

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
Wednesday
February 3, 1999

Senate called to order by President Pro Tem Robert E. Murray, Jr. of Penobscot County.

Prayer by Senator Peggy Pendleton of Cumberland County.

Senator **PENDLETON**: Thank you, Mr. President. Men and women of the Senate, before you join me in the spirit of prayer, I just want to say that I did not write this prayer but it was given to me by a very good friend who's also a member of this Body and it was found in a hymnal. Please join me in the spirit of prayer.

Glorious God, source of joy and righteousness, grant that what we sing with our lips we may believe in our hearts and what we believe in our hearts we may practice in our lives. Amen.

Doctor of the day, Francis Schumann, M.D., Machias.

Reading of the Journal of Tuesday, February 2, 1999.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Prohibit the Destruction of Structures in Baxter State Park Without Prior Legislative Approval"
H.P. 613 L.D. 853

Bill "An Act to Improve the Management of the Allagash Wilderness Waterway"
H.P. 615 L.D. 855

Bill "An Act to Amend the Pulling Event Laws"
H.P. 623 L.D. 863

Resolve, to Transfer Land in Dennysville
H.P. 656 L.D. 912

Bill "An Act to Ensure Children's Safety from Uncontrolled Dogs"
H.P. 675 L.D. 931

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.

Bill "An Act to Promote the Cranberry Industry and to Encourage Cultivation of Cranberries in the State"
H.P. 587 L.D. 827

Bill "An Act to Implement the Recommendations of the Coastal Quality Improvement Council"
H.P. 608 L.D. 848

Bill "An Act Authorizing a General Fund Bond Issue in the Amount of \$7,500,000 to Fund Seat Belts for School Buses"
H.P. 622 L.D. 862

Bill "An Act to Establish the Expenditure Forecasting Committee"
H.P. 624 L.D. 864

Bill "An Act to Require Live Answering of Department of Human Services Hot Lines"
H.P. 632 L.D. 882

Bill "An Act to Authorize a General Fund Expenditure of \$1,000,000 to Provide Water Safety Zone Marker Buoys for Maine's Lakes and Ponds for the Facilitation of Compliance with Safe Boating Laws"
H.P. 637 L.D. 887

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 Concerning Certified Nurse Practitioners and Certified Nurse Midwives as Primary Care Providers"
H.P. 617 L.D. 857

Bill "An Act to Ensure that Persons Issuing Bad Checks are Solely Responsible for Overdraft Charges"
H.P. 657 L.D. 913

Come from the House, **REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed.

REFERRED to the Committee on **BANKING AND INSURANCE** and ordered printed, in concurrence.

Bill "An Act to Revise Maine's Trespass Laws"
H.P. 531 L.D. 738

Bill "An Act to Create Minimum Education Requirements for
Prisoners in the Department of Corrections System"
H.P. 616 L.D. 856

Bill "An Act to Create a Seamless Treatment Plan for the Adult
Offender with Substance Abuse Problems" (EMERGENCY)
H.P. 621 L.D. 861

Bill "An Act to Clarify Public Nuisance Descriptions"
H.P. 627 L.D. 877

Bill "An Act to Amend the Concealed Weapons Permit Laws"
H.P. 653 L.D. 903

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

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

Bill "An Act to Require Testing for HIV and Blood-borne
Pathogens of All Prisoners in the Maine Correctional System"
H.P. 658 L.D. 914

Committee on **CRIMINAL JUSTICE** suggested and ordered
printed.

Comes from the House, **REFERRED** to the Committee on
JUDICIARY.

REFERRED to the Committee on **CRIMINAL JUSTICE** and
ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act to Require the State to Be Responsible for the Costs
of School Employee Criminal History Records Checks and
Fingerprinting"
H.P. 628 L.D. 878

Bill "An Act to Enable School Attendance"
H.P. 629 L.D. 879

Bill "An Act to Grant the State Board of Education Authority to
Appoint the Commissioner of Education"
H.P. 638 L.D. 888

Bill "An Act to Ensure the Efficacy of Learning Results"
H.P. 659 L.D. 915

Bill "An Act to Establish the Position of School Nurse Consultant"
H.P. 676 L.D. 932

Bill "An Act to Permit the Submission of Citizens' Initiatives and
Citizens' Vetoes to School Districts"
H.P. 677 L.D. 933

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

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

Bill "An Act to Increase Access to Health Care for Low-income
Maine People"
H.P. 605 L.D. 845

Bill "An Act to Require the Department of Human Services to Pay
for Child Care for Children of Teen Parents Enrolled in High
School"
H.P. 631 L.D. 881

Come from the House, **REFERRED** to the Committee on
HEALTH AND HUMAN SERVICES and ordered printed.

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

Bill "An Act to Change the Moose Hunting Season to the Last
Week of September"
H.P. 604 L.D. 844

Bill "An Act to Allow Elderly License Holders and Children to Fish
by Any Method"
H.P. 606 L.D. 846

Bill "An Act to Establish a Lottery for Deer Hunters to Allow a
Hunter to Take 2 Deer"
H.P. 611 L.D. 851

Bill "An Act Concerning the Use of Foot-hold Traps for Coyote in
the Unorganized Territory"
H.P. 614 L.D. 854

Bill "An Act to Minimize the Harmful Effects of Lead"
H.P. 625 L.D. 875

Bill "An Act to Expand Deer Hunting Opportunities for Juvenile
Hunters"
H.P. 660 L.D. 916

Come from the House, **REFERRED** to the Committee on
INLAND FISHERIES AND WILDLIFE and ordered printed.

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

Bill "An Act to Limit the Adverse Possession Laws"
H.P. 620 L.D. 860

Bill "An Act to Increase Public Awareness in Child Protection Cases"

H.P. 639 L.D. 889

Bill "An Act to Ban Partial Birth Abortion Except to Protect the Life or Health of the Mother"

H.P. 661 L.D. 917

Come from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

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

Bill "An Act to Amend the Law Regarding the Evaluation of Juvenile Sex Offenders"

H.P. 571 L.D. 811

Committee on **JUDICIARY** suggested and ordered printed.

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

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

Bill "An Act to Amend the Bail Code to Imprison Violators of Bail"

H.P. 680 L.D. 936

Committee on **JUDICIARY** suggested and ordered printed.

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

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

Bill "An Act to Mandate Abortion Reporting Standards"

H.P. 662 L.D. 918

Committee on **JUDICIARY** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

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

Bill "An Act to Reduce State Employee and Teacher Contributions to the Maine State Retirement System"

H.P. 607 L.D. 847

Bill "An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Employees of Public Higher Education Institutions Who Have Been Employed for Less than 6 Months"

H.P. 630 L.D. 880

Bill "An Act to Transfer Responsibilities of the Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities to the Statewide Independent Living Council"

H.P. 642 L.D. 892

Bill "An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers"

H.P. 663 L.D. 919

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

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

Bill "An Act to Institute Wild Number Beano"

H.P. 610 L.D. 850

Bill "An Act to Decrease the Time by Which Rent Is Considered Late"

H.P. 635 L.D. 885

Bill "An Act to Require Proof of Liquor Liability Insurance Upon Demand by a Municipality" (EMERGENCY)

H.P. 648 L.D. 898

Bill "An Act to Establish a Part-time Liquor License"

H.P. 649 L.D. 899

Bill "An Act to Create a Lottery Ticket to Reduce Hunger in Maine"

H.P. 664 L.D. 920

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

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

Bill "An Act to Regulate Anchors Used in Elver Fishing"

H.P. 603 L.D. 843

Bill "An Act Regarding Lobster Trap Escape Vent Dimensions"

H.P. 609 L.D. 849

Bill "An Act to Establish Lobster Hatcheries"

H.P. 636 L.D. 886

Bill "An Act to Amend the Laws Regarding the Scallop Fishing Season and Scallop Fishing Gear Requirements"

H.P. 651 L.D. 901

Come from the House, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

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

Bill "An Act to Opt Out of the Requirement to Use Reformulated Gas" (EMERGENCY)

H.P. 665 L.D. 921

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

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

Bill "An Act to Require Counties to be Reimbursed for Medical Expenses Incurred by Prisoners from Other Jurisdictions"

H.P. 575 L.D. 815

Resolve, to Study Outdated, Contradictory and Unenforced Laws

H.P. 612 L.D. 852

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

H.P. 619 L.D. 859

Bill "An Act to Establish Thresholds for Delegated Purchasing Authorities and Requirements for Competitive Bidding"

H.P. 641 L.D. 891

Bill "An Act to Amend the Laws Relating to Notaries Public"

H.P. 643 L.D. 893

Bill "An Act to Reestablish the Municipal Boundary between Pownal and Durham"

H.P. 650 L.D. 900

Bill "An Act to Extend the Penobscot County Budget Committee"

H.P. 667 L.D. 923

Bill "An Act to Require That a Harbor Master be Appointed by the Municipal Officers"

H.P. 668 L.D. 924

Come from the House, **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.

Bill "An Act to Increase the Premium on Liquor"

H.P. 633 L.D. 883

Bill "An Act to Amend the Captive Insurance Company Laws with Respect to Taxation"

H.P. 640 L.D. 890

Bill "An Act to Streamline Sales and Use Tax Reporting"

H.P. 645 L.D. 895

Bill "An Act to Extend the Management Plan Requirement for Forest Owners under the Maine Tree Growth Tax Law" (EMERGENCY)

H.P. 647 L.D. 897

Bill "An Act to Exempt Watercraft That Are Not Used from the Watercraft Excise Tax"

H.P. 670 L.D. 926

Bill "An Act to Establish Property Tax Relief for the State's Senior Citizens"

H.P. 671 L.D. 927

Bill "An Act to Allow Sales Tax Collectors to Keep a Portion of Revenue Collected for the State"

H.P. 672 L.D. 928

Bill "An Act to Prohibit Tax Revenues from Being Diverted from the Unorganized Territories"

H.P. 678 L.D. 934

Bill "An Act to Set Penalties for the Late Filing of the Tree Growth Tax Reimbursement"

H.P. 679 L.D. 935

Come from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

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

Bill "An Act to Increase Eligibility for the Elderly Low-cost Drug Program" (EMERGENCY)

H.P. 618 L.D. 858

Committee on **TAXATION** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

On motion by Senator **RUHLIN** of Penobscot, **TABLED** until Later in Today's Session, pending **REFERENCE**.

Bill "An Act to Create a Superlien for Condominium Association Assessments"

H.P. 669 L.D. 925

Committee on **TAXATION** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **JUDICIARY**.

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

Bill "An Act to Increase Sanctions for Passing School Buses that Have Red Lights Flashing"

H.P. 634 L.D. 884

Bill "An Act to Require Identification for Hearing Impaired Persons"

H.P. 646 L.D. 896

Bill "An Act to Limit Load Weights on State Roads"

H.P. 652 L.D. 902

Bill "An Act to Require Reflectors on the Front of Utility Trailers"

H.P. 673 L.D. 929

Come from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

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

Bill "An Act to Amend the Renewable Portfolio Standard to Promote Maine's Renewable Energy Facilities"

H.P. 626 L.D. 876

Bill "An Act to Facilitate Price Comparisons for Utility Service"

H.P. 644 L.D. 894

Come from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

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

Bill "An Act to Implement a Recommendation of the Joint Select Committee on Research and Development to Provide Research Internship Opportunities for Teachers and Students"

H.P. 674 L.D. 930

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

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

Joint Orders

The following Joint Order:

H.P. 655

ORDERED, the Senate concurring, that the Joint Standing Committee on Natural Resources is authorized to establish a stakeholder's group to explore options and alternatives to MTBE and reformulated gasoline.

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

READ and **PASSED**, in concurrence.

SENATE PAPERS

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

S.P. 316 L.D. 950

Sponsored by Senator KIEFFER of Aroostook.
Cosponsored by Representative KNEELAND of Easton and Representatives: CROSS of Dover-Foxcroft, GILLIS of Danforth.
Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act to Require Individuals be Notified of Cancellation of Insurance Benefits"

S.P. 311 L.D. 945

Sponsored by Senator MURRAY of Penobscot.
Cosponsored by Senator: LaFOUNTAIN of York.

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

Sent down for concurrence.

Bill "An Act to Encourage Economic Development in the State"

S.P. 315 L.D. 949

Sponsored by Senator KILKELLY of Lincoln.

Bill "An Act to Reduce Unsolicited Communications from the Internet"

S.P. 318 L.D. 952

Sponsored by Senator MILLS of Somerset.

Bill "An Act to Recodify the Auctioneers Licensing Law"
S.P. 321 L.D. 955

Sponsored by Senator MacKINNON of York.
Submitted by the Department of Professional and Financial
Regulation pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act to Clarify Certain Liens"
S.P. 313 L.D. 947

Sponsored by Senator LaFOUNTAIN of York.
Cosponsored by Representative MADORE of Augusta and
Representative: SAXL of Bangor.
Submitted by the Secretary of State pursuant to Joint Rule 204.

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

On motion by Senator LAFOUNTAIN of York, **TABLED** until
Later in Today's Session, pending **REFERENCE**.

Bill "An Act to Provide Professional Development for
Implementing Learning Results"
S.P. 314 L.D. 948

Sponsored by Senator MITCHELL of Penobscot.
Cosponsored by Representative LOVETT of Scarborough and
Senators: BERUBE of Androscoggin, DAVIS of Piscataquis,
KILKELLY of Lincoln, KONTOS of Cumberland, Representatives:
KANE of Saco, PLOWMAN of Hampden, POWERS of Rockport.

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

Sent down for concurrence.

Bill "An Act to Improve Alcohol Server Education Courses"
S.P. 320 L.D. 954

Sponsored by Senator DAGGETT of Kennebec.
Cosponsored by Senator FERGUSON of Oxford and
Representatives: O'BRIEN of Augusta, TUTTLE of Sanford.
Submitted by the Department of Public Safety pursuant to Joint
Rule 204.

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

Sent down for concurrence.

Bill "An Act to Reclassify Certain Waters of the State"
S.P. 319 L.D. 953

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Representative CAMERON of Rumford and
Senators: DAVIS of Piscataquis, GOLDTHWAIT of Hancock,
Representatives: COWGER of Hallowell, DAIGLE of Arundel.
Submitted by the Department of Environmental Protection
pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An act to Change the Composition of the Somerset County
Budget Committee"
S.P. 312 L.D. 946

Sponsored by Senator MILLS of Somerset.

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

Sent down for concurrence.

Bill "An Act to Amend the Motor Vehicle Laws"
S.P. 317 L.D. 951

Sponsored by Senator PARADIS of Aroostook.
Cosponsored by Representatives: CAMERON of Rumford,
FISHER of Brewer, SAVAGE of Union.
Submitted by the Department of Public Safety pursuant to Joint
Rule 204.

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

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **TAXATION** on Bill "An Act to Provide a Tuition
Exemption for Certain State Residents"
H.P. 100 L.D. 113

Reported that the same be **REFERRED** to the Committee on
EDUCATION AND CULTURAL AFFAIRS.

Comes from the House with the Report **READ** and **ACCEPTED**
and the Bill **REFERRED** to the Committee on **EDUCATION AND
CULTURAL AFFAIRS**.

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

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

Senate

Ought to Pass

Senator O'GARA for the Committee on **TRANSPORTATION** on Resolve, to Name the Bridge Between Bath and Woolwich the Sagadahoc Bridge

S.P. 97 L.D. 236

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

ENACTORS

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

Emergency Measure

An Act to Make Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 1999
H.P. 36 L.D. 50
(C "A" H-18)

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

ORDERS OF THE DAY

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

Bill "An Act to Mandate Abortion Reporting Standards"
H.P. 662 L.D. 918

Tabled - February 3, 1999, by Senator **DAGGETT** of Kennebec.

Pending - **REFERENCE**

(Committee on **JUDICIARY** suggested and ordered printed.)

(In House, February 2, 1999, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.)

On motion by Senator **LONGLEY** of Waldo, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

Senator **DAGGETT** of Kennebec was granted unanimous consent to address the Senate off the Record.

Senator **KIEFFER** of Aroostook was granted unanimous consent to address the Senate off the Record.

On motion by Senator **RUHLIN** of Penobscot, **RECESSED** until 11:15 am.

After Recess

Senate called to order by the President Pro Tem Robert E. Murray, Jr. of Penobscot County.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (1/28/99) Assigned matter:

Bill "An Act to Require Completion of an Ambulance Operator Course"
H.P. 471 L.D. 678

Tabled - January 28, 1999, by Senator **RAND** of Cumberland.

Pending - **REFERENCE**

(In House, January 26, 1999, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.)

On motion by Senator **DAGGETT** of Kennebec, **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Bill "An Act to Clarify Certain Liens"
S.P. 313 L.D. 947

Tabled - February 3, 1999, by Senator **LAFOUNTAIN** of York.

Pending - **REFERENCE**

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

On motion by Senator **LAFOUNTAIN** of York, **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

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

On motion by Senator **DAGGETT** of Kennebec, **ADJOURNED**, until Thursday, February 4, 1999, at 9:30 in the morning.