

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Nineteenth Legislature  
State of Maine

Volume 1

First Regular Session  
December 2, 1998 to May 4, 1999

Pages 1 - 746

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

In Senate Chamber  
Tuesday  
February 9, 1999

Senate called to order by Joy O'Brien, Secretary of the Senate of the 119<sup>th</sup> Legislature.

The Senator from Knox, Senator **PINGREE**, was appointed to serve as President Pro Tem for today's session.

The Secretary requested the Sergeant-At-Arms escort the Senator from Knox, Senator **PINGREE** to the rostrum where she assumed the duties as President Pro Tem.

Senate called to order by President Pro Tem **CHELLIE PINGREE** of Knox County.

Prayer by Reverend Sylvanus Jackson of the United Methodist Church in Randolph.

**REVEREND JACKSON:** Since I last came here there have been changes in the Senate. There are new faces here, so I would like to welcome the new faces and assure you that we will always remain friends. This is a meeting place between you great people and ourselves of the clergy and we are your servants, in one respect, as part of the community to serve you. Members of the Senate and Madame Pro Tem, it's always a pleasure to be invited to give the devotion at the opening of one of your sessions. As a minister, I know that there is a relationship between civil authorities and God. Here are a few sentences:

There is no authority except from God and those authorities that exist have been instituted by God. Therefore whoever resists authority, resists God by application and implication.

Rulers are not to be feared by those who do good, who behave themselves in society, but by those who have reasons to fear, who misbehave in society in order to receive discipline from authority. For authorities are God's servants working for people's own good, you are all here to seek the interest of the people and to work for our common good. For these reasons we have to obey and respect you for who you are in prayers and invocations and intercessions that are in place as we gather here today. When this is done, when we do our bit and you do yours, then the whole State is governed in a situation that brings joy and peace and people's lives are enhanced and human dignity is rewarded. That is how important you are, Senators, in the sight of God. Yours is therefore a sacred vocation in a high calling. You therefore need all the strength and grace you can get to carry out this sacred duty. I need not ask what your workload is and how busy your calendar and your schedules are. If I may be of help in that respect to offer prayers, it is a great privilege and honor to do so.

Let us pray: Almighty God, by You alone, rulers and authorities are elected through the people. By You alone they decree justice and from You cometh wise counsel and understanding. I humbly

pray that You grant Thy heavenly wisdom to these your daughters and sons, Senators of the State of Maine, whom You have called to serve Your people in Maine. Grant that in the discharge of their sacred duties they may lay aside private interests and partial interests and prejudices; but that they may work together for the maintenance of peace, justice, the welfare and unity of the this State to the glory of Your name. Bless them, O Lord, their homes and their families and friends. Guide and direct their deliberations so that our wonderful State of Maine may become second none in the Union. Amen.

Pledge of Allegiance led by Senator Vinton E. Cassidy of Washington County.

Doctor of the day, Dervilla McCann, M.D., Winthrop.

**Off Record Remarks**

Reading of the Journal of Thursday, February 4, 1999.

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

**Off Record Remarks**

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

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.

In House, February 2, 1999, **REFERRED** to the Committee on **JUDICIARY**.

In Senate, February 3, 1999, **REFERRED** to the Committee on **CRIMINAL JUSTICE** in **NON-CONCURRENCE**.

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

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

**House Papers**

Bill "An Act to Reduce the Amount of Paperwork Required for Transactions Involving the Sale of Wood" H.P. 709 L.D. 976

Bill "An Act to Require Labeling of Fruits and Vegetables to Identify Country of Origin" H.P. 718 L.D. 1008

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.

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Bill "An Act Regarding Access to Higher Education" H.P. 714 L.D. 1004

Bill "An Act to Provide Funding to Install Water Mains on Certain Roads in Standish" (EMERGENCY) H.P. 723 L.D. 1013

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.

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Bill "An Act Concerning Heating Sources in Public Housing" H.P. 700 L.D. 967

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.

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Bill "An Act to Strengthen the State's Drug Laws" H.P. 694 L.D. 961

Comes 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 Clarify the Standard for Cause in the Request for Proposal Process for the Department of Mental Health, Mental Retardation and Substance Abuse Services" H.P. 692 L.D. 959

Bill "An Act to Establish a Mental Health, Human Services and Corrections Ombudsman" H.P. 708 L.D. 975

Resolve, to Comprehensively Address Protection of Public Health and Natural Resources H.P. 712 L.D. 1002

Bill "An Act to Increase Public Trust in Medical Care" H.P. 722 L.D. 1012

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.

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Bill "An Act to Allow Three Hunters to Hunt Deer Together" H.P. 704 L.D. 971

Bill "An Act to Allow Hunters to Kill One Deer During Each Hunting Season" H.P. 705 L.D. 972

Comes 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.

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Bill "An Act Regarding the Family Court" H.P. 720 L.D. 1010

Bill "An Act to Change the Application of the Durable Financial Power of Attorney Provisions" H.P. 721 L.D. 1011

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

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

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Bill "An Act to Allow the Bureau of Labor Standards to Assess Administrative Civil Money Penalties for Labor Law Violations" H.P. 693 L.D. 960

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

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

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Bill "An Act to Allow Indian Gaming at Established Commercial Race Tracks"

H.P. 699 L.D. 966

Bill "An Act to Amend the Illegal Transportation of Liquor Law"

H.P. 706 L.D. 973

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.

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Bill "An Act to Regulate the Dragging of Scallops on the Medomak River"

H.P. 695 L.D. 962

Bill "An Act to Amend the Laws Regarding Elver Fishing" (EMERGENCY)

H.P. 707 L.D. 974

Bill "An Act to Allow for Navigation in Areas of Elver Fishing"

H.P. 713 L.D. 1003

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.

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Bill "An Act to Repeal the Authorization of Lucerne-in-Maine Village Corporation to Construct Dams and Fishways"

H.P. 717 L.D. 1007

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.

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Bill "An Act to Provide Computers for Use in the Legislature" (EMERGENCY)

H.P. 666 L.D. 922

Resolve, Authorizing the Knox County Commissioners to Borrow Not More than \$2,500,000 for Construction or Renovation of a District Court and Office Areas in Knox County (EMERGENCY)

H.P. 703 L.D. 970

Bill "An Act to Repeal Term Limits"

H.P. 711 L.D. 1001

Bill "An Act to Provide for Citizen Participation in the Hancock County Budget"

H.P. 716 L.D. 1006

Bill "An Act to Allow Private Maintenance of Public Easements"

H.P. 724 L.D. 1014

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.

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Bill "An Act to Promote Good Health Practices in Maine"

H.P. 696 L.D. 963

Bill "An Act to Protect Personal Property"

H.P. 697 L.D. 964

Bill "An Act to Restore Municipal Revenue Sharing"

H.P. 701 L.D. 968

Bill "An Act to Exempt Food That is Medically Necessary From Sales Tax"

H.P. 702 L.D. 969

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

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

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Bill "An Act to Require the State to Reimburse Licensed Vehicle Inspection Stations for Unused Inspection Stickers"

H.P. 698 L.D. 965

Bill "An Act to Equalize Tolls"

H.P. 715 L.D. 1005

Bill "An Act to Require Notification of Motor Vehicle Registration Expiration"

H.P. 719 L.D. 1009

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

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

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**Pursuant to Public Law**  
**Joint Select Commission to Study the Opening of a Discount**  
**Liquor Store in Fort Kent**

Report of the **Joint Select Commission to Study the Opening of a Discount Liquor Store in Fort Kent** pursuant to Public Law 1997, chapter 755, section 2 asked leave to report that the accompanying Resolve, to Implement the Recommendations of the Select Commission to Study the Opening of a Discount State Liquor Store in Fort Kent (EMERGENCY)

H.P. 725 L.D. 1015

Be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

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**COMMUNICATIONS**

The Following Communication: S.P. 363

**119<sup>TH</sup> MAINE LEGISLATURE**

February 4, 1999

Senator Susan Longley  
Representative Richard Thompson  
Chairpersons  
Joint Standing Committee on Judiciary  
119<sup>th</sup> Legislature  
Augusta, Maine 04333

Dear Senator Longley and Representative Thompson:

Please be advised that Governor Angus S. King, Jr. has nominated the Honorable Daniel E. Wathen of Augusta for reappointment as Chief Justice of the Maine Supreme Judicial Court.

Pursuant to Constitution, Article V, Part 1, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary 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 **JUDICIARY**.

Sent down for concurrence.

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The Following Communication: S.P. 365

**119<sup>TH</sup> MAINE LEGISLATURE**

February 4, 1999

Senator Susan Longley  
Representative Richard Thompson  
Chairpersons  
Joint Standing Committee on Judiciary  
119<sup>th</sup> Legislature  
Augusta, Maine 04333

Dear Senator Longley and Representative Thompson:

Please be advised that Governor Angus S. King, Jr. has nominated Evan D. Richert of South Portland and Michael M. Hastings of Hampden for reappointment as members to the Maine Indian Tribal-State Commission.

Pursuant to Title 30, M.R.S.A., §6212, these nominations will require review by the Joint Standing Committee on Judiciary 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 **JUDICIARY**.

Sent down for concurrence.

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The Following Communication: S.P. 366

**119<sup>TH</sup> MAINE LEGISLATURE**

February 4, 1999

Senator Susan Longley  
Representative Richard Thompson  
Chairpersons  
Joint Standing Committee on Judiciary  
119<sup>th</sup> Legislature  
Augusta, Maine 04333

Dear Senator Longley and Representative Thompson:

Please be advised that Governor Angus S. King, Jr. has nominated James Varner of Old Town and Paul K. Vestal, Jr. of Plymouth for reappointment as members of the Maine Human Rights Commission.

Pursuant to Title 5, M.R.S.A., §4561, these nominations will require review by the Joint Standing Committee on Judiciary 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 **JUDICIARY**.

Sent down for concurrence.

The Following Communication: S.P. 394

**119<sup>TH</sup> MAINE LEGISLATURE**

February 8, 1999

Senator Sharon Treat  
Representative John Martin  
Chairpersons  
Joint Standing Committee on Natural Resources  
119<sup>th</sup> Legislature  
Augusta, Maine 04333

Dear Senator Treat and Representative Martin:

Please be advised that Governor Angus S. King, Jr. has nominated Sarah S. Stockwell of Cumberland for reappointment as a member of the Maine Outdoor Heritage Fund Board.

Pursuant to Title 12, M.R.S.A., §7788, this nomination will require review by the Joint Standing Committee on Natural Resources and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence  
President of the Senate

S/G. Steven Rowe  
Speaker of the House

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

Sent down for concurrence.

The Following Communication: S.C. 43

**STATE OF MAINE  
DEPARTMENT OF CONSERVATION  
22 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

January 29, 1999

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

Representative Steve Rowe, Speaker  
Maine House of Representatives  
2 State House Station  
Augusta, Maine 04333

Senator John M. Nutting, Chair  
Joint Standing Committee on Agriculture, Conservation and Forestry  
3 State House Station  
Augusta, Maine 04333

Representative Wendy Pieh, Chair  
Joint Standing Committee on Agriculture, Conservation and Forestry  
2 State House Station  
Augusta, Maine 04333

*Subject: Amendment to Chapter 10 of Land Use Regulation Commission Standards*

Dear President Lawrence, Speaker Rowe, Senator Nutting, and Representative Pieh:

According to 12 M.R.S.A. Section 685-A (8), amendments to the Land Use Regulation Commission's standards shall become effective immediately but shall be submitted to the next regular or special session of the Legislature for approval or modification. If the Legislature fails to act, such standards shall continue in full force and effect. This submission is to fulfill the Commission's obligation under this statutory provision.

On January 21, 1999, the Commission adopted amendments to its rules on nonconforming structures, uses, and lots that were the subject of public hearings last year. These new rules significantly clarify the permit requirements for expansions, reconstruction, and relocation of nonconforming structures, as well as changes in use of nonconforming structures, and the development of nonconforming lots throughout the Commission's jurisdiction. It is the Commission's belief that these revised rules provide clarity, consistency, and equity for property owners. These amendments are also consistent with guidance the legislature provided to municipalities on expansion of nonconforming structures under Public Law 1998, Chapter 748.

If you have any questions as you review the amendments, please do not hesitate to contact me at 287-2631.

Sincerely,

S/John S. Williams, Director  
Maine Land Use Regulation Commission

**READ** and with accompanying papers **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 40

**119<sup>TH</sup> MAINE LEGISLATURE**

January 22, 1999

Daniel E. Wathen, Chief Justice  
Administrative Office of the Courts  
at the Maine Judicial Center  
163 State House Station  
65 Stone Street  
Augusta, ME 04333-0163

Dear Chief Justice Wathen:

We are pleased to invite you to address a Joint Session of the 119<sup>th</sup> Maine Legislature on Thursday, February 11, 1999 at 11:00 a.m. concerning the State of the Judiciary and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Mark W. Lawrence  
President of the Senate

S/G. Steven Rowe  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 41

**STATE OF MAINE  
SUPREME JUDICIAL COURT  
AUGUSTA, MAINE 04330**

January 29, 1999

Mark W. Lawrence  
President of the Senate  
119<sup>th</sup> Maine Legislature  
3 State House Station  
Augusta, Maine 04333

G. Steven Rowe  
Speaker of the House  
119<sup>th</sup> Maine Legislature  
2 State House Station  
Augusta, Maine 04333

Gentlemen:

I am pleased to accept your invitation to address a Joint Session of the 119<sup>th</sup> Maine Legislature on Thursday, February 11 at 11:00 a.m. I know we all share the desire that the citizens of Maine receive prompt and affordable justice under all circumstances. I appreciate this important opportunity to articulate these needs to the Maine Legislature.

Sincerely yours,

S/Daniel E. Wathen  
Chief Justice

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 44

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON UTILITIES AND ENERGY**

February 3, 1999

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Utilities and Energy has had under consideration the nomination of Thomas L. Welch of Hancock, for reappointment to the Public Utilities Commission. After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

|        |                 |    |  |
|--------|-----------------|----|--|
| YEAS   | Senators        | 3  | Carey of Kennebec, Kontos of Cumberland, Mitchell of Penobscot   |
|        | Representatives | 10 | Davidson of Brunswick, Berry of Belmont, Bryant of Dixfield, Colwell of Gardiner, Duncan of Presque Isle, LaVerdiere of Wilton, McGlocklin of Embden, Rosen of Bucksport, Savage of Buxton, True of Fryeburg |
| NAYS   |                 | 0  |  |
| ABSENT |                 | 0  |  |

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Thomas L. Welch of Hancock, for reappointment to the Public Utilities Commission be confirmed.

Signed,

S/Richard J. Carey  
Senate Chair

S/Thomas M. Davidson  
House Chair

**READ and ORDERED PLACED ON FILE.**



The President Pro Tem laid before the Senate the following:  
"Shall the recommendation of the **JOINT STANDING COMMITTEE ON UTILITIES AND ENERGY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#10)**

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, PARADIS, PENDLETON, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT PRO TEM - CHELLIE PINGREE

ABSENT: Senators: LAWRENCE, O'GARA

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, 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 **Thomas L. Welch** of Hancock, for reappointment to the Public Utilities Commission was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

**SENATE PAPERS**

Resolve, Establishing a Task Force to Study the Need for an Agricultural Vitality Zone Program  
S.P. 393 L.D. 1172

Sponsored by Senator GOLDTHWAIT of Hancock. Cosponsored by Representative COWGER of Hallowell and Senators: NUTTING of Androscoggin, PINGREE of Knox, Representatives: PIEH of Bremen, VOLENIK of Brooklin.

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

Sent down for concurrence.

Bill "An Act to Appropriate \$20,000 from the General Fund to Assist the Salmon Restoration Project on the St. Croix River"  
S.P. 355 L.D. 1059

Sponsored by Senator CASSIDY of Washington. Cosponsored by Representative SHOREY of Calais and Senator: RUHLIN of Penobscot, Representative: DUGAY of Cherryfield.

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

Sent down for concurrence.

Bill "An Act to Allow Credit Card Users to Purchase Payment Insurance"  
S.P. 356 L.D. 1060

Sponsored by Senator MacKINNON of York.

Bill "An Act to Provide Equity in Prescription Insurance for Contraceptive Coverage"  
S.P. 389 L.D. 1168

Sponsored by Senator PINGREE of Knox. Cosponsored by Representative SAXL of Bangor and Senators AMERO of Cumberland, President LAWRENCE of York, Representative MAYO of Bath, and Senators: DOUGLASS of Androscoggin, GOLDTHWAIT of Hancock, MITCHELL of Penobscot, Representatives: HATCH of Skowhegan, LABRECQUE of Gorham, LINDAHL of Northport, O'BRIEN of Augusta, SAMSON of Jay.

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

Sent down for concurrence.

Bill "An Act to Establish the Early Care and Revolving Loan Program"  
S.P. 362 L.D. 1066

Sponsored by Senator LONGLEY of Waldo. Cosponsored by Speaker ROWE of Portland and Senators: KONTOS of Cumberland, MacKINNON of York, Representatives: BOWLES of Sanford, CLOUGH of Scarborough, MENDROS of Lewiston, O'NEAL of Limestone, SHOREY of Calais, TRIPP of Topsham.

Bill "An Act to Expand the Bottle Law to Include Certain Beverage Containers"  
S.P. 369 L.D. 1070

Sponsored by Senator LIBBY of York. Cosponsored by Representative: WILLIAMS of Orono.

Bill "An Act to Amend the Real Estate Brokerage Law"  
S.P. 382 L.D. 1083

Sponsored by Senator KONTOS of Cumberland.  
Cosponsored by Representative O'NEAL of Limestone and  
Representatives: BOWLES of Sanford, MENDROS of Lewiston,  
SHOREY of Calais, USHER of Westbrook.  
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.

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Bill "An Act to Continue Restorative Justice" (EMERGENCY)  
S.P. 374 L.D. 1075

Sponsored by Senator MURRAY of Penobscot.  
Cosponsored by Representative POVICH of Ellsworth and  
Representatives: FRECHETTE of Biddeford, PEAVEY of  
Woolwich, TOBIN of Dexter.  
Submitted by the Department of Corrections pursuant to Joint  
Rule 204.

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

Sent down for concurrence.

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Bill "An Act to Clarify the Laws Relating to Nonstate-funded  
School Construction Projects Approved by the Commissioner of  
Education that Replace Existing School Buildings"  
S.P. 349 L.D. 1053

Sponsored by Senator KONTOS of Cumberland.  
Cosponsored by Representative TOBIN of Windham and  
Senators: PENDLETON of Cumberland, SMALL of Sagadahoc,  
Representatives: BRUNO of Raymond, WATSON of  
Farmingdale.

Bill "An Act to Clarify Conflicts of Interest Regarding Local School  
Board Members"  
S.P. 352 L.D. 1056

Sponsored by Senator NUTTING of Androscoggin.  
Cosponsored by Representative JACOBS of Turner and  
Senators: BERUBE of Androscoggin, DOUGLASS of  
Androscoggin, Representatives: CHIZMAR of Lisbon, GAGNE of  
Buckfield, HEIDRICH of Oxford, SCHNEIDER of Durham.

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

Sent down for concurrence.

Bill "An Act to Increase Fines for Long-term Care Facilities that  
Fail to Provide Quality Care to Residents"  
S.P. 361 L.D. 1065

Sponsored by Senator PINGREE of Knox.  
Cosponsored by Representative LOVETT of Scarborough and  
Representatives: BROOKS of Winterport, DUGAY of Cherryfield,  
JONES of Pittsfield, McALEVEY of Waterboro, MURPHY of  
Berwick, SNOWE-MELLO of Poland, WILLIAMS of Orono.

Bill "An Act to Improve the Accountability of the Maine Children's  
Trust and to Explicitly Include High-quality Child Care as an  
Integral Part of its Mission"  
S.P. 390 L.D. 1169

Sponsored by Senator LONGLEY of Waldo.  
Cosponsored by Representative MAYO of Bath and  
Representatives: BAKER of Bangor, SKOGLUND of St. George.

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

Sent down for concurrence.

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Bill "An Act to Assist Disabled Fly-fishing Anglers"  
S.P. 348 L.D. 1052

Sponsored by Senator NUTTING of Androscoggin.

Bill "An Act to Amend the Laws Regarding Antique Snowmobile  
Registration"  
S.P. 371 L.D. 1072

Sponsored by Senator KIEFFER of Aroostook.  
Cosponsored by Representative KNEELAND of Easton and  
Senators: BENOIT of Franklin, FERGUSON of Oxford, PARADIS  
of Aroostook, Representatives: AHEARNE of Madawaska,  
DUNCAN of Presque Isle, MARTIN of Eagle Lake, TRUE of  
Fryeburg.

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

Sent down for concurrence.

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Bill "An Act to Provide for Geographic Distribution of Funds for  
Civil Legal Services"  
S.P. 354 L.D. 1058

Sponsored by Senator GOLDTHWAIT of Hancock.  
Cosponsored by Representative POVICH of Ellsworth and  
Senators: CASSIDY of Washington, LONGLEY of Waldo,  
MITCHELL of Penobscot, Representatives: BAGLEY of Machias,  
CAMPBELL of Holden, DUGAY of Cherryfield, PINKHAM of  
Lamoine.

Bill "An Act to Enact the Uniform Foreign Money-judgments Recognition Act"

S.P. 380 L.D. 1081

Sponsored by Senator MURRAY of Penobscot.  
Cosponsored by Representative THOMPSON of Naples.

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

Sent down for concurrence.

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Bill "An Act Requiring Doctors Giving 2nd Opinions in Workers' Compensation Cases to be Certified"

S.P. 350 L.D. 1054

Sponsored by Senator NUTTING of Androscoggin.  
Cosponsored by Representative BERRY of Livermore and Senators: DOUGLASS of Androscoggin, MILLS of Somerset, Representatives: HATCH of Skowhegan, JACOBS of Turner, SAMSON of Jay, STANLEY of Medway.

Bill "An Act to Bring Certain Maine Drug Test Levels into Conformity With Federal Standards"

S.P. 351 L.D. 1055

Sponsored by Senator NUTTING of Androscoggin.  
Cosponsored by Representative CAMERON of Rumford and Senators: DOUGLASS of Androscoggin, KIEFFER of Aroostook, MILLS of Somerset, Representatives: BUMPS of China, CAMPBELL of Holden, CIANCHETTE of South Portland, MADORE of Augusta.

Bill "An Act Regarding the Retirement Plan for Rangers in the Law Enforcement Bargaining Unit at Baxter State Park"

S.P. 386 L.D. 1165

Sponsored by Senator MICHAUD of Penobscot.  
Cosponsored by Representative STANLEY of Medway and Representatives: CLARK of Millinocket, MARTIN of Eagle Lake.

Bill "An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals"

S.P. 387 L.D. 1166

Sponsored by Senator RAND of Cumberland.  
Cosponsored by Representative HATCH of Skowhegan and Senator: CATHCART of Penobscot, Representatives: BRYANT of Dixfield, DUDLEY of Portland, GOODWIN of Pembroke, SAMSON of Jay.

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

Sent down for concurrence.

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Bill "An Act to Apportion State Lottery Funds to Pay for Quality Early Care and Education"

S.P. 347 L.D. 1051

Sponsored by Senator LONGLEY of Waldo.  
Cosponsored by Senator: FERGUSON of Oxford, Representatives: BAKER of Bangor, MAYO of Bath, McKENNEY of Cumberland, Speaker ROWE of Portland, STANLEY of Medway.

Bill "An Act to Clarify Municipal Obligations to an Unlicensed Mobile Home Park"

S.P. 367 L.D. 1068

Sponsored by President LAWRENCE of York.  
Cosponsored by Representative: MURPHY of Berwick.

Bill "An Act to Relate the State Liquor Tax to the Amount Transferred to the General Fund"

S.P. 372 L.D. 1073

Sponsored by Senator CASSIDY of Washington.  
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Bill "An Act to Change the Percent of Gross Sales of Tri-State Lotto That May Be Paid Out As Prizes"

S.P. 373 L.D. 1074

Sponsored by Senator CAREY of Kennebec.  
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Bill "An Act to Prevent Minors from Acquiring Beer-making or Wine-making Equipment"

S.P. 376 L.D. 1077

Sponsored by Senator O'GARA of Cumberland.  
Cosponsored by Representative TUTTLE of Sanford and Senators: CASSIDY of Washington, DAGGETT of Kennebec, Representatives: O'BRIEN of Augusta, USHER of Westbrook.

Bill "An Act to Extend Term Limits for Elected Officials and Constitutional Officers"

S.P. 377 L.D. 1078

Sponsored by Senator MILLS of Somerset.  
Cosponsored by Representatives HATCH of Skowhegan, THOMPSON of Naples, TUTTLE of Sanford and Senator: DAGGETT of Kennebec.

Bill "An Act to Require Legislative Review of Rules Regarding Campaign Report Filing Forms"

S.P. 383 L.D. 1162

Sponsored by Senator DAGGETT of Kennebec.  
Cosponsored by Senator: FERGUSON of Oxford, Representatives: TESSIER of Fairfield, TUTTLE of Sanford.

Bill "An Act to Clarify Landlord Access to Premises in Residential Tenancies"

S.P. 385 L.D. 1164

Sponsored by Senator DAGGETT of Kennebec.  
Cosponsored by Senator: FERGUSON of Oxford, Representative: LABRECQUE of Gorham.

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

Sent down for concurrence.

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Bill "An Act to Establish a Framework for Management of Emerging Fisheries"

S.P. 378 L.D. 1079

Sponsored by Senator GOLDTHWAIT of Hancock.  
Cosponsored by Representative HONEY of Boothbay and Representative: VOLENIK of Brooklin.  
Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

Bill "An Act to Provide for Management of the Harvest of Seaweed"

S.P. 392 L.D. 1171

Sponsored by Senator GOLDTHWAIT of Hancock.

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

Sent down for concurrence.

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Bill "An Act to Direct State Capital Investments to Locally Designated Growth Areas"

S.P. 379 L.D. 1080

Sponsored by Senator LONGLEY of Waldo.  
Cosponsored by Representative COWGER of Hallowell and Senator: MICHAUD of Penobscot, Representatives: CAMERON of Rumford, CLARK of Millinocket, DAIGLE of Arundel.

Bill "An Act to Reauthorize and Amend the Diesel-powered Motor Vehicle Emission Opacity Testing Program" (EMERGENCY)

S.P. 381 L.D. 1082

Sponsored by Senator TREAT of Kennebec.  
Cosponsored by Representative ETNIER of Harpswell.  
Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

Bill "An Act Concerning the Review of State Solid Waste Management Policies" (EMERGENCY)

S.P. 391 L.D. 1170

Sponsored by Senator MITCHELL of Penobscot.  
Cosponsored by Representative MARTIN of Eagle Lake and Senators: KIEFFER of Aroostook, KILKELLY of Lincoln, MURRAY of Penobscot, NUTTING of Androscoggin, Representatives: BERRY of Belmont, TRUE of Fryeburg.

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

Sent down for concurrence.

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Bill "An Act to Improve Access to Prescription Drugs for the Elderly"

S.P. 357 L.D. 1061

Sponsored by Senator BENOIT of Franklin.  
Cosponsored by Senators: ABROMSON of Cumberland, AMERO of Cumberland, BENNETT of Oxford, CASSIDY of Washington, HARRIMAN of Cumberland, LONGLEY of Waldo, SMALL of Sagadahoc, Representative: THOMPSON of Naples.

Bill "An Act to Reduce the Excise Tax on the Resale of Program Cars in the Same Year"

S.P. 358 L.D. 1062

Sponsored by Senator MacKINNON of York.

Bill "An Act to Create Quality Child Care Investment Incentives"

S.P. 359 L.D. 1063

Sponsored by Senator LONGLEY of Waldo.  
Cosponsored by Speaker ROWE of Portland and Senator: RUHLIN of Penobscot, Representatives: BAKER of Bangor, COLWELL of Gardiner, DAVIDSON of Brunswick, MURPHY of Berwick.

Bill "An Act to Stimulate Job Creation and Investment in Maine by Amending the Income Tax Apportionment Formula"

S.P. 360 L.D. 1064

Sponsored by Senator RUHLIN of Penobscot.  
Cosponsored by Representative CIANCHETTE of South Portland and Senators: CAREY of Kennebec, FERGUSON of Oxford, MacKINNON of York, Representatives: CAMERON of Rumford, LEMONT of Kittery, O'NEAL of Limestone, USHER of Westbrook.

Bill "An Act to Create Additional Incentives for Landowners to Voluntarily Conserve Land in the State's Conservation Land Program"

S.P. 368 L.D. 1069

Sponsored by Senator LONGLEY of Waldo.

Bill "An Act to Establish the Local Option Tax on Liquor, Meals and Lodging"

S.P. 388 L.D. 1167

Sponsored by Senator RAND of Cumberland.  
Cosponsored by Representative GAGNON of Waterville and Senators: ABROMSON of Cumberland, DAGGETT of Kennebec.

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

Sent down for concurrence.

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Bill "An Act Requiring Notification of Violation to Motor Carriers"  
S.P. 370 L.D. 1071

Sponsored by Senator O'GARA of Cumberland.  
Cosponsored by Representative KNEELAND of Easton and  
Senators: CASSIDY of Washington, MITCHELL of Penobscot.

Bill "An Act to Simplify the Process of Claiming Abandoned  
Vehicles"  
S.P. 375 L.D. 1076

Sponsored by Senator LIBBY of York.  
Cosponsored by Representative McALEVEY of Waterboro.

Bill "An Act to Amend the Laws Concerning Suspension or  
Revocation of Driver's Licenses for Failure to File a Report"  
S.P. 384 L.D. 1163

Sponsored by Senator MITCHELL of Penobscot.  
Cosponsored by Representative KASPRZAK of Newport and  
Senators: BENOIT of Franklin, CASSIDY of Washington, DAVIS  
of Piscataquis, KIEFFER of Aroostook, MURRAY of Penobscot,  
Representatives: BRAGDON of Bangor, FULLER of Manchester,  
QUINT of Portland.

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

Sent down for concurrence.

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Resolve, Directing the Public Utilities Commission to Investigate  
Whether Internet Traffic Should Be Classified as Local or Toll  
S.P. 353 L.D. 1057

Sponsored by Senator CAREY of Kennebec.

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

Sent down for concurrence.

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**Pursuant to Statutes  
Workers' Compensation Board**

Senator DOUGLASS for the **Workers' Compensation Board**,  
pursuant to the Maine Revised Statutes, Title 39-A, section 152  
asked leave to report that the accompanying Bill "An Act to  
Amend the Workers' Compensation Laws"  
S.P. 364 L.D. 1067

Be **REFERRED** to the Committee on **LABOR** and ordered  
printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **LABOR** and ordered printed  
pursuant to Joint Rule 218.

Sent down for concurrence.

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**REPORTS OF COMMITTEES**

**House**

**Change of Committee**

The Committee on **JUDICIARY** on Bill "An Act Regarding  
Survivor Benefits in the Event of Divorce"  
H.P. 212 L.D. 290

Reported that the same be **REFERRED** to the Committee on  
**LABOR**.

Comes from the House with the Report **READ** and **ACCEPTED**  
and the Bill **REFERRED** to the Committee on **LABOR**.

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

**REFERRED** to the Committee on **LABOR**, in concurrence.

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The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill  
"An Act to Prohibit the Transportation of Open Containers that  
Contain Liquor"  
H.P. 154 L.D. 216

Reported that the same be **REFERRED** to the Committee on  
**TRANSPORTATION**.

Comes from the House with the Report **READ** and **ACCEPTED**  
and the Bill **REFERRED** to the Committee on  
**TRANSPORTATION**.

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

**REFERRED** to the Committee on **TRANSPORTATION**, in  
concurrence.

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**Senate**

**Change of Committee**

Senator TREAT for the Committee on **NATURAL RESOURCES**  
on Bill "An Act to Allow a Person to Erect One Advertising Sign"  
S.P. 126 L.D. 323

Reported that the same be **REFERRED** to the Committee on  
**TRANSPORTATION**.

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

**REFERRED** to the Committee on **TRANSPORTATION**.

Sent down for concurrence.

**Divided Report**

Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Require Criehaven Lobster Fishing Boats to Have Propeller Cages" (EMERGENCY) S.P. 99 L.D. 238

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

Signed:

Senators:

GOLDTHWAIT of Hancock  
PENDLETON of Cumberland  
MacKINNON of York

Representatives:

ETNIER of Harpswell  
HONEY of Boothbay  
LEMONT of Kittery  
McNEIL of Rockland  
BAGLEY of Machias  
PINKHAM of Lamoine  
STANWOOD of Southwest Harbor  
USHER of Westbrook  
VOLENIK of Brooklin

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

Signed:

Representative:

PIEH of Bremen

Reports **READ.**

On motion by Senator **GOLDTHWAIT** of Hancock, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED.**

Sent down for concurrence.

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**SECOND READERS**

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

**Senate**

Bill "An Act to Clarify the Application of Insurance Fraud Prevention Laws" (EMERGENCY) S.P. 13 L.D. 2

Bill "An Act to Amend Maine's Insurance Laws Regarding Gifts and Rebates" S.P. 46 L.D. 117

Bill "An Act to Lower the Age of Consent for the Donation of Blood" S.P. 55 L.D. 125

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

Sent down for concurrence.

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Bill "An Act to Restrict the Posting on the Internet of Personal Information About Public School Students" S.P. 93 L.D. 232

**READ A SECOND TIME.**

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

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Senate at Ease.

Senate called to order by President Pro Tem **CHELLIE PINGREE** of Knox County.

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**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 (1/28/99) Assigned matter:

Bill "An Act to Implement a Recommendation of the Joint Select Committee on Research and Development Relating to the Employment Needs of Growing High-technology Companies" H.P. 479 L.D. 686

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

Pending - **REFERENCE**

(In House, January 26, 1999, **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.

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

Bill "An Act to Implement a Recommendation of the Joint Select Committee on Research and Development to Establish a Center for Advanced Law and Management"

H.P. 491 L.D. 698

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

Pending - **REFERENCE**

(In House, January 26, 1999, **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.

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

Bill "An Act to Confine Tribal Gaming to the Reservation of the Licensed Organization"

S.P. 275 L.D. 793

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

Pending - **REFERENCE**

(Committee on **LEGAL AND VETERANS AFFAIRS** suggested and ordered printed.)

**REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (2/3/99) Assigned matter:

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

H.P. 618 L.D. 858

Tabled - February 3, 1999, by Senator **RUHLIN** of Penobscot.

Pending - **REFERENCE**

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

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

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

Sent down for concurrence.

Off Record Remarks

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

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Off Record Remarks

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

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Senator **GOLDTHWAIT** of Hancock was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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On motion by Senator **RAND** of Cumberland, **ADJOURNED**, until Thursday, February 11, 1999, at 10:00 in the morning.