

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Nineteenth Legislature
State of Maine

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

In Senate Chamber
Tuesday
January 26, 1999

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

Prayer by Senator Norman K. Ferguson, Jr. of Oxford County.

SENATOR FERGUSON: Thank you very much, Mr. President. The last time I did this, I thought I'd be kind of cute and give the greeting in Gaelic and I did that. After the session, Lisa, who was the reporter at that time, came over and asked me "how do you spell it" and I won't repeat the word, but in any event the good Senator from Hancock, Senator Goldthwait, came to my rescue. She had a Gaelic dictionary.

Please be in the spirit of prayer.

Father in Heaven, we come to this mid-day moment of meditation knowing that You will not send us away empty hearted or empty headed. Make our minds a shrine of Your truth and make our hearts a sanctuary of your love. Make our effects produce highways of peace and goodwill, schools of virtue, institutions of care and concern. We pray for our state, may it be an instrument of goodwill. Bring it together in a deep spirit of unity all of our people. Amen.

Pledge of Allegiance led by Senator William B. O'Gara of Cumberland County.

Doctor of the day, Myron K. Krueger, M.D., Brunswick.

Reading of the Journal of Thursday, January 21, 1999.

Off Record Remarks

The President appointed the Senator from Knox, Senator **PINGREE**, to serve as President Pro Tem for the session on Thursday, January 28, 1999.

THE PRESIDENT: The President is pleased to welcome back to the Chamber the Senator from Knox, Senator **PINGREE**, who is out to win the Senate's sympathy award each year. We welcome her back to her Chamber, her seat, and her crutches.

COMMUNICATIONS

The Following Communication: S.P. 264

119TH MAINE LEGISLATURE

January 25, 1999

Senator John Nutting
Representative Wendy Pieh
Chairpersons
Joint Standing Committee on Agriculture,
Conservation and Forestry
119th Legislature
Augusta, Maine 04333

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor Angus S. King, Jr. has nominated James W. Tracy of Farmingdale for appointment as a member of the State Harness Racing Commission.

Pursuant to Title 8, M.R.S.A., §261-A, this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry 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 **AGRICULTURE, CONSERVATION AND FORESTRY.**

Sent down for concurrence.

The Following Communication: S.P. 265

119TH MAINE LEGISLATURE

January 25, 1999

Senator Carol Kontos
Representative Gary O'Neal
Chairpersons
Joint Standing Committee on Business and Economic
Development
119th Legislature
Augusta, Maine 04333

Dear Senator Kontos and Representative O'Neal:

Please be advised that Governor Angus S. King, Jr. has nominated Earl C. Black of Bangor for appointment as a member of the Maine State Housing Authority.

Pursuant to Title 30-A, M.R.S.A., §4723, this nomination will require review by the Joint Standing Committee on Business and Economic Development 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 BUSINESS AND ECONOMIC DEVELOPMENT.

Sent down for concurrence.

The Following Communication: S.C. 29

**MAINE CHILDREN'S TRUST, INC.
93 WESTERN AVENUE
AUGUSTA, MAINE 04330**

January 20, 1999

Mark W. Lawrence
Senate President
3 State House Station
Augusta, Maine 04333

Dear President Lawrence:

Pursuant to discussion with Joy O'Brien, under separate mailing the Maine Children's Trust is conveying 40 copies of our 1998 annual report in accordance with section 3890 of the M.R.S.A. 1058, the Trust's enabling legislation. A copy of our annual audit, which is nearing completion, will be forwarded to your office shortly.

The annual report notes significant accomplishment in the past year; yet all of Maine remains challenged by the need to eliminate child abuse and neglect in the State. The Trust hopes to continue to work with the legislature towards this goal.

I look forward to hearing from your office as necessary.

Sincerely yours,

S/Richard A. Gyory
Executive Director

READ and with accompanying papers ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Support Community Radio"

S.P. 252 L.D. 674

Sponsored by Senator PINGREE of Knox.
Cosponsored by Representative TOWNSEND of Portland and Senators: GOLDTHWAIT of Hancock, LONGLEY of Waldo, Representatives: BRENNAN of Portland, POVICH of Ellsworth, QUINT of Portland, SKOGLUND of St. George, VOLENIK of Brooklin.

REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ordered printed.

Sent down for concurrence.

Resolve, to Direct the Superintendent of Insurance to Evaluate a Separate Workers' Compensation Classification Code for Milk Haulers

S.P. 212 L.D. 634

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Representative JACOBS of Turner.

REFERRED to the Committee on BANKING AND INSURANCE and ordered printed.

Sent down for concurrence.

Bill "An Act to Require Informed Consent when Using Mercury in Dental Procedures"

S.P. 218 L.D. 640

Sponsored by Senator MICHAUD of Penobscot.

Bill "An Act to Amend Consumer Protection Laws with Respect to Internet Service"

S.P. 253 L.D. 675

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Representative BULL of Freeport and Representative: JACOBS of Turner.

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

Sent down for concurrence.

Bill "An Act to Allow the Use of the 1990 American Dental Association Form for Submission of Insurance Claims" (EMERGENCY)

S.P. 227 L.D. 649

Sponsored by Senator RUHLIN of Penobscot.

Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

On the motion by Senator **LAFOUNTAIN** of York, **REFERRED** to the Committee on **BANKING AND INSURANCE**.

Sent down for concurrence.

Bill "An Act to Amend the Law Enforcement Officer Certification Standards"

S.P. 215 L.D. 637

Sponsored by Senator **MURRAY** of Penobscot.
Cosponsored by Representative **McALEVEY** of Waterboro and Representative: **MUSE** of South Portland.
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Bill "An Act to Amend the Crime of Theft by Deception to Include False Impressions as to Identity"

S.P. 228 L.D. 650

Sponsored by Senator **MacKINNON** of York.
Cosponsored by Representative **McALEVEY** of Waterboro and Senators: **BENOIT** of Franklin, **KIEFFER** of Aroostook, Representatives: **BOWLES** of Sanford, **MacDOUGALL** of North Berwick, **MURPHY** of Berwick, **WHEELER** of Eliot.

Bill "An Act to Prohibit Leaving a Child Alone in a Motor Vehicle"

S.P. 229 L.D. 651

Sponsored by Senator **MacKINNON** of York.
Cosponsored by Senators: **BENOIT** of Franklin, **DAVIS** of Piscataquis, Representatives: **MacDOUGALL** of North Berwick, **MURPHY** of Berwick.

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

Sent down for concurrence.

Bill "An Act to Fully Fund Implementation of All Learning Results Standards and Reimburse Professional Development Costs"

S.P. 242 L.D. 664

Sponsored by Senator **DOUGLASS** of Androscoggin.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act to Require Disclosure of Ingredients in Tobacco Products"

S.P. 223 L.D. 645

Sponsored by Senator **MILLS** of Somerset.

Cosponsored by Senator: **NUTTING** of Androscoggin.

Bill "An Act to Adjust the Alternative Funding Mechanism for the Maine Public Drinking Water Commission"

S.P. 234 L.D. 656

Sponsored by Senator **NUTTING** of Androscoggin.
Cosponsored by Representative **PIEH** of Bremen and Representative: **BUMPS** of China.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

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

S.P. 240 L.D. 662

Sponsored by Senator **KILKELLY** of Lincoln.
Cosponsored by Representative **DUNLAP** of Old Town.
Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.

Bill "An Act to Clarify the Powers of Game Wardens When Stopping Motor Vehicles"

S.P. 241 L.D. 663

Sponsored by Senator **KILKELLY** of Lincoln.
Cosponsored by Representative **DUNLAP** of Old Town.
Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.

Bill "An Act to Allow the Commissioner of Inland Fisheries and Wildlife to Determine the Number of Moose Permits to Be Awarded"

S.P. 245 L.D. 667

Sponsored by Senator **KIEFFER** of Aroostook.
Cosponsored by Representative **CLARK** of Millinocket and Senators: **FERGUSON** of Oxford, **KILKELLY** of Lincoln, **PARADIS** of Aroostook, **RUHLIN** of Penobscot, Representatives: **CARR** of Lincoln, **DUNLAP** of Old Town, **GOOLEY** of Farmington, **TRUE** of Fryeburg.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

Sent down for concurrence.

Bill "An Act to Require Notification of a Lien on Property to Be Done by Certified Mail"

S.P. 236 L.D. 658

Sponsored by Senator **BENNETT** of Oxford.

REFERRED to the Committee on **JUDICIARY** and ordered printed.

Sent down for concurrence.

Bill "An Act to Reform the Unemployment Compensation System"
S.P. 224 L.D. 646

Sponsored by Senator MILLS of Somerset.

Bill "An Act to Require That Workers' Compensation Coverage
Be Equitably Applied to the Timber Industry"
S.P. 248 L.D. 670

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Representative HATCH of Skowhegan and
Senators: MICHAUD of Penobscot, MILLS of Somerset,
Representatives: BERRY of Livermore, SAMSON of Jay.

REFERRED to the Committee on **LABOR** and ordered printed.

Sent down for concurrence.

Bill "An Act to Improve the State's Democracy by Increasing
Access to the Ballot and Other Election Processes"
S.P. 217 L.D. 639

Sponsored by Senator DAGGETT of Kennebec.
Cosponsored by Representative: PERKINS of Penobscot.

RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Require a Fixed Number of Signatures on Initiative
Referenda Petitions
S.P. 219 L.D. 641

Sponsored by Senator CAREY of Kennebec.

RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Require That Petition Signatures Be Based on 10% of
Registered Voters
S.P. 220 L.D. 642

Sponsored by Senator CAREY of Kennebec.

Bill "An Act to Provide Opportunity for an Increase in Wine-
tasting Locations for Farm Wineries"
S.P. 222 L.D. 644

Sponsored by President LAWRENCE of York.
Cosponsored by Representative WHEELER of Eliot.

Bill "An Act to Amend the Term "Veteran" for Property Tax and
Burial Purposes"
S.P. 246 L.D. 668

Sponsored by Senator DAGGETT of Kennebec.
Cosponsored by Representative MADORE of Augusta.

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

Sent down for concurrence.

Bill "An Act to Limit to 5 Days per Week the Taking of Elvers in
Hand Dip Nets"
S.P. 231 L.D. 653

Sponsored by Senator RUHLIN of Penobscot.

REFERRED to the Committee on **MARINE RESOURCES** and
ordered printed.

Sent down for concurrence.

Bill "An Act to Amend the Closure and Remediation Cost-sharing
Program Concerning Landfills"
S.P. 216 L.D. 638

Sponsored by Senator CASSIDY of Washington.
Cosponsored by Senators: FERGUSON of Oxford, LIBBY of
York, Representative: LEMONT of Kittery.

Bill "An Act to Protect the Environment by Phasing Out the Use of
Old Transformers that are Potential Sources of PCB Pollution"
S.P. 243 L.D. 665

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Representative COWGER of Hallowell and
Senators: GOLDTHWAIT of Hancock, KILKELLY of Lincoln,
TREAT of Kennebec, Representatives: DUNLAP of Old Town,
ETNIER of Harpswell, MARTIN of Eagle Lake, MCKEE of Wayne,
SHIAH of Bowdoinham.

REFERRED to the Committee on **NATURAL RESOURCES** and
ordered printed.

Sent down for concurrence.

Bill "An Act Related to Legislator Intervention in Actions Before a
State Agency or Authority"
S.P. 226 L.D. 648

Sponsored by Senator CAREY of Kennebec.
Cosponsored by Representative: MACK of Standish.

Bill "An Act to Include Counties in the Definition of Local
Government in the Archives and Records Management Law"
S.P. 238 L.D. 660

Sponsored by Senator GOLDTHWAIT of Hancock.
Cosponsored by Representative SAXL of Bangor and Senator:
FERGUSON of Oxford.

Bill "An Act to Change Certified Public Accountant Experience
Requirements for Employees of the Department of Audit"
S.P. 247 L.D. 669

Sponsored by Senator DAGGETT of Kennebec.
Cosponsored by Representative MADORE of Augusta.

Bill "An Act Concerning Municipal Public Library Trust Funds"
S.P. 255 L.D. 689

Sponsored by Senator BERUBE of Androscoggin.
Cosponsored by Representative AHEARNE of Madawaska and
Representatives: BOUFFARD of Lewiston, GERRY of Auburn.

REFERRED to the Committee on **STATE AND LOCAL
GOVERNMENT** and ordered printed.

Sent down for concurrence.

Bill "An Act to Amend the Distribution of Revenue Sharing"
S.P. 211 L.D. 633

Sponsored by Senator MILLS of Somerset.

Bill "An Act to Exempt a Portion of the Sales Tax on Automobiles"
S.P. 214 L.D. 636

Sponsored by Senator MILLS of Somerset.

Resolve, to Exempt Appliances and Clothing from Sales Tax for
One Week
S.P. 230 L.D. 652

Sponsored by Senator MacKINNON of York.
Cosponsored by Representative MURPHY of Berwick and
Senators: KIEFFER of Aroostook, LIBBY of York,
Representatives: MacDOUGALL of North Berwick, MURPHY of
Kennebunk, WHEELER of Eliot.

Bill "An Act to Exempt from State Income Tax Previously Taxed
Contributions to an Individual Retirement Account"
S.P. 249 L.D. 671

Sponsored by Senator LIBBY of York.
Cosponsored by Senator: CASSIDY of Washington.

Bill "An Act to Reduce Sales Tax on Residential Electric Bills"
S.P. 251 L.D. 673

Sponsored by Senator DOUGLASS of Androscoggin.
Cosponsored by Representative CLARK of Millinocket.

Bill "An Act to Increase the Standard Deduction for Maine Income
Tax to Help Working Families"
S.P. 254 L.D. 676

Sponsored by Senator DOUGLASS of Androscoggin.
Cosponsored by Representative CLARK of Millinocket.

REFERRED to the Committee on **TAXATION** and ordered
printed.

Sent down for concurrence.

Bill "An Act to Eliminate Tolls from the Maine Turnpike, Abolish
the Turnpike Authority and Adjust Taxes on Automotive Fuel"
S.P. 225 L.D. 647

Sponsored by Senator MILLS of Somerset.

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

Sponsored by Senator DAGGETT of Kennebec.
Cosponsored by Representative MAYO of Bath, Representative
FULLER of Manchester and Representative: BERRY of Belmont.

Bill "An Act to Require the Revocation of the Registration of an
Uninsured Motor Vehicle"
S.P. 235 L.D. 657

Sponsored by Senator MacKINNON of York.
Cosponsored by Representative O'NEIL of Saco and Senators:
ABROMSON of Cumberland, DAVIS of Piscataquis,
Representatives: BOWLES of Sanford, MacDOUGALL of North
Berwick, McALEVEY of Waterboro, MURPHY of Berwick, NASS
of Acton, WHEELER of Eliot.

REFERRED to the Committee on **TRANSPORTATION** and
ordered printed.

Sent down for concurrence.

Bill "An Act to Amend the Electric Industry Restructuring Law"
S.P. 213 L.D. 635

Sponsored by Senator CAREY of Kennebec.

Bill "An Act to Require Companies Responsible for Billing
Electrical Services to Forward the Amount Collected within 3
Days"
S.P. 237 L.D. 659

Sponsored by Senator CAREY of Kennebec.

Bill "An Act Regarding the Unbundling of Natural Gas Services"
S.P. 239 L.D. 661

Sponsored by Senator CAREY of Kennebec.

Bill "An Act to Permit Water Utilities and Sewer and Sanitary
Districts to Establish Lower Rates for Elderly Homeowners"
S.P. 250 L.D. 672

Sponsored by Senator DOUGLASS of Androscoggin.

REFERRED to the Committee on **UTILITIES AND ENERGY** and
ordered printed.

Sent down for concurrence.

Bill "An Act to Implement the Recommendation of the Joint Select Committee on Research and Development Relating to Funding the Maine Economic Improvement Fund"

S.P. 221 L.D. 643

Sponsored by Senator CATHCART of Penobscot.
Cosponsored by Speaker ROWE of Portland and Senator BENNETT of Oxford, and Senators: GOLDTHWAIT of Hancock, President LAWRENCE of York, MacKINNON of York, Representatives: BELANGER of Caribou, COWGER of Hallowell, KNEELAND of Easton, STEVENS of Orono, TESSIER of Fairfield.

Bill "An Act to Implement a Recommendation of the Joint Select Committee on Research and Development Relating to Professional Development in the Use of Technology"

S.P. 232 L.D. 654

Sponsored by Senator MacKINNON of York.
Cosponsored by Representative BELANGER of Caribou and Senators: CASSIDY of Washington, CATHCART of Penobscot, LIBBY of York, MURRAY of Penobscot.

Resolve, to Designate and Fund a State Research Library for Business, Science and Technology

S.P. 244 L.D. 666

Sponsored by Senator CATHCART of Penobscot.
Cosponsored by Speaker ROWE of Portland and President LAWRENCE of York, Senators: MacKINNON of York, PENDLETON of Cumberland, Representatives: BELANGER of Caribou, BRENNAN of Portland, HONEY of Boothbay, STEVENS of Orono, TESSIER of Fairfield.

REFERRED to the Joint Select Committee on **RESEARCH AND DEVELOPMENT** and the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

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

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 (1/14/99) Assigned matter:

Bill "An Act to Establish English as the Official State Language"
H.P. 186 L.D. 264

Tabled - January 14, 1999, by Senator PINGREE of Knox.

Pending - **REFERENCE**

(In House, January 11, 1999, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.)

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

The Chair laid before the Senate the following Tabled and Later (1/14/99) Assigned matter:

Bill "An Act to Establish a Maine Agricultural Market and Production Development Program"

S.P. 158 L.D. 478

Tabled - January 14, 1999, by Senator PINGREE of Knox.

Pending - **REFERENCE**

(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.)

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (1/19/99) Assigned matter:

Bill "An Act to Amend the Provisions Relating to Executive Sessions in Connection with the Transaction of Public or Government Business"

S.P. 94 L.D. 233

Tabled - January 19, 1999, by Senator RAND of Cumberland.

Pending - motion by Senator LONGLEY of Waldo to **REFER** to the Committee on **JUDICIARY**

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

On motion by Senator LONGLEY of Waldo, **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (1/19/99) Assigned matter:

Bill "An Act to Appropriate Funds for Conservation at the Local Level"

H.P. 406 L.D. 548

Tabled - January 19, 1999, by Senator **KILKELLY** of Lincoln.

Pending - **REFERENCE**

(In House, January 19, 1999, **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.

The Chair laid before the Senate the following Tabled and Later (1/19/99) Assigned matter:

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

Tabled - January 19, 1999, by Senator **KILKELLY** of Lincoln.

Pending - **REFERENCE**

(In House, January 19, 1999, **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.

The Chair laid before the Senate the following Tabled and Later (1/21/99) Assigned matter:

Bill "An Act to Implement a Recommendation of the Joint Select Committee on Research and Development Relating to Math and Science Training for Maine Educators"
S.P. 135 L.D. 373

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

Pending - **FURTHER CONSIDERATION**

(Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.)

(In Senate, January 14, 1999, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.)

(In House, January 19, 1999, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and the **JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT**, in **NON-CONCURRENCE**.)

The Senate **RECEDED** from whereby the Bill was **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

REFERRED to the **JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT** and the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (1/21/99) Assigned matter:

Bill "An Act to Implement a Recommendation of the Joint Select Committee on Research and Development Relating to Increased Opportunities for Maine Students in Math, Science and Engineering"

H.P. 336 L.D. 452

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

Pending - **REFERENCE**

(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.)

(In House, January 19, 1999, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and the **JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT**.)

REFERRED to the **JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT** and the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (1/21/99) Assigned matter:

Bill "An Act to Implement a Recommendation of the Joint Select Committee on Research and Development to Provide Adequate Laboratory Equipment in Maine Schools"

H.P. 367 L.D. 492

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

Pending - **REFERENCE**

(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.)

(In House, January 19, 1999, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and the **JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT**.)

REFERRED to the **JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT** and the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (1/21/99) Assigned matter:

Bill "An Act to Implement a Recommendation of the Joint Select Committee on Research and Development Relating to Capital Improvements to Support Research and Development in the University of Maine System"

H.P. 215 L.D. 293

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

Pending - **REFERENCE**

(Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.)

(In House, January 19, 1999, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and the **JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT**.)

REFERRED to the **JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT** and the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (1/21/99) Assigned matter:

Bill "An Act to Implement a Recommendation of the Joint Select Committee on Research and Development to Fund the Governor's Marine Studies Fellowship Program"

H.P. 170 L.D. 248

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

Pending - **REFERENCE**

(Committee on **MARINE RESOURCES** suggested and ordered printed.)

(In House, January 19, 1999, **REFERRED** to the Committee on **MARINE RESOURCES** and the **JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT**.)

REFERRED to the **JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT** and the Committee on **MARINE RESOURCES**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (1/14/99) Assigned matter:

Bill "An Act to Increase the Appropriation to the Saco River Corridor Commission"

H.P. 155 L.D. 217

Tabled - January 14, 1999, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

(In House, January 11, 1999, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.)

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Off Record Remarks

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

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (1/19/99) Assigned matter:

Bill "An Act to Restore Advocacy Services for Children with Disabilities"

H.P. 405 L.D. 547

Tabled - January 19, 1999, by Senator **RAND** of Cumberland.

Pending - **REFERENCE**

(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.)

(In House, January 19, 1999, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.)

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (1/21/99) Assigned matter:

Bill "An Act to Require the State to Fully Fund Out-of district Placement of Special Education Students" S.P. 51 L.D. 121

Tabled - January 21, 1999, by Senator RAND of Cumberland.

Pending - **FURTHER CONSIDERATION**

(Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.)

(In Senate, January 11, 1999, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS.**)

(In House, January 19, 1999, **REFERRED** to the Committee on **EDUCATION AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE.**)

The Senate **INSISTED.**

Sent down for concurrence.

Off Record Remarks

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 482

JOINT RESOLUTION HONORING THE AREA AGENCIES ON AGING AS THE PRIMARY RESOURCE FOR MAINE'S SENIOR CITIZENS AND THEIR FAMILIES

WHEREAS, We are committed to the inherent dignity of the individual in our democratic society; and

WHEREAS, the older people of our State are entitled to health, honor, dignity, freedom, independence and efficient community services; and

WHEREAS, senior citizens and their families have a right to effective services and easy access to information about those services; and

WHEREAS, the 5 area agencies on aging have been serving as the most comprehensive source of information and assistance for Maine's senior citizens for over 25 years; and

WHEREAS, the area agencies on aging have, since 1972, served over 4,000,000 people in various capacities, including delivering over 7,000,000 meals, providing meal sites, affordable housing opportunities, transportation, companions and assistance in "negotiating the system"; and

WHEREAS, over 3,500 volunteers each year have the opportunity to serve Maine's senior citizens through the area agencies on aging; and

WHEREAS, the area agencies on aging and their volunteer boards of directors serve as the focal point for senior citizens within our Maine communities; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the First Regular Session, take this occasion to recognize and commend the 5 area agencies on aging for their services to Maine's senior citizens and their families and we urge them to continue their excellent work: Aroostook Area Agency on Aging, Eastern Agency on Aging, Senior Spectrum (central), SeniorsPlus (western) and Southern Maine Area Agency on Aging; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the 5 area agencies on aging, Aroostook Area Agency on Aging, Eastern Agency on Aging: Senior Spectrum (central), SeniorsPlus (western) and Southern Maine Agency on Aging.

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

READ and **ADOPTED**, in concurrence.

Off Record Remarks

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

REPORTS OF COMMITTEES

House

Ought to Pass as Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Make Additional Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1999" (EMERGENCY) H.P. 36 L.D. 50

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-18).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-18).**

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

READ ONCE.

Committee Amendment "A" (H-18) **READ** and **ADOPTED**, in concurrence.

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

Under suspension of the Rules, ordered sent forthwith to the Engrossing Division.

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Require Wildlife Management and Uneven-aged Forest Stand Management on Public Reserved Lands"
H.P. 463 L.D. 626

Bill "An Act to Change the Way Ginseng License and Registration Fees Are Established"
H.P. 470 L.D. 677

Bill "An Act to Increase the Late Fee for Licensing a Dog"
H.P. 475 L.D. 682

Bill "An Act to Prevent an Aggressive Dog from Doing Harm to People"
H.P. 498 L.D. 705

Bill "An Act to Establish Mandatory Labeling for Genetically Engineered Foods"
H.P. 506 L.D. 713

Bill "An Act to Limit Publicly Owned Land"
H.P. 520 L.D. 727

Bill "An Act to Further Discourage the Field Theft of Wild Blueberries"
H.P. 529 L.D. 736

Bill "An Act to Amend the Animal Welfare Laws"
H.P. 535 L.D. 742

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

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

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Appropriate Funds for Staff Development to Meet the Learning Results Standards"
H.P. 483 L.D. 690

Bill "An Act to Authorize a General Fund Bond Issue for Public Land Acquisition"
H.P. 533 L.D. 740

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.

Bill "An Act to Increase the Number of Elm Trees in the State"
H.P. 487 L.D. 694

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

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

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

Bill "An Act to Fund Public School Alliances"
H.P. 474 L.D. 681

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Come from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

Off Record Remarks

Senator **MILLS** of Somerset was granted unanimous consent to address the Senate on the Record.

Senator **MILLS**: Men and women of the Senate, I have just learned this morning that Justice David Roberts, who was fundamentally from Bangor, though earlier than that from the County, has died. He had had a career on the bench that was probably as long as anybody that I know of.

He started out as a very young member of the Judiciary. When I was first starting out myself, I can remember carrying a bag for one of my senior partners and I had taken this briefcase home the night before and had been instructed to pick up frozen raspberries, which I put in the briefcase for some completely unexplainable reason. The next morning when I was carrying this bag to assist my law partner, I found myself bleeding raspberry juice in Justice Roberts' chambers, which he accepted with good grace as he did all things. He was a truly wonderful resolver of human disputes. He had a great sense of humor. My wife clerked for him in 1981, just out of law school. He was clearly one of the most well liked members of the Law Court and of the Superior Court before that and for a time I believe he was Assistant US Attorney. My memory is that we just approved moving him to Actively Retired status last August and I wish that he'd had somewhat longer to enjoy his retirement. I needed to say a few words about his death and I appreciate your allowing me to do so.

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

On motion by Senator **MILLS** of Somerset, **ADJOURNED**, until Thursday, January 28, 1999, at 10:00 in the morning, in memory of and lasting tribute to Justice David G. Roberts.