is the Honorable Bennett Katz, who was a former member of this Body and who was instrumental in seeing that this university was developed. Thank you very much.

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

Senator **KONTOS**: Thank you Mr. President. Men and women of the Senate, I want to echo the remarks of my seatmate in celebrating UMA day and a particular joy for me to have colleagues in the Senate be in the same space with my colleagues from UMA. I don't think there is anyone else here who can share the feeling of bringing all those parts of your life together in one occasion and it is a special thrill for me. I have taught at UMA for nearly 20 years and we have some of the most interesting and earnest students in the system, many of them

women, many of them juggling careers and family while they attend school. We truly understand at UMA what it means to be a life-long learner. So I share in my seatmate's congratulations to the UMA community and my encouragement to all of you here in the Senate to go down and enjoy celebrating with the students and faculty that are here today. Thank you Mr. President.

PASSED.

THE PRESIDENT: The President is pleased to recognize in the chamber attendees from the University of Maine. They are: Dr. Bryan Blanchard, Provost; Richard Campbell, Chief Financial Officer; Joshua Nadel, Dean of Arts and Humanities; Grace Leonard, Dean of Natural and Social Sciences; Kathleen Dexter, Director of Student Services; Richard Mears, Director of Community Justice Programs; Tracy Gran, Dean of the University College of Bangor; James Doran, Director of Institutional Advancement; Clark Ketcham, Director of Admissions; Cathleen Dunlap, Director of the Advising Center. Also, foundation members: Betty Bates, Linda Buckmaster, Gary Crocker, Linda Gifford, the Honorable Bennett Katz, the Honorable Elizabeth Mitchell, Arlene Prescott, Lila Segal, and Peter Washburn. Would they all please rise and receive the greetings of the Senate.

The Chair laid before the Senate the following Tabled and Later (3/14/00) Assigned matter:

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act to Clarify Repair and Inspection Standards for Punctured Tires"

H.P. 1732 L.D. 2438

Majority - **Ought to Pass** (10 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - March 14, 2000, by Senator **PINGREE** of Knox.

Pending - motion by same Senator to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE** (Roll Call Ordered)

(In House, March 3, 2000, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, March 7, 2000, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

(In House, March 9, 2000, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.)

Senator **PINGREE** of Knox requested and received leave of the Senate to withdraw her motion to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**.

On motion by Senator **O'GARA** of Cumberland, the Senate **ADHERED**.

The Chair laid before the Senate the following Tabled and Later (3/14/00) Assigned matter:

HOUSE REPORT - from the Committee on **TRANSPORTATION** on Bill "An Act to Restrict Passengers in the Vehicle of a Newly Licensed Driver"

H.P. 1744 L.D. 2450

Report - Ought to Pass as Amended by Committee Amendment "A" (H-847)

Tabled - March 14, 2000, by Senator **O'GARA** of Cumberland.

Pending - **ACCEPTANCE OF THE REPORT**, in **NON-CONCURRENCE**.

(In House, March 9, 2000, Bill and accompanying papers **COMMITTED** to the Committee on **TRANSPORTATION**.)

(In Senate, March 14, 2000, Report **READ**.)

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

Senator **HARRIMAN**: Thank you very much. Good morning Mr. President. Ladies and gentlemen of the Senate, I hope you will join me on opposing the pending motion and I would like to speak briefly to my request. It seems to me that the laws that we have passed regarding the qualifications for new drivers on our roads has improved under the leadership of the Secretary of State and this Legislature. Drivers who are now being licensed are better trained, more experienced and certainly more prepared to drive on our roads than I was when I received my license at 15 years old. To suggest that we need to add an additional hurdle, if you will, that says that once you get your license, you can't have a passenger for the next ninety-days, seems to me to be the reach of government just a little too far. I believe in the common sense of Maine parents to determine when their children are qualified to drive the family vehicle or their own vehicle and the family can decide who should be an occupant in the vehicle. I think that the laws that we have in place now are adequate, provide the greatest opportunity for safety and that this Bill before us is the reach of government too far into the family. Thank you Mr. President.

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

Senator **CASSIDY**: Thank you Mr. President. Men and women of the Senate, as you know, we did pass some legislation a year ago and our committee has worked very closely with the Secretary of State and his department in trying to actually reduce the fatalities and the serious accidents that we've had in our State, which is indeed indicative of what's happening in the rest of the country. When the report came to us last year and we passed the current laws that we have on the books, this was a particular item that somehow was not included in that original proposal to the Committee. And since we met the other day, I just went back and dug from the file some of the statistics that we looked at as we discussed this legislation in our committee. And unfortunately

the fatalities for 16 to 20 years old are 17%; 21 to 24 are 14% and if you look at the fatality rate going from the percentage from 16 to 20, it starts out at the age 16 at 5.5; 17 is 7.1; 18 is 3.7; 19 is 2.8; 20 is 2.1. You can see how this starts to drop. For some reason, the year from 16 to 17, it jumps from 5.5 to 7.1 again. I don't know whether young drivers just start to get over confident or what. But the big rate, and the thing we are concerned about here, is passengers severely injured by age group. The 16 to 20 year olds, 32.6%. 21 to 24 drops to 13.3% and on down and down. What we're trying to do with this legislation, it's true that we've made, hopefully, some stricter regulations. Students have to spend more time in the vehicle. They have to have a few hours driving in the evening. They have to have some hours driving with parents other than just with their original instructor. There are all sorts of things that we did and one thing that we did not do was increase the age to 17. What we said is look, when you do this, you have to learn to be responsible. But what we are trying to do here is say to a student driver, for 90 days you are not allowed to fill your car up after school, lunch time or whatever. And every one of you have seen the statistics right here in our State. Last year we had 45 teenagers killed on the highways and this is totally unacceptable. What we're doing here, I think, is a learning experience for the young folks to realize that this is a privilege to have this license. It gives them three extra months to drive and not be, you know, distracted by things, other students. You have also, I'm sure, seen some of the national programs. I remember one show we watched on ABC or CBS or one of those national shows, where they actually put a camera in with some teenagers. They were going through red lights. They were listening to rap music and everything else that kids do. And I think this is a real learning experience for them, because they will realize the value of having a license and the responsibility of other folks lives as well as their own. One question I had from some of my colleagues was what about siblings? And I can remember so well, when my oldest son got his license, although my wife and I were scared to death, it was so convenient to have Joe to be able take the other kids to basketball or band or whatever was happening at school that day. And it is a great privilege. So, in this particular law, we do leave it up to the parents if they would like to have the siblings ride back and forth. And the other thing is if people are over 21 they can have them in the vehicle as well. People said why didn't we go six months, why did you go three months, or why do we do this or why do we do that? I said why do we have 5.5 sales tax? I don't know. You pick something somewhere and it just seemed to make sense to me. I've stood here and said to you before, like seat belts, I was so opposed to the State government saying to you that you had to wear your seat belt. I said obviously the students had to do that, children had to do that. But we as adults said we should have that right. But this is a situation here where having a driver's license in the State of Maine, and in this country, is a privilege. We have to learn to be responsible to do that. We have to learn that we care for other people's lives. And when we still have 45 young folks being killed on the highway a year, I think it is totally unacceptable, and anything we can do to make that a safer place and to help them be responsible and to learn the values, I'm all for it. I hope that you will join me in supporting that as well. Thank you Mr. President.

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

Senator **HARRIMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I think my close friend from Washington, Senator Cassidy, has really isolated for me how ineffective, I believe, this law actually will be if it passes. If you are a law enforcement officer and you're patrolling the roads and you see a car coming the opposite direction and it has a young driver and there are three people in the car besides the driver, how is the law enforcement officer going to know whether those passengers are children, not brothers and sisters of the driver? Logistically and practically this isn't going to work. Furthermore, if you happen to live in a rural part of the State and your next door neighbor has a friend or a classmate of your child, you are going to say to them: it's OK for me to drive my sister to school, but I can't drive my next-door neighbor because the law says that siblings are OK to be a passenger in the vehicle, but neighbors aren't. I just think we've come to a point where this legislation is saying to the public that we really do care about our children, which we do, but this law isn't going to change the fact that it is going to be impractical to make it work. I hope you'll join me in opposing the pending motion. Thank you Mr. President.

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

Senator **O'GARA:** Thank you Mr. President. Ladies and gentlemen of the Senate, if you think back not too many years ago, we heard that very same argument when we were talking about seat belts. That it would be unenforceable. But it was proven once again that Maine's citizens, being the law abiding citizens they are, have proven that, in fact, that is not accurate and seat belt use has increased dramatically in our State because the law is on the books. Are there some people who ignore the seat belt law? Of course there are. Will there be some people who will try to abuse this law? Of course there will be. The fact of the matter is, this is a very effective tool. It was a unanimous Committee report. The Bill is necessary. We believe it is necessary. I did not intend to speak because I thought the Senator from Washington did such an outstanding job, but I must respond to this most recent comment and urge you to support the motion. Thank you.

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

Senator **LIBBY:** Thank you Mr. President. I request to ask a question through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **LIBBY:** Thank you. To anyone that might respond. I am curious as to, I believe I know the answer to this question, but I just want to bring it up as part of the debate, up to what age are we talking about here on the restriction? Is it 16? Does it go all the way up to 21?

THE PRESIDENT: The Senator from York, Senator Libby poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Washington, Senator Cassidy.

Senator **CASSIDY:** Thank you Mr. President. My understanding is that this would go up until 21, but you understand that some

folks would get their license at 16 or 17, or 18 or 19. In other words, if you were 17 years old and got your license for the first time, you'd be restricted for that 90 days. Or if you were 20 and so on and so forth. That's the way, I understand it. Someone correct me if I am wrong. Thank you.

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

Senator **MACKINNON:** Thank you Mr. President. Men and women of the Senate, through the Chair, if I could, ask a question?

THE PRESIDENT: The Senator may proceed.

Senator **MACKINNON:** The question I have to ask is that last year we changed the driver ed laws in the State of Maine to give more road time with students, potential drivers, under the age of 18 who must take driver education. My question is, through the statistics that you gave us today, was this prior to the new law going into effect or after? Are these up to date statistics? Thank you.

THE PRESIDENT: The Senator from York, Senator MacKinnon poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator O'Gara.

Senator **O'GARA:** If I understand the question, and I'm not sure that I do, this law, the restrictions that are in this law, would have no bearing on the law that you are discussing. I think it has been accurately explained by the Senator from Washington. There is no connection between the two. I guess that is where I would be.

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

Senator **BENOIT:** Thank you Mr. President. May it please the Senate. When I read this Bill and I listened to the debate this morning, a question jumps into my mind, and it is this. Is there something wrong with our driver education program in the State of Maine that we need to enact this kind of a law? If there is, let's shape up the driver education program, because I think that is where we can address this kind of problem. Enforcement, to me, is a major problem, as Senator Harriman from Cumberland has indicated. This is a feel good Bill. Enforcement will be a nightmare under it. And I'll tell you, in conclusion, that I've received a lot of mail from young people in my district who are opposed to this. They, by their writing, seem to indicate to me that with a law like this they are starting off in a hole. We are going to start them off in a negative way. We're going to give them a license, but we are going to put them in a hole for 90 days. And they don't like that approach by their government here. I'm, in a way, a little sick and tired of the way we are leaning on our young people with laws like this while adults in our society roll along merrily. You know what I would like to see for a change, when we enact a law like this against young people, let's take a look at some of the things we are doing for the adults and shape up a few of those laws as well. 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 had the occasion to have dinner this weekend with about 15 mothers of teenagers at a birthday party. And, although my own kids are long past that age, there was a woman there that had a youngster in her family who had recently gotten his driver's license and who had an infraction, a speeding infraction I believe, with a car full of kids and he had had his license very briefly. She went to the court hearing with her son. And she said to us at that dinner that if the court hadn't suspended his license, she would have killed him because she really wanted her son to face the consequences of his behavior, in which no one was injured, by the grace of God, but in which they well could have been. I think there is enormous support for parents and, contrary to sentiments expressed by the good Senator from Franklin, I don't see this as leaning on kids. I see this as saving their lives. The accident rate with young drivers, particularly males, is enormous. And unfortunately those accidents usually involve speed and speed usually leads to either serious injury or fatality if not to the driver or that person's passengers and, if not to those people, for the innocent passengers or drivers in other vehicles. I think this is a real step forward in protection of our youth. I don't think it says anything more, but recognizing the fact that when you put a very young person behind the wheel of a large powerful and expensive machine, given the nature of adolescence, I think it can be a recipe for disaster. I think this is a very reasonable protective mechanism. I have strong support for this from what I've heard in my district from parents. I would urge you to support the pending motion.

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

Senator **LIBBY:** Thank you Mr. President. Men and women of the Senate, good morning. I rise today because I took a close look at this Bill. I've asked some questions. I've listened to the debate. And what I find is that we seem to be treating college young people, the same as we are in a Bill like this, as maybe some teenager, maybe the teenagers that the good Senator from Hancock mentioned. A 20 year old person that has a job and maybe wants to take their fiancé to work that morning, just got their license, under this Bill can't do it. You can't be serious that we're going to have a Bill that over reaches into the college age population and says sorry, you can't take passengers in your car to work, to school, to anything else. Once again, out of the Transportation Committee, what we have here is a good idea that has gone just one step too far. If this Bill was limited in age to possibly 17 or 18, I think it would probably go under the hammer. But what we have here is, we have looked at the Bill, we've read it and we've got some consequences here that are probably are unintended consequences that we're all going to have to face when we go back to our district. We are going to tell college kids that it is not safe to have somebody riding with them. Somebody riding with them who might say hey look, there's a car coming down the street. We're at a stop sign. It's a blind spot, the passenger says hey wait, hold on. How many times has that happened to you while you were driving a car? It's helpful to have an extra passenger in the car. It's safety, it saved lives in the past. We're treating these kids, 19, 20, 21 years old like they're teenagers. We're allowing them the right to vote, but then we're telling them, we're sorry but in the first 90 days of your license, we

don't trust you. We don't trust you to drive a car to work. Some of these people, some of these young people that are 20 years old are trying to get on their feet. We should be reaching a hand out, lifting them up, helping them out. They need to drive to work. They have got to have a job. They're probably going part-time to school, to USM or Fort Kent or wherever it might be, and maybe they need to take passengers to those locations. So I don't know. I can't believe that it goes all the way up to 21 years old. This Bill is a good idea that's an over reach and I think we ought to admit it. I'd like to see one of the majority or minority leaders table this thing, fix it so it's right and then come back here and vote in favor of it. Thank you.

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

Senator **BENOIT**: Thank you Mr. President. May it please the Senate. This type of big-brother government, of Senators and Representatives taking the place of parents, is to me somewhat appalling. Pretty soon parents aren't going to have much to parent about. Morality, we leave that for the church. Sex education now is for schools. Legality of activity is for the juvenile court judge. And now we get this. Now it is not a pretty sight to me to see parents cutting and running from responsibility and here we are today with kind of a measure, which is going to do exactly that. And frankly, speaking for myself, I'm not afraid to leave parents something to do. Thank you.

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

Senator **O'GARA**: Thank you Mr. President. Ladies and gentlemen of the Senate, I would assume that in the case that was depicted by the Senator from York, that the gentlemen who wanted to take his fiancé some where, that fiancé didn't become a, whatever the word is, betrothed, or whatever the word is, the day before. I wonder how he managed to get her to work prior to the day he got his license, or how was he or she getting to work prior to the day they got that license? This is not something that happened overnight. All of a sudden we're not taking away that young man's right to take his girl friend somewhere or to get to a job. He or she had been doing that. Secondly, we are talking about 90 days, not 2,000 years. We're talking about 90 days. The members who are now saying they're reading this Bill; I am very very proud of the Committee of which I have been chosen to be the Senate Chair. And I can assure you, every member of this Body, that we considered this long and hard. We had an outstanding presentation by the Secretary of State. We had overwhelming support from people in the audience, including the State Police, and we had a unanimous committee report. In fact, we are getting support both in the newspapers, in writing from parents and young people. In fact, just as recently as yesterday, a young man visiting from the University of Maine here, under the age that we are talking about here, spoke very elegantly to our caucus, saying he supports and sees the need for it. He, in fact, shared a very tragic story of a classmate of his who, unfortunately, was driving the car at an age when he probably didn't have good control of himself and was involved in an accident and killed two of their classmates. Ladies and gentlemen of the Senate, we can get caught up in the emotion of talking about these poor young people whose rights we are

stomping on. I'd rather stomp on their rights for 90 days than to stand beside their graves for a lifetime. Thank you Mr. President.

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

Senator **CAREY**: Thank you Mr. President. Mr. President, members of the Senate, I do have a concern for a young man, just out of high school, who is not quite 21, or not even 19, who gets a job in a grocery store two towns away from his home. He's allowed to use the car to go to a job. With this law, there will be times when there is no family member available to go with him or her and so it won't belong before that person loses the job.

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

Senator **KIEFFER**: Thank you Mr. President. Mr. President, may I pose a question or two questions through the Chair?

THE PRESIDENT: The Senator may pose his questions.

Senator **KIEFFER**: Thank you Mr. President. During the Committee debate, was there any information obtained from either the Insurance Information Institute or our own Bureau of Insurance as to statistics as far as accidents during this first 90 days of new driver training? Secondly, what was the reason for the selection of 90 days as opposed to 30, or 60 or 120? What's the basis for that number?

THE PRESIDENT: The Senator from Aroostook, Senator Kieffer poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator O'Gara.

Senator **O'GARA**: Thank you Mr. President. Ladies and gentlemen of the Senate, the statistics were provided by the Secretary of State's office. The numbers were gleaned from data that the Department has available to them. I don't recall anybody, any member of the Committee, asking insurance people for this data. I have great confidence in the Secretary of State's ability to gather this information and I'm sure that I can speak for all other 12 members of my Committee when I tell you that we are confident that the data is there, as quoted by the Secretary of State. The statistics are there. The evidence is there, as eloquently pointed out by the Senator from Washington earlier. As far as the 90 days goes, the question didn't arise. It could have been 6 months as the Senator from Washington said; it could have been 45 days. 90 days is based on a decision that was, again, gleaned from data that is being used in other states or was gathered from other states where this data is being put together. The Secretary of State picked the number 90. I can't stand here and tell you that I know exactly what was in his mind when he picked the 90 days as opposed to 45 or 120 or 6 months. It seemed to be a reasonable time, the overwhelming evidence, as was again stated so well by the Senator from Washington, hears that in that first initial burst of energy, when a young person under the age of 21 has received his or her license, there is that natural tendency to, on the first day he or she goes to school or wherever they are going, to pack the car with all their friends and go off. And in those early moments and days of that period of time, whether it is 45 days or 90 days, the evidence is

clear that that is the period of time when these accidents occur. Whether they are 17 or 18 or 19 or whatever, that's the period of time that the accidents are occurring. Now it is very possible, and we all agreed with this, that after the 90 days is over, what is to prevent that young man or woman, or whatever age they are from 17 or 18 or 19 or whatever, from doing the very same thing that we hope they won't do; we want to prevent them from doing on the first day. Obviously, that could happen as well. But the argument that was presented to us, and the argument that the committee accepted and is reporting to you unanimously, is that by the time that 90 day period is over, the person who was now restricted for that 90 days will have adjusted to a lot of conditions that he or she will have seen in that 90 days. Of people abruptly stopping. Of people passing and cutting in. Of people coming out suddenly from somewhere. Of a child chasing a ball out in the street between cars. A whole bunch of things that we have to react to everyday. I am saying to myself at this very moment, I am not going to speak unless somebody says something incredibly outrageous. I'm going to sit down and I'm not going to speak again. We can play with the emotion of this thing and we can talk about stomping on the rights of children and we can be moralistic about what parents ought to be doing. The fact of the matter is this law makes sense. It is a tool, and if it saves one life, just one life or prevents one child from being injured for the rest of his or her life, then it is worth it. Thank you Mr. President.

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

Senator **DAVIS**: Thank you Mr. President. Good morning ladies and gentlemen of the Senate. I sit here and listen to this debate and I struggle in my mind with it because, as a former State Police officer, I can only tell you the great frustration when you've been on the road for a number of years and then you see a car load full of young people riding around at ten or eleven o'clock at night. You know that no good is going to come of it. And I can tell you from experience, it is less fun to peel them off that road. And what is even more disturbing is to have to go, Mr. President, and tell their parents that they are dead. To have to call them and have them meet you at the hospital and that type of thing. This would be a real easy thing to me if this was 16 to 18. But as the good Senator from York, Senator Libby, says it's going further than that by far. And I struggle with that. I know that a number of years ago the Legislature passed a Bill to prohibit young people zero tolerance in alcohol. I would support that Bill immediately. If it was law now, I would support it again because I would agree with it fully. And I know the stats. But, again, I'm troubled by this and I'm going to let you wait and see the color of my light before I tell you how I'm going to vote. Thank you Mr. President.

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

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

Senator **CASSIDY**: Mr. President. I request leave of the Senate to speak for a third time on this issue.

THE PRESIDENT: The Senator from Washington, Senator Cassidy, requests unanimous consent of the Senate to address the Senate a third time on this matter. The Senator may proceed.

Senator **CASSIDY**: Thank you Mr. President. Men and women of the Senate, I wasn't sure whether I answered that question clearly at the time, so rather than take a chance I thought I'd better clear myself. A couple of comments that I just heard. Very briefly, my good friend from Cumberland, Senator Harriman, and my good friend from Franklin, Senator Benoit, made a couple of comments which I just couldn't agree with. One, when we said how would we enforce this law when a police officer sees people riding down the road? How do they know whether it's a sibling or a friend? Well, we could say the same thing when a student has a permit to drive. How does the officer know if that person with them is over 21? Or if we have laws that say we're not allowed to have malt liquor in a vehicle, how does an officer know that person does? We have reasons for stopping vehicles. Thank God, that's the way it works. Regardless of what it is. If a person is speeding or whatever. I think that's just sort of a weak argument as how we would enforce it. We'll enforce it just as we enforce every other law. The other comment my good Senator friend from Franklin made was why are we so harsh on the young folks while we let the adults roll along? Well the reason is that because adults do roll along. We don't see the deaths with adults that we do with these young folks. I have a statistic here that I didn't read earlier. 85% of passengers who were killed in vehicles were under age 21. The statistics are here, kids are dying. If we can take 90 days to make them realize the value of that, I think it's important. I just can't imagine anyone not supporting this Bill. Thank you Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator O'Gara to Accept the Ought to Pass as Amended Committee 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 (#288)

YEAS: Senators: ABROMSON, AMERO, BERUBE, CASSIDY, DAGGETT, DAVIS, DOUGLASS, GOLDTHWAIT, KIEFFER, KONTOS, LONGLEY, MILLS, MURRAY, NUTTING, O'GARA, PENDLETON, PINGREE, RAND, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: BENNETT, BENOIT, CAREY, CATHCART, FERGUSON, HARRIMAN, KILKELLY, LAFOUNTAIN, LIBBY, MACKINNON, MICHAUD, MITCHELL

ABSENT: Senators: PARADIS, RUHLIN

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators being absent, the **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-847) Report, ACCEPTED, in NON-CONCURRENCE.**

READ ONCE.

Committee Amendment "A" (H-847) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (3/15/00) Assigned matter:

Bill "An Act to Create the Community Health Plan Demonstration Project"

H.P. 1889 L.D. 2627

Tabled - March 15, 2000, by Senator **LAFOUNTAIN** of York.

Pending - **REFERENCE**

(In House, March 15, 2000, **REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed.)

On motion by Senator **LAFOUNTAIN** of York, **REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed, in concurrence.

Senate at Ease.

Senate called to order by the President.

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

Senator **BENOIT** of Franklin was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **KILKELLY** of Lincoln was granted unanimous consent to address the Senate off the Record.

Senator **CAREY** of Kennebec 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.

Senator **PINGREE** of Knox 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

House Papers

Bill "An Act to Promote Equity in Funding of Ferry Services" H.P. 1894 L.D. 2635

Bill "An Act to Fund the State's Share for Salt or Sand-salt Storage Facilities Construction" (EMERGENCY) H.P. 1897 L.D. 2637

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

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Promote Maine's Dairy Industry"

H.P. 1696 L.D. 2402

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-858)** (12 members)

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

Tabled - March 16, 2000, by Senator **MICHAUD** of Penobscot.

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

(In House, March 15, 2000, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGRAVED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-858)**.)

(In Senate, March 16, 2000, Reports **READ**.)

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

Senator **HARRIMAN**: Thank you very much Mr. President. Good afternoon ladies and gentlemen of the Senate. I just wanted to, before you vote on this motion, share with you some additional information to clarify why I'm on the Ought Not to Pass report. Because of a court case several years ago, there was money that was collected from the consumer to help the dairy farm stabilize prices, as I recall. There was about \$300,000 in this account. Not General Fund money, but a special account designed for the dairy farm industry. They put forward a proposal to use some of that money, \$30,000 as I recall, to reach out to the 500 or so dairy farms in Maine to help them better coordinate their activities, ranging from nutrient management to marketing to other ideas. Not dissimilarly to the Blueberry Commission or the Lobster Commission or other agricultural based products that we have in Maine. When they reported back to us in our work session, we got mixed messages. Some of the members of this Dairy Association felt that accessing some of this money and developing a communications system was a good idea. Some said I'm not sure we really need this. The bottom line is to do the job right, to do the outreach that this Bill instructs them to do, they need about \$30,000. Instead the Committee reported out the Bill that says out of this dedicated account, \$300,000, you can only use \$10,000 of it to do your work and report back to the next Legislature. So I think we are going to put into law a directive for this industry to perform something that we haven't given them the adequate resources to do the job right and for those reasons I oppose the Committee report. Thank you Mr. President.

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

Senator **MICHAUD**: Thank you Mr. President. Men and women of the Senate, I agree wholeheartedly with the Senator from Cumberland, Senator Harriman. As a matter of fact, when we tried to get a Bill out of Committee for \$30,000, there was a lot of opposition to that. However, I urge this Body to vote for the Ought to Pass report so we can get it in second reading so we can offer an amendment to increase it to \$30,000. I'll be looking forward to the good Senator's support for that. But in order to do that we have to accept the Majority Ought to Pass report. Thank you Mr. President.

The Chair ordered a Division. 27 Senators having voted in the affirmative and 2 Senators having voted in the negative, the motion by Senator **MICHAUD** of Penobscot to **ACCEPT** the Majority **OUGHT PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-858) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

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

SENATE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Funds for the Welfare-to-work Program" (EMERGENCY)

S.P. 790 L.D. 2203

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

Minority - **Ought to Pass** (3 members)

Tabled - March 16, 2000, by Senator **MICHAUD** of Penobscot.

PENDING - ACCEPTANCE OF EITHER REPORT

(In Senate, March 16, 2000, Reports **READ**.)

On motion by Senator **CATHCART** of Penobscot, the Majority **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 **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Allow Hunting from Motor Vehicles for Persons Limited in Their Ability to Walk"

S.P. 16 L.D. 8

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-546)** (1 member)

Tabled - March 16, 2000, by Senator **PINGREE** of Knox.

PENDING - ACCEPTANCE OF EITHER REPORT

(In Senate, March 16, 2000, Reports **READ**.)

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

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

Senator **LIBBY**: Thank you Mr. President. Women and men of the Senate, this Bill came through Inland Fisheries and Wildlife and I thought it had a very fair hearing. I sponsored the Bill and I felt it was an important issue. The Committee was kind enough to carry the Bill over for me last year when, I think you might remember, I had some back surgery. They carried it over for me and I appreciate that. The difficulty is giving up on the issue. I see the Committee report and I've got one person in my camp. The difficulty for me is giving up on an issue that has to do with the rights of people who have disabilities to go hunting. I brought forward the Bill because there are constituents in my district who are limited in their ability to walk. They would like to be able to, under certain conditions, under the conditions of a doctor's note for example, hunt from some kind of a vehicle. A fourwheeler, a mechanical contraption that will allow those people to actually get around in the woods, be able to go hunting like everybody else. I brought forward the example to the Committee of Casey Martin, who is a professional golfer who is limited in his ability to walk, I believe it is because of diabetes. He has a problem walking and there was a big controversy about him in a private arena about should he have the ability to use a golf cart and still be able to golf with the rest of the PGA golfers. There were some people opposed to it and some people for it. Well, the question in my mind was does it take a little bit of getting used to? Well, yes I think it does. The question in my mind with this hunting Bill was does it take a little bit of time getting used to? Well, maybe it does. But the fact is that if we wait, I know that there's talk about studying this issue, until another year or two down the road, that's another year, another hunting season gone by for my constituents who are limited in their ability to walk. It's a pretty simple issue to me. Do you trust a system to be established that would allow a doctor's note to determine, even a specialist's note, whether or not this individual has the ability to walk or not and go hunting rather than walking, if they cannot walk, with some kind of motorized vehicle. We had a lot of newspapers and other media types take shots at this Bill last year because they didn't understand the premise. They felt that hunting from a moving vehicle, that's completely improper and so on and so forth. Well, it is. But the people who have disabilities, I want you to go back to your district and look them in the face and tell them why you voted against this. I don't think you're going to be able to do it. That's why a Representative from the other Body was kind enough to vote in favor of this Bill and vote it out of Committee. Should it be studied for another year? No, it's a simple issue. The simple issue is this, if the person does not have the ability to walk, let them go hunting with a motorized vehicle of some sort. It's that simple. When you get in front of the Committee and you start talking about all the technical issues like: you know doctors, they'll write a note for anything. Well, I heard that. It does concern me. I suggested to the Committee to make sure there's a doctor, maybe a specialist, involved. Or whatever it takes. But the fact is that it ought to be real simple. Let the game wardens monitor this thing, let them enforce it. If it's being abused, it's going to be abused by an awfully small percentage of people out there because we're not talking about a lot of people who are limited in their ability to walk and want to hunt. We're not talking about a lot of people at all. I think we ought to give those people the benefit of the doubt and say, hey look, if they've had knee replacements, if they've got bad arthritis in their hip, if they've got some other legitimate reason why they can't go hunting than they ought to be able to use mechanical equipment that will allow them to get out and around and allow them to hunt. I can tell you that

you ought to do the same in a lot of different arenas, whether it be hunting or fishing or if we get completely away from Fish and Game issues. Let's face it, if you and I, and some of us are, limited in our ability to walk and we were hunters all our lives, we'd want to continue to hunt. There are actually some people out there, and I know them, I personally know some people who have hunted all their lives, one of the things that gives them joy in their lives to be able to go out there and hunt, and, unfortunately, they've been felled by a crippling incident, whether it was an accident or a disease, it could be anything. I'm just not going to cave in when it's, to me, such a simple issue. I'd like to see you vote against the pending motion and join me in doing what's right. It's not an easy thing to do. We're going to have to trust doctors, we're going to have to trust people. I like trusting people. I think it's what we're up here for. I'd really appreciate it if you'd support me in my opposition to this motion. Thank you.

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

Senator **KILKELLY**: Thank you Mr. President. Men and women of the Senate, I've served as the Chair for the Inland Fisheries and Wildlife Committee for the last four years. One of the things that I've found very frustrating about much of the law governing Inland Fisheries and Wildlife issues is the fact that it really is a patchwork. Many times issues are dealt with based on an immediate passion and not necessarily looked at how they fit into the grander scope of what's going on in terms of resource management, which is the first and foremost charge of the Department. In four years that I've been on the Committee, we've probably dealt with 25 or 30 Bills that would allow different people with different situations to be able to have a special opportunity. Whether it's hunting from a vehicle or shooting from a vehicle, as the amendment points out, or whether it's using a different kind of fishing gear. Whether it's being provided an opportunity to have a person to hunt with them, someone who's visually impaired, for example, has called me repeatedly and wants to be able to take someone hunting with them who, in fact, could do the shooting. That person would still be able to be there and participate in the best way they can. I am personally very sympathetic to those calls. I think that it is very important that we provide as much opportunity as possible for people of the State of Maine to participate in outdoor activities, particularly our traditional activities which they've been involved for many years. What I'm concerned about is continuing in a pattern that I've seen in my read of Fish and Wildlife law of looking at each issue individually and not, in fact, putting it together in a package. So last year, the First Regular Session, when the myriad of Bills came before the Committee dealing with all these different issues about disability access, we decided that we were going to, instead of rejecting the Bills, which has been the pattern in the past, take it very seriously and find a way to address this situation. So over the course of the summer, we had an intern from the University of Maine who, in fact, started the process of looking at current laws and current regulations regarding Fish and Wildlife activities to determine what the barriers were for people who had a variety of mobility issues or other issues that they were dealing with. We also had staff from the office of Policy and Legal Analysis take a look at a number of other states to determine what was going on in other states. What happens when you say that people can shoot from a motor vehicle if they are disabled. Are we talking about a temporary disability? Having sprained my ankle on occasion, I

know that that, in fact, is a severe and crippling disability, albeit for a short amount of time. If that happens the last week of October, do I then get a permit in November to hunt from my vehicle? Does it mean a permanent disability only and how are we going to define permanent? Is it, in fact, a lifetime opportunity, which we've seen in other states where they never track it? They never know if these permits are used. They don't know if the resources are being impacted by having these special provisions available. We believe, as a Committee, that looking at all of that information and finding a way to take the best from other places, to look at how we can open up our opportunities as wide as possible, as encompassing as possible, makes the most sense. So what we have charged the Department of Inland Fisheries and Wildlife to do is to take the two reports that came from staff this year and the intern, to take the interest that's been expressed by the majority or basically all members of the Committee, and to come back to us, not with a study, but with a plan. A plan in legislation that will allow us to include as many people as possible in the sporting public. Whether it's people who have self-selected out of hunting and fishing because they never felt they had the capacity to do that or people who, in fact, have spent many years hunting and fishing and have felt that they couldn't do it any longer because of their particular challenge. One of the things that was raised repeatedly in Committee by members of the disabled public who came is that all of us are basically temporarily able bodied. So it's in the interest of all people who are interested in hunting and fishing to make sure that these opportunities are available. It's in the interest of our Committee and in the interest, I believe, of the State of Maine to provide these opportunities. Doing it in a piecemeal only continues the process that's gone on, I believe, for too long of dealing with issues one on one and not looking at the whole range of the impact of those situations. So I would urge you to support 12 members of the Inland Fisheries and Wildlife Committee to look at this issue as certainly something that's important, where we're empathetic and sympathetic, we are supportive and we want to do this the best way we possibly can. We believe that's a comprehensive approach. So I would urge you to support my motion. Thank you.

The Chair ordered a Division. 27 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **KILKELLY** of Lincoln to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the chamber, the State Class B Hockey Champions from Winslow High School. They're here with their coach, Lee Bureau and assistant coach, Dave Moranda and Ryan Veilleux and Spat Roy. Would they please rise and receive the greeting of the Senate. The Chair would also note that this is, I believe, their fourth State Championship in five years. They are also here with a former member of this Body, the Representative from Winslow, Representative Matthews. Would he please rise and receive the greetings of the Senate. The Senator from Kennebec, Senator Carey, requests unanimous consent to address the Senate on the record. The Senator may proceed.

Senator **CAREY**: Thank you Mr. President. Mr. President, members of the Senate, these young men are truly champions on the ice. They're champions in the classroom and they're champions in their community. Truly, each and every one of these young men are a credit to the town and to the central Maine area. We have not heard the last from these young people. Thank you Mr. President.

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

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Require the State Sealer to Conduct Spot Checks at Timber Mills"

H.P. 1751 L.D. 2457

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-835) (7 members)

Minority - Ought Not to Pass (6 members)

Tabled - March 16, 2000, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 14, 2000, 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-835)**.)

(In Senate, March 16, 2000, Reports **READ**.)

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

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

Senator **KIEFFER**: Thank you Mr. President. Ladies and gentlemen of the Senate, it isn't very often that I don't agree with my good friends, Senator Nutting and Senator Kilkelly, on many of these woods related bills, but after hearing all of the testimony and listening to the professional foresters that are involved here, I'm absolutely convinced that this is just another feel good Bill. It does absolutely nothing. If you had four scalers measure the same load of wood, you would probably come up with four different sets of measurements. On any given day, if it is by weight, a tractor trailer in the wintertime in our area can vary from two to three ton, depending on the ice that has been accumulated on that tractor trailer unit. This creates another position within the Department and has a substantial fiscal note on it. And I guess what strikes me most of all about it is that it requires the person to conduct bimonthly spot checks to sample the accuracy of measurement. Well I don't know exactly what that says, but doesn't it seem kind of ridiculous that the person could stay at that same mill two days in a row checking on the last day of one month and on the first day of the second month and I supposed that would constitute bimonthly checks. Certainly, if there was a

need for this, I would be one of the first to support it as I come from an area that is so supportive of the woods industry, but I just can't do it and that's why I've joined the others on voting Ought Not to Pass and I would appreciate the support of the Senate. Thank you Mr. President.

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

Senator **NUTTING**: Thank you Mr. President. Ladies and gentlemen of the Senate, I hope you will go on to support the pending motion of Ought to Pass. I'll try to be brief. The reason that I voted for this Bill is that currently in the Department of Agriculture, there is one individual now that tries to check wood measurement law, trip tickets, that's in the relation of timber theft which is still a problem in the State of Maine. This one person also is in charge, statewide, of attempting to check timber mills for scale, so that loggers get paid what they should get paid for the logs they send to a mill. And the Committee did hear testimony from loggers and from the Department that there are occasions where there is conflict and they are called out to try and resolve this conflict between a logger and a timber mill. And with only one person trying to do the job statewide, they get there sometimes very late in the process. I know this fiscal note will have to stand on the table and fight for funding with everything else, but I think I hear enough from the loggers, the people who are on the ground floor of the wood product industry, say that there was a problem. And I've heard enough from my constituents that own a wood lot fifty miles off, and they don't have a chance to check it every day and all of a sudden they go and the best stand of pine is gone. A couple of years ago this Legislature enacted timber measurement laws that caused trip tickets to follow the load of wood from the woods to the mill to try and address timber theft. This, to me, just adds more teeth and is necessary to try to do a better job of enforcing, not only scaling standards, but also trip ticket checking and the whole area of timber theft. So I hope you will support the pending motion. Thank you.

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

Senator **KILKELLY**: Thank you Mr. President. Men and women of the Senate, I also urge you to support the pending motion, accepting the Ought to Pass report. I just want to point out the importance of accuracy in this situation. It's not just a matter of is it close, is it not close, is it accurate, is it not accurate. For these loggers, it is a matter of how they make their living and how they are going to get paid. The accuracy is absolutely critical to them and if they receive some additional comfort in the fact that the wood is, in fact, being scaled accurately and that they are receiving fair compensation for their efforts, I can't understand why we would be opposed to that. So I would urge you to support the Majority Ought to Pass report and would request a roll call. Thank you.

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.

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

Senator **KIEFFER**: Thank you Mr. President. Ladies and gentlemen of the Senate, I would just like to point out that in the last session of the Legislature we dealt with the issue of timber theft. This Bill has absolutely nothing to do with timber theft. It reads, conduct bimonthly spot checks to sample the accuracy of the measurement in wood transactions as defined in Section 2361. The timber theft issue is properly dealt with through our trip ticket system, which we established here two years ago and it seems to be working very well. This merely deals with measurements of wood. Thank you Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Nutting to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (H-835) 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 (#289)

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

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

ABSENT: Senator: PARADIS

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-835) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, March 21, 2000, at 9:00 in the morning.