

MAINE STATE LEGISLATURE

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One Hundred and Eighteenth Legislature
State of Maine

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

In Senate Chamber
Friday
March 13, 1998

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

Prayer by Reverend William Gordon of the Universal Fellowship of Metropolitan Community Churches in Augusta.

REVEREND WILLIAM GORDON: Mr. President and honorable members of the Senate of the state of Maine, distinguished guests and friends, I bring you this morning, a word of the ministry of the gay and lesbian, bisexual, trans-gendered and questioning communities of the Northern Lights Metropolitan Community Church, here in Augusta. I invite you to enter into that moment of quietness where you know yourself best and where you are open to receive what may come from outside of your human experience. I pray to the God I know, in the form and name of Holy One, creator of all that is, author of love, known to us by so many names, and expressed to us in so many experiences. We invite your presence into this Chamber and into the hearts and minds of those who work here today, within us and among us despite our many differences of thinking and understanding. It is your presence that is the common thread in all of our lives. You have given us the power to rise from our beds this morning. It is your breath that fills our lungs and it is by your command that blood courses through our veins. Help us then, we pray, to know and to act on the knowledge that we are all truly one people. Remind us that the suffering of one is the suffering of us all. Teach us today, we pray, to work toward justice in all of our decisions, that no person in this great state shall be discounted, and that no one's voice shall be stifled. Help us to create systems where each person may deliver the gifts You have bestowed for the good of us all. Bless the efforts of those working in, around and for our government on this and every day, such that their work might be effective and not merely efficient, transformational rather than simply transactional. Teach us to be interdependent, giving us the power to live and work with honesty, integrity, compassion and creativity. Let us be known and driven by our values and our beliefs. Finally, Holy God, help us to create a future that we can live in with the satisfaction that we have gone beyond the convenient and focused on the best. These things we pray to You, asking for these blessings in all that we do and in all that we are. I pray this to You in the name of Christ. And we pray to You in your many names. Amen.

Doctor of the Day, Phil Tedrick, D.O., Readfield.

Reading of the Journal of Thursday, March 12, 1998.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Establish a State Disaster Relief Trust Fund" H.P. 1097 L.D. 1540

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-846)** (8 members)

Minority - **Ought Not to Pass** (4 members)

In House, March 10, 1998, 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-846)**.

In Senate, March 11, 1998, the Minority **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, the Senate **ADHERED**.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act Regarding the Taxation of Goods Purchased in Connection with the Operation of a High-stakes Beano or High-Stakes Bingo Game" H.P. 1307 L.D. 1855

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-810)** (5 members)

In House, February 26, 1998, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-810)**.

In Senate, March 11, 1998, 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**.

Joint Order

The following Joint Order: H.P. 1643

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Human Services report out, to the House, legislation to implement the recommendations of the Interagency Task Force on Homelessness.

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

READ and **PASSED**, in concurrence.

Joint Resolution

The following Joint Resolution: H.P. 1641

JOINT RESOLUTION MEMORIALIZING THE CITIZENS' STAMP ADVISORY COMMITTEE AND THE POSTMASTER GENERAL TO ISSUE A STAMP COMMEMORATING THE 200TH ANNIVERSARY OF THENAVAL SHIPYARDS

WHEREAS, We, your Memorialists, the Members of the One Hundred and Eighteenth Legislature of the State of Maine, now assembled in the Second Regular Session, most respectfully present and petition the Citizens' Stamp Advisory Committee and the Postmaster General as follows:

WHEREAS, the Portsmouth Naval Shipyard was established on June 12, 1800 on an island in the Piscataqua River, which separates the states of New Hampshire and Maine; and

WHEREAS, the Portsmouth Naval Shipyard was established as the first facility of what would become the largest industrial complex owned and operated by the United States Government; and

WHEREAS, in the 200 years since the establishment of the Portsmouth Naval Shipyard, the naval shipyard system has built hundreds of naval ships of all types and sizes, spanning the history of sea power from sails to nuclear power and from cannons to missiles and has grown to include 11 shipyards located on both the Atlantic and Pacific coasts and at Pearl Harbor, Hawaii; and

WHEREAS, the Naval Shipyard Bicentennial Support Group has submitted to the Citizens' Stamp Advisory Committee a proposal for the issuance of a commemorative stamp; and

WHEREAS, the issuance of the commemorative stamp during the 200th anniversary year of the naval shipyards would be an appropriate recognition of all the naval shipyards; and

WHEREAS, due to the Portsmouth Naval Shipyard's unique position as both the first naval shipyard and the yard that has been in continuous service the longest, it would be an excellent choice as the location for the first day of issue of the proposed commemorative stamp; now, therefore, be it

RESOLVED: That We, your Memorialists, endorse the proposed stamp submitted to the Citizens' Stamp Advisory Committee and respectfully urge the committee to act favorably on the request and further respectfully urge the Postmaster General to choose the Portsmouth Naval Shipyard as the location for the first day of issue of the proposed stamp; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Citizens' Stamp Advisory Committee; the Honorable Marvin Runyon, Postmaster General; and each Member of the Maine Congressional Delegation.

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

READ.

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

ORDERS

JOINT ORDER - Recognizing the Maine Development Foundation as it celebrates its 20th year of service to the citizens of this State. SLS 461

READ.

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

Senator **PINGREE:** Thank you Mr. President and men and women of the Senate. I just wanted to say a few words in relation to item 4-1. We have in the Chamber today, Henry Bourgeois from the Maine Development Foundation, and some of the staff people who work with him. I think all of us in the Legislature have had the opportunity to benefit from the good work that they do, whether it's the bus tours around the state of Maine, helping us better understand the Maine economy, or working with Maine Economic Growth Counsel that they staff. Among the things that they do provide is assistance to the Legislature on economic issues, helping us to look at questions we don't often have the time for, helping to provide a wonderful public, private partnership between public policy, the business community and people throughout the state of Maine. So, I just wanted to recognize that they were here today, that they're celebrating their 20th year of service to the state of Maine, and thank them for their very good work and the service that they give to us.

PASSED.

Sent down for concurrence.

Off Record Remarks

JOINT ORDER - Recognizing Patrick J. Finn, an eighth-grade student at Bath Middle School, who has won the Sagadahoc County Spelling Bee. SLS 462

READ.

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

Senator **SMALL:** Thank you Mr. President and men and women of the Senate. It's with great pleasure that I rise today to recognize, along with the rest of the Senate, Patrick J. Finn for his achievement of winning the Sagadahoc County Spelling Bee. He's an eighth-grader at Bath Middle School. At this time of year we always have our sports teams, that have been victorious in the tournaments, coming in and, I think, it's equally important, perhaps more important that we recognize outstanding scholastic and academic achievement. So, it is my pleasure today to recognize Patrick Finn who is a page today, and who will be

serving you for the rest of the morning. I would like to, if I may Mr. President, have the page, Patrick Finn, deliver his legislative Sentiment to his teacher, Mr. Solebello, who is in the back of the Chamber. Then Patrick can look it over and have it for later in today's session. Thank you. I hope everyone will join me in applauding this young man's achievement.

PASSED.

Sent down for concurrence.

Off Record Remarks

REPORTS OF COMMITTEES

House

Pursuant to Public Law

From the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, pursuant to Public Law 1997, chapter 456, section 21, asked leave to report that the accompanying Bill "An Act to Amend the Animal Welfare Laws" H.P. 1640 L.D. 2273

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

From the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Provide Supplemental Funding for the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities (EMERGENCY) H.P. 1534 L.D. 2161

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-857).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-857) AS AMENDED BY HOUSE AMENDMENT "A" (H-881)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-857) **READ.**

House Amendment "A" (H-881) to Committee Amendment "A" (H-857) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-857) as Amended by House Amendment "A" (H-881) thereto, **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

From the Committee on **JUDICIARY** on Bill "An Act to Enact the Uniform Transfer on Death Security Registration Act" H.P. 965 L.D. 1328

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-860).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-860).**

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

READ ONCE.

Committee Amendment "A" (H-860) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

From the Committee on **JUDICIARY** on Bill "An Act to Unify the Court System" H.P. 992 L.D. 1372

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-861).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-861).**

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

READ ONCE.

Committee Amendment "A" (H-861) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

From the Committee on **JUDICIARY** on Bill "An Act to Provide for the Termination of Spousal Support upon the Death of the Payor" H.P. 1366 L.D. 1916

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

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

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

READ ONCE.

Committee Amendment "A" (H-862) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

From the Committee on **JUDICIARY** on Bill "An Act to Amend the Laws Governing Liability Associated with Juvenile Offenders Who Participate in Community Service Programs"
H.P. 1424 L.D. 1988

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-863).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-863).**

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

READ ONCE.

Committee Amendment "A" (H-863) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

From the Committee on **JUDICIARY** on Bill "An Act to Ensure That Lump-sum Workers' Compensation Settlements Are Credited to Child Support Obligations" (EMERGENCY)
H.P. 1467 L.D. 2058

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-864).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-864).**

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

READ ONCE.

Committee Amendment "A" (H-864) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

From the Committee on **JUDICIARY** on Bill "An Act to Repeal the Sunsets on Certain Child Support Enforcement Remedies"
H.P. 1510 L.D. 2132

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-865).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-865).**

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

READ ONCE.

Committee Amendment "A" (H-865) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

From the Committee on **NATURAL RESOURCES** on Bill "An Act to Clarify Certain Laws Pertaining to the Department of Environmental Protection, Bureau of Remediation and Waste Management"
H.P. 1496 L.D. 2095

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-866).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-866).**

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

READ ONCE.

Committee Amendment "A" (H-866) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

Majority of the Committee on **LABOR** on Bill "An Act to Modify the Retirement Laws for the 38th Training Troop of the Maine State Police"
H.P. 1304 L.D. 1847

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

Signed:

Senators:

CATHCART of Penobscot
TREAT of Kennebec

Representatives:

HATCH of Skowhegan
SAMSON of Jay
BOLDUC of Auburn
CLARK of Millinocket
RINES of Wiscasset
STANLEY of Medway
PENDLETON of Scarborough
LAYTON of Cherryfield

Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-859).**

Signed:

Representatives:
JOYCE of Biddeford
TREADWELL of Carmel

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

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 Amend the Definition of Design Professional"
H.P. 1480 L.D. 2079
(C "A" H-855)

Bill "An Act to Simplify Corporate Filings"
H.P. 1498 L.D. 2097
(C "A" H-854)

Bill "An Act to Equalize and Clarify the Tax on Hard Cider"
H.P. 1517 L.D. 2139
(C "A" H-856)

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

Senate As Amended

Bill "An Act to Amend the Charter of the Sanford Sewerage District"
S.P. 709 L.D. 1957
(C "A" S-498)

Bill "An Act to Protect Customers of Consumer-owned Utilities"
S.P. 740 L.D. 2018
(C "A" S-504)

Bill "An Act to Amend the Motor Vehicle Laws"
S.P. 753 L.D. 2031
(C "A" S-498)

Bill "An Act to Provide for the Licensing of Farmstead Cheese"
S.P. 802 L.D. 2172
(C "A" S-500)

Bill "An Act to Extend the Electric Rate Stabilization Program" (EMERGENCY)
S.P. 818 L.D. 2204
(C "A" S-505)

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 Exempt Nonprofit Ambulance and Fire Emergency Services from the State's Sales Tax
S.P. 189 L.D. 607
(C "B" S-476)

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

Emergency Mandate

An Act to Ensure Collection of Essential Data by the Department of Public Safety
S.P. 749 L.D. 2027
(C "A" S-478)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 26 Members of the Senate, with no Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act to Ensure Fair Claims Settlement Practices
S.P. 281 L.D. 889
(C "A" S-482)

An Act to Establish the Maine Disaster Relief Laws
H.P. 887 L.D. 1204
(S "B" S-483 to
C "A" H-783)

An Act Regarding Appointment to the Maine Public Broadcasting Board of Trustees
S.P. 564 L.D. 1721
(C "A" S-481)

An Act Concerning the Coded Notation on OUI Offenders' Driver's Licenses
H.P. 1321 L.D. 1870
(C "A" H-831)

An Act to Increase the Cap on the Total Acreage of Aquaculture Leases That May Be Held by One Person
H.P. 1434 L.D. 1998
(C "A" H-802)

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

An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Raising the Minimum Wage
H.P. 418 L.D. 568
(C "A" H-829)

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

An Act to Restore Services to Maine's Elderly
S.P. 745 L.D. 2023
(C "A" S-479)

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

Resolve

Resolve, Instructing the Workers' Compensation Board to Study and Make Recommendations Regarding the Occupational Disease Law
H.P. 610 L.D. 835
(C "A" H-814)

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Compensating the Estate of Barbara Maxfield for Claims against the State
S.P. 800 L.D. 2157

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-494)** (7 members)

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

In Senate, March 10, 1998, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-494)** in **NON-CONCURRENCE**.

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:

COMMUNICATIONS

The Following Communication: H.C. 428

March 12, 1998

Honorable Joy J. O'Brien
Secretary of the Senate
118th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The Speaker of the House today appointed the following members to serve on the Joint Select Committee on Research and Development pursuant to Joint Order Senate Paper 831:

Representative G. Steven Rowe of Portland
Representative Kathleen A. Stevens of Orono
Representative Sharon Libby Jones of Greenville
Representative Thomas P. Shannon of Lewiston
Representative Paul L. Tessier of Fairfield
Representative Thomas J. Wright of Berwick
Representative James O. Donnelly of Presque Isle
Representative Kenneth F. Lemont of Kittery
Representative Irvin G. Belanger of Caribou
Representative Kenneth A. Honey of Boothbay

Sincerely,

S/Joseph W. Mayo

Clerk of the House

READ and **ORDERED PLACED ON FILE**.

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

ENACTORS

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

Act

An Act to Ensure Adequate Nutrition and Support for Low-income Legal Immigrants
H.P. 882 L.D. 1199
(C "A" H-833)

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

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

REPORTS OF COMMITTEE

Senate

Ought to Pass As Amended

Senator HARRIMAN for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Reduce Technical Violations of Maine's Laws Regarding the Protection of Underground Utilities" S.P. 747 L.D. 2025

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-507)**.

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

READ ONCE.

Committee Amendment "A" (S-507) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

Majority of the Committee on **JUDICIARY** on Bill "An Act to Amend the Wrongful Death Laws" S.P. 31 L.D. 29

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

Signed:

Senators:

LONGLEY of Waldo
BENOIT of Franklin

Representatives:

THOMPSON of Naples
ETNIER of Harpswell
MAILHOT of Lewiston
POWERS of Rockport
PLOWMAN of Hampden
MADORE of Augusta
NASS of Acton
WATERHOUSE of Bridgton

Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-508)**.

Signed:

Senator:

LAFOUNTAIN of York

Representatives:

WATSON of Farmingdale
JABAR of Waterville

Reports **READ**.

Senator **LONGLEY** of Waldo 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.

Divided Report

Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Relating to the Qualifications of the Director of the Bureau of Human Resources" S.P. 787 L.D. 2114

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

Signed:

Senators:

NUTTING of Androscoggin
GOLDTHWAIT of Hancock
LIBBY of York

Representatives:

AHEARNE of Madawaska
LEMKE of Westbrook
BAGLEY of Machias
SANBORN of Alton
GIERINGER of Portland
BUMPS of China
FISK of Falmouth
KASPRZAK of Newport

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

Signed:

Representative:

GERRY of Auburn

Reports **READ**.

On motion by Senator **NUTTING** of Androscoggin, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Create the Managed Care Ombudsman Program" (EMERGENCY) H.P. 1305 L.D. 1848 (C "A" H-820)

In Senate, March 5, 1998, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-820)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-820) AS AMENDED BY HOUSE AMENDMENT "B" (H-886)** thereto, in **NON-CONCURRENCE**.

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

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

REPORTS OF COMMITTEES

House

Divided Report

Majority of the Committee on **TAXATION** on Bill "An Act to Reduce Income and Property Taxes" H.P. 1589 L.D. 2219

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-876)**.

Signed:

Senators:

RUHLIN of Penobscot
DAGGETT of Kennebec

Representatives:

TRIPP of Topsham
TUTTLE of Sanford
GREEN of Monmouth
ROWE of Portland
GAGNON of Waterville
MORGAN of South Portland

Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-877)**.

Signed:

Senator:

MILLS of Somerset

Representatives:

SPEAR of Nobleboro
CIANCHETTE of South Portland
LEMONT of Kittery
BUCK of Yarmouth

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-876)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-876)**.

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:

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Permit Employees to Resume Receiving Unemployment Benefits in Certain Cases" H.P. 1642 L.D. 2274

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

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

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

ORDERS

Senate Order

On motion by Senator **PINGREE** of Knox, the following Senate Order: S.O. 29

ORDERED, that all matters establishing legislative studies that are in order to be passed, adopted, passed to be enacted or finally passed must, at the request of a member of legislative leadership, be placed on a special calendar to be called up for consideration only by a member of legislative leadership.

READ.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending motion by same Senator to **PASS**.

Senate at Ease

Senate called to order by the President.

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 (3/11/98) Assigned matter:

NOMINATION - of Karl Dornish Jr. of Winslow for appointment as the Primary Employer Representative Member of the Maine Labor Relations Board

Tabled - March 11, 1998, by Senator **RAND** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, March 11, 1998, Communication from the Committee on **LABOR READ** and **ORDERED PLACED ON FILE**.)

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 118th Legislature, the vote was taken by the Yeas and Nays.

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

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BUTLAND, CAREY, CASSIDY, CATHCART, FERGUSON, GOLDTHWAIT, HALL, HARRIMAN, KIEFFER, KILKELLY, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PINGREE, RAND, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: CLEVELAND, JENKINS, PENDLETON, RUHLIN

EXCUSED: Senator: DAGGETT

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 4 Senators being absent, and 1 Senator being excused, and none being less than two-thirds of the Membership present it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Karl Dornish Jr.** for appointment as the Primary Employer Representative Member of the Maine Labor Relations Board was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (3/11/98) Assigned matter:

NOMINATION - of Gwendolyn Gatcomb of Winthrop for reappointment as the Primary Employee Representative Member of the Maine Labor Relations Board

Tabled - March 11, 1998, by Senator **RAND** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, March 11, 1998, Communication from the Committee on **LABOR READ** and **ORDERED PLACED ON FILE**.)

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 118th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: None

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

ABSENT: Senators: CLEVELAND, JENKINS, PENDLETON

EXCUSED: Senator: DAGGETT

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 3 Senators being absent, and 1 Senator being excused, and none being less than two-thirds of the Membership present it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Gwendolyn Gatcomb** for reappointment as the Primary Employee Representative Member of the Maine Labor Relations Board was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Chair laid before the Senate the following Tabled and Later (3/11/98) Assigned matter:

NOMINATION - of Carol B. Gilmore of Charleston for reappointment as an Alternate Employee Representative Member of the Maine Labor Relations Board

Tabled - March 11, 1998, by Senator **RAND** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, March 11, 1998, Communication from the Committee on **LABOR READ** and **ORDERED PLACED ON FILE**.)

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 118th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: None

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

ABSENT: Senators: CLEVELAND, JENKINS, PENDLETON

EXCUSED: Senator: DAGGETT

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 3 Senators being absent, and 1 Senator being excused, and none being less than two-thirds of the Membership present it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Carol B. Gilmore** for reappointment as an Alternate Employee Representative Member of the Maine Labor Relations Board was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Chair laid before the Senate the following Tabled and Later (3/11/98) Assigned matter:

NOMINATION - of Wayne Whitney of Brunswick for reappointment as an Alternate Employee Representative Member of the Maine Labor Relations Board

Tabled - March 11, 1998, by Senator **RAND** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, March 11, 1998, Communication from the Committee on **LABOR READ** and **ORDERED PLACED ON FILE**.)

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 118th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: None

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

ABSENT: Senators: CLEVELAND, JENKINS, PENDLETON

EXCUSED: Senator: DAGGETT

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 3 Senators being absent, and 1 Senator being excused, and none being less than two-thirds of the Membership present it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Wayne Whitney** for reappointment as an Alternate Employee Representative Member of the Maine Labor Relations Board was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Chair laid before the Senate the following Tabled and Later (3/12/98) Assigned matter:

HOUSE REPORT - from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Promote Competitiveness Regarding the Sale of Recreational Vehicles by Allowing Better Discounts" H.P. 1370 L.D. 1920

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-853)**

Tabled - March 12, 1998, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF THE REPORT**

(In House, March 11, 1998, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-853)**.)

(In Senate, March 12, 1998, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-853) **READ** and **ADOPTED**, in concurrence.

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

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

Senator **MACKINNON:** Thank you Mr. President. I present Senate Amendment "A" with the filing number of (S-509) to L.D. 1920 and move its adoption and wish to speak briefly to my motion.

THE PRESIDENT: The Senator from York, Senator MacKinnon, offers Senate Amendment "A" with the filing number of (S-509) and moves its adoption.

On motion by Senator **MACKINNON** of York, Senate Amendment "A" (S-509) **READ**.

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

Senator **MACKINNON:** Thank you Mr. President and men and women of the Senate. This amendment simply clears up a language in the original bill from the warranty, from years to year,

that a manufacturer will buy back a product from the year of sale and also the year previously, but not years previously. Thank you.

ADOPTED.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-853) AND SENATE AMENDMENT "A" (S-509) in NON-CONCURRENCE.

Sent down for concurrence.

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

Off Record Remarks

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

Off Record Remarks

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:

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **MICHAUD** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$79,500,000 to Match Available Federal Funds for Improvements to Municipal and State Roads, State and Local Bridges, Airports, State Ferry Vessels and Terminals and Rail and Marine Facilities" S.P. 611 L.D. 1812

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-510)**.

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

READ ONCE.

Committee Amendment "A" (S-510) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Modify the Law Pertaining to Personal Sports Mobile Franchises" H.P. 1643 L.D. 2275

Comes from the House, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator PARADIS for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Provide Funding for Law Enforcement and Emergency Medical Services Personnel" S.P. 860 L.D. 2276

Reported that the same **Ought to Pass**, pursuant to Joint Order (S.P. 859).

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

On motion by Senator **PINGREE** of Knox, **ADJOURNED** until Monday, March 16, 1998, at 10:00 in the morning.